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Bills Passed by the 2008 Session of the General Assembly

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BILLS PASSED BY THE 2008 SESSION OF THE GENERAL ASSEMBLY

HOUSE BILL 3 (DELEGATE TATA): SCREENED FAMILY DAY HOME PROVIDER LIST

This bill adds sections 63.2-1704.1, 63.2-1704.2, and 63.2-1704.3 to the Code of Virginia, requiring the Virginia Department of Social Services to establish and maintain a Screened Family Day Home Provider List. Unlicensed and unregulated family day home providers with no founded complaints of child abuse or neglect, or convictions for certain offenses may voluntarily apply for inclusion on the list. The bill specifies the procedures an applicant must complete, including an application and background check, before he is included on the list. An applicant must pay an application fee to cover the cost of the background check. The bill also allows an applicant excluded from the list the opportunity to view his central registry information and criminal history.

HOUSE BILL 31 (DELEGATE HAMILTON): HIGHER EDUCATIONAL BOND ACT OF 2008

This Act allows Virginia's Treasury Board to issue bonds to public universities in order for those universities to acquire, construct, renovate, enlarge, improve, or equip revenue-producing capital projects. The amount of bonds issued is not to exceed \$350,565,000. The Act allows for the universities to secure these bonds with the net revenues they will receive from the capital projects funded by these bonds.

HOUSE BILL 34 (DELEGATE INGRAM): SEX OFFENDER REGISTRATION FOR KISSING A CHILD

This bill amends section 9.1-902 of the Code of Virginia and adds

section 18.2-370.6 establishing a Class One misdemeanor for a person of age eighteen years or older to penetrate the mouth of a person under thirteen years old with his tongue with lascivious intent. All persons found guilty of this offense must register as a sex offender.

HOUSE BILL 84 (DELEGATE LANDES): REPEAL OF VIRGINIA-NORTH CAROLINA INTERSTATE TOLL ROAD COMPACT

This legislation repeals section 33.1-465 of the Code of Virginia, revoking the Virginia-North Carolina Interstate Toll Road Compact. The Interstate Toll Compact was an agreement between Virginia and North Carolina to impose tolls on Interstate 95 not more than \$5 for two axle vehicles. Further, all proceeds from the tolls will be shared evenly and the states will coordinate efforts to establish rest facilities.

HOUSE BILL 113 (DELEGATE R. LEE WARE): OFFICER DEATH RESULTING FROM POLICE PURSUIT FOR DISREGARDING SIGNAL TO STOP AN AUTOMOBILE

This legislation amends section 46.2-817 of the Code of Virginia, making it a Class 4 felony for a person to willfully and wantonly disregard a law enforcement officer's signal to stop when the officer pursues the person and dies as a direct and proximate result of the pursuit. This is an offense separate from any other provision of the Code.

This bill is identical to *Senate Bill 368* (Senator Watkins).

HOUSE BILL 131 (DELEGATE LEWIS): CIVIL FINES FOR CHILD RESTRAINT DEVICE LAW VIOLATIONS

This bill amends section 46.2-1098 of the Code of Virginia, establishing a civil fine of up to \$500 for second and subsequent violations of Virginia Code section 46.2-1095, which details the use of child restraint devices in automobiles.

HOUSE BILL 137 (DELEGATE PEACE): TEXTBOOK PURCHASES

This legislation amends sections 22.1-238, 22.1-239, 22.1-241, 22.1-242, and 22.1-243 of the Code of Virginia, granting local school boards the authority to enter into contracts for the purchase of textbooks and mandating that each school board directly order textbooks from publishers and distribute them to children. This bill requires the Board of Education to publish a list of approved textbooks on its website, along with the publisher and current lowest wholesale prices of each textbook. The State Board will adopt regulations to govern this process. The bill also expands the term “textbook” to mean any print or electronic media which serves as the primary curriculum basis for a grade-level course. This legislation repeals sections 22.1-240, 22.1-244 through 22.1-251, and 22.1-253 of the Code of Virginia.

This bill is identical to *House Bill 354* (Delegate Cole) and *Senate Bill 356* (Senator Watkins).

HOUSE BILL 139 (DELEGATE PEACE): STATE INCOME TAX CREDITS FOR PRODUCING BIODIESEL FUELS

This legislation adds section 58.1-439.12:02 to the Code of Virginia, permitting a tax credit for Virginia taxpayers producing biodiesel fuels—fuels made fatty acids of vegetable oils or animal fats—or green diesel fuels—fuels made from non-fossil renewable resources such as plant, animal fats, waste from agricultural or silvicultural products—provided the produced fuels meet certain national standards. The credit amounts to \$0.01 per gallon of biodiesel/green diesel fuels produced by the taxpayer. Applicable taxpayers are eligible for the credit during the first three years they produce fuel and the annual credit amount can not exceed \$5,000.

HOUSE BILL 163 (DELEGATE SHERWOOD): REAL ESTATE TAXES FOR THE ELDERLY AND HANDICAPPED

This bill amends section 58.1-3215 of the Code by expanding the ways in which an elderly or handicapped person may receive local real estate tax exemptions. The measure allows localities to grant exemptions to residents who did not otherwise qualify provided they file an affidavit showing a substantial, non-volitional change in circumstances that will result in income and financial worth levels within the limitations of a locality's exemption ordinance. The elderly and handicapped could previously only qualify if they could produce income and financial worth limitations for the previous year.

HOUSE BILL 196 (DELEGATE ALEXANDER): STUDENT HEALTH INSURANCE RESTRICTIONS

This legislation amends section 38.2-2525 of the Code of Virginia, requiring continued insurance coverage for students who are properly enrolled in a group accident and sickness insurance policy on the basis of their dependent status as full-time students but are medically unable to continue as a full-time student. The student's treating physician must certify the medical necessity of the absence from school. The coverage ceases either twelve months from the date the student is no longer full-time or when the student no longer qualifies as a dependent under the insurance policy.

HOUSE BILL 223 (DELEGATE COSGROVE): SEX OFFENDERS PROHIBITED FROM PROXIMITY TO RECREATION AREAS

This bill amends sections 18.2-10 and 18.2-370.2 of the Code of Virginia, prohibiting any person convicted of an offense restricting proximity to children from going within 100 feet of any playground, athletic field or facility, or gymnasium for the purpose of having contact with children not in his custody. Violation of this new provision is a Class Six felony.

HOUSE BILL 239 (DELEGATE COSGROVE): TAX

CLASSIFICATION FOR ENERGY EFFICIENT BUILDINGS

This legislation amends section 58.1-3221.2 of the Code of Virginia, giving towns, cities, and counties the power to expand the scope of buildings taxed at different rates due to energy efficiency. Previously the only buildings that could be taxed differently than other real property for energy efficiency were those exceeding energy standards of the Virginia Uniform Statewide Building Code by thirty percent. This measure will now allow different tax classification for buildings meeting or exceeding standards set by the Green Building Initiative, the United States Green Building Council, the EarthCraft House Program, or Energy Star. Compliance with the various standards will be determined by granting of a certification by one of the listed groups or a determination by a qualified engineer designated by the taxing locality. Localities set the tax rate for the energy efficient class of buildings, but the tax rate cannot exceed rates for general classes of real property.

HOUSE BILL 241 (DELEGATE O'BANNON): SUPERVISION OF VCU CHILDREN'S TEACHING HOSPITAL

This bill amends section 22.1-209.2 of the Code of Virginia, requiring the Board of Education to supervise programs for school-age children in hospitals. The legislation adds the children's teaching hospital associated with the Virginia Commonwealth University to the list of Board-supervised programs.

This bill is identical to *Senate Bill 357* (Senator Watkins).

HOUSE BILL 242 (DELEGATE O'BANNON): SOL PHYSICAL EDUCATION REQUIREMENTS

This legislation amends section 22.1-253.13:1 of the Virginia Code, requiring local school boards to implement a physical fitness program with a goal of 150 minutes per week on average during the regular school year. The program may include physical education classes, extracurricular athletics, and other school-board approved programs. This program must be incorporated into the local school board's local wellness policy.

HOUSE BILL 245 (DELEGATE O'BANNON): USE OF RETIREMENT INSURANCE FOR SUPPORT PAYMENTS

This legislation amends section 51.1-510 of the Code of Virginia, allowing insurance under the Virginia Retirement System program to be garnished in order to support child support or child and spousal support obligations.

HOUSE BILL 246 (DELEGATE O'BANNON): NUTRITION AND PHYSICAL ACTIVITY BEST PRACTICES DATABASE

This bill adds section 22.1-16.4 to the Code of Virginia, requires the Department of Education to create and maintain a nutrition and physical activity best practices database. The database must contain the results of any fitness testing and information on successful nutrition and fitness programs or policies implemented by local school divisions.

This bill is identical to *Senate Bill 61* (Senator Howell).

HOUSE BILL 285 (DELEGATE TOSCANO): REVOCATION OF CONSENT IN PARENTAL PLACEMENT ADOPTIONS

This new bill amends section 63.2-1234 of the Code of Virginia, reducing the timeframe during which a birth parent may revoke consent to a parental placement adoption from ten to seven days. If the child is at least ten days old when the parent consents, the right to revoke consent may be waived, so long as the parent has received independent legal counsel regarding the effect of this waiver. If there are two consenting birth parents, waiver of revocation by one parent does not affect revocation of the other.

HOUSE BILL 326 (DELEGATE SAXMAN): MAXIMUM SPEED

ON RUSTIC RURAL ROADS

This legislation adds section 46.2-873.2 to the Code of Virginia, designating the maximum speed limit on rustic rural roads as thirty-five miles per hour. The new legislation is not retroactive, as any speed limits currently in effect on rustic rural roads remain in effect until changed subsequent to a traffic engineering study.

HOUSE BILL 344 (DELEGATE PLUM): RECOVERY AND RECYCLING PLANS FOR COMPUTER EQUIPMENT

This bill adds sections 10.1-1425.27 through 10.1-1425.38 to the Code of Virginia, requiring those manufacturing, selling, or importing more than 500 units of computer equipment to develop a recovery and recycling plan before offering the equipment for sale in the Commonwealth. The method by which manufacturers recover the computer equipment from Virginia consumers must be reasonably convenient and designed to meet collection needs. Manufacturers must post collection information on their website and each year manufacturer must publish on their website a report detailing amount of equipment collected. This legislation becomes effective July 1, 2009.

HOUSE BILL 366 (DELEGATE CARRICO): EFFECT OF DRUG USE ON UNEMPLOYMENT COMPENSATION

This legislation amends section 60.2-618 of the Code of Virginia, expanding upon existing drug testing standards by which a recipient can become temporarily ineligible for unemployment compensation. Currently, a recipient becomes temporarily ineligible if, as a condition to an offer for employment, he takes and fails a drug test in accordance with scientific standards from the United States Department of Health and Human Services, the College of American Pathology, or the American Association for Clinical Chemistry. This legislation adds United States Department of Transportation-qualified drug screenings to the list conducted in accordance with the employer's bona fide drug policy to the list of tests that could render a recipient temporarily ineligible for benefits.

**HOUSE BILL 397 (DELEGATE HAMILTON): REMOVING
SOME HMO DEDUCTIBLE LIMITATIONS**

This legislation amends section 38.2-4303 of the Code of Virginia, removing certain limits on deductibles that health maintenance organizations in Virginia may charge. Deductibles no longer have to be “reasonable” and are not required to stay below maximum annual deductibles for health plans in the federal Internal Revenue Code.

**HOUSE BILL 407 (DELEGATE ODER): FOIA EXEMPTION FOR
HIGHER EDUCATION FUNDRAISING**

This legislation amends section 2.2-3705.4, exempting higher educational institutions from certain disclosure requirements, including personal fundraising strategies relating to donors or prospective donors, and information on donors such as wealth assessment; estate, financial, or tax planning information; health related information; employment, familial, or marital status information; e-mail addresses, fax or telephone numbers; birth dates; and social security numbers. This bill does not exempt information regarding the date, purpose, terms of the donation, or identity of the donor, unless the donor wishes to remain anonymous; nor does it exempt the identity of sponsors who provide grants or contract with the institution for research purposes or the terms and conditions of the grant or contract.

This bill is identical to *Senate Bill 130* (Senator Houck).

**HOUSE BILL 431 (DELEGATE MILLER): PRE-LICENSING
EDUCATION FOR TITLE INSURANCE AGENT**

This legislation amends section 38.2-1814.1 of the Code of Virginia, mandating that Commonwealth residents wanting to take an examination to become title insurance agents must complete a sixteen hour pre-licensing course. The course may be taken either in a classroom or as part of a distance education program approved by the Commonwealth.

HOUSE BILL 440 (DELEGATE RUST): PRESUMPTION OF NO BAIL FOR ILLEGAL IMMIGRANTS

This bill adds section 19.2-120.1 to the Code of Virginia, creating a rebuttal presumption of no bail for an illegal immigrants who commits certain violent crimes or and other serious offenses. This presumption will only exist if the United States Immigration and Customs Enforcement has guaranteed that it will issue a detainer for the initiation of removal proceedings and agrees to reimburse the costs of incarceration.

This bill is identical to *Senate Bill 623* (Senator Stolle).

HOUSE BILL 445 (DELEGATE RUST): OCCUPANCY LIMITS FOR SINGLE-FAMILY DWELLINGS

This legislation amends section 15.2-2286 of the Code of Virginia, exempting owners and managing agents of single-family dwellings from the fines levied in response to an overcrowding violation. This provision only applies if the owner or manager has taken legal action against the tenant to eliminate this condition.

HOUSE BILL 475 (DELEGATE COX): COMPREHENSIVE PROGRAM FOR VETERAN MENTAL HEALTH NEEDS

This legislation amends sections 37.2-304 and 51.5-14 of the Code of Virginia, requiring the Department of Veterans Services, in cooperation with the Department of Mental Health, Mental Retardation, and Substance Abuse Services, and the Department of Rehabilitative Services, to create a program that will monitor and coordinate mental health services for Virginia veterans, members of the Virginia National Guard, Virginia residents in the Reserves, and their family members. The goal of the program is to provide timely assessment, treatment, and ongoing support services to qualifying individuals with stress-related injuries or traumatic

brain injuries suffered in combat.

This bill is identical to *Senate Bill 297* (Senator Puller).

HOUSE BILL 499 (DELEGATE HAMILTON): INVOLUNTARY ADMISSION FOR MENTAL HEALTH TREATMENT

This legislation amends sections 16.1-337, 19.2-169.6, 19.2-176, 19.2-177.1:03, 37.2-800, 37.2-808, 37.2-809, 37.2-813 through 37.2-818, 37.2-821, and 53.1-40.2, and adds sections 37.2-817.1 through 37.2-817.4 and 37.2-804.2. This bill contains comprehensive reforms surrounding involuntary mental health treatment. It requires health care providers to disclose all necessary and appropriate information to parties responsible for legally determining whether a person requires inpatient treatment, mandatory outpatient treatment, temporary detention, emergency custody orders, or emergency treatment before trial. Health care providers must also disclose this information to parties responsible for the mental health treatment of the person. Health care providers who disclose information in accordance with this bill have immunity from civil liability for harm resulting from the disclosure, provided disclosure was made in good faith. The bill also changes the standard for evaluating whether a person requires involuntary treatment from “imminently dangerous” to “posing a substantial likelihood of future harm.”

For the court to order involuntary treatment of a criminal defendant prior to trial under the new law, it must have clear and convincing evidence, based upon either an in-person evaluation or an evaluation, or based upon the reasonable belief of the person’s custodian that the person poses a substantial likelihood of future harm. For the court to order involuntary treatment after conviction but before or after sentencing, an employee of the local community services board skilled in treating mental illness with the required certification must evaluate the person and determine that a substantial likelihood of future harm exists.

For the court to issue emergency custody orders or temporary detention orders for involuntary treatment under the bill, the person must be evaluated in person or via a two-way audio or video device. The court must consider physician recommendations, past actions, past mental health treatment, medical records, and other evidence when determining whether to issue the order. Emergency custody orders can last from four to six hours, and temporary detention orders can last for up to forty-eight hours before the involuntary commitment hearing is held.

The court must hold an involuntary commitment hearing to determine whether the individual will ultimately require involuntary inpatient treatment or mandatory outpatient treatment. Before the hearing, the individual must be examined in person or via a two-way audio or video device. The examination must consist of a clinical assessment, substance abuse screening, risk assessment, assessment of the individual's capacity to consent, review of past treatment records, discussion of treatment preferences, assessment of alternatives to inpatient treatment, and recommendations for treatment. A representative of the local community services board must prepare a preadmission screening report, attend the involuntary commitment hearing, and be subject to questioning either in person or via a two-way audio or video device. If that representative cannot attend, a representative from the local services board where the hearing is being held may attend if the report is sent to the attending representative, and if the attending representative notifies the board that prepared the report of the hearing's disposition. The examiner and the treating physician are also required to attend the hearing.

If the court finds, after considering the examination and pre-admission screening report, that the person poses a substantial likelihood of future harm, it can order involuntary inpatient treatment or mandatory outpatient treatment. Inpatient treatment can be for up to thirty days, unless the court grants a subsequent petition to continue inpatient treatment for up to an additional 180 days. Mandatory outpatient treatment cannot exceed ninety days, unless the court grants a subsequent petition for up to an additional ninety days. The court may only order mandatory outpatient treatment if the person understands the treatment, the person agrees to abide by the plan, the court deems the person capable of complying with the plan, and a local provider can actually provide the services. Mandatory outpatient treatment must be accompanied by a written plan that specifies the services, the providers for each service, and the arrangements for the initial appointment. The bill addresses procedures for monitoring, reviewing, rescinding mandatory outpatient treatment orders.

This bill is identical to *Senate Bill 246* (Senator Howell).

HOUSE BILL 502 (DELEGATE HAMILTON): CONSIDERATION OF INSTITUTIONAL COMPETITION WHEN EVALUATING CERTIFICATES OF PUBLIC NEED

This bill amends section 32.1-102.3 of the Code of Virginia, requiring

the Virginia Health Commissioner to consider the extent to which a proposed service or facility will increase accessibility, demonstrate community support, and bring institutional competition to the region when evaluating the public need for a project involving proposed health services or facilities.

HOUSE BILL 503 (DELEGATE HAMILTON): DEVELOPMENT OF SERVICES FOR AT-RISK CHILDREN

This legislation amends sections 2.2-2648, 2.2-5206, and 2.2-5208, and requiring the State Executive Council to create a program setting mandatory guidelines for coordination of intensive care services to children who are at risk of placement under the Comprehensive Services Act. It also requires the State Executive Council to determine which of these at-risk children can be served in their homes or in home-like settings.

This bill is identical to *Senate Bill 487* (Senator Hanger).

HOUSE BILL 506 (DELEGATE HAMILTON): VIRGINIA TEACHING SCHOLARSHIP LOAN PROGRAM

This legislation amends section 22.1-290.1 of the Code of Virginia, including students pursuing teacher education programs in the field of career and technical education as eligible participants in the Virginia Teaching Scholarship Loan Program. Scholarship recipients qualified under this category will be required to teach a career and technical education discipline in a public school.

This bill is identical to *Senate Bill 169* (Senator Blevins).

HOUSE BILL 520 (DELEGATE SUIT): FOIA EXEMPTION FOR MILITARY ORGANIZATIONS

This legislation amends sections 2.2-3705.2 and 2.2-3711 of the Code of Virginia, allowing certain records of the Virginia Military Advisory Council, Virginia National Defense Industrial Authority, or local or regional military affairs organizations to be exempt from FOIA. These

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records include military organization strategies dealing with the closure of federal military installations in Virginia, as well as plans to seek more tenancy from the Department of Defense. It also includes records disclosing trade secrets as defined by the Uniform Trade Secrets Act. This legislation does not exempt records on which the Department of Defense or a court of law has issued a final, non-appealable decision.

HOUSE BILL 523 (DELEGATE SUIT): VEHICLE SAFETY INSPECTION STICKERS FOR ARMED SERVICES

This legislation amends section 46.2-1158.1 of the Code of Virginia, addressing the extension of vehicle safety inspection stickers for members of the armed services. The inspection sticker for any vehicle principally garaged in Virginia while the registered owner is a member of the armed services does not expire when the owner is not present due to military service. Upon return to Virginia, the owner has seventy-two hours to have the vehicle inspected for a new inspection sticker. This legislation does not hinge on whether the vehicle is operated when the owner is absent due to military service.

HOUSE BILL 524 (DELEGATE SUIT): ELIGIBILITY OF MILITARY PERSONNEL FOR IN-STATE TUITION

This bill amends sections 23-7.4 and 23-7.4:2 of the Code of Virginia, making it easier for retired military personnel to qualify for in-state tuition. This bill waives the one-year requirement of domiciliary intent for any retired military personnel and dependents residing in Virginia at the time of retirement who voluntarily elect to establish Virginia as their permanent domicile. Further, those active duty personnel stationed or assigned to Virginia and residing in Virginia are entitled to in-state tuition.

HOUSE BILL 529 (DELEGATE POGGE): CONCEALED HANDGUN PERMIT PROCEDURES

This new legislation adds section 18.2-308 to the Code of Virginia, detailing the procedures for lawfully carrying a concealed handgun. Under the bill, a new five-year permit becomes effective upon the previous

permit's expiration provided the new permit's application is received at least ninety days and no more than one hundred eighty days before the existing permit's expiration. In addition, the fees for replacement permits cannot exceed \$10 total, with a maximum fee of \$5 from the clerk's office and a maximum fee of \$5 from the State Police.

HOUSE BILL 534 (DELEGATE MATHIESON): SUBMISSION OF SEX OFFENDER REGISTRY DATA TO DMV

This legislation amends section 46.2-330 of the Code of Virginia, describing the expiration and renewal process for driver's licenses. Under the new provisions, the State Police must electronically submit the names, aliases, dates of birth, and social security numbers of all persons listed on the sex offender registry. In addition, the Department of Motor Vehicles must transmit information, including photographs, to the State Police for comparison with the Virginia Criminal Information Network and the National Crime Information Center Convicted Sex Offender Registry Files. The Department of Motor Vehicles cannot waive the requirement to appear in person to obtain the photograph.

HOUSE BILL 548 (DELEGATE NIXON): SALE OF DESSERT WINE

This legislation amends section 4.1-210 of the Code of Virginia, allowing the holder of a limited mixed beverage license to sell and serve dessert wine.

HOUSE BILL 567 (DELEGATE CROCKETT-STARK): SEX OFFENDERS PROHIBITED FROM SCHOOL PROPERTY

This legislation amends section 18.2-370.5 of the Code of Virginia, extending the time period during which a convicted sex offender is prohibited from entering a public or private elementary or secondary school or child day care property. Currently, the Code only prohibits entrance during school hours, but this bill extends the prohibition to include times when school-related activities or school-sponsored activities occur.

HOUSE BILL 575 (DELEGATE WATTS): PROHIBITED ACTS BY A CONTRACTOR

This legislation amends sections 54.1-1115 and 59.1-200 of the Code of Virginia, making it a violation of the Consumer Protection Act for a contractor to perform work without a valid Virginia contractors' license.

HOUSE BILL 582 (DELEGATE MARSDEN): TIMING OF PETITION AND HEARING FOR PSYCHIATRIC INPATIENT TREATMENT OF MINORS

This bill amends sections 16.1-338 through 16.1-341 of the Code of Virginia, increasing the amount of time that a parent may admit his objecting minor who is at least fourteen years of age to a mental health facility for inpatient treatment. The legislation also extends the time that the court can schedule a commitment hearing for an admitted minor from seventy-two to ninety-six hours. The bill further establishes that the facility to which the minor is admitted by his parents must receive judicial approval of the admission within ninety-six hours.

This bill is identical to *Senate Bill 276* (Senator Cuccinelli).

HOUSE BILL 597 (DELEGATE MCCLELLAN): REPEAL OF SUBSEQUENT MARRIAGE DEFENSE TO CARNAL KNOWLEDGE OF FOURTEEN YEAR OLD CHILD

This piece of legislation amends sections 18.2-371 and 20-48 of the Code of Virginia and repeals section 18.2-66, removing the defense of subsequent marriage to any indictment of a person at least eighteen years old for carnal knowledge of a child at least fourteen years old.

This bill is identical to *Senate Bill 608* (Senator Stolle).

HOUSE BILL 616 (DELEGATE AMUNDSON): EXTENSION OF THE STATUTE OF LIMITATIONS FOR FAILURE TO DIAGNOSE MALIGNANT TUMOR OR CANCER

This bill amends sections 8.01-243 and 8.01-244 of the Code of Virginia by extending the time during which an individual may sue for failure to diagnose a malignant tumor or cancer. The bill allows an individual to sue up to one year after the tumor or cancer is diagnosed, even if two years have passed since the failure to diagnose. Two years is the standard limitations period for these Code sections. This bill only applies to failures occurring after July 1, 2008.

HOUSE BILL 622 (DELEGATE BRINK): SEX OFFENDERS PROHIBITED FROM PROXIMITY TO PUBLIC PARKS

This legislation amends section 18.2-370.3 of the Code of Virginia, prohibiting an individual convicted of certain sex offenses from going within five hundred feet of a public park that is owned by a city or town, shares a boundary line with a school, and is regularly used for school activities. If an offender has a lawful residence, and a public park is subsequently built within 500 feet of his residence, he has not violated this section.

HOUSE BILL 632 (DELEGATE MAY): BROADBAND SERVICES PROJECTS FUNDING

This bill amends sections 62.1-198 and 62.1-199 of the Code of Virginia, broadening the type of projects that the Virginia Resource Authority can fund by allowing funding for all projects dealing with technology and infrastructure for all broadband services, not just wireless broadband services.

HOUSE BILL 633 (DELEGATE MAY): PERSONAL INFORMATION PRIVACY ACT

This legislation amends section 59.1-443.2 of the Code of Virginia,

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prohibiting the distribution of another person's social security number even if that number was obtained through a public record. This bill was a recommendation of the Freedom of Information Advisory Council and the Joint Commission on Technology and Science.

This bill is identical to *Senate Bill 133* (Senator Houck).

HOUSE BILL 637 (DELEGATE MAY): CAMPAIGN FINANCE DISCLOSURE ACT OF 2006 APPLICABILITY TO TOWNS

This legislation amends section 24.2-945 of the Code of Virginia, allowing towns with a population of less than 25,000 persons to enact an ordinance applying the provisions of the Campaign Finance Disclosure Act of 2006 to town elections.

HOUSE BILL 656 (DELEGATE GRIFFITH): EXTENSION OF DOG FIGHTING PROHIBITIONS TO ALL ANIMALS

This bill amends sections 3.1-796.113, 3.1-796.122, 3.1-796.124, and 18.2-403.2 and repeals section 3.1-796.125 of the Code of Virginia, broadening the scope of dog fighting prohibitions to include other animals. Promoting, preparing for, or engaging in the fighting of any animal is now a Class One misdemeanor. If an individual (1) uses dogs for fighting; (2) exchanges money related to animal fighting for betting, admission, or sale of animals; or (3) causes a minor to participate in any way regarding the fights, he will be charged with a Class Six felony. If the court finds probable cause that animals were used or were going to be used for fighting, the animals will be forfeited to the locality unless the owner posts bond to cover the locality's cost of covering the animals for nine months. If an individual who posts bond is ultimately found not guilty, the animals and the bond will be returned to him. Law enforcement officials can execute search warrants at any time in accordance with this bill.

This bill is identical to *Senate Bill 592* (Senator Norment).

**HOUSE BILL 660 (DELEGATE LEWIS): REAL ESTATE
CLASSIFICATION OF MANUFACTURED HOMES**

This legislation amends section 46.2-653 of the Code of Virginia, stating that a mobile home becomes real estate when the instrumentality used to make it mobile is removed and the mobile home is attached to the property.

**HOUSE BILL 694 (DELEGATE ARMSTRONG): WINE AND
BEER TASTINGS AT GOURMET SHOPS**

This legislation amends section 4.1-209 of the Code of Virginia, allowing wine and beer tastings at licensed gourmet shops when used for the purpose of educating the public about alcoholic beverages. Wineries and breweries will also be allowed to conduct tastings at these licensed shops with the permission of the licensee.

**HOUSE BILL 719 (DELEGATE JANIS): PENALTIES FOR
UNDERAGE DRINKING AND DRIVING**

This bill amends section 18.2-266.1 of the Code of Virginia, establishing that underage drinking and driving is punishable as a Class One misdemeanor. An individual convicted in accordance with this bill must forfeit his driver's license for one year and either pay a minimum fine of \$500 or perform fifty hours of community service.

**HOUSE BILL 767 (DELEGATE TATA): REQUIREMENTS FOR
HOME INSTRUCTION OF CHILDREN**

House Bill 767 amends section 22.1-254.1 of the Code of Virginia, allowing any distance learning program to satisfy the requirements

necessary for home instruction.

HOUSE BILL 768 (DELEGATE TATA): FOIA EXEMPTION TEACHER LICENSING INVESTIGATION

This legislation amends sections 2.2-3705.3 and 2.2-3711 of the Code of Virginia, exempting records containing confidential correspondence and information regarding active investigations into the denial, suspension, or revocation of a teacher's license from FOIA. It does allow a local school board or division superintendent to view the records for the purpose of taking personnel actions. Completed records that are disclosed will contain the name of the school, the identity of the person investigated, the nature of the complaint, and the actions taken. The bill requires that disclosure of completed investigative records exclude the names of the complainant and any sources of information.

HOUSE BILL 815 (DELEGATE ALBO): POSSESSION OF FIREARMS BY INVOLUNTARILY COMMITTED INDIVIDUALS

This legislation amends sections 18.2-308.1:1, 18.2-308.1:3, 19.2-169.2, 37.2-814, and 37.2-819 of the Code of Virginia, disallowing a person who has been acquitted of a crime by reason of insanity, involuntarily committed to inpatient mental health treatment, or admitted to mandatory outpatient treatment from purchasing, possessing, or transporting firearms. An individual can petition the general district court for a permit to purchase, possess, and transport firearms upon release from involuntary commitment or mandatory outpatient treatment. The court will grant the petition if it finds, by clear and convincing evidence, that the person will not likely act in manner that endangers the public or that granting the petition will not be counter to the public interest. If the district court denies the permit, the individual can petition the circuit court for de novo review. This legislation also requires reporting of acquittals by reason of insanity, involuntary commitments, and admissions to mandatory outpatient.

HOUSE BILL 819 (DELEGATE ALBO): CERTIFICATES OF PUBLIC NEED FOR CERTAIN NURSING FACILITIES

This piece of legislation amends section 32.1-102.3:1 of the Code of Virginia and adds section 32.1-102.3:1.1, exempting nursing facilities and nursing homes from the Certificate of Public Need requirement if the facilities do not receive federal or state public assistance funds during an open admissions period. A facility in Planning District Eight may apply for certification under the Medical Assistance Program starting on July 1, 2010 if (1) it is not operating under an open admissions period, (2) residents receiving services have lived in the facility for at least three years, (3) not more than ten percent of the residents are receiving services, and (4) residents receiving services have exhausted any refundable entrance fee.

HOUSE BILL 820 (DELEGATE ALBO): OFFICER OF A CORRECTIONAL FACILITY TO INQUIRE OF ALIEN STATUS

This bill amends section 19.2-83.2 of the Code of Virginia, requiring an officer taking a person into custody at any jail or correctional center to ask whether the person was born in a country other than the United States and whether the person is a citizen of a country other than the United States. If the answer to either of these questions is yes or unknown, the officer must make an immigration inquiry to the United States Immigration and Customs Enforcement. The bill also creates reporting requirements as to the results of this inquiry.

This bill is identical to *Senate Bill 609* (Stolle).

HOUSE BILL 842 (DELEGATE SHERWOOD): CONCEALED WEAPONS PERMIT FOR RETIRED CAPITOL POLICE

This legislation adds a provision to section 18.2-308 of the Virginia Code, detailing the procedures for lawfully carrying a concealed weapon. The bill adds an exemption from the concealed weapon statute for officers retired from the Division of Capitol Police. Retired officers are subject to the same exceptions as other law enforcement officials in this section.

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HOUSE BILL 844 (DELEGATE SHERWOOD): USE OF SAVIN TO VERIFY INFORMATION ON SEX OFFENDERS

This legislation adds section 9.1-922 of the Code of Virginia, allowing data obtained from the Sex Offender Registry to be used by the Statewide Automated Victim Notification (SAVIN) system. The information can be used to verify registrant status or notify victims. This transfer of information only occurs at the request of the Compensation Board.

This bill is identical to *Senate Bill 74* (Senator Howell).

HOUSE BILL 850 (DELEGATE ORROCK): REQUIREMENTS OF WRITTEN FOSTER CARE AGREEMENTS

This bill amends sections 63.2-900 and 63.2-902 of the Code of Virginia, requiring written foster care agreements between the heads of foster families and local boards or child placing agencies to include a Code of Ethics and mutual responsibilities of all parties to the agreement. The Board of Social Services must approve the language of these agreements.

This bill is identical to *Senate Bill 643* (Senator Ticer).

HOUSE BILL 854 (DELEGATE EBBIN): ELECTRONIC COMMUNICATION FOR LOCAL PUBLIC MEETINGS UNDER FOIA

This legislation amends sections 2.2-3701, 2.2-3708, and 2.2-3714 of the Code of Virginia, allowing local governing bodies to meet via electronic communication without the public assembled at one location if the Governor declares a state of emergency and that emergency makes it impracticable or unsafe to assemble a quorum in one location. The bill requires the body to give the public notice of the meeting using the best available method and make arrangements for public access to the meeting. This bill is a recommendation of the Freedom of Information Advisory Council.

HOUSE BILL 866 (DELEGATE JOHNSON): LIMITATION ON LICENSURE FOR BAIL BONDSMEN.

This legislation amends section 9.1-185.4 of the Code of Virginia, prohibiting spouses or those living with sworn law enforcement officers from being bail bondsmen due to the officers' ability to access inmate records.

HOUSE BILL 871 (DELEGATE JOHNSON): FUNDING FOR PROGRAMS SUPPORTING HEALTHY MARRIAGES AND STRONG FAMILIES

This legislation adds section 63.2-214.1 to the Code of Virginia, allowing up to one percent of federal funding through Temporary Assistance for Needy Families (TANF) to be used for programs that support the development of healthy marriages and strong families. Ten percent of the funding can be used to partner with any public college or university to study outcomes of the programs and to identify best practices.

HOUSE BILL 873 (DELEGATE JOHNSON): PROOF OF COMPETENCY WITH HANDGUN FOR CONCEALED WEAPON PERMIT

This legislation amends section 18.2-308 of the Virginia Code, describing the limitations on carrying a concealed weapon. It adds a clause to the section requiring an applicant for a concealed weapons permit to demonstrate competence with a handgun. The new provision declares a proof of competency indefinite whereby it never expires.

HOUSE BILL 889 (DELEGATE LOHR): CERTIFICATION FOR MINOR'S DRIVER'S LICENSE APPLICATIONS

This legislation amends section 46.2-335 of the Code of Virginia, altering the certification requirements for obtaining a driver's license. A person under the age of eighteen must certify that he/she has driven a motor vehicle for at least forty-five hours with at least fifteen hours after sunset.

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A parent, foster parent, or legal guardian must certify completion of these hours with a statement declaring it illegal to give false information in connection with obtaining a driver's license. The form includes the driver's license identification number of the certifying adult.

HOUSE BILL 908 (DELEGATE GEAR): OPERATION OF ALCOHOL STORES ON SUNDAY

This legislation amends section 4.1-120 of the Code of Virginia, allowing governments of counties or cities with populations of at least 100,000 persons or more to sell alcohol in government stores on Sunday.

HOUSE BILL 926 (DELEGATE BYRON): TERMINATION OF CORPORATE EXISTENCE FOR EMPLOYMENT OF ILLEGAL IMMIGRANTS

This legislation amends sections 13.1-753, 13.1-769, 13.1-915, 13.1-931, 13.1-1046, 13.1-1056, 13.1-1234, 13.1-1246, 50-73.49, and 50-73.58 of the Code of Virginia, allowing the State Corporation Commission to terminate the existence of a corporation for actions of officers and directors constituting a pattern or practice of employing unauthorized immigrants. Termination requires that the corporation be convicted for a violation of 8 U.S.C. § 1324(a)(f). The corporation itself possesses the duty to report this conviction. Reinstatement of corporate existence cannot occur for one year.

This bill is identical to *Senate Bill 782* (Senator Obenshain).

HOUSE BILL 934 (DELEGATE GILBERT): PAROLE FOR MISDEMEANOR SENTENCES EXCEEDING ONE YEAR

This legislation amends section 53.1-153 Code of Virginia, discussing parole eligibility for individuals sentenced to jail for more than twelve months. The new language provides that an individual convicted of a misdemeanor and sentenced to an active sentence exceeding twelve months in jail is not eligible for parole. In addition, section 53.1-159, which mandate release six months prior to the scheduled release date, does not apply to these persons.

HOUSE BILL 949 (DELEGATE IAQUINTO): AMENDMENTS TO THE SLAYER STATUTE

This legislation amends sections 55-401 through 55-406, 55-411, and 55-414 of the Code of Virginia to include persons convicted of voluntary manslaughter within the definition of “slayer.” The bill also includes within the definition persons not convicted but found by a court by a preponderance of the evidence to be guilty of murder or voluntary manslaughter. This legislation prevents the slayer’s transferees or assigns from inheriting property from the slain decedent; however, an individual claiming kinship to the decedent through the slayer would not be prevented from inheriting. Furthermore, the bill prevents a slayer from collecting on a life insurance policy purchased by the slayer for the decedent as part of his plan to murder the decedent and within two years prior to the act resulting in the decedent’s death.

This bill is identical to *Senate Bill 450* (Senator Petersen).

HOUSE BILL 1005 (DELEGATE BELL): PARENTAL NOTIFICATION OF MENTAL HEALTH TREATMENT FOR STUDENTS IN HIGHER EDUCATIONAL INSTITUTIONS

This bill amends section 23-9.2:3 of the Code of Virginia, mandating the board or governing body of every public higher educational institution in Virginia to establish policies that require the notification of the parent of a dependent student when the student receives mental health treatment at the institution’s student counseling center. This disclosure may occur without the student’s consent but will only be required if it is determined that there is a substantial likelihood that the student will present a risk himself or others. This notification may be withheld if the treating physician submits a written statement that the notification will be reasonably likely to cause substantial harm to the student or another person.

**HOUSE BILL 1007 (DELEGATE JONES): CONFIDENTIALITY
OF VIRGINIA FUSION INTELLIGENCE CENTER
INFORMATION**

This legislation adds sections 52-48 and 52-49 to the Code of Virginia, making all Virginia Fusion Intelligence Center records and information relating to criminal intelligence or terrorism investigation confidential. This collection is not subject to the Virginia Freedom of Information Act or the Government Data Collections and Disseminations Practices Act. The provision requires an annual review of information, and any information not connected to terrorist activity will be removed from the database. It also protects individuals with access to the information from subpoena in a civil action and provides immunity for persons providing the information from certain legal actions.

**HOUSE BILL 1021 (DELEGATE HUGO): TELECOMMUTING
GOALS FOR STATE AGENCIES.**

This legislation amends section 2.2-2817.1 of the Code of Virginia, establishing a goal of having every state agency, except for State Police, to have twenty percent of its workforce telecommuting.

**HOUSE BILL 1043 (DELEGATE WATTS): POLYGRAPH
EXAMINATIONS FOR VICTIMS OF SEX OFFENSES**

This bill amends section 19.2-9.1 of the Code of Virginia, prohibiting any government official from requiring or asking a victim of a sex offense to take a polygraph as a condition for proceeding with the investigation. If a victim is asked to take a polygraph, the government must inform the victim in writing that refusal to comply will not prevent the investigation, charging, or prosecution of the offense.

This bill is identical to *Senate Bill 164* (Senator Lucas).

HOUSE BILL 1062 (DELEGATE BRINK): ABSENTEE VOTING FOR PREGNANT WOMEN

This legislation amends sections 24.2-700 and 24.2-701 of the Code of Virginia, allowing women who are pregnant on Election Day to vote by absentee ballot.

HOUSE BILL 1100 (DELEGATE SICKLES): INFORMED CONSENT FOR HIV TESTING

This bill amends sections 18.2-62, 32.1-37.2, 32.1-45.2, and 54.1-2403.01 of the Code of Virginia, requiring medical care providers to inform the patient that the test for human immunodeficiency virus (HIV) is planned, provide information about the test, and tell the patient that he may decline the test prior to administration of the test. If the patient declines, that fact shall be noted in his medical file.

HOUSE BILL 1117 (DELEGATE MILLER): SUSPENSION AND REVOCATION OF ALCOHOL LICENSE WHERE MEETING PLACE OF A STREET GANG

This legislation amends section 4.1-225 of the Virginia Code, allowing for the suspension or revocation of a license to sell alcohol if the owner allows its premises to become a meeting place of a street gang as defined by Code of Virginia section 18.2-46.1.

HOUSE BILL 1135 (DELEGATE FRALIN): STUDENT EXPRESSION OF RELIGION IN PUBLIC SCHOOLS

This bill adds section 22.1-203.3 to the Virginia Code, allowing students to express their religious beliefs in school homework, artwork, and other written and oral assignments free from discrimination. Evaluation of such work shall not be based on religious content, but shall be judged by academic standards of substance and relevance.

**HOUSE BILL 1141 (DELEGATE FRALIN): DISCONTINUATION
AND RESTORATION OF INDEPENDENT LIVING SERVICES
FOR FOSTER CARE**

This legislation amends section 63.2-905.1 of the Code of Virginia, allowing a person between the ages of eighteen and twenty-one to voluntarily discontinue receiving independent living services. If the person requests restoration of those services before his twenty-first birthday, the local board or child-placing agency shall restore them, provided that the person and the local board or child-placing agency have entered into a written agreement regarding the terms and conditions of restoration within sixty days of when the services were discontinued.

**HOUSE BILL 1143 (DELEGATE FRALIN): VISITATION
RIGHTS FOR SIBLINGS IN FOSTER CARE**

This bill amends section 63.2-912 of the Code of Virginia, allowing courts to grant visitation rights to siblings of children placed in foster care. Previously, courts could only grant visitation rights to natural parents and grandparents.

**HOUSE BILL 1171 (DELEGATE COSGROVE): PRESENCE OF
OBSCENE MATERIAL AS GROUNDS FOR ALCOHOL
LICENSE SUSPENSION**

This legislation amends sections 4.1-225, 4.1-226, and 4.1-325 of the Code of Virginia, allowing for suspension or revocation of a license to sell alcohol if the owner allows obscene material on the premises. This bill exempts establishments primarily devoted to the arts such as concert halls, museums, or art centers.

HOUSE BILL 1176 (DELEGATE LINGAMFELTER):

PROHIBITION ON CAPPING MOTOR VEHICLE INSURANCE SETTLEMENTS

This legislation amends section 38.2-517 of the Code of Virginia, recognizing and forbidding the practice of setting arbitrary and unreasonable limits on what insurers will allow as reimbursement for paint and materials in an motor vehicle insurance settlement. This practice is known as “capping.”

This bill is identical to *Senate Bill 697* (Senator Petersen).

HOUSE BILL 1183 (DELEGATE LINGAMFELTER): REQUIREMENTS FOR HOME INSTRUCTION OF CHILDREN

This legislation amends section 22.1-254.1 of the Code of Virginia, describing the types of evaluations which satisfy the notification requirements imposed upon parents opting for home instruction. Examples of proper evaluations are letters from a person licensed to teach or a

person with a master’s degree or higher in an academic discipline stating that the child is achieving an adequate level of educational growth and progress or a report card or transcript from a community college or college, college distance learning program, or home-education correspondence school.

HOUSE BILL 1203 (DELEGATE MELVIN): BACKGROUND CHECKS FOR MENTAL HEALTH CARE PROVIDERS

This legislation amends sections 37.2-416 and 37.2-506 of the Code of Virginia, addressing background checks for personnel involved in the care of adult mental health. It further allows adult substance abuse or mental health facilities to hire a person convicted of a misdemeanor for assault and battery, if that conviction was substantially related to a substance abuse or mental health condition for which the person has been rehabilitated.

This bill is identical to *Senate Bill 381* (Senator Martin)

HOUSE BILL 1218 (DELEGATE BOWLING): PROHIBITION ON USE OF WIRELESS TELECOMMUNICATIONS DEVICES BY SCHOOL BUS DRIVERS

This legislation adds section 46.2-919.1 to the Code of Virginia, addressing the use of wireless communications devices by school bus drivers. Under this provision, a school bus driver cannot use any type of wireless communication device except in an emergency or when the bus is parked and for the purposes of dispatching. This does not affect the use of two-way radios, although it does prohibit the use of hands-free devices as well.

This bill is identical to *Senate Bill 136* (Senator Stuart).

HOUSE BILL 1220 (DELEGATE BOWLING): CONCEALED WEAPONS PERMIT FOR OFFICERS ON LEAVE

This legislation amends section 18.2-308 of the Code of Virginia, relating to the ability of law enforcement officers to carry concealed weapons. It allows officers on long-term leave due to a service-related injury to carry a concealed weapon without a permit so long as he has written proof from his employer of the need to carry a concealed weapon. The provision also requires the officer to surrender the written proof when returning to work or leaving employment with the agency.

HOUSE BILL 1228 (DELEGATE VANDERHYE): ELECTRIC UTILITIES REQUIRED TO PUBLICIZE RENEWABLE ENERGY SOURCES

This bill adds section 56-245.1:2 to the Code of Virginia, requiring investor-owned electric utilities to include a special toll free number or web site address in customer bills at least once every quarter. The toll free number and web site will inform customers about purchase options of energy from renewable sources. Utilities are also required to feature

renewable energy purchase options on their company website. This measure takes effect January 1, 2009.

HOUSE BILL 1229 (DELEGATE VANDERHYE): SALES TAX EXEMPTION FOR WATER EFFICIENT PRODUCTS

This legislation amends section 58.1-609.1 of the Code of Virginia, exempting products designated as water efficient by the WaterSense program of the Environmental Protection Agency from sales tax for a four-day period in October. The water efficient products must be for personal or noncommercial use and have a sales price of \$2,500 or less. As passed, the measure states that the final water efficient product sales tax holiday will occur in October of 2011 unless the provision is amended in the future. The Code provision updated by this bill previously only granted an October sales tax holiday for certain energy efficient products.

HOUSE BILL 1242 (DELEGATE BELL): EMPLOYMENT BY SCHOOL PROHIBITED FOR SUBJECTS OF FOUNDED CASES OF CHILD ABUSE AND NEGLECT

This legislation amends sections 22.1-296.1, 22.1-296.4, 22.1-307, and 63.2-1505 of the Code of Virginia, prohibiting school boards from employing any applicant who has been the subject of a founded case of child abuse and neglect. Misstatement of such status will become a Class One misdemeanor and will be grounds for the Board of Education to revoke the applicant's right to teach. The bill also makes it the duty of the local school board to check the background of every out-of-state applicant to ensure he wasn't the subject of a founded child abuse or neglect complaint. Furthermore, the legislation requires the Department of Social Services to report such a complaint to the school board if the subject is a teacher, as well as dismissal of any teacher who becomes the subject of a founded complaint.

HOUSE BILL 1243 (DELEGATE HUGO): REPEAL OF REMEDIAL CIVIL FEES FOR TRAFFIC OFFENSES

This legislation repeals section 46.2-206.1 of the Code of Virginia,

imposing civil remedial fines on certain drivers for selected traffic offenses. Under this legislation, a person is not subject to the civil fines when he has not been convicted prior to July 1, 2008, even when the date of offense is before July 1, 2008. Refunds will be issued to those individuals who paid all or a portion the civil fees for a conviction. Licenses suspended solely for failure to pay the civil fees will be reinstated.

HOUSE BILL 1245 (DELEGATE HUGO): RESTRICTIONS FOR FAILING DRIVING TESTS THREE TIMES

This legislation amends section of 46.2-325, revising the Virginia procedures for completing the requirements for a driver's license. A person who fails the behind-the-wheel examination three times may not take the exam an addition time until he completes the in-vehicle portion of driver instruction through a licensed training school. Similarly, a person who fails the driver knowledge part of the driving exam three times may not take the exam again until completing the classroom component through a licensed school. The same restrictions are also added to Code section 46.2-341.14. It also removes the provisions from Code section 46.2-335 that prohibit an individual from taking three or more behind-the-wheel examinations in a three month period.

HOUSE BILL 1271 (DELEGATE EBBIN): FOIA EXEMPTION FOR LOCAL FRANCHISES

This legislation amends section 2.2-3705.6 of the Code of Virginia, exempting proprietary application records of franchisees or potential franchisees from FOIA when disclosure of such records would reveal financial capacity or destroy a competitive advantage for the franchisee or potential franchisee. This exception does not apply to franchisees or potential franchisees if they are owned or controlled by a public body or if a representative of the franchising authority serves on the management board of the franchisee or potential franchisee.

HOUSE BILL 1305 (DELEGATE MORGAN): BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION PROGRAM

This legislation amends sections 38.2-5008, 38.2-5009, 38.2-5016, 38.2-5020, and 38.2-5021 of the Code of Virginia, increasing the amount a hospital must pay to be a part of the compensation program by \$2.50 each year for the next two years for every live hospital birth. The program currently requires a \$50 assessment for each live birth. The legislation caps the assessment at \$55. This measure also increases assessments for individual physicians participating in the program from \$5,100 to \$5,600 by the beginning of 2009. Starting in 2009, the assessment will increase by \$300 for the 2010 fee and each year after will increase by \$100 until reaching a maximum of \$6,200.

This bill is identical to *Senate Bill 211* (Senator Edwards).

HOUSE BILL 1363 (DELEGATE CLINE): TRADEMARK PROTECTION IN VIRGINIA

This bill amends section 59.1-92.2, 59.1-92.12, and 59.1-92.13 of the Code of Virginia, explicitly protecting trade and service marks registered by the Commonwealth or the federal government. This measure also alters the definition of infringing activity to include mark use in a manner likely to cause consumer confusion, mistake, or deception as to the source or origin of any goods or services. This legislation also changes the penalties for violating trademark protections. Persons violating protections commit a Class one misdemeanor, and if they are subsequently convicted again they are guilty of a Class six felony. First time or subsequent violators possessing one hundred or more identical counterfeit marks or possess items valued at \$200 or more are also guilty of Class six felonies.

This bill is identical to *Senate Bill 577* (Senator Saslaw).

HOUSE BILL 1367 (DELEGATE JONES): FOIA EXEMPTION FOR LOCAL GOVERNMENT INVESTMENT POOL APPLICATIONS

This legislation amends section 2.2-3705.7 of the Code of Virginia, exempting disclosure of records relating to application information required

by the Department of Treasury in order to establish an account in the Local Government Investment Pool.

HOUSE BILL 1407 (DELEGATE DANCE): AVAILABILITY OF RESTRICTED LICENSE FOR FAILURE TO PAY FINES OR COSTS

This legislation amends section 46.2-395 of the Code of Virginia, addressing suspension of a driver's license for failure to pay fines or costs. Under the new provision, a person eligible for a restricted license may petition the court that suspended his license. The court may issue a restricted license for employment, health, or other reasons described in section 18.2-271.1 so long as good cause is demonstrated and the license's duration does not exceed six months. The restricted license does not allow for the operation of a commercial motor vehicle.

HOUSE BILL 1414 (DELEGATE SCOTT): NOTIFICATION OF REVOKED CONCEALED WEAPONS PERMIT

This legislation amends section 18.2-308 of the Code of Virginia, requiring the court to revoke a concealed weapons permit upon notification of any conviction or violation that would prohibit an individual from obtaining a permit. The court then must notify the State Police of the revocation.

HOUSE BILL 1425 (DELEGATE LANDES): WITHDRAWAL FROM THE NO CHILD LEFT BEHIND ACT

This bill directs the Board of Education to make a recommendation about whether Virginia should withdraw from the federal No Child Left Behind Act. If the Board does recommend withdrawal, it shall develop a plan withdrawing the Commonwealth and submit it for consideration by June 30, 2009. This bill, however, becomes ineffective if reauthorization of the Elementary and Secondary Education Act is revised to allow Virginia's

existing educational accountability system to meet the accountability requirements of federal law.

This bill is identical to *Senate Bill 490* (Senator Hanger).

HOUSE BILL 1439 (DELEGATE FREDERICK): SCHOOL BOARD DEVELOPMENT OF POLICIES TO ADDRESS COMPLAINTS OF SEXUAL ABUSE BY SCHOOL EMPLOYEES

This legislation adds section 19.2-191.1 to the Code of Virginia, requiring the clerk of a circuit or district court to report the conviction of any person, known by the clerk to hold a license issued by the Board of Education, of any felony involving sexual molestation, physical or sexual abuse, rape of a child, or drugs to the school system. It also amends sections 22.1-253.13:7, 22.1-298.1, 22.1-313, and 63.2-1503 of the Code of Virginia, requiring that the school board suspend, cancel, or revoke license of any person who is the subject of the subject of a founded complaint of child abuse or neglect. Local school districts must notify the Superintendent of the Department of Education of the dismissal of such persons.

This bill is identical to *Senate Bill 241* (Senator Lucas).

HOUSE BILL 1445 (DELEGATE ABBITT): PERSONS ALLOWED TO ADMINISTER PRESCRIPTION DRUGS

This bill amends section 54.1-3408 of the Code of Virginia, allowing a person to administer prescription drugs if he completed a Board of Nursing training program for the administration of drugs, he complies with physician's instructions regarding, dosage, frequency, and manner of administration, he follows the Board of Pharmacy's security and record-keeping regulations, and the drugs would normally be administered by a resident of a private children's residential facility or a student in a school

for disabled students.

HOUSE BILL 1449 (DELEGATE CROCKETT-STARK): CRISIS EMERGENCY MANAGEMENT PLANS FOR PUBLIC HIGHER EDUCATIONAL INSTITUTIONS

This legislation adds sections 23-9.2:9 through 23.9.2:11 of the Code of Virginia and amends section 44-146.18, requiring all public institutions of higher education to develop a crisis and emergency management plan. This plan must include a first warning and notification system. Campuses are also expected to create policies aimed at preventing violence on campus. Further, the threat assessment teams helping to coordinate the emergency management plan will include individuals from law enforcement, mental health specialties, student affairs, and human resources. These teams will work with local and state law enforcement agencies when creating and implementing these plans. This bill also includes the Department of Emergency Management in the development of emergency management plans.

This bill is identical to the combination of *Senate Bill 256* (Senator Deeds), *Senate Bill 538*, and *Senate Bill 539* (Senator Obenshain).

HOUSE BILL 1453 (DELEGATE NUTTER): CHANGES TO TRANSIENT OCCUPANCY TAX

This legislation amends § 58.1-3819 of the Code of Virginia, allowing thirty-four counties in the Commonwealth to levy a transient occupancy tax not exceeding five percent after consulting with local tourism industry organizations. Previously fifteen of the thirty-four counties could levy the tax without consulting tourism organizations.

HOUSE BILL 1458 (DELEGATE COSGROVE): FOIA EXEMPTION FOR INNOVATIVE TECHNOLOGY AUTHORITY

This legislation amends section 2.2-3705.6 and 2.2-3711 of the Code of Virginia, exempting the disclosure of certain proprietary records submitted to the Innovative Technology Authority (ITA) as part of a grant application

from FOIA. Meetings of the ITA may be closed when such records are discussed.

This bill is identical to *Senate Bill 726* (Senator Petersen).

HOUSE BILL 1476 (DELEGATE RUST): WIRELESS COMMUNICATION AT POLLING PLACES.

This bill amends section 24.2-625.2 of the Code of Virginia, prohibiting wireless communication between electronic voting machines and any other equipment on Election Day. This legislation provides that the rule does not apply to voting machines purchased before July 1, 2007 and does not prohibit the operation of electronic pollbook devices on election day.

This bill is identical to *Senate Bill 52* (Senator Whipple).

HOUSE BILL 1508 (DELEGATE SICKLES): REVISION OF DEFINITION OF EXTENDED SERVICE CONTRACTS

The legislation amends section 59.1-435 of the Code of Virginia, altering the definition of an extended service contract. It defines extended service contracts as written contracts or agreements lasting a specific duration that are paid for by an additional charge to customers, creating an obligation to repair or replace consumer products due to defect or normal wear and tear. This legislation also allows, but does not require, these contracts to cover damage resulting from power surges, interruption, or accident.

HOUSE BILL 1530 (DELEGATE NIXON): PLACEMENT AND VISITATION OF SIBLINGS IN FOSTER HOMES

This bill amends sections 16.1-252 and 16.1-281, and adds section 63.2-900.2 to the Code of Virginia, requiring all reasonable steps to be taken to place siblings in the same foster home. If the siblings are placed in separate foster homes, the local department or child-placing agency shall develop a plan to encourage frequent and regular visitation among the siblings. The plan must, among other things, account for the siblings' wishes, specify the frequency of visitation, and identify the party responsible for ensuring visitation.

SENATE BILL 1 (SENATOR HOUCK): REPEAL OF CIVIL REMEDIAL FEES FOR DANGEROUS DRIVERS

This bill repeals section 46.2-206.1 of the Code of Virginia, a provision that required the assessment of civil remedial fees against those convicted of certain reckless driving offenses. Persons previously charged, but not convicted, of these driving offenses will be excused from paying this fee. Persons convicted of these driving offenses who have already paid this fee will be reimbursed. Persons convicted of these driving offenses who were unable to pay this fee and subsequently lost their driving privileges will have their licenses reinstated by the Department of Motor Vehicles.

SENATE BILL 15 (SENATOR EDWARDS): DSS TO GIVE NOTICE OF AVAILABLE TAX CREDITS TO ASSISTANCE RECIPIENTS

This bill adds section 63.2-527 to the Code of Virginia, requiring the Department of Social Services (DSS) to give notice regarding the availability of federal earned income tax credit and state earned income tax credits to recipients of TANF, food stamps, or medical assistance information who did not claim earned income tax credits. DSS will mail this notice annually.

SENATE BILL 35 (SENATOR DEEDS): ALTERATION OF RECOUNT PROCEDURES

This legislation amends section 24.2-802 of the Code of Virginia, requiring recount officials to ensure logic and accuracy tests on the machines are performed before ballots are rerun through them in the event of an election recount on optical scan tabulator voting devices. Unless a court finds sufficient cause to find otherwise, the result from the recount will be considered correct.

SENATE BILL 44 (SENATOR MILLER): AFTER-SCHOOL PROGRAMS TO PREVENT GANG-RELATED ACTIVITY

This bill adds section 22.1-199.5 to the Code of Virginia, allowing local school boards to design after school programs aimed at preventing students from engaging in illegal or gang-related activities. Funds appropriated for primary and secondary education may be used to finance these programs.

SENATE BILL 53 (SENATOR WHIPPLE): PERMITTING LOCALITIES TO PURCHASE APPROVED POLLBOOKS

This legislation amends section 24.2-611 of the Code of Virginia, allowing localities to buy Commonwealth-approved electronic pollbooks using their own funds. Electronic pollbooks could previously only be obtained by localities through the Commonwealth.

SENATE BILL 62 (SENATOR HOWELL): REQUIREMENT OF RECEIPT FOR VOTER REGISTRATION

This legislation amends section 24.2-416.2 of the Code of Virginia and adds section 24.2-318.2, requiring state voter registration forms to include a receipt that will be given to an applicant upon completion. The receipt will include the name of the office or person receiving the application and contact information for either the general registrar or the State Board of Elections. A receipt will not be required if the voter application is mailed directly to the State Board of Elections.

SENATE BILL 67 (SENATOR HOWELL): PARENTAL ADMISSION OF MINORS INCAPABLE OF GIVING CONSENT FOR INPATIENT TREATMENT

This legislation amends sections 16.1-336 and 16.1-339 of the Code of Virginia, defining “minors incapable of making an informed decision” as persons fourteen years old or older who are unable to understand the nature, degree, or consequences of inpatient treatment for mental illness compared to alternative treatments. Parents of minors included within this definition

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may admit their children to a willing facility for up to seventy-two hours pending evaluation and judicial approval.

This bill is identical to *House Bill 400* (Delegate Hamilton).

SENATE BILL 113 (SENATOR MCDUGLE): MAXIMUM SUSPENSION FOR DRIVING WITHOUT A LICENSE

This bill amends section 46.2-300 of the Code of Virginia, prohibiting courts from suspending the driving privileges of a person convicted of driving without a license for more than ninety days.

SENATE BILL 116 (SENATOR MCDUGLE): CHANGES IN DEPARTMENT OF MOTOR VEHICLE SERVICE CHARGES

This legislation adds section 46.2-214.2 to the Code of Virginia, requiring, with some exceptions, the Department of Motor Vehicles (DMV) to collect a higher service charge on some transactions. The additional \$5 charge will be levied upon any person who renews registration of a vehicle in person if the registration could have been carried out by mail, phone, or other electronic means or by going through a specially designated agent of the DMV. This bill also alters section 46.2-330 of the Code to allow drivers licenses to expire after five years rather than eight.

SENATE BILL 132 (SENATOR HOUCK): GOVERNMENT DATA COLLECTION AND DISSEMINATION PRACTICES ACT

This bill amends section 2.2-3801, 2.2-3808, 2.2-3809, and 16.1-77 of the Virginia Code to prohibit any agency from requiring an individual to disclose his social security number or driver's license number unless the disclosure is authorized or required by state or federal law and essential to the performance of that agency's duties.

This bill is identical to *House Bill 634* (Delegate May).

SENATE BILL 141 (SENATOR EDWARDS): STATE HOSPITAL DISCHARGE PLANS

This legislation amends section 37.2-837 of the Code of Virginia, addressing discharges from state hospitals or training centers. Any person discharged from a state hospital after receiving mental treatment must have a discharge plan including available mental health, substance abuse, and educational services, as well as the agencies agreeing to provide these services.

SENATE BILL 171 (SENATOR BLEVINS): ADOPTION RIGHTS OF FORMER STEP-PARENTS

This legislation amends section 63.2-1201 of the Code of Virginia, allowing a former step-parent who stood in locus parentis to the child to adopt as if he was still the step-parent of the child. This section applies whether the marriage was dissolved, voided, or annulled, even if the person seeking to adopt has been remarried.

SENATE BILL 191 (SENATOR HERRING): CERTAIN VOLUNTEER POLICE EXEMPT FROM LICENSE FEES

This legislation amends section 46.2-752 of the Code of Virginia, exempting members and former members of authorized police volunteer citizen support units from vehicle license fees imposed by counties, cities, and towns. This section previously did not recognize such units, but did exempt former volunteer fire department and rescue squad members. Members and former members of police volunteer citizen support units must have served at least ten years in the locality to be eligible for the exemption.

**SENATE BILL 200 (SENATOR PULLER): DOC TO DEVELOP
AND IMPLEMENT COMPREHENSIVE REENTRY PLANS**

This bill adds section 53.1-32.2 to the Code of Virginia, requiring the Department of Corrections (DOC) to develop and implement a comprehensive reentry plan for each inmate. The plan will identify educational, vocational, therapeutic, and other programs necessary to prepare the person for successful transition from prison to society.

This bill is identical to *House Bill 651* (Delegate Wright).

**SENATE BILL 208 (SENATOR STOSCH): REQUIREMENT OF
REDUCED IGNITION PROPENSITY CIGARETTES**

This new legislation adds sections 59.1-293.1 through 59.1-293.9 to the Code of Virginia, requiring the testing and certification of cigarettes for reduced ignition propensity. Cigarettes not meeting these requirements cannot be sold or offered for sale in Virginia unless they are part of the existing inventory or part of a consumer test. Cigarette testing should conform to the American Society of Testing and Materials Standard and include written certification. The cigarette packages must reflect compliance with these standards, and the manufacturer must pay a fee for each type of cigarette certified. This does not prohibit the presence of cigarettes failing to meet these standards in Virginia so long as the packages were stamped for sale outside of Virginia. This legislation does not take effect until January 1, 2010.

This bill is identical to *House Bill 228* (Delegate Cosgrove).

**SENATE BILL 210 (SENATOR STOSCH): FOIA EXEMPTION
FOR AUDIT RECORDS OF THE DEPARTMENT OF
TRANSPORTATION**

This bill amends section 2.2-3705.6 of the Code of Virginia, excluding certain trade secrets from FOIA, including private financial statements and revenue and costs projections supplied by a non-governmental entity to the

Department of Transportation (DOT) for an audit, special investigation, or study. This section applies to trade secrets as defined in section 59.1-336 of the Uniform Trade Secrets Act and requires the non-governmental entity to make a written request to DOT.

SENATE BILL 216 (SENATOR EDWARDS): FIREARM RESTRICTIONS FOR THE MENTALLY ILL

This legislation amends sections 18.2-308.1:3, 19.2-169.2, 37.2-814, and 37.2-819, requiring clerks of court to forward involuntary inpatient and outpatient mental health treatment records to the Central Criminal Records Exchange. Persons ordered to obtain such mental treatment are barred from purchasing, possessing, or transporting firearms. Persons found incompetent to stand trial are also barred from purchasing, possessing, or transporting firearms. Such persons may petition the general district court to have their right to bear arms restored, but the court will not grant the petition if it finds the person to be dangerous to the public. Clerks of the court will forward any court orders restricting or restoring any person's right to bear arms to the Central Criminal Records Exchange.

SENATE BILL 222 (SENATOR MCDOUGLE): FIREARM RESTRICTIONS FOR JUVENILE DELINQUENTS

This bill amends section 18.2-308.2 of the code of Virginia, providing that juvenile delinquents convicted of certain felonies are not allowed to possess firearms after the age of twenty-nine, regardless of the date of conviction. Previously, this prohibition existed only for juvenile delinquents convicted after July, 2005.

SENATE BILL 226 (SENATOR MCDOUGLE): MENTAL ILLNESS DISCLOSURES REQUIRED TO PURCHASE FIREARMS

This legislation amends section 18.2-308.1:1 and 18.2-308.2:2 of the

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Code of Virginia, describing the consent form required for all firearms purchased from dealers. It adds questions concerning the applicant's mental health history, including whether the applicant was ever acquitted by reason on insanity, adjudicated legally incompetent or mentally incapacitated, or received inpatient or outpatient mental health treatment involuntarily.

This bill is identical to *House Bill 709* (Delegate Janis).

SENATE BILL 227 (SENATOR MCDOUGLE): MINOR CONSENT FOR HEPATITIS AND HIV TESTING

This new legislation amends section 32.1-45.1 of the Code of Virginia, providing that a minor sought for hepatitis and HIV testing can refuse to provide a blood specimen. Consent, however, may be provided by the parent, guardian, or person standing in loco parentis. If the parent is not available, the school official exposed to the fluids may petition the court to order the minor to provide a specimen.

This bill is identical to *House Bill 1213* (Delegate Melvin).

SENATE BILL 228 (SENATOR MCDOUGLE): EMS PERSONNEL ADDED TO LIST OF MANDATORY REPORTERS

This legislation amends section 63.2-1509 of the Code of Virginia, adding Emergency Medical Services (EMS) Personnel as mandatory reporters of child abuse or neglect. This inclusion does not apply if EMS personnel immediately report the matter directly to the attending physician of the hospital, who will instead make the report.

SENATE BILL 247 (SENATOR HOWELL): APPOINTMENT OF COUNSEL AND GUARDIANS TO MENTALLY ILL MINORS

This bill amends section 16.1-339, 16.1-341, and 16.1-343 of the Code of Virginia, requiring courts to appoint counsel and guardians ad litem for minors in involuntary commitment hearings, even over the minor's objections.

SENATE BILL 249 (SENATOR HOWELL): INDEPENDENT LIVING PLANS FOR CHILDREN OF FOURTEEN YEARS OLD OR OLDER

This bill amends sections 16.1-228, 16.1-281 through 16.1-282.2, 63.2-100, 63.2-904 through 63.2-906, and 63.2-1813 of the Code of Virginia, requiring that all foster care plans for children fourteen years of age or older include an independent living plan. This plan will describe the child's needs and goals in the areas of counseling, education, housing, employment, and money management skills development, along with a list of independent living services that will be provided to help achieve these goals.

This bill is identical to *House Bill 149* (Delegate Fralin).

SENATE BILL 251 (SENATOR MILLER): WAIVER OF TANF INELIGIBILITY PERIOD

This legislation amends section 63.2-612 of the Code of Virginia, waiving the twenty-four-month ineligibility for TANF financial assistance if a child is removed from the parents' home and placed with a relative as a result of a child protective services report or complaint. The relative with whom the child is placed is eligible to receive TANF payments immediately, without waiting for the twenty-four-month ineligibility period to run.

SENATE BILL 256 (SENATOR DEEDS): CRISIS AND EMERGENCY MANAGEMENT PLANS FOR HIGHER EDUCATIONAL INSTITUTIONS

This new legislation adds section 23-9.2:9 to the Code of Virginia, requiring public higher educational institutions to develop and keep current a crisis and emergency management plan. The plan should be reviewed every four years and should include coordination with local and state emergency organizations plan. It also amends section 44-146.18 of the Virginia Code by including these plans in the scope of the Department of Emergency Management.

SENATE BILL 291 (SENATOR HERRING): REGISTRATION FOR COMPANY CARS OF AUTO MANUFACTURERS

This legislation amends sections 46.2-1548 through 46.2-1550 and 58.1-2403 and adds section 46.2-602.2 to the Code of Virginia, prohibiting the motor vehicle sales and use tax from being imposed on cars titled in the name of an auto manufacturer with its headquarters in Virginia with some exceptions. These cars would be subject to the state merchants' capital tax. The bill also exempts such company vehicles of auto manufacturers with a headquarters in Virginia from paying most titling fees.

SENATE BILL 292 (SENATOR HERRING): USE OF OPTICAL SCAN TABULATOR VOTING MACHINES

This legislation amends section 24.2-669 of the Code of Virginia and adds section 24.2-671.1, requiring the State Board of Elections to provide for pilot programs in at least one locality of a post-election study on the accuracy of optical scan tabulator voting machines. The study is relegated to localities in which the margin of victory for the winning candidate was greater than ten percent and can only occur after the period to initiate a recount has expired.

SENATE BILL 307 (SENATOR REYNOLDS): DISCLOSURE OF PERSONAL DATA BREACHES

This legislation amends section 18.2-186.6 of the Code of Virginia, requiring entities storing people's personal information in computerized databases to notify the Office of the Attorney General (OAG) and the affected resident(s) of Virginia if an unauthorized person breaches a system and the entity reasonably believes that the breach will lead to identity theft or other fraud. The OAG may fine an entity up to \$150,000 for breaches it discovers during an investigation. An entity may delay giving notice if a law enforcement agency determines that giving notice will impede a criminal investigation or compromise national security.

This bill is identical to *House Bill 1469* (Delegate Byron).

SENATE BILL 315 (SENATOR EDWARDS): OFFICE OF THE CHILDREN'S OMBUDSMAN

This legislation creates sections 2.2-214.2 through 2.2-214.4 in the Code of Virginia, creating an Office of the Children's Ombudsman. This office is intended to investigate and resolve public complaints arising from the actions or inactions of child-serving agencies. The office will also promote improvement in the administration of children's services, including identifying and disseminating best practices and recommending policy and legislative changes. This bill was a recommendation of the Virginia Commission on Youth.

This bill is identical to *House Bill 1131* (Delegate Fralin).

SENATE BILL 362 (SENATOR WATKINS): REMOVAL OR TAMPERING OF CARBON MONOXIDE DETECTORS

This bill amends sections 55-248.16 and 55-248.18 of the Code of Virginia, prohibiting removal of or tampering with a landlord-installed carbon monoxide detector by a tenant. This legislation also adds these detectors to the list of safety devices a tenant may install, provided installation does not permanently damage the structure and the landlord is given operating instructions. This bill is a recommendation of the Virginia Housing Commission.

SENATE BILL 382 (SENATOR MARTIN): SALE OF FIREARMS TO NON-U.S. CITIZENS

This bill amends section 18.2-308.2:01 and 18.2-308.2:1 of the Code of Virginia, elevating the punishment for the sale of firearms to any non-United States citizen to a Class Six felony.

SENATE BILL 452 (SENATOR PETERSEN): REPORT REQUIREMENT OF POLITICAL ACTION COMMITTEES

This legislation amends sections 24.2-945.1, 24.2-947.4, 24.2-949, 24.2-

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292.9:2, 24.2-950.1, 24.2-950.4, and repeals 24.2-950.5 of the Code of Virginia, requires campaign committees, political action committees, certain political party committees, and out-of-state political committees to include the amount contributed, a description of the purpose of the expenditure, and the name of donors giving designated contributions from other political action committees, out-of-state political committees, or federal political action committees in finance reports. A designated contribution is, according to this bill, one that is “designed specifically and in writing for a particular candidate... and that is made using a political action committee solely as a conduit.” This bill will become effective January 1, 2009.

This bill is identical to *House Bill 359* (Delegate Cole).

SENATE BILL 473 (SENATOR HANGER): FINANCING OF PARK AND RECREATION PROJECTS

This legislation amends sections 62.1-198 and 62.1-199 of the Code of Virginia, allowing the Virginia Resources Authority to encourage the investment of both public and private funds to the creation of parks and recreations projects.

This bill is identical to *House Bill 723* (Senator Hanger).

SENATE BILL 479 (SENATOR HANGER): COMPREHENSIVE SERVICES ACT

This bill amends section 2.2-2649 of the Code of Virginia, revising the Comprehensive Services Act to improve the provision of services to at-risk youth and families. It requires the Director of the Office of Comprehensive Services for At-Risk Youth and Families to identify, disseminate, and provide annual training for office staff and other interested parties on best practices.

This bill accompanies *Senate Bill 483* and *Senate Bill 487* (Senator Hanger)

SENATE BILL 483: COMPREHENSIVE SERVICES ACT

This legislation amends sections 2.2-2648, 2.2-2649, 2.2-5206, 2.2-5210, 37.2-308, and 63.2-226 of the Code of Virginia, relating to the Comprehensive Services Act. It requires uniform data collection by the State Executive Council for Comprehensive Services for At-Risk Youth and Families and mandates the establishment of a uniform set of performance measures by which to evaluate the CSA program. This bill also requires the Council to oversee the development and distribution of management reports to provide evaluation information to the public.

This bill accompanies *Senate Bill 479* and *Senate Bill 487* (Senator Hanger).

SENATE BILL 487: COMPREHENSIVE SERVICES ACT

This bill amends sections 2.2-2648, 2.2-5206, and 2.2-5208 of the Code of Virginia, relating to the Comprehensive Services Act. It requires the Council to oversee the development and implementation of mandatory uniform guidelines for intensive care coordination services for children at risk of entering or placed into residential care through the CSA program.

This bill accompanies *Senate Bill 479* and *Senate Bill 487* (Senator Hanger). This bill is identical to *House Bill 503* (Delegate Hamilton).

SENATE BILL 493 (SENATOR PULLER): MINIMUM TRAINING REQUIREMENTS FOR DSS

This bill adds sections 63.2-914 and 63.2-1220.1 to the Code of Virginia, requiring the Department of Social Services to establish minimum training requirements and provide educational programs for foster care and adoption workers.

**SENATE BILL 499 (SENATOR NORTHAM): INMATES
PERMITTED TO WORK ON PRIVATE PROPERTY**

This legislation amends section 53.1-129 of the Code of Virginia, allowing jail inmates to perform work on private property utilized by any 501(c)(3) nonprofit organization. This decision is left to the circuit and district courts of Virginia.

**SENATE BILL 508 (SENATORS NORTHAM AND WHIPPLE):
ELECTRONIC TRANSMISSION OF ABSENTEE BALLOTS**

This bill amends section 24.2-706 of the Code of Virginia, allowing voters residing or stationed outside the continental United States and who are qualified under the federal Uniformed and Overseas Citizens Absentee Voting Act to receive a blank ballot, the form for the envelope for returning the marked ballot, and voting instructions by electronic transmission if so requested. The method of returning completed ballots is not altered by this legislation.

This bill is identical to *House Bill 798* (Delegate Englin).

**SENATE BILL 509 (SENATORS NORTHAM AND EDWARDS):
SECURING OF VOTING EQUIPMENT**

This legislation amends section 24.2-659 and 24.2-682 of the Code of Virginia, changing the required period of locking and sealing election devices following an election. Devices must remain locked and sealed until the deadline to request a recount under the Code has passed. Previously, law required devices to be secured for fifteen days after the election results had been ascertained. This bill also reduces the number of days before a general or primary election can be held that a special election can occur. Previously, no special elections were allowed within sixty days before a primary or general election. This legislation lowers that number to fifty-five.

This bill is identical to *House Bill 1235* (Delegate Bouchard).

SENATE BILL 517 (SENATOR CUCINELLI): CONTRACTOR'S DUTY TO DISCLAIM THE HIRING OF ILLEGAL IMMIGRANTS

This legislation amends section 2.2-4311.1 of the Code of Virginia, requiring all contracts for goods and services in Virginia to contain language stating that the contractor will not knowingly employ an unauthorized alien.

This bill is identical to *House Bill 1298* (Frederick).

SENATE BILL 536 (SENATOR BARKER): TESTING OF VOTING EQUIPMENT

This bill amends section 24.2-629 of the Code of Virginia, requiring the Board of Elections to include a finding of whether issues of reliability and security identified with the system by other state governments have been adequately addressed by a vendor in a report assessing whether there is a potential for approval of the vendor's electronic voting equipment. The measure requires examination of the electronic devices by election management and computer system security experts as a condition of certification. The bill also allows the Board of Elections to decertify any voting system on a discretionary basis.

SENATE BILL 538 (SENATOR OBENSHAIN): FIRST WARNING NOTIFICATION SYSTEMS IN HIGHER EDUCATIONAL INSTITUTIONS

This legislation adds section 23-9.2:9 to the Code of Virginia, requiring every public school of higher education to establish a complete and dependable system for the emergency notification of students, faculty, and staff. Such systems may rely on website announcements, email notices, cell phone calls, text messages, or other means of communication, but must be available to individuals on and off campus. The plans must be established by January 1, 2009 and designate trained individuals authorized to activate the system.

SENATE BILL 539 (SENATOR OBENSHAIN): PREVENTION OF VIOLENCE AT HIGHER EDUCATIONAL INSTITUTIONS

This legislation adds section 23-9.2:9 to the Code of Virginia, requiring public colleges and universities to institute policies and procedures for preventing violence on campus. Additionally, each higher educational institution must establish a violence prevention committee charged with providing guidance at dealing with threatening behavior, as well as a threat assessment team made up of members from law enforcement, mental health professionals, representatives of student affairs and human resources, and college or university counsel.

SENATE BILL 563 (SENATOR OBENSHAIN): CIRCUIT COURT DECISION-MAKING DEADLINES

This bill amends section 17.1-107, requiring circuit court judges to inform parties of the expected time of their decision if one is not reached within ninety days of the case's final submission. Any party may report a judge violating this law to the Chief Justice of the Virginia Supreme Court, who may designate another judge to provide assistance in the matter. This bill was introduced as a recommendation of the Boyd-Graves Conference.

SENATE BILL 570 (SENATOR SASLAW): HIGH OCCUPANCY TOLL LANES ENFORCEMENT REVISED

This legislation amends sections 33.1-56.1 and 33.1-56.3 of the Code of Virginia, setting penalties for the presence of unauthorized vehicles in specially-designated high-occupancy toll (HOT) lanes on Virginia roadways. The Code previously provided for use of these lanes for emergency, law-enforcement, and mass transit vehicles. A photo-enforcement system will

record images of vehicles using HOT lanes. The bill sets out graduated

penalties for drivers depending on how many times they have improperly used the lanes.

This bill is identical to *House Bill 454* (Delegate Rust).

SENATE BILL 576 (SENATOR SASLAW): SECURITY FREEZES ON CREDIT REPORTS

This legislation adds sections 59.1-444.1 and 59.1-444.2 to the Code of Virginia, allowing for security freezes to credit reports. A consumer may request a security freeze on his/her credit report by sending a request to a consumer reporting agency in writing. The written notification should be supplemented with proper identification and a fee of no more than \$10. The freeze should occur within one business day and send written confirmation within ten business days. A consumer can allow limited access during a security freeze as well. The credit reporting agency can report that a security freeze is in effect to a third party.

This bill is identical to *House Bill 1311* (Delegate Byron).

SENATE BILL 588 (SENATOR PUCKETT): DEVELOPMENT OF DATABASE FOR PAYDAY LOANS

This legislation amends and adds various provisions to the Virginia Code. It requires the development and maintenance of a database with payday loan information in section 6.1-453.1. It amends section 6.1-459 to require payday loan agreements to state any interest or fee charged subsequent to the transaction, sets the loan term of at least two times the borrower's pay cycle, and limits the number of payday loans extended. It also restricts the extension of a payday loan to members of military services, including spouses and dependents. It details the procedures acceptable when making a payday loan and the payment plan options. The amendments to section 6.1-460 and 6.1-461 specify the interest and fees possible on loans. The additional provisions in sections 6.1-467 and 6.1-469 address the availability of fines for violations on the part of the lender as well as any private civil action. Further, section 6.1-469.1 extends the reach of these provisions to lenders using the internet to provide loans to

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Virginia residents. Only the database requirement takes effect July 1, 2008; the remaining amendments and additions taking effect on July 1, 2009.

This bill is identical to *House Bill 12* (Delegate Oder).

SENATE BILL 593 (SENATOR NORMENT): FOIA EXEMPTION FOR CONFIDENTIAL ECONOMIC DEVELOPMENT RECORDS

This legislation amends section 2.2-3711 of the Code of Virginia, exempting discussion of economic development records from FOIA requirements. It will allow discussion of such records to occur in meetings closed to the public.

SENATE BILL 633 (SENATOR TICER): CHILD SUPPORT OBLIGATIONS OF PRISONERS

This bill adds section 53.1-31.2 to the Virginia Code, requiring the Department of Corrections to provide the Division of Child Support Enforcement with an annual list of prisoners. The Division will identify which prisoners are required to pay child support so that the Department may remind them of these obligations upon the termination of incarceration.

SENATE BILL 637 (SENATOR TICER): ANIMAL CONTROL OFFICERS INCLUDED AS MANDATORY REPORTERS

This bill amends section 63.2-1509 of the Code of Virginia, making animal control officers mandatory reporters of suspected child abuse or neglect.

SENATE BILL 640 (SENATOR TICER): MENTAL HEALTH EDUCATION AS PART OF FAMILY LIFE EDUCATION

This legislation amends section 22.1-207.1 of the Code of Virginia, adding instruction on mental health education and awareness to the existing

family life education curriculum.

**SENATE BILL 669 (SENATOR DEEDS): NATIONAL CRIMINAL
BACKGROUND CHECKS BY ABC**

This legislation amends section 4.1-230 of the Code of Virginia, allowing Alcoholic Beverage Control agents to conduct a fingerprint-based national criminal history records search when conducting background checks for the purpose of issuing a license. It also changes the cost

of the license application fee over \$64 from \$20 to the actual cost charged to the Department of State Police by the Federal Bureau of Investigations or Central Criminal Records Exchange.

**SENATE BILL 704 (SENATOR PULLER): GIFTS AND
DONATIONS BY LOCALITIES TO SUPPORT PUBLIC PARKS,
LIBRARIES, OR LAW ENFORCEMENT**

This legislation amends section 15.2-953 of the Code of Virginia, allowing a locality to give funds to a nonprofit organization for the purpose of public parks, libraries, or law enforcement.

**SENATE BILL 715 (SENATOR HOWELL): PROHIBITION ON
COUNTIES AND CITIES ABOLISHING OR CREATING
PRECINCTS**

This bill amends section 24.2-309.2 of the Code of Virginia, prohibiting localities from creating, dividing, abolishing, or consolidating election precincts from February 1, 2009 until May 15, 2011. Precincts may be altered by law if the boundaries of the locality change, if a court so orders, if a locality's form of government changes, or there is a net change in the number of local election districts other than at-large districts.

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SENATE BILL 760 (SENATOR WAGNER): DVS REQUIRED TO ESTABLISH GUIDELINES FOR ELIGIBILITY

This legislation amends sections 2.2-2001, 2.2-2004, 2.2-2452, 2.2-2681, 2.2-2682, 2.2-2715, and 2.2-2716 of the Code of Virginia, requiring the Department of Veterans Services to establish guidelines for the determination of eligibility to participate in the department's programs.

SENATE BILL 785 (SENATOR BLEVINS): REPEAL OF PROVISION REQUIRING INSURANCE COVERAGE FOR BREAST CANCER TREATMENTS

This bill repeals section 38.2-3418.1:1 of the Code of Virginia, revoking the requirement that group health insurance policies provide coverage for breast cancer treatment by bone marrow and stem cell transplants. It also amended section 2.2-2818 of the Code of Virginia, striking the provision requiring state employee health insurance to include coverage for breast cancer in the form of bone marrow transplants and stem cell support.

SENATE BILL 793 (SENATOR COLGAN): NOTARY PUBLIC MAY ADMINISTER OATH TO STATE OFFICERS

This bill amends section 49-3 of the Code of Virginia to allow a notary public to administer an oath of office to a deployed member of the United States Armed Forces or civilian deployed by the United States Department of Defense.

This bill is identical to *House Bill 1575* (Delegate Marshall).

SENATE BILL 797 (SENATOR PUCKETT): NOTICE REQUIRED FOR ACCELERATION OF BALANCE ON HIGH-RISK MORTGAGE LOANS

This legislation adds section 55-59.1:1 to the Code of Virginia, addressing notice for high-risk mortgage loans. Under this section, a high-risk mortgage loan requires notice at least ten business days prior to the acceleration of a due balance.

SENATE BILL 799 (SENATOR SASLAW): EMERGENCY PERSONNEL NOT REQUIRED TO BE IN VEHICLE FOR MOVE OVER LAW TO APPLY

This legislation alters section 46.2-921.1 of the Code of Virginia, requiring drivers on a roadway with two lanes going in the same direction to move to the lane not adjacent to a stationary emergency vehicle even if the vehicle is unoccupied. This requirement applies whether or not the emergency vehicle is in a travel lane.