

2017 Bills of Interest

Passed or Considered
by the
2017 Session
of the
General Assembly of Virginia

Legislative Update Panel

from the Senate of Virginia
The Honorable Mark D. Obenshain
The Honorable William M. Stanley, Jr.

from the House of Delegates
The Honorable David B. Albo
The Honorable Gregory D. Habeeb
The Honorable Terry G. Kilgore



Virginia Trial Lawyers Association
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VTLA BILLS OF INTEREST – 2017 GENERAL ASSEMBLY SESSION

TABLE ON CONTENTS

General Practicepage 3

Tort Lawpage 7

Medical Malpracticepage 14

Mental Healthpage 17

Insurance Lawpage 21

Workers Compensationpage 24

Consumer Lawpage 26

Judicial Administrationpage 29

Family Lawpage 30

Long Term Care.....page 34

Business/Commercial Lawpage 35

Employment Lawpage 35

Criminal Lawpage 37

GENERAL PRACTICE

HB 1411 Withdrawal of privately retained counsel. Allows a privately retained counsel in a criminal case to withdraw from representation without leave of court after certification of a charge by a district court by providing written notice within 10 days of the certification to the client, the attorney for the Commonwealth, and the circuit court. The bill also directs the Judicial Council to review the current process for withdrawal of privately retained counsel in civil cases and submit a report by November 1, 2017, to the Chairmen of the House and Senate Committees for Courts of Justice. **PASSED**

HB 1516 Surviving spouse's elective share; homestead allowance benefit. Provides that if a surviving spouse of a decedent dying on or after January 1, 2017, claims and receives an elective share, the homestead allowance available to the spouse shall be in addition to any benefit or elective share passing to such surviving spouse. The bill provides consistency with other provisions of Article 1.1 (§ 64.2-308.1 et seq.) of Chapter 3 of Title 64.2, which governs the elective share of the surviving spouse of a decedent dying on or after January 1, 2017, which was enacted in 2016. The bill contains an emergency clause. This bill is identical to [SB 1177](#). **PASSED**

HB 1448 Qualified trustee of self-settled spendthrift trusts. Allows any legal entity authorized by law to act as a trustee to serve as a qualified trustee of a self-settled spendthrift trust. Under current law, only a

natural person who resides in the Commonwealth or a legal entity authorized to engage in trust business (i.e., a bank or trust company) may serve as a qualified trustee. **PASSED HOUSE, FAILED SENATE**

HB 1524 Special conservators of the peace; liability insurance. Requires that each person registered as or seeking registration as a special conservator of the peace be covered by a policy of (i) personal injury liability insurance, (ii) property damage liability insurance, and (iii) miscellaneous casualty insurance that includes professional liability insurance that provides coverage for any activity within the scope of the duties of a special conservator of the peace, in an amount and with coverage for each as fixed by the Criminal Justice Services Board. **PASSED**

HB 1546 Juror information; confidentiality. Limits to name and home address the personal information of a juror impaneled in a criminal case that the court may only regulate the disclosure of upon a showing of good cause, which includes a likelihood of bribery, tampering, or physical injury to or harassment of a juror. The bill limits the release of any additional personal information, defined in the bill as any information other than a name and home address, of a juror impaneled in a criminal case to the counsel of record in the case or a pro se defendant. The bill also provides that the court may, upon the motion of either party or its own motion, and for good cause shown, authorize the disclosure of such personal information to any other person, subject to any restrictions imposed

by the court on further dissemination of such personal information. **PASSED**

HB 1608 Uniform Fiduciary Access to Digital Assets Act. Creates the Uniform Fiduciary Access to Digital Assets Act. The bill allows fiduciaries to manage digital property like computer files, web domains, and virtual currency, and restricts a fiduciary's access to electronic communications such as email, text messages, and social media accounts unless the original user consented to such access in a will, trust, power of attorney, or other record. The bill repeals the Privacy Expectation Afterlife and Choices Act, which was enacted in 2015. This bill is identical to [SB 903](#). **PASSED**

HB 1617 Legal malpractice; estate planning. Provides that the statute of limitations for legal malpractice related to estate planning is five years if the legal representation was based on a written contract and three years if the legal representation was based on an unwritten contract. The bill provides that the accrual date for such an action is the date of completion of the representation. The bill further provides that a person who is not party to the representation shall have standing to maintain such an action only if there is a written agreement between the individual who is the subject of the estate planning and the defendant that expressly grants standing to such person. This bill is in response to *Thorsen v. Richmond Society for the Prevention of Cruelty to Animals*, 786 S.E.2d 453 (Va. 2016). This bill is identical to [SB 1140](#). **PASSED**

SB 870 Electronic filing of land records; fee for paper filing. Provides that a clerk of a circuit court that has established an

electronic filing system for land records may charge a fee not to exceed \$5 per instrument for every land record filed by paper. This bill is identical to [HB 2035](#). **PASSED**

SB 874 Attorney discipline; procedures. Conforms the statutory procedures for disciplining attorneys to the Rules of Supreme Court of Virginia. **PASSED**

HB 1618 Nonexoneration of debts on property of decedent; notice to creditor and beneficiaries. Provides a procedure by which a personal representative of a decedent's estate may notify a creditor of a debt on certain property in the decedent's estate that such property passes without the right of exoneration. The bill provides the method by which such notice shall be sent. The bill provides that if such procedure is used, the creditor may file a claim for such debt with the commissioner of accounts, and if the creditor does not timely file such claim, the personal representative shall be liable for the debt up to an amount not exceeding the assets of the decedent remaining in possession of the personal representative and available for application to the debt. The bill does not have an effect on either the liability of the estate for such debt to the extent of the decedent's assets remaining at the time a claim is filed or the liability of the beneficiaries that receive the decedent's assets to the extent of such receipt. This bill is identical to [SB 1176](#). **PASSED**

HB 1646 Form of garnishment summons; maximum portion of disposable earnings subject to garnishment. Provides that the form of garnishment summons will state that an employee who makes the minimum wage or less for his week's earnings will

ordinarily get to keep 40 times the minimum hourly wage when such earnings are subject to a garnishment, not 30 times as stated in Title 8.01, Civil Remedies and Procedures. The bill is intended to reflect the current statutory requirement for exemptions in Title 34, Homestead and Other Exemptions, and is technical in nature. The bill further directs the Office of the Executive Secretary of the Supreme Court to update the form of garnishment summons accordingly. This bill is identical to [SB 1333](#). **PASSED**

HB 1713 Secure remote access to nonconfidential court records; date of birth verification. Provides that the Supreme Court and any other court clerk may provide online access to subscribers who have entered into an agreement with the clerk to have secure remote access to court records of nonconfidential criminal case information to confirm the complete date of birth of a defendant. This bill is identical to [SB 1044](#). **PASSED**

HB 2276 Death certificate; amendments. Establishes a process for amending death certificates to change the name of the deceased, the deceased's parent or spouse, or the informant; the marital status of the deceased; or the place of residence of the deceased when the place of residence is outside the Commonwealth. This bill is identical to [SB 1048](#). **PASSED**

HB 2324 Payment of jurors; prepaid debit card or card account. Adds payment by credit to a prepaid debit card or card account to the methods by which a juror may be paid. The bill requires that, where

such method is used, such card or card account permit the juror to make at least one withdrawal or transfer without incurring a fee. **PASSED**

SB 946 Appeal to Supreme Court; time frame for filing of petition. Expresses the time frame within which petitions for appeal from a final judgment of a trial court or the State Corporation Commission to the Supreme Court shall be filed, currently expressed in months, in an equivalent number of days. As introduced, the bill is a recommendation of the Judicial Council. **PASSED**

SB 947 Petition for appeal to Supreme Court; time period within which petition must be presented. Authorizes the Supreme Court of Virginia to grant a 30-day extension of the deadline for presentation of the petition for appeal in all cases for good cause shown. Under current law, the Court may grant an extension in criminal cases only. The bill also converts all time periods expressed as months to equivalent days to reduce any ambiguity. This bill is a recommendation of the Judicial Council of Virginia. **PASSED**

SB 1341 Digital certification of government records. Provides for the Secretary of the Commonwealth, in cooperation with the Virginia Information Technologies Agency to develop standards for the use of digital signatures the authentication of digital records by state agencies. The bill further provides that state agencies may provide copies of digital records, via a website or upon request and may charge a fee of \$5 for each digitally certified copy of a record. Any digitally certified record submitted to a court in the Commonwealth shall be deemed to be

authenticated by the custodian of the record. **PASSED**

HB 1654 Examining and approving a statement in lieu of the settlement of accounts; fee for commissioner of accounts. Removes the provision that allows the commissioner of accounts to charge a fee of up to \$75 for the examination and approval of a statement in lieu of the settlement of accounts. This bill is a recommendation of the Judicial Council. **PASSED**

SB 1153 Inverse condemnation proceeding; reimbursement of owner's costs. Directs the court to reimburse a plaintiff for the costs of an inverse condemnation proceeding for "damaging" property if a judgment is entered for the plaintiff. Under current law, the court is directed to award costs only for the "taking" of property. The change made in this bill corresponds with the language of amendments to Article I, Section 11 of the Constitution of Virginia, which became effective on January 1, 2013. **PASSED**

HB 1523 Appointment of substitute judges; district courts. Requires substitute judges for the general district and juvenile and domestic relations district courts to be appointed by the chief judges of those courts instead of the chief judge of the circuit court. **FAILED**

HB 1584 Solicitation of professional employment; person charged with traffic infraction or reckless driving. Provides that it is unlawful for an attorney to solicit professional employment from a person charged with a traffic infraction or reckless driving until 30 days after a summons

containing the charge is issued to such person. **FAILED**

SB 823 Service of process; multifamily residential real estate and common interest communities. Requires an employee or agent of an owner of multifamily residential real estate or a common interest community to grant entry into such property to a person attempting to execute service on a person who resides in, occupies, or is known to be present in such property. **FAILED**

SB 913 Uniform Trust Decanting Act; creation. Codifies the Uniform Trust Decanting Act, which governs a trustee's ability to distribute assets from one trust into a second trust. **FAILED**

SB 924 Government Data Collection and Dissemination Practices Act; collection and use of personal information by law-enforcement agencies. Provides that, unless a criminal or administrative warrant has been issued, law-enforcement and regulatory agencies shall not use surveillance technology to collect or maintain personal information where such data is of unknown relevance and is not intended for prompt evaluation and potential use regarding suspected criminal activity or terrorism by any individual or organization. **FAILED**

HB 1643 Electronic wills. Provides a process for the execution of an electronic will, which has the same force and effect as a traditional, written will. The bill requires the electronic will to be stored in an "authoritative electronic record," kept under the control of a "qualified custodian," and contain the electronic signature of the testator and the electronic signatures of

either two witnesses or a notary public. The bill defines the terms "authoritative electronic record," "certified paper original," and "qualified custodian." **FAILED**

HB 1648 Notice by trustee required before foreclosure sale; tenant of property subject to sale. Requires a trustee to give written notice to any tenant living in property subject to foreclosure. The bill provides the contents of such written notice and requires the trustee to serve such notice at least 30 days prior to a foreclosure sale by mail or hand delivery. **FAILED**

HB 1765 Appeal to circuit court; failure to appear. Provides that if any person convicted of a misdemeanor in a general district court, a juvenile and domestic relations district court, or a court of limited jurisdiction perfects an appeal and (i) fails to appear in circuit court at the time for setting the appeal for trial, (ii) fails to appear in circuit court on the trial date, or (iii) absconds from the jurisdiction, the circuit court shall enter an order affirming the judgment of the lower court, and the clerk shall tax the costs as provided by statute. **FAILED HOUSE, 49-45**

HB 1794 Public accessibility of case management system. Requires the case management system operated and maintained by the Executive Secretary of the Supreme Court of Virginia to be open to the public for inspection. The bill provides that the case management system shall be searchable by party name, charge (for criminal cases), filing type (for civil cases), hearing date, and case number across all localities and that the entire compilation of

records contained in the system shall be made available. **FAILED**

SB 1128 Virginia Freedom of Information Act; failure to respond to request for records; rebuttable presumption. Provides that there shall be a rebuttable presumption that a failure to respond to a request for records was willful and knowing. **FAILED**

HB 2385 Assessed court costs; electronic summons system. Requires, in any criminal or traffic case in which the Virginia State Police issued the summons, ticket, or citation, executed the warrant, or made the arrest for a violation of any statute, an additional assessment of \$5 as part of the costs, which shall be remitted to the state treasury to be placed in a fund for the Virginia State Police solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. **FAILED**

TORT LAW

HB 1590 Duty of care to law-enforcement officers and firefighters; fireman's rule. Provides that the common-law doctrine known as the fireman's rule, as described in the bill, shall not be a defense to certain claims. The fireman's rule is based on assumption of the usual risks of injury in such employment, whether caused by a negligent or a nonnegligent act of the defendant. **PASSED**

HB 1609 Nurse practitioner as expert witness; scope of activities. References the specific Code section outlining the scope of a nurse practitioner's activities in the context of the current provision that authorizes a nurse practitioner to testify as an expert witness within the scope of his activities. **PASSED**

SB 867 Lien against person whose negligence causes injury; emergency medical services agency. Clarifies that whenever any person sustains personal injuries caused by the alleged negligence of another and receives emergency medical services and transportation provided by an emergency medical services vehicle, the emergency medical services provider or agency shall have a lien for the amount of a just and reasonable charge for the services rendered, not to exceed \$200 for each emergency medical services provider or agency, on the claim of such injured person or of his personal representative against the person, firm, or corporation whose negligence is alleged to have caused such injuries. **PASSED**

SB 873 Authority of fire chief over unmanned aircraft systems at a fire, explosion, or other hazardous situation. Includes immediate airspace under the current authority of the fire chief or other officer in charge at fires, explosions, or other hazardous to maintain order at the incident. **PASSED**

HB 1661 Administration of medications to treat adrenal crisis. Provides that a prescriber may authorize an employee of (i) a school board, (ii) a school for students with disabilities, or (iii) an accredited private school who is trained in the administration of injected medications for

the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medications to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis pursuant to a written order or standing protocol issued within the course of the prescriber's professional practice and with the consent of the student's parents. The bill provides that any such authorized employee who administers or assists in the administration of such medications to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. **PASSED**

HB 1689 Requests for medical records or papers; fee limits; penalty for failure to provide. Provides the requestor of medical records or papers has the option of specifying in which format the records or papers are to be produced. The bill allows a health care provider to produce such records or papers in paper or other hard copy format if the items are requested to be produced in electronic format, but the health care provider does not maintain such items in an electronic format or have the capability to produce items in an electronic format. The bill increases from 15 to 30 days the time allowed for health care providers to comply with a request received for records or papers. The bill imposes maximum charges for the production of requested medical records or papers, which vary depending on the format in which the

records are produced. The bill sets a maximum total fee of \$150 for requests made on or after July 1, 2017, but before July 1, 2021, and \$160 for requests made on or after July 1, 2021. The bill directs a provider to comply with a subpoena duces tecum by returning the specified records or papers either on the return date on the subpoena, or five days after receipt of a certification sent by the issuing party, whichever is later. If a court finds that such records or papers are not produced (i) for a reason other than compliance with privacy requirements or (ii) due to an inability to retrieve or access such records or papers, the subpoenaing party shall be entitled to a rebuttable presumption that expenses and attorney fees related to the failure to produce such records shall be awarded by the court. **PASSED**

SB 1060 Female genital mutilation; criminal penalty and civil action. The bill also makes it a Class 1 misdemeanor for any parent, guardian, or other person responsible for the care of a minor to knowingly remove or cause or permit the removal of such minor from the Commonwealth for the purposes of performing such circumcision, excision, or infibulation. The bill also provides a civil cause of action for any person injured by such circumcision, excision, or infibulation. **PASSED**

HB 1811 Initial hearings on a summons for unlawful detainer; amendments of amount requested on summons for unlawful detainer; immediate issuance of writs of possession in certain case judgments; written notice of satisfaction rendered in a court not of record. Provides that, at the initial hearing on a summons for unlawful detainer, upon request of the

plaintiff, the court shall bifurcate the unlawful detainer case and set a continuance date no later than 120 days from the date of the initial hearing to determine final rent and damages. The bill requires the court, on such continuance date, to permit amendment of the amount requested on a summons for unlawful detainer in accordance with the notice of hearing, evidence presented to the court, and the amounts contracted for in the rental agreement. The bill further clarifies types of judgments for which a writ of possession may be immediately executed but specifies that an eviction pursuant to such a writ shall not be executed (i) until the expiration of a tenant's 10-day appeal period or (ii) if a tenant perfects an appeal. **PASSED**

SB 1224 Landowner liability; recreational access. Provides that a landowner who has entered into an agreement with a public entity or nonprofit organization concerning the use of his land for public recreation shall be immune from liability to a member of the public arising out of the recreational use of the land. **PASSED**

HB 2022 Department of Transportation; traffic incident response and management. Allows individuals or entities acting on behalf of the Department of Transportation to operate as needed in response to traffic incidents and to access and to remove from moving lanes on a highway vehicles and cargo that are impeding traffic flow due to a traffic incident. The bill requires a driver to move a vehicle from the roadway after an emergency, accident, or breakdown that did not result in injury or death if the vehicle is movable and the driver is capable of safely doing so. **PASSED**

SB 1486 Report of law-enforcement officer involved in accident. Provides that any law-enforcement officer who is listed as a driver in a motor vehicle accident report submitted to the Department of Motor Vehicles will not have the accident listed on his driving record if he was driving a motor vehicle provided by a law-enforcement agency in the course of his employment and was engaged in law-enforcement activity at the time of such accident. **PASSED**

SB 1498 Punitive damages for persons injured by intoxicated drivers; evidence. Extends to blood tests performed by the Department of Forensic Science pursuant to a search warrant the rebuttable presumption in civil cases for punitive damages for injuries caused by intoxicated drivers that provides that a person's blood alcohol level demonstrated by a test performed pursuant to the implied consent statute is at least as high as the driver's blood alcohol level at the time of the accident. The bill further establishes a rebuttable presumption applicable in a civil case for punitive damages for injuries caused by an intoxicated driver that a person who has consumed alcohol knew or should have known that his ability to drive was or would be impaired by such consumption. **PASSED**

HB 2022 Department of Transportation; traffic incident response and management. Allows individuals or entities acting on behalf of the Department of Transportation to operate as needed in response to traffic incidents and to access and to remove from moving lanes on a highway vehicles and cargo that are impeding traffic flow due to a traffic incident. The bill requires a driver to move a vehicle from the roadway after an

emergency, accident, or breakdown that did not result in injury or death if the vehicle is movable and the driver is capable of safely doing so. **PASSED**

SB 981 Charity health care services; liability protection for administrators. Provides that persons who administer, organize, arrange, or promote the rendering of services to patients of certain clinics shall not be liable to patients of such clinics for any civil damages for any act or omission resulting from the rendering of such services unless the act or omission was the result of such persons' or the clinic's gross negligence or willful misconduct. This bill is identical to [HB 1748](#). **PASSED**

HB 1495 Servicemembers Civil Relief Act; attorney fees. Provides that, where the appointment of counsel is necessary pursuant to the Servicemembers Civil Relief Act, any attorney fees assessed shall not exceed \$125. **FAILED**

HB 1510 Appointment of guardian ad litem in civil cases. Requires the court to appoint a guardian ad litem for a person under a disability who is a party in a civil case. Current law requires the appointment only for a person under a disability who is a party defendant. **FAILED**

HB 1557 Temporary injunction of contract for services; rape, forcible sodomy, or object sexual penetration. Requires a court, in an action for a temporary injunction of a contract for services, to consider a conviction or finding of rape, forcible sodomy, or object sexual penetration, committed by one party to a contract against the other, in assessing whether to grant the injunction. **FAILED**

HB 1602 Invasion of privacy; civil action; damages; attorney fees and costs. Creates a civil cause of action for the physical and constructive invasion of privacy where a person, with the intent to coerce, intimidate, or harass, enters onto the land or into the airspace above the land of another person to capture an image, as specified in the bill, of private property or an individual located on the private property without consent or uses any device, including an unmanned aircraft system, to capture such an image in lieu of physically entering the land or airspace. **FAILED**

SB 814 Services of summons for witness or subpoena duces tecum on foreign business entities. Allows the court to enforce compliance with a summons for witness or a subpoena duces tecum served on the registered agent of a foreign business entity registered with the State Corporation Commission to transact business in the Commonwealth, regardless of whether the foreign business entity is a party to the underlying case. This bill is in response to the Supreme Court of Virginia decision in *Yelp, Inc. v. Hadeed Carpet Cleaning, Inc.*, Record No. 140242, 770 S.E.2d 440 (2015). **FAILED IN SENATE COURTS, 4-8**

SB 858 Reinstatement of discontinued cases; court's discretion. Provides that a court has discretion to reinstate a discontinued case where a plaintiff has properly moved for such a case to be reinstated. This bill is in response to *JSR Mechanical Inc. v. Aireco Supply, Inc.*, 786 S.E.2d 144 (Va. 2016). **FAILED IN SENATE COURTS, 12-3.**

SB 888 Civil immunity; emergency services and communications. Extends immunity from civil liability to persons involved in providing, operating, or maintaining services or equipment used for emergency assistance, unless the act or omission that gave rise to the injury is a result of such person's gross negligence or willful misconduct. **FAILED**

SB 901 Park authority liability; immunity. Grants immunity from liability in any civil action to park authorities created pursuant to the Park Authorities Act (§ 15.2-5700 et seq.) for damages caused by ordinary negligence on the part of any officer or agent of such park authority in the maintenance or operation of any such park, recreational facility, or playground. **PASSED SENATE, FAILED HOUSE**

SB 914 Reduction of amount of lien for medical services paid for by the Commonwealth. Provides that in the event that the Commonwealth's lien against any recovery from a third party obtained by an injured person whose medical costs were paid in whole or in part by the Commonwealth is compromised by the Attorney General pursuant to § 2.2-514, such lien shall be reduced by an amount proportionate to the amount that costs, expenses, and attorney fees incurred by the injured person bear to the total recovery obtained from the third party. **FAILED**

HB 1706 Law-enforcement immunity; storage of firearms. Shields from civil or criminal liability any law-enforcement agency or law-enforcement officer that stores, possesses, or transports a firearm with the consent of a person prohibited from possessing a firearm because he is subject to a protective order for any

damage, deterioration, loss, or theft of such firearm. **FAILED**

SB 1090 Computer trespass; computer invasion of privacy; penalty; civil relief. Makes it a Class 5 felony for a person to maliciously install or cause to be installed a computer program that takes control of or restricts access to another computer or computer network, or data therein, and demand money or anything else of value to remove the computer program; restore control of or access to the computer or computer network, or data therein; or remediate the impact of the computer program. **FAILED**

HB 1739 Civil immunity; emergency services and communications. Extends immunity from civil liability to persons involved in providing, operating, or maintaining services or equipment used for emergency assistance, unless the act or omission that gave rise to the injury is a result of such person's gross negligence or willful misconduct. **FAILED**

HB 1989 Excusable or justifiable self-defense; costs and attorney fees. Provides that in any civil or criminal case, a party or criminal defendant that successfully prevails on a self-defense claim shall be entitled to reasonable costs and attorney fees, unless the award of fees is unjust. The bill exempts criminal defendants that have appointed counsel whose fees are paid by the Commonwealth from collecting reasonable costs and attorney fees. **FAILED**

HB 2188 Civil liability for sale or transfer of a firearm; background check. Provides that a person may be held civilly liable for injuries to person or property or wrongful death of another caused by a third party if it

can be shown that the civil defendant sold or transferred a firearm to the person who committed the crime resulting in injury or death without obtaining a background check and verification that the transferee was not prohibited from possessing a firearm. **FAILED**

HB 2197 Unmanned aircraft systems; designated facility; critical infrastructure; unlawful use; penalties. Creates a civil cause of action for the invasion of privacy when a person uses an unmanned aircraft system to enter without consent into the airspace above any designated facility, as defined in the bill, or critical infrastructure to capture an image or attempt to capture an image, as specified in the bill. The bill allows a plaintiff to recover actual damages and allows the court to award punitive damages where actual damages are awarded and to order any other appropriate relief. **FAILED**

HB 2235 Motorcyclists; equipment. Removes the requirement that individuals operating motorcycles or autocycles and their passengers wear protective helmets. **FAILED**

HB 2270 . Spousal liability for emergency medical care; property held as tenants by the entireties. Provides that a lien arising out of a judgment for a spouse's emergency medical care shall not be enforced against the judgment debtor's property held as tenants by the entireties unless each spouse was a defendant to the underlying suit from which the judgment arose. **FAILED**

HB 2288 Computer trespass; computer invasion of privacy; penalty; civil relief. Makes it a Class 5 felony for a person to maliciously install or cause to be installed

a computer program that takes control of or restricts access to another computer or computer network, or data therein, and demand money or anything else of value to remove the computer program; restore control of or access to the computer or computer network, or data therein; or remediate the impact of the computer program. The bill adds medical information to the list of information that if obtained without authority constitutes computer invasion of privacy. The bill expands the private right of action for a person or property that is injured by a computer trespass. **FAILED**

SB 1432 Excusable or justifiable self-defense; costs and attorney fees. Provides that in any civil or criminal case, a party or criminal defendant that successfully prevails on a self-defense claim shall be entitled to reasonable costs and attorney fees, unless the award of fees is unjust. The bill exempts criminal defendants that have appointed counsel whose fees are paid by the Commonwealth from collecting reasonable costs and attorney fees. **FAILED**

SB 998 Department of Motor Vehicles; availability of accident reports. Requires the Commissioner of the Department of Motor Vehicles to furnish a copy of an accident report to the requesting party within five days of the request. **FAILED**

HB 1834 Distracted driving; penalty. Expands the prohibition on manually entering multiple letters or text in a handheld communications device while operating a motor vehicle to also prohibit the manual selection of multiple icons and removes the condition that such manual entry is prohibited only if performed as a means of communicating with another

person. The bill prohibits the operator of a motor vehicle from reading any information displayed on the device; current law prohibits reading an email or text message. The bill provides that this prohibition does not apply to reading any information displayed through the use of a global position system for the purposes of navigation. The bill eliminates the current exemption from the prohibition on using a handheld personal communications device while operating a motor vehicle when the vehicle is stopped or not moving; the current exemption from the prohibition when the vehicle is parked is not affected.

FAILED HOUSE COURTS, 9-10

HB 2446 Immunity of persons; defamation; statements regarding matters of public concern; sanctions. Adds defamation to the causes of action from which a citizen shall be immune when making statements regarding matters of public concern, as defined in the bill, to a third party, including those made at a public hearing before the governing body of any locality or other political subdivision, or the boards, commissions, agencies, and authorities thereof, and other governing bodies of any local governmental entity. The bill changes from permissive to mandatory the provision that reasonable attorney fees and costs be awarded to any individual who has a suit against him dismissed pursuant to such immunity. **FAILED**

MEDICAL MALPRACTICE

HB 1453 Dispensing of naloxone. Allows a person who is authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone for use in opioid overdose reversal and who is acting on behalf of an organization that provides services to individuals at risk of experiencing opioid overdose or training in the administration of naloxone for overdose reversal and that has obtained a controlled substances registration from the Board of Pharmacy pursuant to § 54.1-3423 to dispense naloxone to a person who has completed a training program on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber, (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, and (iii) without charge or compensation. The bill also provides that dispensing may occur at a site other than that of the controlled substance registration, provided that the entity possessing the controlled substance registration maintains records in accordance with regulations of the Board of Pharmacy. The bill further provides that a person who dispenses naloxone shall not be liable for civil damages of ordinary negligence for acts or omissions resulting from the rendering of such treatment if he acts in good faith and that a person to whom naloxone has been dispensed pursuant to the provisions of the bill may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-

threatening opioid overdose. The bill contains an emergency clause. This bill is identical to [SB 848](#). **PASSED**

HB 1474 Dental hygiene; remote supervision. Eliminates the requirement that a dental hygienist providing dental hygiene services under remote supervision be employed by the supervising dentist; clarifies continuing education requirements for dental hygienists practicing under remote supervision; eliminates the requirement for written permission to treat a patient from a dentist who has treated the patient in the previous 12 months; and allows a dental hygienist practicing under remote supervision to treat a patient who provides verbal confirmation that he does not have a dentist of record whom he is seeing regularly. **PASSED**

HB 1514 Health care practitioners; reporting disabilities of drivers. Provides that any doctor of medicine, osteopathy, chiropractic, or podiatry or any nurse practitioner, physician assistant, optometrist, physical therapist, or clinical psychologist who reports to the Department of Motor Vehicles the existence, or probable existence, of a mental or physical disability or infirmity of any person licensed to operate a motor vehicle that the reporting individual believes affects such person's ability to operate a motor vehicle safely is not subject to civil liability or deemed to have violated the practitioner-patient privilege unless he has acted in bad faith or with malicious intent. This bill is identical to [SB 1024](#). **PASSED**

SB 1009 Practice of telemedicine; prescribing. Provides that a health care practitioner who performs or has

performed an appropriate examination of the patient, either physically or by the use of instrumentation and diagnostic equipment, for the purpose of establishing a bona fide practitioner-patient relationship may prescribe Schedule II through VI controlled substances to the patient, provided that the prescribing of such controlled substance is in compliance with federal requirements for the practice of telemedicine. The bill also authorizes the Board of Pharmacy to register an entity at which a patient is treated by the use of instrumentation and diagnostic equipment for the purpose of establishing a bona fide practitioner-patient relationship and is prescribed Schedule II through VI controlled substances to possess and administer Schedule II through VI controlled substances when such prescribing is in compliance with federal requirements for the practice of telemedicine and the patient is not in the physical presence of a practitioner registered with the U.S. Drug Enforcement Administration. The bill contains an emergency clause. This bill is identical to [HB 1767](#). **PASSED**

HB 1746 Institutions of higher education; possession and administration of epinephrine, insulin, and glucagon. Authorizes and provides liability protection for employees of a public or private institution of higher education who are authorized by a prescriber and trained in the administration of epinephrine, insulin, or glucagon to possess and administer such epinephrine, insulin, or glucagon. This bill is identical to [SB 944](#). **PASSED**

HB 1747 Advance medical directives; person authorized to provide assistance in completing. Defines "qualified advance

directive facilitator" as a person who has successfully completed a training program approved by the Department of Health for providing assistance in completing and executing a written advance directive; establishes requirements for training programs for qualified advance directive facilitators; and provides that distribution of a form for an advance directive that meets the requirements of § 54.1-2984 and the provision of ministerial assistance to a person with regard to the completion or execution of such form shall not constitute the unauthorized practice of law. **PASSED**

HB 1748 Charity health care services; liability protection for administrators. Provides that persons who administer, organize, arrange, or promote the rendering of services to patients of certain clinics shall not be liable to patients of such clinics for any civil damages for any act or omission resulting from the rendering of such services unless the act or omission was the result of such persons' or the clinic's gross negligence or willful misconduct. This bill is identical to [SB 981](#). **PASSED**

HB 1750 Dispensing of naloxone; patient-specific order not required. Provides that a pharmacist may dispense naloxone in the absence of a patient-specific prescription pursuant to a standing order issued by the Commissioner of Health authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. **PASSED**

HB 2209 Emergency Department Care Coordination Program

established. Establishes the Emergency Department Care Coordination Program in the Department of Health to provide a single, statewide technology solution that connects all hospital emergency departments in the Commonwealth to facilitate real-time communication and collaboration between physicians, other health care providers, and other clinical and care management personnel for patients receiving services in hospital emergency departments, for the purpose of improving the quality of patient care services. The bill does not become effective unless and until the Commonwealth receives federal Health Information Technology for Economic and Clinical Health (HITECH) Act funds to implement its provisions. This bill is identical to [SB 1561](#). **PASSED**

SB 1242 Qualified advance directive

facilitators. Defines "qualified advance directive facilitator" as a person who has successfully completed a training program approved by the Department of Health for providing assistance in completing and executing a written advance directive; establishes requirements for training programs for qualified advance directive facilitators; and provides that distribution of a form for an advance directive that meets the requirements of § 54.1-2984 and the provision of ministerial assistance to a person with regard to the completion or execution of such form shall not constitute the unauthorized practice of law. **PASSED**

HB 2301 Licensed practical nurses;

administration of vaccinations. Removes the requirement that the supervision of licensed practical nurses administering

vaccinations by registered nurses be immediate and direct. **PASSED**

HB 2317 Comprehensive harm reduction program; public health

emergency. Authorizes the Commissioner of Health (the Commissioner) to establish and operate local or regional comprehensive harm reduction programs during a declared public health emergency that include the provision of sterile and disposal of used hypodermic needles and syringes. The objectives of the programs are to reduce the spread of HIV, viral hepatitis, and other blood-borne diseases in Virginia, to reduce the transmission of blood-borne diseases through needlestick injuries to law-enforcement and other emergency personnel, and to provide information to individuals who inject drugs regarding addiction recovery treatment services. **PASSED**

HB 2318 Virginia Birth-Related Neurological Injury Compensation

Program. Removes from the definition of "birth-related neurological injury" a provision that the definition shall apply retroactively to any child born on and after January 1, 1988, who suffers from an injury to the brain or spinal cord caused by the deprivation of oxygen or mechanical injury occurring in the course of labor, delivery or resuscitation in the immediate postdelivery period in a hospital. The measure includes an enactment clause stating that its provisions are declarative of existing law. The bill has a delayed effective date of January 1, 2018. **PASSED**

MENTAL HEALTH

HB 1548 Advance directives; mental health treatment; capacity

determinations. Provides that in cases in which a person has executed an advance directive granting an agent the authority to consent to the person's admission to a facility for mental health treatment and the advance directive so authorizes, the person's agent may exercise such authority after a determination that the person is incapable of making an informed decision regarding such admission has been made by (i) the attending physician, (ii) a psychiatrist or licensed clinical psychologist, (iii) a licensed psychiatric nurse practitioner, (iv) a licensed clinical social worker, or (v) a designee of the local community services board as defined in § 37.2-809. The bill also provides that a person's agent may make a health care decision over the protest of the person if, in addition to other factors, at the time the advance directive was made, a licensed physician, licensed clinical psychologist, licensed physician assistant, licensed nurse practitioner, licensed professional counselor, or licensed clinical social worker who is familiar with the person attested in writing that the person was capable of making an informed decision and understood the consequences of the provision. This bill is identical to [SB 1511](#). **PASSED**

HB 1549 Community services boards and behavioral health authorities; services to be provided. Provides that the core of services provided by community services boards and behavioral health authorities shall include, effective July 1, 2019, same-day access to mental health screening services. The bill also requires the

Department of Behavioral Health and Developmental Services to report annually regarding progress in the implementation of this act. **PASSED**

HB 1551 Commitment hearings; sharing of records and information. Requires the Office of the Executive Secretary of the Supreme Court to provide electronic data, including individually identifiable information, on proceedings pursuant to Article 16 of Chapter 11 of Title 16.1 and Chapter 8 of Title 37.2 to the Department of Behavioral Health and Developmental Services upon request and provides that the Department may use such data for the purpose of developing and maintaining statistical archives, conducting research on the outcome of such proceedings, and preparing analyses and reports for use by the Department. The bill requires the Department to take all necessary steps to protect the security and privacy of the records and information provided pursuant to the provisions of the bill in accordance with the requirements of state and federal law and regulations governing health privacy. **PASSED**

SB 894 Commissioner of Behavioral Health and Developmental Services; reports of critical incidents or deaths. Requires the Commissioner of Behavioral Health and Developmental Services to provide a written report setting forth the known facts of serious injuries or deaths of individuals receiving services in programs operated or licensed by the Department of Behavioral Health and Developmental Services to the Director of the Commonwealth's designated protection and advocacy system within 15 working days of the serious injury or death. Currently, reports are required only for

critical incidents or deaths occurring at facilities operated by the Department. This bill is identical to [HB 1508](#). **PASSED**

SB 935 Inpatient psychiatric hospital admission; defendant found

incompetent. Removes the prohibition on inpatient psychiatric hospital admission for defendants who have already been ordered to receive treatment to restore their competency to stand trial. This bill incorporates [SB895](#). **PASSED**

SB 940 Mental health screening of inmates at local correctional facilities.

Requires that the staff of a local correctional facility screen persons admitted to the facility for mental illness using a scientifically validated instrument designated by the Commissioner of Behavioral Health and Developmental Services. The bill provides that if the screening indicates that a person may have a mental illness, an assessment of his need for mental services shall be conducted within 72 hours of the time of the screening by a qualified mental health professional, which is defined in the bill. The bill requires the Department of Criminal Justice Services, in consultation with the State Board of Corrections and the Department of Behavioral Health and Developmental Services, to (i) ensure that local and regional correctional facilities are aware of the aforementioned requirements and (ii) develop and deliver a training program for employees of such facilities regarding the administration of such instrument. This bill incorporates [SB 933](#). **PASSED**

SB 941 Forensic discharge planning services; local and regional correctional facilities.

Directs the Commissioner of Behavioral Health and Developmental

Services, in conjunction with the relevant stakeholders, to develop a comprehensive plan, by November 1, 2017, for the provision of forensic discharge planning services at local and regional correctional facilities for persons who have serious mental illnesses who are to be released from such facilities. This bill is identical to [HB 1784](#). **PASSED**

SB 975 Community services boards; preadmission screening; regional jail inmates.

Provides that the duties of a community services board include reviewing any existing Memorandum of Understanding between the community services board and any other community services boards that serve the regional jail to ensure that such memorandum sets forth the roles and responsibilities of each community services board in the preadmission screening process, provides for communication and information sharing protocols between the community services boards, and provides for due consideration, including financial consideration, should there be disproportionate obligations on one of the community services boards.

PASSED

SB 1020 Registration of peer recovery specialists and qualified mental health professionals.

Authorizes the registration of peer recovery specialists and qualified mental health professionals by the Board of Counseling. The bill defines "qualified mental health professional" as a person who by education and experience is professionally qualified and registered by the Board of Counseling to provide collaborative mental health services for adults or children. The bill requires that a qualified mental health professional provide such services as an employee or

independent contractor of the Department of Behavioral Health and Developmental Services or a provider licensed by the Department of Behavioral Health and Developmental Services. **PASSED**

SB 1062 Definition of mental health service provider. Adds physician assistant to the list of mental health service providers who have a duty to take precautions to protect third parties from violent behavior or other serious harm. This bill is identical to [HB 1910](#). **PASSED**

SB 1063 State Board of Corrections; membership; powers and duties; review of death of inmates in local correctional facilities. Authorizes the State Board of Corrections (Board) to conduct a review of the death of any inmate in a local or regional correctional facility in order to determine the circumstances surrounding the inmate's death and whether the facility was in compliance with the Board's regulations. The bill requires the Board to develop and implement policies and procedures for the review of the death of any inmate that occurs in any local or correctional facility. The bill provides that the Board (i) may request the Department of Corrections to conduct a death review if the Board determines that it cannot adequately conduct such review because the Board is already in the process of conducting another review and (ii) shall request the Office of the State Inspector General to review the operation of any entity other than a correctional facility if such review is necessary to complete the death review. Finally, the bill also specifies requisite qualifications for individuals appointed to the Board. **PASSED**

HB 1777 Hospitals providing psychiatric services; denials of admission. Requires the Board of Health to promulgate regulations that require each hospital that provides inpatient psychiatric services to establish a protocol that (i) requires, for any refusal to admit a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by the referring physician, and (ii) prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician. **PASSED**

HB 1784 Forensic discharge planning services; local and regional correctional facilities. Directs the Commissioner of Behavioral Health and Developmental Services, in conjunction with the relevant stakeholders, to develop a comprehensive plan, by November 1, 2017, for the provision of forensic discharge planning services at local and regional correctional facilities for persons who have serious mental illnesses who are to be released from such facilities. This bill is identical to [SB 941](#). **PASSED**

HB 1996 Incompetent defendants; psychiatric treatment. Requires that a defendant who is found incompetent to stand trial for a crime and who is ordered to receive treatment to restore his competency at an inpatient hospital be transferred to and accepted by the hospital as soon as practicable, but no later than 10 days, from the receipt of the court order for restoration treatment. **PASSED**

HB 2095 Registration of peer recovery specialists and qualified mental health professionals. Authorizes the registration of peer recovery specialists and qualified mental health professionals by the Board of Counseling. The bill defines "qualified mental health professional" as a person who by education and experience is professionally qualified and registered by the Board of Counseling to provide collaborative mental health services for adults or children. **PASSED**

HB 2184 Evaluation of inmate; inpatient psychiatric hospital admission. Requires that if the person having custody of an inmate of a local correctional facility files a petition for inpatient psychiatric hospital admission of the inmate, the person having custody shall ensure that the appropriate community services board or behavioral health authority is advised of the need for a preadmission screening. The bill further requires the person having custody of the inmate to contact the director or other senior management at the community services board or behavioral health authority if such board or authority does not respond to the advisement that a preadmission screening is necessary or fails to complete the preadmission screening. **PASSED**

HB 2331 Community services boards; preadmission screening; regional jail inmates. Provides that the duties of a community services board include reviewing any existing Memorandum of Understanding between the community services board and any other community services boards that serve the regional jail to ensure that such memorandum sets forth the roles and responsibilities of each community services board in the

preadmission screening process, provides for communication and information sharing protocols between the community services boards, and provides for due consideration, including financial consideration, should there be disproportionate obligations on one of the community services boards. **PASSED**

SB 1511 Advance directives; mental health treatment; capacity determinations. Provides that in cases in which a person has executed an advance directive granting an agent the authority to consent to the person's admission to a facility for mental health treatment and the advance directive so authorizes, the person's agent may exercise such authority after a determination that the person is incapable of making an informed decision regarding such admission has been made by (i) the attending physician, (ii) a psychiatrist or licensed clinical psychologist, (iii) a licensed psychiatric nurse practitioner, (iv) a licensed clinical social worker, or (v) a designee of the local community services board as defined in § 37.2-809. The bill also provides that a person's agent may make a health care decision over the protest of the person if, in addition to other factors, at the time the advance directive was made, a licensed physician, licensed clinical psychologist, licensed physician assistant, licensed nurse practitioner, licensed professional counselor, or licensed clinical social worker who is familiar with the person attested in writing that the person was capable of making an informed decision and understood the consequences of the provision. This bill is identical to [HB 1548](#). **PASSED**

HB 2462 Inpatient psychiatric hospital admission; defendant found

incompetent. Removes the prohibition on inpatient psychiatric hospital admission for defendants who have already been ordered to receive treatment to restore their competency to stand trial. This bill is identical to [SB 935](#). **PASSED**

HB 1522 Death penalty; severe mental illness. Provides that a defendant in a capital case who had a severe mental illness, which is defined in the bill, at the time of the offense is not eligible for the death penalty. The bill establishes procedures for determining whether a defendant had a severe mental illness at the time of the offense and provides for the appointment of expert evaluators. When the defendant's severe mental illness is at issue, a determination will be made by the jury, or by the judge in a bench trial, as part of the sentencing proceeding, and the defendant bears the burden of proving his severe mental illness by a preponderance of the evidence. **FAILED**

SB 1064 Mental health awareness training; law-enforcement officers, firefighters, and emergency medical services personnel. Requires the Department of Criminal Justice Services to develop compulsory training standards for law-enforcement officers regarding mental health awareness. The bill also emergency medical services personnel, and firefighters other than volunteer firefighters to participate in a mental health awareness program created or certified by the Mental Health Work Group, established in the Department of Fire Programs. **PASSED SENATE, FAILED HOUSE**

INSURANCE LAW

HB 1628 Private security; compliance agent experience; surety bond. Removes the requirement that a compliance agent for a private security services business have either five years of experience or three years of managerial or supervisory experience in a private security services business, a state or local law-enforcement agency, or a related field. The bill also removes the option for a private security services business or a private security services training school to be covered by a bond in lieu of liability insurance. The bill provides that it will not become effective unless reenacted by the 2018 Session of the General Assembly. **PASSED**

HB 1641 Disclosure of insurance policy limits; homeowners or personal injury liability insurance; personal injury and wrongful death actions. Allows an injured person, the personal representative of a decedent, or an attorney representing either to request the disclosure of the liability limits of a homeowners insurance policy or personal injury liability insurance policy prior to filing a civil action for personal injuries or wrongful death from injuries sustained at the residence of another person. The party requesting this information shall provide the insurer with (i) the date the injury was sustained; (ii) the address of the residence at which the injury was sustained; (iii) the name of the owner of the residence; (iv) the claim number, if available; (v) for personal injury actions, the injured person's medical records, medical bills, and wage-loss documentation pertaining to the injury; and (vi) for wrongful death actions, (a) the decedent's death certificate; (b) the certificate of

qualification of the personal representative of the decedent's estate; (c) the names and relationships of the statutory beneficiaries of the decedent; (d) medical bills, if any; and (e) a description of the source, amount, and payment history of the claimed income loss for each beneficiary. The bill provides that in personal injury actions, the insurer only has to disclose liability limits if the amount of the injured person's medical bills and wage losses equals or exceeds \$12,500. The bill also provides that disclosure of a policy's limits shall not constitute an admission that the alleged injury is subject to the policy. **PASSED**

SB 1074 Automobile clubs;

insurance. Provides that a service agreement offered by an automobile club does not constitute insurance. The measure also provides that the types of services related to motor travel or to the operation, use, or maintenance of a motor vehicle that may be supplied by an automobile club are not limited to towing service, emergency road service, indemnification service, guaranteed arrest bond certificate service, discount service, financial service, theft service, map service, or touring service. **PASSED**

SB 1158 Insurance; reciprocals. Allows a foreign reciprocal to obtain a license to transact the business of insurance in the Commonwealth if an affiliate of the foreign reciprocal is licensed to write the class of insurance it proposes to write in Virginia and is writing actively that class of insurance in its state of domicile or at least two other states. The measure also provides that a foreign or alien reciprocal is prohibited from transacting the business of insurance in Virginia until it obtains from the State Corporation Commission both a certificate of authority and a license to

transact the business of insurance in the Commonwealth. **PASSED**

HB 2026 Department of Motor Vehicles; regulation of property carriers. Combines the current property carrier and bulk property carrier authorities and eliminates the current license requirement for property brokers. The bill eliminates the requirement for the Department of Motor Vehicles to issue specially designated license plates for property-carrying vehicles operated for hire. The bill reduces from \$750,000 to \$300,000 insurance limits for carriers operating vehicles with a gross vehicle weight rating in excess of 7,500 pounds but not in excess of 10,000 pounds. For passenger cars, motorcycles, autocycles, and vehicles with a gross vehicle weight rating of 10,000 pounds or less, the bill requires liability coverage for property carriers of a minimum of (i) \$25,000 per person, \$50,000 per incident for death and bodily injury, and \$20,000 for property damage when the motor carrier is available to transport property and (ii) \$100,000 per person, \$300,000 per incident for death and bodily injury, and \$50,000 for property damage from the time the motor carrier accepts the request to transport property and the vehicle is en route to pick up the property until the time the property has been removed from the vehicle and delivered to its final destination. The bill has a delayed effective date of January 1, 2018. This bill is identical to **SB 1364**. **PASSED**

SB 1207 Electric personal delivery devices. Allows for the operation of electric personal delivery devices on the sidewalks and shared-use paths and across roadways on crosswalks in the Commonwealth unless otherwise prohibited by a locality. The bill directs that such devices shall not be

considered vehicles and are exempt from the motor carrier provisions of Title 46.2.

PASSED

SB 1435 Department of Motor Vehicles; regulation of property carriers. Combines the current property carrier and bulk property carrier authorities and eliminates the current license requirement for property brokers. The bill eliminates the requirement for the Department of Motor Vehicles to issue specially designated license plates for property-carrying vehicles operated for hire. The bill reduces insurance limits for carriers operating vehicles with a gross vehicle weight rating in excess of 7,500 pounds but not in excess of 10,000 pounds from \$750,000 to \$300,000. The bill reduces current liability coverage requirements for property carriers from \$750,000 to \$50,000 per person, \$100,000 per incident for death and bodily injury, and \$25,000 for property damage for passenger cars, motorcycles, autocycles, and vehicles with a gross vehicle weight rating of 7,500 pounds or less. The bill has a delayed effective date of October 1, 2017. **INCORPORATED INTO SB 1364.**

HB 2019 Transportation network company partner vehicle registration repeal. Removes the requirement that a transportation network company (TNC) partner register his personal vehicle for use as a TNC partner vehicle with the Department of Motor Vehicles. The bill allows the Department of State Police to recognize another state's annual motor vehicle safety inspection in lieu of a Virginia inspection and clarifies that a TNC partner can keep proof of inspection in or on the vehicle. The bill contains an emergency clause. This bill is identical to [SB 1366](#).

PASSED

SB 1219 Property transportation network companies. Requires property transportation network companies to provide motor vehicle liability coverage in the same amounts as are currently required for transportation network companies. **INCORPORATED INTO SB 1364.**

SB 1494 Transportation network company; brokers. Allows brokers to arrange rides with transportation network company (TNC) partner vehicles. The bill requires such brokers to be licensed by the Department of Motor Vehicles and includes insurance requirements for TNC partner vehicles operating at the request of a broker. **PASSED**

HB 2422 Insurance institutions and agents; notice of financial information collection and disclosure practices. Creates an exemption from the requirement that insurance institutions and agents provide policyholders with an annual notice of financial information collection and disclosure practices in connection with insurance transactions. The exemption applies when the insurance institution or agent provides nonpublic personal information to nonaffiliated third parties only in accordance with § 38.2-613 and has not changed its policies and practices with regard to disclosing nonpublic financial information from the policies and practices that were disclosed in the most recent notice sent to the policyholder. **PASSED**

SB 1213 Insurance notices. Requires that the policy owner, contract owner, or plan owner under an individual policy, contract, or plan of life insurance, an annuity, or accident and sickness insurance be sent written notice by registered or certified mail prior to the date that the policy,

contract, or plan will lapse for failure to pay premiums due. **FAILED IN COMMERCE & LABOR, 11-3.**

HB 1920 Property transportation network companies. Requires property transportation network companies to provide motor vehicle liability coverage in the same amounts as are currently required for transportation network companies. The bill exempts passenger cars, motorcycles, autocycles, mopeds, and vehicles with a gross vehicle weight rating of 10,000 pounds or less from the motor carrier provisions of Chapter 21 (Regulation of Property Carriers) except for insurance requirements. **FAILED**

WORKERS COMPENSATION

HB 1571 Workers' compensation; fees for medical services. Provides that the pecuniary liability of an employer for a medical service provided for the treatment of a traumatic injury or serious burn includes liability for any professional service rendered during the dates of service of the admission or transfer to a Level I or Level II trauma center or to a burn center, as applicable. The measure increases the initial charge outlier threshold, which under the stop-loss feature allows hospitals to receive payments or reimbursements that exceed the fee schedule amount for certain claims, from 150 percent of the maximum fee for the service set forth in the applicable fee schedule to 300 percent of such amount. The measure allows the Workers' Compensation Commission to adjust the charge outlier threshold percentage; under existing law, it is allowed only to decrease the percentage. **PASSED**

SB 904 Concealed handgun permit; Workers' Compensation commissioner or deputy commissioner exempt. Provides an exception from the prohibition against carrying a weapon into courthouses in the Commonwealth for a commissioner or deputy commissioner of the Workers' Compensation Commission. **PASSED**

HB 1659 Workers' compensation; employer's lien; third party actions. Requires that any arbitration proceeding regarding an employer's right of subrogation to an employee's claim against a third party shall be limited solely to arbitrating the amount and validity of the employer's lien and shall not affect the employee's rights in any way. Such arbitration shall not be held unless (i) any contested expenses remaining have been submitted to the Virginia Workers' Compensation Commission (the Commission) for a determination of their validity and the Commission has made such determination of validity prior to the commencement of the arbitration; (ii) prior to the commencement of such arbitration the employer has provided the injured employee and his attorney, if any, with an itemization of the expenses associated with the lien that is the subject of the arbitration; (iii) upon receipt of the itemization of the lien, the employee shall have 21 days to provide a written objection to any expenses included in the lien to the employer, and if the employee does not do so any objections to the lien to be arbitrated shall be deemed waived; and (iv) the employer shall have 14 days after receipt of the written objection to notify the employee of any contested expenses that the employer does not agree to remove from the lien, and if the employer does not do so any itemized expense

objected to by the employee shall be deemed withdrawn and not included in the arbitration. This bill is identical to [SB 1175](#).

PASSED

[SB 1201](#) **Workers' compensation; suitably equipped automobile.** Authorizes the Workers' Compensation Commission to require an employer to provide funds for the purchase of a suitably equipped automobile for an incapacitated employee if it finds that it is medically necessary and that modifications to the employee's automobile are not technically feasible or will cost more than the funds available for a replacement automobile. The total of the costs of the automobile and of any bedside lifts, adjustable beds, and modification of the employee's principal home are limited to \$42,000, which is the amount of the existing cap on expenses for modifications to the injured employee's automobile and home. **PASSED**

[SB 1120](#) **Workers' compensation; volunteer firemen and emergency medical services personnel.** Provides that for the purposes of the Virginia Workers' Compensation Act volunteer firemen and emergency medical services personnel shall be deemed employees of the political subdivision or state institution of higher education in which the principal office of the volunteer fire company or volunteer emergency medical services agency is located. The measure repeals the existing provision that volunteer firemen and emergency medical services personnel shall be deemed the employees of the political subdivision or state institution of higher education if its governing body has adopted a resolution acknowledging those persons as employees. **FAILED IN SENATE**
COMMERCE & LABOR, 5-9

[HB 2155](#) **Workers' compensation; modifications to employee's home and automobile.** Increases from \$42,000 to \$50,000 the maximum aggregate cost of (i) bedside lifts, adjustable beds, and modifications and alterations to an injured employee's principal home and (ii) modifications to or equipment for an injured employee's automobile that the Workers' Compensation Commission may award on account of any one accident.

FAILED

[HB 2353](#) **Workers' compensation; failure to make reports; deterring employee from filing claim; penalty.** Provides that an employer is guilty of a Class 2 misdemeanor if he knowingly and intentionally fails to comply with the requirement that he report an employee's injury or death or dissuades or deters an employee from filing a claim for compensation under the Virginia Workers' Compensation Act. **FAILED**

[SB 1472](#) **Workers' compensation; accident reports; filing claims; civil penalty.** Requires an employer's accident report filed with the Workers' Compensation Commission to include the signature of the injured employee or his personal representative. The measure provides that the employer's filing of the accident report constitutes the filing with the Commission by or on behalf of the employee of a claim for workers' compensation benefits with respect to any injury arising from the accident. The measure also provides that an employer that fails to comply with the requirement that it report an employee's injury or death, or dissuades or deters an employee from filing a claim for compensation, shall be assessed a civil penalty of not more than \$500, which civil penalty is increased to not

less than \$500 and not more than \$5,000 if the violation is willful. **FAILED**

CONSUMER LAW

SB 839 Virginia Consumer Protection Act; storm-related repairs. Provides that it is a prohibited practice under the Virginia Consumer Protection Act for a supplier to engage in fraudulent or improper or dishonest conduct while engaged in a transaction that was initiated (i) during a declared state of emergency or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is a licensed contractor. This bill is identical to [HB 1422](#). **PASSED**

SB 950 Nonrepairable and rebuilt vehicles. Eliminates the requirement that nonrepairable and rebuilt vehicles have incurred damage that exceeds 90 percent of their cash value prior to such damage to meet the definition of nonrepairable and rebuilt. The bill requires the Department of Motor Vehicles to report to the Chairmen of the House and Senate Transportation Committees on the impact of the bill, if any, on the number of nonrepairable vehicle and salvage certificates issued over the three-year period after July 1, 2017, compared with the number of such certificates issued over the three-year period before July 1, 2017. **PASSED**

HB 1687 Nonrepairable and rebuilt vehicles. Eliminates the requirement that nonrepairable and rebuilt vehicles have incurred damage that exceeds 90 percent of their cash value prior to such damage to

meet the definition of nonrepairable and rebuilt vehicles. **PASSED**

SB 1069 Titling out-of-state salvage vehicles. Provides a process by which the owner of a salvage vehicle that has been rebuilt, titled, and registered in another state may obtain a nonnegotiable title for such vehicle to operate on the highways of the Commonwealth. **PASSED**

SB 1123 Manufactured Home Lot Rental Act; failure of landlord to correct violations; notification of tenants. Provides that if a landlord does not remedy a violation of an ordinance involving the health and safety of tenants in a manufactured home park within seven days of receiving notice from the locality of such violation, the locality must notify tenants of the manufactured home park who are affected by the violation. The notification may consist of posting the notice of violation in a conspicuous place in the manufactured home park or mailing copies of the notice to affected tenants. **PASSED**

HB 2033 Landlord and tenant law; residential tenancies; landlord and tenant obligations and remedies. Provides that the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.) (the Act) shall apply to all residential tenancies; however, a landlord who is a natural person, an estate, or a legal entity that owns no more than two single-family residential dwelling units in its own name subject to a rental agreement may opt out of the Act by stating so in the rental agreement. The bill conforms general landlord and tenant law relating to residential tenancies to the Act, including the security deposits, lease terms, notice, and disclosure provisions. The bill also allows the landlord, for unclaimed

security deposits, to submit such funds to the State Treasurer rather than the Virginia Housing Trust Fund, and changes the requirement that a landlord make reasonable efforts to advise the tenant of the right to be present at the landlord's inspection to a requirement that written notice of the right be provided. The bill provides for a landlord to provide a tenant with a written statement of charges and payments over the previous 12 months rather than an accounting as required under current law. In addition, the bill includes any activity that involves or constitutes a criminal or willful act that also poses a threat to health and safety by the tenant or authorized occupants, guests, or invitees as an immediate nonremediable violation for which the landlord may terminate the tenancy. The bill also authorizes a landlord to dispose of the property of a deceased tenant if a personal representative has not been appointed by the circuit court. The landlord may proceed with the disposal after providing 10 days' notice. The bill (i) provides that authorized occupants, guests, or invitees must vacate the dwelling unit after the death of a sole tenant; (ii) allows a landlord to request during the pendency of an unlawful detainer action an order requiring the tenant to provide the landlord with access to the dwelling unit; (iii) adds oil to the utilities that may be included in ratio utility billing; (iv) requires the landlord to provide a written security deposit disposition statement following a move-out inspection and provides for the landlord to seek recovery for additional damages discovered after the security deposit disposition has been made, provided however that the tenant may present evidence of the move-out report to support the tenant's position that such additional damages did not exist

at the time of the move-out inspection; and (v) authorizes a landlord to retain an attorney to prepare or provide any required written notice and permits the use of an electronic signature or an electronic notarization. **PASSED**

HB 2203 Manufactured Home Lot Rental Act; notice to tenant of building code violation; renewal of lease.

Requires the Department of Housing and Community Development to consider including in the current revision of the Uniform Statewide Building Code a provision designed to ensure that localities provide appropriate notice to residents of manufactured home parks of any Building Code violation by a park owner that jeopardizes the health and safety of those residents and to report to the General Assembly regarding the status of such efforts no later than November 1, 2017. **PASSED**

HB 2281 Residential rental property.

Provides that if a residential dwelling unit is foreclosed upon and a tenant is lawfully occupying the dwelling unit at the time of the foreclosure, the foreclosure shall act as a termination of the rental agreement by the landlord. The bill also provides that, if there is in effect at the date of the foreclosure sale a written property management agreement between the landlord and a real estate licensee licensed pursuant to the provisions of § 54.1-2106.1, the foreclosure shall convert the property management agreement into a month-to-month agreement between the successor landlord and the real estate licensee acting as a managing agent, except in the event that the terms of the original property management agreement between the landlord and the real estate licensee acting as a managing agent require an

earlier termination date. Except in the event of foreclosure, the bill permits a real estate licensee acting on behalf of a landlord client as a managing agent who elects to terminate the property management agreement to transfer any funds held in escrow by the licensee to the landlord client without his consent, provided that the real estate licensee provides written notice to each tenant that the funds have been so transferred. The bill provides that, in the event of foreclosure, a real estate licensee shall not transfer any funds to a landlord client whose property has been foreclosed upon. The bill provides immunity, in the absence of gross negligence or intentional misconduct, to any such licensee acting in compliance with the provisions of § 54.1-2108.1. The bill clarifies that a tenant residing in a dwelling unit that has been foreclosed upon is eligible to file an assertion pursuant to § 55-225.12 and that a court may order any moneys accumulated in escrow to be paid to the successor landlord or the successor landlord's managing agent, if any. This bill is identical to [SB 966](#). **PASSED**

[SB 1228](#) **Virginia Fair Housing Law; rights and responsibilities with respect to the use of an assistance animal in a dwelling.** Sets out the rights and responsibilities under the Virginia Fair Housing Law (§ 36-96.1 et seq.) with respect to maintaining an assistance animal in a dwelling. The bill establishes a process through which a person with a disability may submit a request for a reasonable accommodation to maintain an assistance animal in a dwelling, including any supporting documentation verifying the disability and disability-related need for an accommodation. Under the bill, a request for reasonable accommodation to maintain an assistance animal may be denied for any

one of the following reasons: (i) the request is not reasonable because it constitutes an undue financial and administrative burden as determined on a case-by-case basis; (ii) the requester does not have a disability; (iii) the requester does not have a disability-related need for an assistance animal; (iv) the supporting documentation does not state certain specified information regarding task, service, or support performed by the assistance animal; (v) the requested assistance animal poses a direct threat to the health or safety of others or the property of others; or (vi) the insurance carrier for the owner of the dwelling would take certain adverse action based on the presence of the assistance animal. **PASSED**

[HB 1638](#) **Virginia Residential Landlord and Tenant Act; insurance; early termination of rental agreement.** Prohibits a landlord from requiring a tenant to agree to a waiver of subrogation for damage or renter's insurance. **FAILED**

[HB 1639](#) **Virginia Residential Landlord and Tenant Act; disclosure of relationship between landlord and insurance company.** Requires a landlord, prior to the execution or renewal of a rental agreement, to provide a written disclosure to a tenant in cases where (i) there exists a business or financial relationship between the landlord and any insurance company (a) providing to the landlord any insurance coverage that under current law the landlord may require as a condition of tenancy or (b) referred by the landlord to a tenant to obtain such insurance coverage and (ii) any such coverage contains a waiver of subrogation provision. **FAILED**

SB 1094 Manufactured Home Lot Rental Act; right of resident upon eviction from a manufactured home park. Provides that a manufactured home owned by an evicted resident of a manufactured home park when there is no secured party shall be held in trust for the resident by the park owner until such time as the home is sold. **FAILED**

HB 2073 Certain fraud crimes; multi-jurisdiction grand jury; Virginia Consumer Protection Act. Adds the offenses of obtaining money by false pretense, financial exploitation of mentally incapacitated persons, and construction fraud to the criminal violations that a multi-jurisdiction grand jury may investigate and to prohibited practices under the Virginia Consumer Protection Act (§ 59.1-196 et seq.) **PASSED HOUSE, FAILED SENATE COURTS, 9-6**

SB 1126 Consumer finance companies; Internet loans. Provides that the laws regulating consumer finance companies apply to persons making loans to individuals for personal, family, household, or other nonbusiness purposes over the Internet to Virginia residents or any individuals in Virginia, whether or not the person making the loans maintains a physical presence in the Commonwealth. The measure has a reenactment clause and directs the Bureau of Financial Institutions to conduct an analysis of the legal, administrative, and other relevant issues relating to the feasibility of regulating Internet lending activities by consumer finance companies. **PASSED SENATE, FAILED HOUSE**

JUDICIAL ADMINISTRATION

HB 1515 Circuit court clerks; electronic transfer of certain documents. Permits circuit court clerks to transfer electronically, or provide electronic access to, documents related to certain real property information to certain public officials. **PASSED**

SB 864 Electoral board appointments; chief judge of the judicial circuit or his designee to make appointment. Provides that appointments to the electoral board of each county and city are to be made by the chief judge of the judicial circuit for the county or city or that judge's designee, who shall be any other judge sitting in that judicial circuit. Currently, such appointments are made by a majority of the circuit judges and if a majority of the judges cannot agree, the senior judge makes the appointment. **PASSED**

SB 928 Substitute judges. Removes the prohibition against substitute judges sitting in the courts in which they regularly practice. **PASSED**

HB 1854 Lobbyist reporting, the State and Local Government Conflict of Interests Act, and the General Assembly Conflicts of Interests Act; filing of required disclosures; registration of lobbyists; candidate filings; judges; definition of gift; informal advice; civil penalties; technical amendments. Makes numerous changes to the laws governing lobbyist reporting, the conflict of interest acts, and the Virginia Conflict of Interest and Ethics Advisory Council. The bill exempts members of the

judiciary from certain provisions governing prohibited gifts and prohibited personal interests in a transaction where such members are already subject to similar or greater prohibitions under the Canons of Judicial Conduct for the State of Virginia. This bill is identical to [SB 1312](#).

PASSED

SB 879 Retired circuit court judges under recall; qualification by Committees for Courts of Justice. Requires that retired circuit court judges sitting as substitutes be found qualified every three years by the Courts Committees instead of authorized by the Chief Justice. The bill provides that the Chief Justice may call upon and authorize any circuit court judge whose retirement becomes effective during the interim period between regularly scheduled sessions of the General Assembly to sit in recall. **PASSED SENATE, FAILED HOUSE**

SB 1481 Judicial Candidate Evaluation Committee; Virginia State Bar. Codifies the procedures used by the State Bar to evaluate and recommend candidates for election by the General Assembly to the appellate courts, the federal courts, and the State Corporation Commission. **FAILED SENATE COURTS, 13-2**

FAMILY LAW

HB 1456 Custody and visitation orders; parenting time. Provides that the court, in its discretion and as to a parent, may use the phrase "parenting time" to be synonymous with the term "visitation" in a custody or visitation order. **PASSED**

HB 1586 Court-ordered custody and visitation arrangements; transmission of order to child's school. Provides that, in any custody or visitation case in which an order prohibiting a party from picking a child up from school is entered, the court shall order a party to provide a copy of such order to the child's school within three business days of the receipt of the order. The bill requires that, where a custody determination affects a child's school enrollment, the court order a party to provide a copy of the custody order to the child's new school within three business days of the child's enrollment. The bill further provides that if the court determines that a party is unable to deliver the order to the school, such party shall provide the court with the name of the principal and address of the school, and the court shall cause the order to be mailed to such principal. **PASSED**

HB 1604 Foster care; reasonable efforts to prevent removal of child. Allows a local board of social services to take a child into immediate custody pursuant to an emergency removal order in cases in which the child is alleged to have been abused or neglected, and allows a court to issue certain orders in such cases, without requiring that reasonable efforts be made to prevent removal of the child from his home if (i) the parental residual rights of the child's parent over a sibling were involuntarily terminated; (ii) the parent was convicted of murder or voluntary manslaughter, or a felony attempt, conspiracy, or solicitation to commit any such offense, if the victim was a child of or resided with the parent or was the other parent of the child; (iii) the parent was convicted of felony assault resulting in serious bodily injury or felony bodily wounding resulting in serious bodily injury

or felony sexual assault, if the victim was a child of or resided with the parent; or (iv) on the basis of clear and convincing evidence, the parent has subjected any child to aggravated circumstances or abandoned a child under circumstances that would justify the termination of residual parental rights. The bill provides that, in each permanency planning hearing and in any hearing regarding the transition of the child from foster care to independent living, the court shall consult with the child, unless the court finds that such consultation is not in the best interests of the child. **PASSED**

SB 815 Priority of debts to be paid from decedent's assets; unpaid child support. Prioritizes debts owed for child support arrearages over debts and taxes due to localities and other, unenumerated claims against the estate of a decedent. **PASSED**

SB 868 State Board of Social Services; complaints of child abuse or neglect where child is under the age of two. Requires the State Board of Social Services to promulgate regulations that require local departments of social services to respond to valid reports and complaints alleging suspected abuse or neglect of a child under the age of two within 24 hours of receiving such reports or complaints. **PASSED**

HB 1692 Effect of divorce proceedings; transfer of matters to the juvenile and domestic relations district court; concurrent jurisdiction. Provides that, where a circuit court enters a divorce decree and transfers certain matters to the juvenile and domestic relations district court, the circuit court is not deprived of concurrent jurisdiction to hear such

matters. The bill requires that any motions in the circuit court filed regarding such matters be heard by the circuit court after such transfer, unless the parties agree otherwise. The bill allows the court to transfer any matters covered by the divorce decree to a more appropriate forum.

PASSED

HB 1737 Personal jurisdiction over a person; domicile and residential requirements for suits for annulment, affirmance, or divorce; civilian employees and foreign service officers. Extends to all civilian employees of the United States, where current law applies to foreign service officers, certain requirements for a court to exercise personal jurisdiction over a person stationed in a territory or foreign country and establishing domicile in the Commonwealth for the purposes of an annulment, affirmance, or divorce. **PASSED**

HB 1795 Adoptive and foster placements; Mutual Family Assessment home study. Requires that home studies conducted by local boards of social services to determine the appropriateness of an adoptive or foster placement comply with the Mutual Family Assessment home study template and any addenda thereto developed by the Department of Social Services. The bill authorizes the Department to amend or update its Mutual Family Assessment home study template and any addenda thereto when necessary to improve the process of adoptive and foster placements, provided that such amendments or updates do not lessen the requirements of the home study process. **PASSED**

HB 2025 Religious freedom; solemnization of marriage. Provides that no person shall be (i) required to participate in the solemnization of any marriage or (ii) subject to any penalty by the Commonwealth, or its political subdivisions or representatives or agents, solely on account of such person's belief, speech, or action in accordance with a sincerely held religious belief or moral conviction that marriage is or should be recognized as the union of one man and one woman. The bill defines "person" as any (a) religious organization; (b) organization supervised by or controlled by or operated in connection with a religious organization; (c) individual employed by a religious organization while acting in the scope of his paid or volunteer employment; (d) successor, representative, agent, agency, or instrumentality of any of the foregoing; or (e) clergy member or minister. The bill also defines "penalty." This bill is identical to [SB 1324](#). **PASSED**

HB 2050 Severance of tenancy by the entirety by written instrument. Clarifies that a husband and wife may own real or personal property as tenants by the entirety for as long as they are married. The bill provides that, in order to sever a tenancy by the entirety by written instrument, the instrument must be a deed that is signed by both spouses as grantors of the property. This bill is in response to *Evans v. Evans*, Record No. 141277, 772 S.E.2d 576, 2015 Va. LEXIS 84 (2015). **PASSED**

SB 1177 Surviving spouse's elective share; homestead allowance benefit. Provides that if a surviving spouse of a decedent dying on or after January 1, 2017, claims and receives an elective share, the homestead allowance available to the spouse shall be in addition to any benefit or

elective share passing to such surviving spouse. The bill provides consistency with other provisions of Article 1.1 (§ 64.2-308.1 et seq.) of Chapter 3 of Title 64.2, which governs the elective share of the surviving spouse of a decedent dying on or after January 1, 2017, which was enacted in 2016. This bill is identical to [HB 1516](#). **PASSED**

HB 2216 Putative Father Registry. Changes the name of the Putative Father Registry to the Virginia Birth Father Registry and modifies certain registration and notice provisions associated with such registry. **PASSED**

HB 2279 Child-protective services; complaints involving members of the United States Armed Forces. Requires local departments of social services to transmit information regarding reports, complaints, family assessments, and investigations involving children of active duty members of the United States Armed Forces or members of their household to family advocacy representatives of the United States Armed Forces. Under current law, local departments of social services may transmit such information, but are only required to transmit information regarding founded complaints or family assessments. This bill is identical to [SB 1164](#). **PASSED**

HB 2289 Award of life insurance upon divorce or dissolution of marriage. Provides that where an order for spousal support or separate maintenance has been entered by the court, the court may order a party to maintain an existing life insurance policy, designate the other party as beneficiary, allocate the premium cost of life insurance between the parties, and order the insured party to facilitate the

provision of certain information from the insurer to the beneficiary. The bill sets out factors to be considered by the court when making such an award and provides that the obligation to maintain a life insurance policy ceases upon the termination of the party's obligation to pay spousal support or separate maintenance. **PASSED**

HB 1611 Child support arrearages; suspension of driver's license. Requires the Department of Motor Vehicles to renew a driver's license or terminate a license suspension imposed due to delinquency in the payment of child support when it receives from the Department of Social Services a certification that (i) the person has reached an agreement with the Department of Social Services to satisfy the delinquency and has begun paying current support and arrears pursuant to an income withholding order or (ii) the person is indigent and has reached an agreement with the Department of Social Services to satisfy the delinquency based on the person's ability to pay. **FAILED**

SB 859 Spousal support; termination upon payor's retirement. Provides that, for spousal support orders filed on or after July 1, 2017, any periodic payments awarded shall terminate upon the payor spouse's attainment of full retirement age. The bill provides that the court may set a later date for termination of such payments for good cause shown. The bill also requires a court to order the modification of an initial support order filed before July 1, 2017, so that support terminates upon the payor spouse's attainment of full retirement age, unless good cause is shown to deny the petition for modification. **FAILED**

HB 2048 Nonpayment of child support and fines; suspension of driver's license; ability to pay; written findings. Prohibits the court from suspending the driver's license of a person who has failed to pay his fines or child support if the court finds that the person's failure to pay is due to his inability to pay. The bill requires that a hearing be held prior to the suspension of a person's driver's license for the nonpayment of fines and that the court make a written finding for the suspension of a person's license due to nonpayment of fines or child support. **FAILED**

SB 1190 Judicial training; law related to rights of persons of legitimate interest in custody and visitation proceedings. Directs the Office of the Executive Secretary of the Supreme Court of Virginia to require that all juvenile and domestic relations district court judges receive training, at least once during each six-year judicial term, on the rights of persons of legitimate interest in child custody and visitation proceedings. **FAILED**

SB 1199 Rights of blind parents. Provides that a blind parent's blindness, as defined in the bill, shall not be the sole basis of the denial or restriction of such parent's custody or visitation rights. **PASSED SENATE, FAILED HOUSE**

HB 2128 Custody and visitation agreements; best interests of the child. Requires the court to consider any history of abuse of persons other than family members when determining the best interests of the child for the purposes of custody and visitation arrangements. **FAILED HOUSE COURTS, 10-10**

HB 2271 Custodial rights of person who committed sexual assault; clear and convincing standard. Provides that a person who has been found by a clear and convincing evidence standard to have committed rape, carnal knowledge, or incest, which act resulted in the conception of a child who is the subject of the following, is not a party with a legitimate interest for the purposes of (i) the approval of a petition for custody of or rights of visitation with the child, (ii) the approval of an entrustment agreement for the termination of parental rights without the birth father's signature, or (iii) the validity of an adoption of the child without the birth father's consent. **FAILED**

SB 861 Preliminary protective orders; contents of order. Provides that if a preliminary protective order is issued in an ex parte hearing where the petition for the order is supported by sworn testimony and not an affidavit or a completed form submitted with an emergency protective order request, the court issuing the order shall state in the order the basis on which the order was entered, including a summary of the allegations made and the court's findings. **PASSED SENATE, FAILED HOUSE**

HB 2292 Judicial training; law related to rights of persons of legitimate interest in custody and visitation proceedings. Directs the Office of the Executive Secretary of the Supreme Court of Virginia to require that all juvenile and domestic relations district court judges receive training, at least once during each six-year judicial term, on the rights of persons of legitimate interest in child custody and visitation proceedings. **FAILED**

SB 1495 Suits to annul marriage. Removes the prohibition against entering an order for annulment when parties have been married for two years or longer. **FAILED SENATE COURTS, 9-3**

SB 1592 Juvenile and domestic relations district court; jurisdiction over juveniles who are not lawfully present in the United States. Prohibits the juvenile and domestic relations district court from making a determination that it is not in a juvenile's best interest to return to his home country when such juvenile is not lawfully present in the United States and when the purpose of making such determination is for the juvenile's eligibility for special immigrant juvenile classification. **STRICKEN**

LONG TERM CARE

HB 2072 Nursing home family councils; rights of family members. Provides that no family member of a resident of a nursing home or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility. **PASSED**

SB 1191 Assisted living facilities; cap on civil penalties. Increases the aggregate amount of civil penalties that the Commissioner of Social Services may assess against an assisted living facility for noncompliance with the terms of its license from \$10,000 per 24-month period to \$10,000 per 12-month period. This bill is identical to **HB 1919**. **PASSED**

HB 2156 Licensure of facilities operated by agencies of the Commonwealth. Provides for licensure of child welfare agencies operated by agencies of the Commonwealth. **PASSED**

HB 2304 Department of Medical Assistance Services; requirements related to long-term care. Provides that the Department of Medical Assistance Services shall require all individuals who administer preadmission screenings for long-term care services to receive training on and be certified in the use of the Uniform Assessment Instrument; requires the Department to develop a program for the training and certification of preadmission screeners, develop guidelines for a standardized preadmission screening process, and strengthen oversight of the preadmission screening process to ensure that problems are identified and addressed promptly. The bill requires the Department to make a number of changes to contracts for long-term care services provided by managed care organizations; directs the Department to impose additional requirements related to submission of data and information by managed care organizations; and requires the Department to implement a number of spending and utilization control measures in conjunction with managed care organizations. **PASSED**

articles of incorporation or bylaws do not require the meeting to be held at a place. The measure also limits the provision that currently authorizes the holders of at least 20 percent of the votes entitled to be cast on an issue to call a special meeting of shareholders of a corporation that has 35 or fewer shareholders by requiring that the corporation not be a public corporation. **PASSED**

SB 1226 Virginia Freedom of Information Act; Public Procurement Act; proprietary records and trade secrets; solar energy agreements. Excludes from the mandatory disclosure provisions of FOIA proprietary information, voluntarily provided by a private business under a promise of confidentiality from a public body, used by the public body for a solar photovoltaic services agreement, a solar power purchase agreement, or a solar self-generation agreement. The bill requires the private business to specify the records for which protection is sought before submitting them to the public body and to state the reasons why protection is necessary. **PASSED**

HB 1984 Limited Liability Company Protected Series Act. Provides for the creation by a limited liability company (LLC) of one or more protected series. **FAILED**

BUSINESS/COMMERCIAL LAW

HB 2230 Stock corporations; shareholders' meetings. Authorizes the board of directors of a stock corporation to determine that any meeting of shareholders not be held at any place and instead be held by means of remote communication, if the

EMPLOYMENT LAW

SB 783 Nondiscrimination in public employment. Prohibits discrimination in public employment on the basis of sexual orientation or gender identity, as defined in the bill. The bill also codifies for state and local government employment the current

prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. **PASSED SENATE, FAILED HOUSE**

SB 824 Paid sick days for employees; civil penalties. Requires private employers to give to each full-time employee paid sick days. Paid sick days would accrue at a rate of no less than one hour for every 50 hours worked in 2018 or, if an employer commences operations in 2018 or thereafter, in the employer's first year of operations. In subsequent years, paid sick days would accrue at a rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the ninetieth calendar day of employment. The bill would require an employer to provide paid sick days, upon the request of the employee, for diagnosis, care, or treatment of health conditions of the employee or the employee's family member. The bill would prohibit an employer from discriminating or retaliating against an employee who requests paid sick days. **FAILED SENATE COMMERCE & LABOR, 11-4**

SB 1080 Equal pay irrespective of sex. Amends the existing law requiring equal pay for equal work irrespective of sex to (i) prohibit unequal provision of benefits and privileges; (ii) prohibit employers from punishing employees for sharing salary information with their coworkers; and (iii) authorize a court to award reasonable attorney fees and costs to an employee who substantially prevails on the merits in an action for wrongful withholding of wages, benefits, or privileges. **FAILED SENATE COMMERCE & LABOR, 10-5**

SB 1171 Public employment; inquiries by state agencies and localities regarding criminal convictions, charges, and arrests. Prohibits state agencies from including on any employment application a question inquiring whether the prospective employee has ever been arrested or charged with, or convicted of, any crime, subject to certain exceptions. A prospective employee may not be asked if he has ever been convicted of any crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if the prospective employee has a conviction record that directly relates to the duties and responsibilities of the position. **PASSED SENATE, FAILED HOUSE**

HB 2129 Virginia Human Rights Act; public employment, public accommodation, and housing; prohibited discrimination; sexual orientation. Prohibits discrimination in employment and public accommodation on the basis of sexual orientation. **FAILED**

HB 2261 Virginia Human Rights Act; unlawful discriminatory practice; anti-Semitism. Provides that the terms "because of religion" and "on the basis of religion," and terms of similar import when used in reference to discrimination in the Code of Virginia and acts of the General Assembly, include anti-Semitism. **FAILED**

HB 2283 Nonpayment of wages; private action. Provides that an employee has cause of action against an employer who fails to pay wages. **FAILED**

HB 2295 Virginia Human Rights Act; pregnancy, childbirth, or related medical conditions; causes of action. Provides that no employer may discharge any employee

on the basis of pregnancy, childbirth, or related medical conditions, including lactation. **FAILED**

HB 2323 Public employment; inquiries by state agencies and localities regarding criminal convictions, charges, and arrests. Prohibits state agencies from including on any employment application a question inquiring whether the prospective employee has ever been arrested or charged with, or convicted of, any crime, subject to certain exceptions. **FAILED**

CRIMINAL LAW

HB 1545 Delayed appeals in criminal cases; assignment of errors dismissed in part. Provides that an appellant may file a motion for leave to pursue a delayed appeal in a criminal case in the Court of Appeals of Virginia when the appeal was dismissed, in whole or in part, for a failure to (i) initiate the appeal; (ii) adhere to proper form, procedures, or time limits in the perfection of the appeal; or (iii) file the indispensable transcript or written statement of facts, even if other parts of the appeal were refused on the merits. Under current law, an appellant may not pursue a delayed appeal in such a case if part of the appeal was refused on the merits. The bill also provides that an appellant may file a motion for leave to pursue a delayed appeal in a criminal case that is appealed to the Supreme Court of Virginia from the Court of Appeals of Virginia for those assignments of error that were dismissed because they did not adhere to a proper form, even if other assignments of error were refused on the merits. This bill is identical to [SB 853](#). **PASSED**

HB 1622 Driving commercial vehicle while intoxicated; penalties. Harmonizes the penalties for driving under the influence (DUI) and commercial DUI. The bill imposes a \$250 mandatory minimum fine for a first offense of commercial DUI and mandatory minimum sentences of five days if the person's blood alcohol level was at least 0.15 and 10 days if the person's blood alcohol level was more than 0.20. The bill increases from five to 20 days the mandatory minimum sentence for a second offense committed within five years, adds a 10-day mandatory minimum sentence for a second offense committed within five to 10 years, and imposes a \$500 mandatory minimum fine for any second offense committed within a 10-year period. The bill also imposes additional mandatory minimum sentences for a second offense committed within 10 years of 10 days if the person's blood alcohol level was at least 0.15 and 20 days if the person's blood alcohol level was more than 0.20 as well as an additional \$500 mandatory minimum fine. **PASSED**

SB 817 Restricted driver's license; purposes. Adds travel to and from a job interview to the list of purposes for the issuance of a restricted driver's license. The bill provides that a person issued a restricted driver's license for this purpose is required to maintain on his person written proof from the prospective employer of the date, time, and location of the job interview. **PASSED**

SB 853 Delayed appeals in criminal cases; assignment of errors dismissed in part. Provides that an appellant may file a motion for leave to pursue a delayed appeal in a criminal case in the Court of Appeals of Virginia when the appeal was dismissed, in

whole or in part, for a failure to (i) initiate the appeal; (ii) adhere to proper form, procedures, or time limits in the perfection of the appeal; or (iii) file the indispensable transcript or written statement of facts, even if other parts of the appeal were refused on the merits. Under current law, an appellant may not pursue a delayed appeal in such a case if part of the appeal was refused on the merits. The bill also provides that an appellant may file a motion for leave to pursue a delayed appeal in a criminal case that is appealed to the Supreme Court of Virginia from the Court of Appeals of Virginia for those assignments of error that were dismissed because they did not adhere to a proper form, even if other assignments of error were refused on the merits. This bill is identical to [HB 1545](#).

PASSED

SB 854 Collection of unpaid court fines, etc. Increases the grace period after which collection activity for unpaid court fines, costs, forfeitures, penalties, and restitution may be commenced from 30 days to 90 days after sentencing or judgment. The bill also establishes the requirements for deferred or installment payment agreements that a court must offer a defendant who is unable to pay court-ordered fines, costs, forfeitures, and penalties. The bill requires that a court take into account a defendant's financial circumstances, including whether the defendant owes fines and costs to other courts, in setting the terms of a payment agreement. The bill fixes the maximum down payments that a court may require as a condition of entering a payment plan and provides that payments made within 10 days of their due date are timely made. The bill precludes a court from denying a defendant the opportunity to enter into a

payment agreement solely because of the crime committed, the total amount owed or that such amount has been referred to collections, any previous default by the defendant or failure to establish a payment history, or the defendant's eligibility for a restricted driver's license. The bill allows all costs and fines owed by a defendant to any one court to be incorporated into one payment agreement and allows a defendant to request a modification of the terms of the agreement, which shall be granted upon a good faith showing of need. The bill requires a court to consider a request by a defendant who has defaulted on a payment agreement to enter into a subsequent agreement and requires the court to fix a down payment for subsequent payment agreements. Finally, the bill provides that the payment agreement includes restitution unless the court has entered a separate order regarding the payment of restitution. This bill is identical to [HB 2386](#). **PASSED**

SB 1091 Driver's license; marijuana possession. Revises the existing provision that a person loses his driver's license for six months when convicted of or placed on deferred disposition for a drug offense to provide that the provision does not apply to deferred disposition of simple possession of marijuana. The exception applies only to adults; juveniles will still be subject to license suspension. The bill provides that a court retains the discretion to suspend or revoke the driver's license of a person placed on deferred disposition for simple possession of marijuana and must suspend or revoke for six months the driver's license of such person who was operating a motor vehicle at the time of the offense. The bill also requires that such a person whose driver's license is not suspended or revoked perform 50 hours of community service in

addition to any community service ordered as part of the deferred disposition. This bill is identical to [HB 2051](#). **PASSED**

HB 1647 Presentence report; waiver by defendant. Expands from guilty to guilty or nolo contendere the pleas for which a court is required to direct a probation officer to create a presentence report upon conviction for certain felonies. The bill provides that upon a conviction or plea agreement for such felonies, the defendant and the attorney for the Commonwealth may waive the presentence report. **PASSED**

HB 2064 Assault and battery against a family or household member; eligibility for first offender status. Precludes a person who has been convicted of any felony defined as an act of violence from being eligible for first offender status for assault and battery against a family or household member unless the attorney for the Commonwealth does not object to the person being placed on first offender status. **PASSED**

HB 2084 Search warrants; person subject to arrest. Authorizes the issuance of a search warrant to search for and seize any person for whom a warrant or process for arrest has been issued. This bill is identical to [SB 1260](#). **PASSED**

HB 2327 DUI; implied consent; refusal of blood or breath tests. Eliminates the criminal penalties for refusing to submit to a blood test to determine the alcohol or drug content of a defendant's blood upon arrest for a DUI-related offense under the law on implied consent. The bill also increases to a Class 1 misdemeanor the criminal penalty for refusing to submit to a breath test under the law on implied

consent for an offense committed within 10 years of a prior offense of refusal or of another DUI-related offense. The bill also extends to blood tests performed by the Department of Forensic Science pursuant to a search warrant the rebuttable presumption that a person is intoxicated based on the person's blood alcohol level demonstrated by such tests. The bill also provides that an application for a search warrant to perform a blood test on a person suspected of committing a DUI-related offense shall be given priority over other matters pending before the judge or magistrate. Finally, the bill establishes a rebuttable presumption applicable in a civil case for punitive damages for injuries caused by an intoxicated driver that a person who has consumed alcohol knew or should have known that his ability to drive was or would be impaired by such consumption. This bill is in response to the U.S. Supreme Court decision in *Birchfield v. North Dakota*, 136 S. Ct. 2160 (2016). The bill contains an emergency clause. **PASSED**

HB 2350 Use of electronic device to trespass; peeping into dwelling or occupied building; penalty. Punishes as a Class 1 misdemeanor the use of an electronic device to enter the property of another to secretly or furtively peep or spy or attempt to peep or spy into a dwelling or occupied building located on such property, unless such use occurs pursuant to a lawful criminal investigation. **PASSED**

HB 2127 Rights of victims of sexual assault; physical evidence recovery kits. Requires that victims of sexual assault be advised by the investigating law-enforcement agency of their rights regarding physical evidence recovery kits. The bill requires the Division of

Consolidated Laboratory Services of the Virginia Department of General Services and law-enforcement agencies to store a physical evidence recovery kit for an additional 10 years following a written objection to its destruction from the victim. The bill requires the law-enforcement agency to notify the victim at least 60 days prior to the intended date of destruction of the kit and provides that no victim of sexual assault shall be charged for the cost of collecting or storing a kit. **PASSED**

HB 2386 Collection of unpaid court fines, etc. Increases the grace period after which collection activity for unpaid court fines, costs, forfeitures, penalties, and restitution may be commenced from 30 days to 90 days after sentencing or judgment. The bill also establishes the requirements for deferred or installment payment agreements that a court must offer a defendant who is unable to pay court-ordered fines, costs, forfeitures, and penalties. The bill requires that a court take into account a defendant's financial circumstances, including whether the defendant owes fines and costs to other courts, in setting the terms of a payment agreement. The bill fixes the maximum down payments that a court may require as a condition of entering a payment plan and provides that payments made within 10 days of their due date are timely made. The bill precludes a court from denying a defendant the opportunity to enter into a payment agreement solely because of the crime committed, the total amount owed or that such amount has been referred to collections, any previous default by the defendant or failure to establish a payment history, or the defendant's eligibility for a restricted driver's license. The bill allows all costs and fines owed by a defendant to any

one court to be incorporated into one payment agreement and allows a defendant to request a modification of the terms of the agreement, which shall be granted upon a good faith showing of need. The bill requires a court to consider a request by a defendant who has defaulted on a payment agreement to enter into a subsequent agreement and requires the court to fix a down payment for subsequent payment agreements. Finally, the bill provides that the payment agreement includes restitution unless the court has entered a separate order regarding the payment of restitution. This bill is identical to **SB 854**. **PASSED**

SB 1501 Victim's right to notification of scientific analysis information. Provides that for any physical evidence recovery kit that was received by a law-enforcement agency prior to July 1, 2016, and submitted for analysis, the victim, a parent or guardian of a minor victim, or the next of kin of a deceased victim shall be notified of the completion of the analysis and shall, upon request, receive information regarding the results of any analysis from the law-enforcement agency. The bill provides that law enforcement shall not be required to disclose the results of any analysis to an alleged perpetrator. **PASSED**

SB 1564 DUI; search warrants for blood withdrawals. Provides that an application for a search warrant to perform a blood test on a person suspected of committing a DUI-related offense shall be given priority over matters that do not involve an imminent risk to another's health or safety. **PASSED**

HB 1403 Driving while intoxicated; subsequent offenses; penalty. Provides that a person who commits a third offense of driving while intoxicated within a 20-year

period is guilty of a Class 6 felony and the punishment for a person who commits a fourth or subsequent offense within such period must include a mandatory minimum sentence of one year and a mandatory minimum fine of \$1,000. Under current law, the relevant time period for applying enhanced penalties for subsequent offenses is 10 years. **FAILED**

HB 1613 Testimony of law-enforcement officer; failure of body-worn camera.

Provides that a law-enforcement officer who is required to wear a body-worn camera during the performance of his duties and fails to cause an audiovisual recording to be made may still testify regarding any occurrence that would have otherwise been recorded by the body-worn camera, but the court shall instruct the jury that the officer's failure shall be considered in determining the weight given to his testimony or, if there is no jury, the court shall consider such failure in determining the weight given to his testimony. **FAILED**

HB 1621 Preliminary hearing; certification of ancillary misdemeanors; fees and costs. Provides that if, pursuant to a preliminary hearing, a district court certifies a felony offense and any ancillary misdemeanor offense for trial in circuit court, fees and costs shall be assessed against the accused in the same manner as if a final judgment had been entered by the district court on the misdemeanor offense. **PASSED HOUSE, FAILED SENATE 7-7**

SB 796 Expungement of certain charges and convictions. Allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain

alcohol when the offense occurred prior to the person's twenty-first birthday; all court costs, fines, and restitution have been paid; and five years have elapsed since the date of completion of all terms of sentencing and probation. **PASSED SENATE, FAILED HOUSE**

SB 808 Discretionary sentencing guideline worksheets; use by juries. Requires that the jury be given the applicable discretionary sentencing guideline worksheets during a sentencing proceeding and that the court instruct the jury that the sentencing guideline worksheets are discretionary and not binding on the jury. The bill requires sentencing guideline worksheets to be kept confidential by the jurors and filed under seal by the court. **FAILED SENATE COURTS, 8-7**

SB 825 New sentencing hearing; abolition of parole. Provides that a person who was sentenced by a jury prior to the date of the Supreme Court of Virginia decision in *Fishback v. Commonwealth*, 260 Va. 104 (June 9, 2000), in which the Court held that a jury should be instructed on the fact that parole has been abolished, for a non-violent felony committed prior to the time that the abolition of parole went into effect (January 1, 1995) is entitled to a new sentencing proceeding if such person is still incarcerated. The bill provides that such person shall file a petition for a new sentencing proceeding with the circuit court in which the order of conviction was originally entered. The circuit court shall empanel a new jury for the purpose of conducting the new sentencing proceeding and notify the appropriate attorney for the Commonwealth. **PASSED SENATE, FAILED HOUSE**

SB 833 Community work in lieu of payment of fines and court costs. Extends to non-jailed defendants a program allowing community service in lieu of payment of fines and court costs. **FAILED**

SB 850 Correctional Officer Procedural Guarantee Act. Creates the Correctional Officer Procedural Guarantee Act to establish procedural guarantees for correctional officers when allegations are made against such officers involving matters that may lead to their dismissal, demotion, suspension, or transfer for punitive reasons. **FAILED SENATE REHABILITATION COMMITTEE, 8-7**

SB 851 Weekend jail time. Replaces the provision limiting nonconsecutive days in jail for the purpose of allowing the defendant to retain gainful employment with a good cause standard and allows the court to sentence the defendant to nonconsecutive days in jail only if the active portion of the sentence remaining to be served is 90 days or less. If there is no objection from the Commonwealth, the court may sentence felons to nonconsecutive days in jail if the felony was not an act of violence as defined in § 19.2-297.1. **FAILED**

SB 861 Preliminary protective orders; contents of order. Provides that if a preliminary protective order is issued in an ex parte hearing where the petition for the order is supported by sworn testimony and not an affidavit or a completed form submitted with an emergency protective order request, the court issuing the order shall state in the order the basis on which the order was entered, including a summary of the allegations made and the court's findings. **PASSED SENATE, FAILED HOUSE**

SB 862 Driving after forfeiture of license. Provides that a person is guilty of an offense of driving or operating a motor vehicle (i) after his driver's license has been revoked for certain offenses, (ii) in violation of the terms of a restricted license, (iii) without an ignition interlock system if one is required, or (iv) if the person's license had been restricted, suspended, or revoked for certain driving under the influence offenses, with a blood alcohol content of 0.02 percent or more, only if such person was driving or operating the motor vehicle on a highway, as defined in § 46.2-100. **PASSED SENATE, FAILED HOUSE**

SB 863 Operating a motor vehicle; obstructed view; secondary offense. Changes the offense of operating a motor vehicle with an object suspended in such vehicle that obstructs the driver's clear view of the highway from a primary offense to a secondary offense (one that can only be charged when the offender is stopped for another, separate offense). **FAILED**

SB 883 Expungement of police and court records; costs. Relieves a person who petitions for the expungement of police and court records related to a crime of which the person was acquitted or the charge of which was otherwise dismissed from paying any fees or costs for filing such petition. **FAILED**

SB 908 Marijuana; decriminalization of simple marijuana possession. Decriminalizes marijuana possession and provides a civil penalty of no more than \$250 for a first violation and \$1,000 for a second or subsequent violation. Under current law, a first offense is punishable by a maximum fine of \$500 and a maximum 30-day jail sentence, and

subsequent offenses are a Class 1 misdemeanor. **FAILED**

SB 923 Grand larceny;

threshold. Increases from \$200 to \$500 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes. This bill was incorporated into **SB816**. **FAILED**

HB 1633 Careless driving; cause of injury to vulnerable road user.

Provides that a person is guilty of a Class 1 misdemeanor and shall have his license suspended who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, defined in the bill as a pedestrian or person riding a bicycle, electric wheelchair, electric bicycle, wheelchair, skateboard, skates, foot-scooter, animal, or animal-drawn vehicle. **FAILED**

HB 1644 Driving under the influence; first offenders; secure transdermal alcohol monitoring.

Provides that in the case of an adult offender's first DUI conviction when the offender's blood alcohol content was less than 0.15, the court may, upon request of the offender, order that the offender (i) wear a transdermal alcohol monitoring device that continuously monitors the person's blood alcohol level and (ii) refrain from alcohol consumption and that these shall be the only conditions of the offender's driver's license restriction. Such offenders will no longer be required to have an ignition interlock as a condition of a restricted license. **FAILED**

HB 1704 Grand larceny;

threshold. Increases from \$200 to \$500 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. **FAILED**

SB 1055 Remaining at place of riot or unlawful assembly after warning to disperse; penalty.

Increases from a Class 3 to a Class 1 misdemeanor the penalty for failure to leave the place of any riot or unlawful assembly after having been lawfully warned to disperse. **FAILED SENATE, 14-26**

SB 1056 Crossing established police lines, perimeters, or barricades;

penalty. Increases from a Class 3 misdemeanor to a Class 1 misdemeanor the crossing or remaining within lawfully established police lines or barricades without proper authorization. **FAILED SENATE COURTS, 4-8**

SB 1057 Injuries to property or persons by persons unlawfully or riotously assembled; penalty.

Increases from a Class 6 felony to a Class 5 felony any injury to property or persons by any person unlawfully or riotously assembled. **FAILED**

SB 1066 Petition for writ of actual innocence.

Provides that a person may petition for a writ of actual innocence based on biological evidence regardless of the type of plea he entered at trial. Under current law, a person may petition for a writ based on biological evidence if he (i) entered a plea of not guilty, (ii) is convicted of murder, or (iii) is convicted of a felony for which the maximum punishment is imprisonment for life. The bill also provides that the Supreme Court of Virginia shall

grant the writ upon finding that the petitioner has proven the allegations supporting the writ by a preponderance of the evidence. Currently, the Court must make such a finding based on clear and convincing evidence. **PASSED SENATE, FAILED HOUSE**

HB 2083 Restitution; modification of terms and conditions of payment

plan. Permits the court to modify the terms and conditions of a restitution payment plan or amend the total amount of restitution due for good cause shown and only after a hearing of which the defendant, attorney for the Commonwealth, and victim have been notified. **FAILED**

HB 2086 Writ of actual innocence based on nonbiological evidence; untested evidence.

Allows a writ of actual innocence based on nonbiological evidence to be granted if scientific testing of previously untested evidence, regardless of whether such evidence was available or known at the time of conviction, proves that no trier of fact would have found proof of guilt of the person petitioning for the writ, provided that the testing procedure was not available at the time of conviction. **FAILED**

HB 2117 Local law-enforcement agencies; body-worn cameras.

Requires localities to adopt and establish a written policy for the operation of a body-worn camera system, as defined in the bill, that conforms to the model policy established by the Department of Criminal Justice Services (the Department) prior to purchasing or deploying a body-worn camera system. **FAILED**

SB 1188 Driver's license suspensions for certain non-driving related

offenses. Removes the existing provision that a person's driver's license is suspended (i) when he is convicted of or placed on deferred disposition for a drug offense and (ii) for violations not pertaining to the operator or operation of a motor vehicle. **PASSED SENATE, FAILED HOUSE**

HB 2238 DUI manslaughter; ignition

interlock. Requires that, as a condition of being granted a restricted driver's license, a person convicted of manslaughter as a result of driving under the influence be prohibited from operating a motor vehicle without an ignition interlock and have an ignition interlock installed on all vehicles owned by or registered to such person. **PASSED HOUSE, FAILED SENATE**

HB 2268 Ignition interlock violations;

venue. Provides that venue for the prosecution of any offense of (i) tampering or attempting to circumvent an ignition interlock system, (ii) starting a motor vehicle equipped with an ignition interlock for a person prohibited from operating a motor vehicle not equipped with an ignition interlock, or (iii) furnishing a motor vehicle not equipped with an ignition interlock to a person prohibited from operating a motor vehicle not equipped with an ignition interlock shall lie in the county or city in which (a) the offense was committed, (b) the defendant resides, or (c) the order prohibiting a person from operating a motor vehicle that is not equipped with a functioning ignition interlock system was entered. **PASSED HOUSE, FAILED SENATE COURTS, 11-3**

SB 1443 Firearms; removal from persons posing substantial risk; penalties. Creates a procedure by which an attorney for the Commonwealth or law-enforcement officer may apply to a circuit court judge for a warrant to remove firearms from a person who poses a substantial risk of injury to himself or others. If firearms are seized pursuant to such warrant, the bill requires a court hearing within 14 days from execution of the warrant to determine whether the firearms should be returned or retained by law enforcement. Seized firearms may be retained by court order for up to 180 days or, with court approval, may be transferred to a third party chosen by the person from whom they were seized. **FAILED SENATE COURTS, 5-10**

SB 1444 Restricted ammunition; use or attempted use in the commission of a crime; penalty. Provides that restricted firearms ammunition means any ammunition that has been banned or prohibited from commercial sale by the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives or under federal law. Under current law, restricted firearms ammunition was defined as ammunition that are: (i) coated with or contain, in whole or in part, polytetrafluorethylene or a similar product, (ii) commonly known as "KTW" bullets or "French Arcanes," or (iii) any cartridges containing bullets coated with a plastic substance with other than lead or lead alloy cores, jacketed bullets with other than lead or lead alloy cores, or cartridges of which the bullet itself is wholly comprised of a metal or metal alloy other than lead. **PASSED SENATE, FAILED HOUSE**

SB 1445 Admissibility of prior inconsistent statements in a criminal case. Provides that in all criminal cases,

evidence of a prior statement that is inconsistent with testimony at the hearing or trial is admissible if the testifying witness is subject to cross-examination and the prior statement (i) was made by the witness under oath at a trial, hearing, or other proceeding or (ii) narrates, describes, or explains an event or condition of which the witness had personal knowledge and (a) the statement is proved to have been written or signed by the witness; (b) the witness acknowledges under oath the making of the statement in his testimony at the hearing or trial in which the admission into evidence of the prior statement is being sought; or (c) the statement is proved to have been accurately recorded by using an audio recorder, a video/audio recorder, or any other similar electronic means of sound recording. **FAILED**

SB 1474 Resisting arrest; penalty. Expands the Class 1 misdemeanor of resisting arrest to include, in addition to fleeing from a law-enforcement officer, attempting to escape from the lawful custody of a law-enforcement officer by force or violence. **PASSED SENATE, FAILED HOUSE**

SB 1478 Restitution; modification of terms and conditions of payment plan. Permits the court to modify the terms and conditions of a restitution payment plan or amend the total amount of restitution due for good cause shown and only after a hearing of which the defendant, attorney for the Commonwealth, and victim have been notified. **FAILED SENATE COURTS, 6-9**

SB 1480 Digital impersonation; penalty. Provides that it is a Class 1 misdemeanor for a person to knowingly and with malice impersonate a living individual

without his authorization through the use of a computer and with the intent to defraud or injure that person in his reputation, trade, business, or profession. The bill provides that an impersonation is credible if a reasonable person would believe the defendant was in fact the person who was impersonated. **FAILED SENATE COURTS, 5-8-2**

SB 1563 Discovery in criminal cases; duty to provide. Requires the attorney for the Commonwealth, upon written notice by an accused to the court and to the attorney for the Commonwealth, to permit the accused to inspect, copy, or photograph (i) any relevant written or recorded statements or confessions made by the accused or any codefendant, or the substance of any oral statements or confessions made by the accused or any codefendant; (ii) any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other written scientific reports, and written reports of a physical or mental examination of the accused or the alleged victim; (iii) any books, papers, documents, tangible objects, or buildings or places, or copies or portions thereof, that are within the possession, custody, or control of the Commonwealth; (iv) all relevant police reports; and (v) all relevant

statements of any non-expert witness whom the Commonwealth is required to designate on a witness list. If the accused provides written notice for discovery, the accused shall provide reciprocal discovery, which shall include (a) any written reports of autopsy examinations, ballistic tests, fingerprint, blood, urine, and breath analyses, and other scientific tests that may be within the accused's possession, custody, or control and that the accused intends to proffer or introduce into evidence at the trial or sentencing; (b) whether he intends to introduce evidence to establish an alibi; (c) if the accused intends to rely upon an insanity defense, any written reports of physical or mental examination of the accused made in connection with the case; and (d) all relevant statements of any non-expert witness whom the defense designated on a witness list. The bill directs that the Commonwealth provide its expert disclosures no later than 14 days before trial and the accused provide his expert disclosures no later than seven days before trial. The bill provides that for good cause a party may withhold or redact certain information and either party may file a motion to compel disclosure of any information withheld or redacted. **PASSED SENATE, FAILED HOUSE COURTS**



Virginia Trial Lawyers Association's

2018 Justice Day

Wednesday, January 24, 2018

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Virginia Trial Lawyers Association's Justice Day in Richmond
and any other days you have available in January or February!

Tentative January 24th Schedule:

- 8:15 am Invited guest speaker
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- 8:45 am Meet in the SunTrust Building, downtown Richmond
- 9:00 am Update/Issue Briefing on the 2018 Session
- 10:00 am Walk halls of General Assembly & meet with legislators
- 12:15 pm Lunch, feedback and discussion about morning meetings

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