# *Selected Acts of the 2025 Virginia General Assembly*


***Compiled by***
***The Virginia Department of State Police Office of Legal Affairs***

**This volume of Selected Acts contains legislation passed by the 2025 Session of the Virginia General Assembly that is relevant to criminal law and highway safety. Selected Acts can be found on the VSP Connect page under the Bureau dropdown via BSG in Legal Affairs page. It is also available on the Department's website under "News and Alerts" via the "Publications" tab.**

**EXPLANATIONS WHICH MAY BE HELPFUL IN STUDYING THESE ACTS:**

1. *Italicized* words indicate new language.

2. ~~Lined through~~ words indicate language that has been removed.

3. The table of contents is divided into four categories: Traffic, Criminal, Firearms and Miscellaneous. The bills in those categories are presented in either **full text** or **summary** form. Summarized bills are less relevant, yet still important legislation, and are found at the back of each section. Although summarized bills are not discussed in the recorded Selected Acts presentation, they should be reviewed.

4. Emergency Acts - are Acts with an emergency clause and were effective the moment they were signed by the Governor. Generally, the emergency clause appears as the last sentence of the Act.

5. Effective date - All Acts, other than those containing an emergency clause or those specifying a delayed effective date, become law on July 1, 2025. Note that different portions of a bill may carry different effective dates.

6. A brief overview outlining changes, provided by the Division of Legislative Services, appears at the beginning of each full text bill. This overview is only a brief synopsis of the bill. Before taking any enforcement action, carefully read the entire bill. Also, note that the Table of Contents contains a bill description which is not necessarily the same as the short title of the bill.

7. Questions regarding Selected Acts may be directed to the Office of Legal Affairs at (804) 674-6722.

8. Additional information on legislation may be found at: https://lis.virginia.gov/ and the Virginia State Police website at https://vsp.virginia.gov/.

# TABLE OF CONTENTS

## TRAFFIC – FULL TEXT

# TRAFFIC – SUMMARY ONLY

# CRIMINAL – FULL TEXT

# CRIMINAL – SUMMARY ONLY

# MISCELLANEOUS – FULL TEXT

# MISCELLANEOUS – SUMMARY ONLY

## MISCELLANEOUS – SUMMARY ONLY cont'd

# TRAFFIC – FULL TEXT

**Use of safety belt systems.** Requires all adult passengers in a motor vehicle equipped with a safety belt system to wear such safety belt system when the motor vehicle is in motion on a public highway. Current law requires adult passengers to wear such safety belts when occupying the front seat.

## CHAPTER 414

*An Act to amend and reenact § 46.2-1094 of the Code of Virginia, relating to use of safety belt systems.*

[H 2475]

Approved March 24, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1094 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1094. Occupants of front seats of motor vehicles required to use safety lap belts and shoulder harnesses; penalty.**

A. Any driver, and any other person at least 18 years of age and occupying ~~the~~ ~~front~~ *a* seat, of a motor vehicle equipped or required by the provisions of this title to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices, shall wear the appropriate safety belt system at all times while the motor vehicle is in motion on any public highway. A passenger under the age of 18 years, however, shall be protected as required by the provisions of Article 13 (§ 46.2-1095 et seq.) of this chapter.

B. This section shall not apply to:

1. Any person for whom a licensed physician determines that the use of such safety belt system would be impractical by reason of such person's physical condition or other medical reason, provided the person so exempted carries on his person or in the vehicle a signed written statement of the physician identifying the exempted person and stating the grounds for the exemption; or

2. Any law-enforcement officer transporting persons in custody or traveling in circumstances which render the wearing of such safety belt system impractical; or

3. Any person while driving a motor vehicle and performing the duties of a rural mail carrier for the United States Postal Service; or

4. Any person driving a motor vehicle and performing the duties of a rural newspaper route carrier, newspaper bundle hauler or newspaper rack carrier; or

5. Drivers of and passengers in taxicabs; or

6. Personnel of commercial or municipal vehicles while actually engaged in the collection or delivery of goods or services, including but not limited to solid waste, where such collection or delivery requires the personnel to exit and enter the cab of the vehicle with such frequency and regularity so as to render the use of safety belt systems impractical and the safety benefits derived therefrom insignificant. Such personnel shall resume the use of safety belt systems when actual collection or delivery has ceased or when the vehicle is in transit to or from a point of

final disposition or disposal, including but not limited to solid waste facilities, terminals, or other location where the vehicle may be principally garaged; or

7. Any person driving a motor vehicle and performing the duties of a utility meter reader; or

8. Law-enforcement agency personnel driving motor vehicles to enforce laws governing motor vehicle parking.

C. Any person who violates this section shall be subject to a civil penalty of twenty-five dollars to be paid into the state treasury and credited to the Literary Fund. No assignment of demerit points shall be made under Article 19 of Chapter 3 (§ 46.2-489 et seq.) of this title and no court costs shall be assessed for violations of this section.

D. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action.

E. A violation of this section may be charged on the uniform traffic summons form.

F. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

G. The governing body of the City of Lynchburg may adopt an ordinance not inconsistent with the provisions of this section, requiring the use of safety belt systems. The penalty for violating any such ordinance shall not exceed a fine or civil penalty of twenty-five dollars.

**Reckless driving; exhibition driving; penalties.** Expands reckless driving to include exhibition driving, defined in the bill. The bill prohibits (i) slowing or stopping traffic for a race or exhibition driving; (ii) riding as a passenger on the hood or roof of a motor vehicle during a race or exhibition driving; or (iii) aiding or abetting exhibition driving. The bill establishes penalties for violations and establishes a process for impounding or immobilizing motor vehicles driven by persons arrested for exhibition driving.

## CHAPTER 648

*An Act to amend and reenact §§ 46.2-865 through 46.2-867 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-867.1, relating to reckless driving; exhibition driving; penalties; emergency.*

[H 2036]

Approved April 2, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-865 through 46.2-867 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-867.1 as follows:**

**§ 46.2-865. Racing or exhibition driving; definitions; penalties.**

*A. As used in this article, unless the context requires a different meaning:*

*"Exhibition driving" means the intentional performance of any of the following in close proximity to a group of two or more people:*

*1. Maintaining a motor vehicle in a stationary position by using the brake pedal or parking brake of such vehicle while simultaneously engaging the gas pedal, causing one set of wheels to spin or lose contact with the pavement;*

*2. Operating a motor vehicle in an unnecessary manner that causes such vehicle to move in a manner inconsistent with the normal operation of such vehicle, such as zigzagging or spinning around in a circular pattern. "Exhibition driving" does not include operating a motor vehicle in an otherwise lawful manner and engaging in such described conduct as necessary to avoid collision, damage, or injury;*

*3. Operating one or more motor vehicles, for the purpose of exhibiting the speed or power of such vehicle or vehicles, from a designated starting point to a designated ending point or over a common selected course, including drag racing; or*

*4. Transporting a passenger on the hood or roof of the motor vehicle.*

*B.* Any person who engages in a race between two or more motor vehicles on the highways in the Commonwealth or on any driveway or premises of a church, school, recreational facility, or business property open to the public in the Commonwealth ~~shall be~~ *is* guilty of reckless driving, unless authorized by the owner of the property or his agent.

*C. Any person who engages in exhibition driving on the highways in the Commonwealth or on any driveway or premises of a church, school, recreational facility, or business property open to the public in the Commonwealth is guilty of reckless driving, unless authorized by the owner of the property or his agent.*

*D. Any person who purposefully rides as a passenger on the hood or roof during any race or exhibition driving in violation of subsection B or C is guilty of a Class 3 misdemeanor.*

*E. Any person who purposefully slows, stops, or impedes, or attempts to slow, stop, or impede, the movement of traffic, including pedestrian traffic, for the purpose of a race or exhibition driving in violation of subsection B or C is guilty of a Class 1 misdemeanor.*

*F.* When any person is convicted of reckless driving under ~~this section~~ *subsection B*, in addition to any other penalties provided by law, the driver's license of such person shall be suspended by the court for a period of not less than six months nor more than two years. In *the* case of conviction, the court shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.2-398.

*G. When any person is convicted of an offense of reckless driving under subsection C, in addition to any other penalties provided by law, the driver's license of such person shall be suspended by the court for a period of up to six months. In the case of conviction, the court shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.2-398.*

**§ 46.2-865.1. Injuring another or causing the death of another while engaging in a race or exhibition driving; penalties.**

A. Any person who~~,~~ while engaging in a race *or exhibition driving* in violation of *subsection B or C of* § 46.2-865 in a manner so gross, wanton, and culpable as to show a reckless disregard for human life:

1. Causes serious bodily injury to another person who is not involved in the violation of *subsection B or C of* § 46.2-865 is guilty of a Class 6 felony; or

2. Causes the death of another person is guilty of a felony punishable by a term of imprisonment of not less than one nor more than 20 years~~, one year of which shall be a mandatory minimum term of imprisonment~~.

B. Upon conviction, the court shall suspend the driver's license of such person for a period of not less than one year nor more than three years~~,~~ and shall order the surrender of the license to be disposed of in accordance with the provisions of § 46.2-398.

**§ 46.2-866. Racing or exhibition driving; aiders or abettors; penalty.**

Any person, although not engaged in a race *or exhibition driving* as defined in § 46.2-865, who aids or abets any such race~~, shall be~~ *or exhibition driving is* guilty of a Class 1 misdemeanor.

**§ 46.2-867. Racing; seizure of motor vehicle.**

If the owner of a motor vehicle (i) is convicted of racing such vehicle in a prearranged, organized, and planned speed competition in violation of *subsection B of* § 46.2-865~~,~~*;* (ii) is present in the vehicle ~~which~~ *that* is being operated by another in violation of *subsection B of* § 46.2-865~~,~~ and knowingly consents to the racing~~,~~*;* or (iii) is convicted of a violation of § 46.2-865.1, the vehicle shall be seized and shall be forfeited to the Commonwealth, and upon being condemned as forfeited in proceedings under Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2, the proceeds of sale shall be disposed of according to law. Such sections shall apply mutatis mutandis.

The penalties imposed by these sections are in addition to any other penalty imposed by law.

***§ 46.2-867.1. Exhibition driving; impoundment of motor vehicle.***

*A. The motor vehicle being driven by any person arrested for a violation of exhibition driving pursuant to subsection C or E of § 46.2-865 shall be impounded or immobilized by the arresting law-enforcement officer for a period of 20 days. The impoundment shall follow the procedures set out in subsections A, B, and C of § 46.2-301.1, mutatis mutandis.*

*At the time of arrest, the arresting officer, acting on behalf of the Commonwealth, shall serve notice of the impoundment upon the arrested person. Such notice shall include information on the person's right to petition for review of the impoundment pursuant to this section. The arresting officer shall at the time of arrest provide the arrested person information on the location of the motor vehicle and how and when the vehicle will be released. A copy of the notice of impoundment shall be delivered to the magistrate and thereafter promptly forwarded to the clerk of the general district court of the jurisdiction where the arrest was made. Transmission of such notice may be by electronic means.*

*B. All reasonable costs of impoundment or immobilization, including removal and storage expenses, shall be paid by the offender prior to the release of the motor vehicle. However, where the arresting law-enforcement officer discovers that the vehicle was being rented or leased from a vehicle renting or leasing company, the officer shall not impound the vehicle or continue the impoundment but shall notify the rental or leasing company that the vehicle is available for pickup and shall notify the clerk of the general district court if he has previously been notified of the impoundment.*

*C. Notwithstanding any provision of this section, a dismissal or acquittal of the charge of a violation of subsection C or E of § 46.2-865 for which the motor vehicle was impounded or immobilized shall result in an immediate rescission of the impoundment or immobilization provided in subsection A.*

*D. The penalties imposed by this section are in addition to any other penalty imposed by law.*

**2. That an emergency exists and this act is in force from its passage.**

**3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

**Dismissal of certain traffic violations for proof of compliance with law.** Provides that a court may, in its discretion, dismiss a violation for driving without a license if such person can prove to the court compliance with the law on or before the court date and payment of court fees, unless such person was operating a commercial motor vehicle, defined in relevant law. The bill also provides that a court may, in its discretion and where there have been no prior violations or convictions within the past 10 years, dismiss a person's violation for driving while his driver's license, learner's permit, or privilege to drive is suspended or revoked if such person can prove to the court compliance with the law on or before the court date and payment of court fees, unless such person (i) possesses a commercial driver's license or commercial learner's permit, as those terms are defined in relevant law, or (ii) was operating a commercial motor vehicle. If there has been a prior violation or violations, the court, in its discretion, may dismiss or amend the summons or warrant, where proof of substantial compliance has been provided to the court.

## CHAPTER 121

*An Act to amend and reenact §§ 16.1-69.48:1, 46.2-300, and 46.2-301 of the Code of Virginia, relating to dismissal of certain traffic violations for proof of compliance with law.*

[H 1643]

Approved March 19, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 16.1-69.48:1, 46.2-300, and 46.2-301 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-69.48:1. Fixed fee for misdemeanors, traffic infractions and other violations in district court; additional fees to be added.**

A. Assessment of the fees provided for in this section shall be based on (i) an appearance for court hearing in which there has been a finding of guilty; (ii) a written appearance with waiver of court hearing and entry of guilty plea; (iii) for a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty; (iv) an appearance for court hearing in which the court requires that the defendant successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic, in lieu of a finding of guilty; (v) a deferral of proceedings pursuant to § 4.1-305, 4.1-1120, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-251, 19.2-298.02, 19.2-303.2, or 19.2-303.6; or (vi) proof of compliance with law under §§ 46.2-104, *46.2-300, 46.2-301,* 46.2-324, 46.2-613, 46.2-646, 46.2-711, 46.2-715, 46.2-716, 46.2-752, 46.2-1000, 46.2-1003, 46.2-1052, 46.2-1053, and 46.2-1158.02.

In addition to any other fee prescribed by this section, a fee of $35 shall be taxed as costs whenever a defendant fails to appear, unless, after a hearing requested by such person, good cause is shown for such failure to appear. No defendant with multiple charges arising from a single incident shall be taxed the applicable fixed fee provided in subsection B, C, or D more than once for a single appearance or trial in absence related to that incident. However, when a defendant who has multiple charges arising from the same incident and who has been assessed a fixed fee for one of those charges is later convicted of another charge that arises from that same incident and that has a higher fixed fee, he shall be assessed the difference between the fixed fee earlier assessed and the higher fixed fee.

A defendant with charges which arise from separate incidents shall be taxed a fee for each incident even if the charges from the multiple incidents are disposed of in a single appearance or trial in absence.

In addition to the fixed fees assessed pursuant to this section, in the appropriate cases, the clerk shall also assess any costs otherwise specifically provided by statute.

B. In misdemeanors tried in district court, except for those proceedings provided for in subsection C, there shall be assessed as court costs a fixed fee of $61. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.573770);

2. Virginia Crime Victim-Witness Fund (.049180);

3. Regional Criminal Justice Training Academies Fund (.016393);

4. Courthouse Construction/Maintenance Fund (.032787);

5. Criminal Injuries Compensation Fund (.098361);

6. Intensified Drug Enforcement Jurisdiction Fund (.065574);

7. Sentencing/supervision fee (General Fund) (.131148); and

8. Virginia Sexual and Domestic Violence Victim Fund (.032787).

C. In criminal actions and proceedings in district court for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, there shall be assessed as court costs a fixed fee of $136. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.257353);

2. Virginia Crime Victim-Witness Fund (.022059);

3. Regional Criminal Justice Training Academies Fund (.007353);

4. Courthouse Construction/Maintenance Fund (.014706);

5. Criminal Injuries Compensation Fund (.044118);

6. Intensified Drug Enforcement Jurisdiction Fund (.029412);

7. Drug Offender Assessment and Treatment Fund (.551471);

8. Forensic laboratory fee and sentencing/supervision fee (General Fund) (.058824); and

9. Virginia Sexual and Domestic Violence Victim Fund (.014706).

D. In traffic infractions tried in district court, there shall be assessed as court costs a fixed fee of $51. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.764706);

2. Virginia Crime Victim-Witness Fund (.058824);

3. Regional Criminal Justice Training Academies Fund (.019608);

4. Courthouse Construction/Maintenance Fund (.039216);

5. Intensified Drug Enforcement Jurisdiction Fund (.078431); and

6. Virginia Sexual and Domestic Violence Victim Fund (.039216).

**§ 46.2-300. Driving without license prohibited; penalties.**

No person, except those expressly exempted in §§ 46.2-303 through 46.2-308, shall drive any motor vehicle on any highway in the Commonwealth until such person has applied for a driver's license, as provided in this article, satisfactorily passed the examination required by § 46.2-325, and obtained a driver's license, nor unless the license is valid.

A violation of this section is a Class 2 misdemeanor. A second or subsequent violation of this section is a Class 1 misdemeanor.

Upon conviction under this section, the court may suspend the person's privilege to drive for a period not to exceed 90 days.

*The court may, in its discretion, dismiss the summons or warrant, where proof of compliance with this section is provided to the court on or before the court date, unless such person was operating a commercial motor vehicle as defined in § 46.2-341.4.*

**§ 46.2-301. Driving while license, permit, or privilege to drive suspended or revoked.**

A. In addition to any other penalty provided by this section, any motor vehicle administratively impounded or immobilized under the provisions of § 46.2-301.1 may, in the discretion of the court, be impounded or immobilized for an additional period of up to 90 days upon conviction of an offender for driving while his driver's license, learner's permit, or privilege to drive a motor vehicle has been (i) suspended or revoked for a violation of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-272, or 46.2-341.24 or a substantially similar ordinance or law in any other jurisdiction or (ii) administratively suspended under the provisions of § 46.2-391.2. However, if, at the time of the violation, the offender was driving a motor vehicle owned by another person, the court shall have no jurisdiction over such motor vehicle but may order the impoundment or immobilization of a motor vehicle owned solely by the offender at the time of arrest. All costs of impoundment or immobilization, including removal or storage expenses, shall be paid by the offender prior to the release of his motor vehicle.

B. Except as provided in § 46.2-304, no resident or nonresident (i) whose driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked or (ii) who has been directed not to drive by any court or by the Commissioner, or (iii) who has been forbidden, as prescribed by operation of any statute of the Commonwealth or a substantially similar ordinance of any county, city or town, to operate a motor vehicle in the Commonwealth shall thereafter drive any motor vehicle or any self-propelled machinery or equipment on any highway in the Commonwealth until the period of such suspension or revocation has terminated or the privilege has been reinstated or a restricted license is issued pursuant to subsection E. For the purposes of this section, the phrase "motor vehicle or any self-propelled machinery or equipment" shall not include mopeds.

C. A violation of subsection B is a Class 1 misdemeanor.

D. Upon a violation of subsection B, the court shall suspend the person's license or privilege to drive a motor vehicle for the same period for which it had been previously suspended or revoked. In the event the person violated

subsection B by driving during a period of suspension or revocation which was not for a definite period of time, the court shall suspend the person's license, permit or privilege to drive for an additional period not to exceed 90 days, to commence upon the expiration of the previous suspension or revocation or to commence immediately if the previous suspension or revocation has expired. However, no such suspension shall extend beyond 10 years from the conviction date for such violation of subsection B, unless required by Article 6.1 (§ 46.2-341.1 et seq.).

E. Any person who is otherwise eligible for a restricted license may petition each court that suspended his license pursuant to subsection D for authorization for a restricted license, provided that the period of time for which the license was suspended by the court pursuant to subsection D, if measured from the date of conviction, has expired, even though the suspension itself has not expired. A court may, for good cause shown, authorize the Department of Motor Vehicles to issue a restricted license for any of the purposes set forth in subsection E of § 18.2-271.1. No restricted license shall be issued unless each court that issued a suspension of the person's license pursuant to subsection D authorizes the Department to issue a restricted license. Any restricted license issued pursuant to this subsection shall be in effect until the expiration of any and all suspensions issued pursuant to subsection D, except that it shall automatically terminate upon the expiration, cancellation, suspension, or revocation of the person's license or privilege to drive for any other cause. No restricted license issued pursuant to this subsection shall permit a person to operate a commercial motor vehicle as defined in the Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall forward to the Commissioner a copy of its authorization entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a license is issued as is reasonably necessary to identify the person. The court shall also provide a copy of its authorization to the person, who may not operate a motor vehicle until receipt from the Commissioner of a restricted license. A copy of the restricted license issued by the Commissioner shall be carried at all times while operating a motor vehicle.

F. Any person who operates a motor vehicle or any self-propelled machinery or equipment in violation of the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1 is not guilty of a violation of this section but is guilty of a violation of § 18.2-272.

*G. The court may, in its discretion and where there have been no prior violations or convictions of this section within the past 10 years, dismiss the summons or warrant, where proof of compliance with this section is provided to the court on or before the court date, unless such person (i) possesses a commercial driver's license or commercial learner's permit, as those terms are defined in § 46.2-341.4, or (ii) was operating a commercial motor vehicle as defined in § 46.2-341.4. Where there has been a prior violation or violations, the court, in its discretion, may dismiss or amend the summons or warrant, where proof of substantial compliance has been provided to the court.*

**Report of motor vehicle accident; damage threshold.** Increases from $1,500 to $3,000 the property damage threshold at which law enforcement is required to forward a written report of a motor vehicle accident to the Department of Motor Vehicles.

## CHAPTER 255

*An Act to amend and reenact § 46.2-373 of the Code of Virginia, relating to report of motor vehicle accident; damage threshold.*

[H 2256]

Approved March 21, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-373 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-373. Report by law-enforcement official investigating accident.**

A. Every law-enforcement officer who in the course of duty investigates a motor vehicle accident resulting in injury to or death of any person or total property damage to an apparent extent of ~~$1,500~~ *$3,000* or more, either at the time of and at the scene of the accident or thereafter and elsewhere, by interviewing participants or witnesses shall, within twenty-four hours after completing the investigation, forward a written report of the accident to the Department. The report shall include the name or names of the insurance carrier or of the insurance agent of the automobile liability policy on each vehicle involved in the accident. A law-enforcement agency may utilize a contracted service provider to forward reports electronically to the Department in compliance with this section and to manage or disseminate copies of such reports to persons identified in, and in a manner consistent with, § 46.2-380, provided such contracted service provider complies with the requirements applicable to an agency in Chapter 38 (§ 2.2-3800 et seq.) of Title 2.2.

B. Any report filed pursuant to subsection A of this section shall include information as to (i) the speed of each vehicle involved in the accident and (ii) the type of vehicles involved in all accidents between passenger vehicles and vehicles or combinations of vehicles used to transport property, and (iii) whether any trucks involved in such accidents were covered or uncovered.

C. The Department shall supply copies of accident reports received under this section to the Commissioner of Highways who shall exercise the authority granted to him under §§ 46.2-870 through 46.2-878 to reduce speed limits where accident frequency or severity or other factors may indicate the course of action to be warranted.

**Vehicle operation; unlicensed minor; penalty.** Prohibits any person from knowingly authorizing the operation of a motor vehicle by (i) any person who he knows has no legal right to do so or (ii) a minor who he knows has no operator's license or who has a learner's permit but who he knows would operate such motor vehicle in violation of certain limitations on operating a motor vehicle with a learner's permit. The bill provides that any person who violates such provisions is guilty of a Class 1 misdemeanor if such violation results in a motor vehicle accident that causes death or injury to any person, provided that such violation does not otherwise constitute a felony. Existing law prohibits any person from knowingly authorizing the operation of a motor vehicle by any person who the authorizing person knows (a) has had his operator's license or permit suspended or revoked or (b) has no operator's license or permit and has been previously convicted of driving without a license.

## CHAPTER 431

*An Act to amend and reenact § 46.2-301.1 of the Code of Virginia, relating to vehicle operation; unlicensed minor; penalty.*

[S 750]

Approved March 24, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-301.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-301.1. Administrative impoundment of motor vehicle for certain driving while license suspended or revoked offenses; judicial impoundment upon conviction; penalty for permitting violation with one's vehicle.**

A. The motor vehicle being driven by any person (i) whose driver's license, learner's permit or privilege to drive a motor vehicle has been suspended or revoked for a violation of § 18.2-51.4 or 18.2-272 or driving while under the influence in violation of § 18.2-266, 46.2-341.24 or a substantially similar ordinance or law in any other jurisdiction; (ii) where such person's license has been administratively suspended under the provisions of § 46.2-391.2; (iii) driving after such person's driver's license, learner's permit or privilege to drive a motor vehicle has been suspended or revoked for unreasonable refusal of tests in violation of § 18.2-268.3, 46.2-341.26:3 or a substantially similar ordinance or law in any other jurisdiction; or (iv) driving without an operator's license in violation of § 46.2-300 having been previously convicted of such offense or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction shall be impounded or immobilized by the arresting law-enforcement officer at the time the person is arrested for driving after his driver's license, learner's permit or privilege to drive has been so revoked or suspended or for driving without an operator's license in violation of § 46.2-300 having been previously convicted of such offense or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction. The impoundment or immobilization for a violation of clause (i), (ii), or (iii) shall be for a period of 30 days. The period of impoundment or immobilization for a violation of clause (iv) shall be until the offender obtains a valid operator's license pursuant to § 46.2-300 or three days, whichever is less. In the event that the offender obtains a valid operator's license at any time during the three-day impoundment period and presents such license to the court, the court shall authorize the release of the vehicle upon payment of all reasonable costs of impoundment or immobilization to the person holding the vehicle.

The provisions of this section as to the offense described in clause (iv) shall not apply to a person who drives a motor vehicle with no operator's license (a) whose license has been expired for less than one year prior to the offense or (b) who is under 18 years of age at the time of the offense. The arresting officer, acting on behalf of the

Commonwealth, shall serve notice of the impoundment upon the arrested person. The notice shall include information on the person's right to petition for review of the impoundment pursuant to subsection B. A copy of the notice of impoundment shall be delivered to the magistrate and thereafter promptly forwarded to the clerk of the general district court of the jurisdiction where the arrest was made. Transmission of the notice may be by electronic means.

At least five days prior to the expiration of the period of impoundment imposed pursuant to this section or § 46.2-301, the clerk shall provide the offender with information on the location of the motor vehicle and how and when the vehicle will be released; however, for a violation of clause (iv), such information shall be provided at the time of arrest.

All reasonable costs of impoundment or immobilization, including removal and storage expenses, shall be paid by the offender prior to the release of his motor vehicle. Notwithstanding the above, where the arresting law-enforcement officer discovers that the vehicle was being rented or leased from a vehicle renting or leasing company, the officer shall not impound the vehicle or continue the impoundment but shall notify the rental or leasing company that the vehicle is available for pickup and shall notify the clerk if the clerk has previously been notified of the impoundment.

B. Any driver who is the owner of the motor vehicle that is impounded or immobilized under subsection A may, during the period of the impoundment, petition the general district court of the jurisdiction in which the arrest was made to review that impoundment. The court shall review the impoundment within the same time period as the court hears an appeal from an order denying bail or fixing terms of bail or terms of recognizance, giving this matter precedence over all other matters on its docket. If the person proves to the court by a preponderance of the evidence that the arresting law-enforcement officer did not have probable cause for the arrest, or that the magistrate did not have probable cause to issue the warrant, the court shall rescind the impoundment. Upon rescission, the motor vehicle shall be released and the Commonwealth shall pay or reimburse the person for all reasonable costs of impoundment or immobilization, including removal or storage costs paid or incurred by him. Otherwise, the court shall affirm the impoundment. If the person requesting the review fails to appear without just cause, his right to review shall be waived.

The court's findings are without prejudice to the person contesting the impoundment or to any other potential party as to any proceedings, civil or criminal, and shall not be evidence in any proceedings, civil or criminal.

C. The owner or co-owner of any motor vehicle impounded or immobilized under subsection A who was not the driver at the time of the violation may petition the general district court in the jurisdiction where the violation occurred for the release of his motor vehicle. The motor vehicle shall be released if the owner or co-owner proves by a preponderance of the evidence that he (i) did not know that the offender's driver's license was suspended or revoked when he authorized the offender to drive such motor vehicle; (ii) did not know that the offender had no operator's license and that the operator had been previously convicted of driving a motor vehicle without an operator's license in violation of § 46.2-300 or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction when he authorized the offender to drive such motor vehicle; or (iii) did not consent to the operation of the motor vehicle by the offender. If the owner proves by a preponderance of the evidence that his immediate family has only one motor vehicle and will suffer a substantial hardship if that motor vehicle is impounded or immobilized for the period of impoundment that otherwise would be imposed pursuant to this section, the court, in its discretion, may release the vehicle after some period of less than such impoundment period.

D. Notwithstanding any provision of this section, a subsequent dismissal or acquittal of the charge of driving without an operator's license or of driving on a suspended or revoked license shall result in an immediate rescission of the impoundment or immobilization provided in subsection A. Upon rescission, the motor vehicle shall be released and the Commonwealth shall pay or reimburse the person for all reasonable costs of impoundment or immobilization, including removal or storage costs, incurred or paid by him.

E. Any person who knowingly authorizes the operation of a motor vehicle by (i) a person he knows has had his driver's license, learner's permit, or privilege to drive a motor vehicle suspended or revoked for any of the reasons

set forth in subsection A or (ii) a person who he knows has no operator's license and who he knows has been previously convicted of driving a motor vehicle without an operator's license in violation of § 46.2-300 or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction shall be guilty of a Class 1 misdemeanor. *Any person who knowingly authorizes the operation of a motor vehicle by (a) any person who he knows has no legal right to do so or (b) a minor who he knows has no operator's license or learner's permit or who has a learner's permit but who he knows will operate such motor vehicle in violation of any provision of § 46.2-335 is guilty of Class 1 misdemeanor if such violation results in a motor vehicle accident that causes injury or death to any person, provided that such violation does not otherwise constitute a felony*.

F. Notwithstanding the provisions of this section or § 46.2-301, nothing in this section shall impede or infringe upon a valid lienholder's rights to cure a default under an existing security agreement. Furthermore, such lienholder shall not be liable for any cost of impoundment or immobilization, including removal or storage expenses which may accrue pursuant to the provisions of this section or § 46.2-301. In the event a lienholder repossesses or removes a vehicle from storage pursuant to an existing security agreement, the Commonwealth shall pay all reasonable costs of impoundment or immobilization, including removal and storage expenses, to any person or entity providing such services to the Commonwealth, except to the extent such costs or expenses have already been paid by the offender to such person or entity. Such payment shall be made within seven calendar days after a request is made by such person or entity to the Commonwealth for payment. Nothing herein, however, shall relieve the offender from liability to the Commonwealth for reimbursement or payment of all such reasonable costs and expenses.

**Amber warning lights; certain department of social services vehicles.** Authorizes the use of amber warning lights on vehicles used by a local department of social services to respond to a request for assistance from law-enforcement agency personnel.

## CHAPTER 82

*An Act to amend and reenact § 46.2-1025 of the Code of Virginia, relating to amber warning lights; certain department of social services vehicles.*

[H 1856]

Approved March 18, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1025 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1025. Flashing amber, purple, or green warning lights.**

A. The following vehicles may be equipped with flashing, blinking, or alternating amber warning lights of types approved by the Superintendent:

1. Vehicles used for the principal purpose of towing or servicing disabled vehicles;

2. Vehicles used in constructing, maintaining, and repairing highways or utilities on or along public highways, or in assisting with the management of roadside and traffic incidents, or performing traffic management services along public highways;

3. Vehicles used for the principal purpose of removing hazardous or polluting substances from state waters and drainage areas on or along public highways, or state vehicles used to perform other state-required environmental activities, provided that the amber lights are not lit while the vehicle is in motion;

4. Vehicles used for servicing automatic teller machines, provided the amber lights are not lit while the vehicle is in motion;

5. Vehicles used in refuse collection, provided the amber lights are lit only when the vehicles are engaged in refuse collection operations;

6. Vehicles used by individuals for emergency snow-removal purposes;

7. Hi-rail vehicles, provided the amber lights are lit only when the vehicles are operated on railroad rails;

8. Fire apparatus and emergency medical services vehicles, provided the amber lights are used in addition to lights permitted under § 46.2-1023 and are so mounted or installed as to be visible from behind the vehicle;

9. Vehicles owned and used by businesses providing security services, provided the amber lights are not lit while the vehicle is being operated on a public highway;

10. Vehicles used to collect and deliver the United States mail, provided the amber lights are lit only when the vehicle is actually engaged in such collection or delivery;

11. Vehicles used to collect and deliver packages weighing less than 150 pounds by a national package delivery company that delivers such packages in all 50 states, provided that the amber lights are lit only when the vehicle is stopped and its operator is engaged in such collection and delivery;

12. Vehicles used to transport petroleum or propane products, provided the amber light is mounted on the rear of the vehicle and is lit when parked while making a delivery of petroleum or propane products, or when the vehicle's back-up lights are lit and its device producing an audible signal when the vehicle is operated in reverse gear, as provided for in § 46.2-1175.1, is in operation;

13. Vehicles used by law-enforcement agency personnel in the enforcement of laws governing motor vehicle parking;

14. Government-owned law-enforcement vehicles, provided the lights are used for the purpose of giving directional warning to vehicular traffic to move one direction or another and are not lit while the vehicle is in motion;

15. Chase vehicles when used to unload a hot air balloon or used to load a hot air balloon after landing, provided the amber lights are not lit while the vehicle is in motion;

16. Vehicles used for farm, agricultural, or horticultural purposes, or any farm tractor;

17. Vehicles owned and used by construction companies operating under Virginia contractors licenses;

18. Vehicles used to lead or provide escorts for bicycle races authorized by the Department of Transportation or the locality in which the race is being conducted;

19. Vehicles used by radio or television stations for remote broadcasts, provided that the amber lights are not lit while the vehicle is in motion;

20. Vehicles used by municipal safety officers in the performance of their official duties. For the purpose of this subdivision, "municipal safety officers" means municipal employees responsible for managing municipal safety programs and ensuring municipal compliance with safety and environmental regulatory mandates;

21. Vehicles used as pace cars, security vehicles, or firefighting vehicles by any speedway or motor vehicle race track, provided that the amber lights are not lit while the vehicle is being operated on a public highway;

22. Vehicles used in patrol work by members of neighborhood watch groups approved by the chief law-enforcement officer of the locality in their assigned neighborhood watch program area, provided that the vehicles are clearly identified as neighborhood watch vehicles, and the amber lights are not lit while the vehicle is in motion;

23. Vehicles that are not tow trucks as defined in § 46.2-100, but are owned or controlled by a towing and recovery business, provided that the amber lights are lit only when the vehicle is being used at a towing and recovery site;

24. Vehicles used or operated by federally licensed amateur radio operators (i) while participating in emergency communications or drills on behalf of federal, state, or local authorities or (ii) while providing communications services to localities for public service events authorized by the Department of Transportation where the event is being conducted;

25. Publicly owned or operated transit buses;

26. Vehicles used for hauling trees, logs, or any other forest products when hauling such products, provided that the amber lights are mounted or installed so as to be visible from behind the vehicle; ~~and~~

27. Vehicles authorized to use amber lights pursuant to § 46.2-1025.1*; and*

*28. Vehicles used by a local department of social services to respond to a request for assistance from law-enforcement agency personnel*.

B. Except as otherwise provided in this section, such amber lights shall be lit only when performing the functions which qualify them to be equipped with such lights.

C. Vehicles used to lead or provide escorts for funeral processions may use either amber warning lights or purple warning lights, but amber warning lights and purple warning lights shall not simultaneously be used on the same vehicle. The Superintendent of State Police shall develop standards and specifications for purple lights authorized in this subsection.

D. Vehicles used by police, firefighting, or emergency medical services personnel as command centers at the scene of incidents may be equipped with and use green warning lights of a type approved by the Superintendent. Such lights shall not be activated while the vehicle is operating upon the highway.

**Flashing red and white warning lights; emergency vehicle exemptions; mine rescue team vehicles.** Authorizes vehicles operated by mine rescue teams that are certified by the Mine Safety and Health Administration under federal law to (i) be equipped with flashing, blinking, or alternating red or red and white combination warning lights and (ii) disregard certain regulations regarding the operation of vehicles without being subject to criminal prosecution while responding to an emergency, provided that the operator of such vehicle has received certain training and recertifies every two years. The bill adds responding to mine rescue incidents to the list of circumstances in which such lighted warning lights shall be displayed.

## CHAPTER 252

*An Act to amend and reenact §§ 46.2-920, 46.2-1023, and 46.2-1030 of the Code of Virginia, relating to flashing red and white warning lights; emergency vehicle exemptions; mine rescue team vehicles.*

[H 2211]

Approved March 21, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-920, 46.2-1023, and 46.2-1030 of the Code of Virginia are amended and reenacted as follows:**

**§ 46.2-920. Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements.**

A. The driver of any emergency vehicle, when such vehicle is being used in the performance of public services, and when such vehicle is operated under emergency conditions, may, without subjecting himself to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;

2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard to the safety of persons and property;

3. Park or stop notwithstanding the other provisions of this chapter;

4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property;

5. Pass or overtake, with due regard to the safety of persons and property, another vehicle at any intersection;

6. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going to the left of the stopped or slow-moving vehicle either in a no-passing zone or by crossing the highway centerline; or

7. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going off the paved or main traveled portion of the roadway on the right.

Notwithstanding other provisions of this section, vehicles exempted in this instance will not be required to sound a siren or any device to give automatically intermittent signals.

B. The exemptions granted to emergency vehicles ~~by~~ ~~subsection~~ ~~A~~ in subdivisions ~~A1~~ *A 1*, ~~A3~~ *3*, ~~A4~~ *4*, ~~A5~~ *5*, and ~~A6~~ *6* shall apply only when the operator of such vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals, as may be reasonably necessary. The exemption granted under subdivision A 2 shall apply only when the operator of such emergency vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and either (a) sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals or (b) slows the vehicle down to a speed reasonable for the existing conditions, yields right-of-way to the driver of another vehicle approaching or entering the intersection from another direction or, if required for safety, brings the vehicle to a complete stop before proceeding with due regard for the safety of persons and property. In addition, the exemptions granted to emergency vehicles by subsection A shall apply only when there is in force and effect for such vehicle either (i) standard motor vehicle liability insurance covering injury or death to any person in the sum of at least $100,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of $300,000 because of bodily injury to or death of two or more persons in any one accident, and to a limit of $20,000 because of injury to or destruction of property of others in any one accident or (ii) a certificate of self-insurance issued pursuant to § 46.2-368. Such exemptions shall not, however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property. Nothing in this section shall release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

C. For the purposes of this section, ~~the~~ ~~term~~ "emergency vehicle" ~~shall~~ ~~mean~~ *means*:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer (i) in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation or (ii) in response to an emergency call;

2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;

3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;

4. Any emergency medical services vehicle designed or used for the principal purpose of providing emergency medical services where human life is endangered;

5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;

6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer;

7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights under the provisions of § 46.2-1029.2;

8. Any Virginia National Guard Civil Support Team vehicle when responding to an emergency; ~~and~~

9. Any vehicle operated by the Response and Recovery Coordination Branch of the Washington Metropolitan Area Transit Authority's Office of Emergency Preparedness, when responding to an emergency, provided that the

operator of any such vehicle (i) has completed an initial emergency vehicle operators course from an approved course list prepared by the Department of Fire Programs, the Office of Emergency Medical Services, or an equivalent agency and (ii) recertifies as an emergency vehicle operator every two years*; and*

*10. Any vehicle operated by a mine rescue team that is certified as a mine rescue team by the Mine Safety and Health Administration under 30 C.F.R. Part 49 when responding to a mine emergency, provided that the operator of any such vehicle (i) has completed an initial emergency vehicle operator course from an approved course list prepared by the Department of Fire Programs, the Office of Emergency Medical Services, or an equivalent agency and (ii) recertifies as an emergency vehicle operator every two years*.

D. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer may disregard speed limits, while having due regard for safety of persons and property, (i) in testing the accuracy of speedometers of such vehicles, (ii) in testing the accuracy of speed measuring devices specified in § 46.2-882, or (iii) in following another vehicle for the purpose of determining its speed.

E. A Department of Environmental Quality vehicle, while en route to an emergency and with due regard to the safety of persons and property, may overtake and pass stopped or slow-moving vehicles by going off the paved or main traveled portion of the highway on the right or on the left. These Department of Environmental Quality vehicles shall not be required to sound a siren or any device to give automatically intermittent signals, but shall display red or red and white warning lights when performing such maneuvers.

F. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer while conducting a funeral escort, wide-load escort, dignitary escort, or any other escort necessary for the safe movement of vehicles and pedestrians may, without subjecting himself to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;

2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard for the safety of persons and property;

3. Park or stop notwithstanding the other provisions of this chapter;

4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property; or

5. Pass or overtake, with due regard for the safety of persons and property, another vehicle.

Notwithstanding other provisions of this section, vehicles exempted in this subsection may sound a siren or any device to give automatically intermittent signals.

**§ 46.2-1023. Flashing red or red and white warning lights.**

Fire apparatus, forest warden vehicles, emergency medical services vehicles, vehicles of the Department of Emergency Management, vehicles of the Department of Environmental Quality, vehicles of the Virginia National Guard Civil Support Team and the Virginia National Guard Chemical, Biological, Radiological, Nuclear and High Yield Explosive (CBRNE) Enhanced Response Force Package (CERFP) when responding to an emergency, vehicles of county, city, or town Departments of Emergency Management, vehicles of the Office of Emergency Medical Services, animal warden vehicles, vehicles of the Response and Recovery Coordination Branch of the Washington Metropolitan Area Transit Authority's Office of Emergency Preparedness, *vehicles of mine rescue teams that are certified as mine rescue teams by the Mine Safety and Health Administration under 30 C.F.R. Part 49,* and vehicles used by security personnel of the Huntington Ingalls Industries, Bassett-Walker, Inc., the Winchester Medical Center, the National Aeronautics and Space Administration's Wallops Flight Facility, and,

within those areas specified in their orders of appointment, by special conservators of the peace and policemen for certain places appointed pursuant to §§ 19.2-13 and 19.2-17 may be equipped with flashing, blinking, or alternating red or red and white combination warning lights of types approved by the Superintendent. Such warning lights may be of types constructed within turn signal housings or motorcycle headlight housings, subject to approval by the Superintendent.

**§ 46.2-1030. When lights to be lighted; number of lights to be lighted at any time; use of warning lights.**

A. Every vehicle in operation on a highway in the Commonwealth shall display lighted headlights and illuminating devices as required by this article (i) from sunset to sunrise; (ii) during any other time when, because of rain, smoke, fog, snow, sleet, insufficient light, or other unfavorable atmospheric conditions, visibility is reduced to a degree whereby persons or vehicles on the highway are not clearly discernible at a distance of 500 feet; and (iii) whenever windshield wipers are in use as a result of fog, rain, sleet, or snow. The provisions of this subsection, however, shall not apply to instances when windshield wipers are used intermittently in misting rain, sleet, or snow.

B. Not more than four lights used to provide general illumination ahead of the vehicle, including at least two headlights and any other combination of fog lights or other auxiliary lights approved by the Superintendent, shall be lighted at any time. However, motorcycles may be equipped with and use not more than five approved lights in order to provide general illumination ahead of the motorcycle. These limitations shall not preclude the display of warning lights authorized in §§ 46.2-1020 through 46.2-1027, or other lights as may be authorized by the Superintendent.

C. Vehicles equipped with warning lights authorized in §§ 46.2-1020 through 46.2-1027 shall display lighted warning lights as authorized in such sections at all times when responding to emergency calls, responding to traffic incidents, responding to metropolitan transit-related incidents, *responding to mine rescue incidents,* towing disabled vehicles, or constructing, repairing, and maintaining public highways or utilities on or along public highways, except that amber lights on vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks," need not be lit while the vehicle is in motion unless it is actually towing a vehicle.

D. The failure to display lighted headlights and illuminating devices under the conditions set forth in clause (iii) of subsection A shall not constitute negligence per se, nor shall violation of clause (iii) of subsection A constitute a defense to any claim for personal injury or recovery of medical expenses for injuries sustained in a motor vehicle accident.

E. No demerit points shall be assessed for failure to display lighted headlights and illuminating devices during periods of fog, rain, sleet, or snow in violation of clause (iii) of subsection A.

F. No citation for a violation of clause (iii) of subsection A shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute. No law-enforcement officer shall stop a motor vehicle for a violation of this section, except that a law-enforcement officer may stop a vehicle if it displays no lighted headlights during the time periods set forth in subsection A. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

**Drivers to stop for pedestrians; vulnerable road users; penalties.** Makes it a traffic infraction if a driver operating a motor vehicle fails to stop for pedestrians and makes it a Class 1 misdemeanor if such traffic infraction results in the serious bodily injury or death of a vulnerable road user lawfully crossing a highway.

## CHAPTER 447

*An Act to amend and reenact § 46.2-924 of the Code of Virginia, relating to drivers to stop for pedestrians; vulnerable road users; penalties.*

[S 1416]

Approved March 24, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-924 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-924. Drivers to stop for pedestrians; installation of certain signs; penalties.**

A. The driver of any vehicle on a highway shall stop when any pedestrian crossing such highway is within the driver's lane or within an adjacent lane and approaching the driver's lane until such pedestrian has passed the lane in which the vehicle is stopped:

1. At any clearly marked crosswalk, whether at midblock or at the end of any block;

2. At any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block; or

3. At any intersection when the driver is approaching on a highway where the speed limit is not more than 35 miles per hour.

*A violation of this section is a traffic infraction, except that a violation of this section that results in serious bodily injury, as defined in § 18.2-51.4, to or the death of a vulnerable road user, as defined in § 46.2-816.1, who is lawfully crossing a highway is a Class 1 misdemeanor.*

B. When a vehicle is stopped pursuant to subsection A, the driver of any other vehicle approaching from an adjacent lane or from behind the stopped vehicle shall not overtake and pass such stopped vehicle.

C. Notwithstanding the provisions of subsection A, at intersections or crosswalks where the movement of traffic is being regulated by law-enforcement officers or traffic control devices, the driver shall yield according to the direction of the law-enforcement officer or device.

No pedestrian shall enter or cross an intersection in disregard of approaching traffic.

The drivers of vehicles entering, crossing, or turning at intersections shall change their course, slow down, or stop if necessary to permit pedestrians to cross such intersections safely and expeditiously.

Pedestrians crossing highways at intersections shall at all times have the right-of-way over vehicles making turns into the highways being crossed by the pedestrians.

D. The governing body of Arlington County, Fairfax County, Loudoun County and any town therein, the City of Alexandria, the City of Fairfax, the City of Falls Church, and the Town of Ashland may by ordinance provide for the installation and maintenance of highway signs at marked crosswalks specifically requiring operators of motor vehicles, at the locations where such signs are installed, to yield the right-of-way to or stop for pedestrians crossing or attempting to cross the highway. Any operator of a motor vehicle who fails to comply with the signs installed pursuant to this subsection ~~shall be~~ *is* guilty of a traffic infraction punishable by a fine of no less than $100 or more than $500. The Department of Transportation shall develop criteria for the design, location, and installation of such signs. The provisions of this section shall not apply to any limited access highway.

E. Where a shared-use path crosses a highway at a clearly marked crosswalk and there are no traffic control signals at such crossing, the local governing body may by ordinance require pedestrians, cyclists, and any other users of such shared-used path to come to a complete stop prior to entering such crosswalk. Such local ordinance may provide for a fine not to exceed $100 for violations. Any locality adopting such an ordinance shall install and maintain stop signs, consistent with standards adopted by the Commonwealth Transportation Board and to the extent necessary in coordination with the Department of Transportation. At such crosswalks, no user of such shared-use path shall enter the crosswalk in disregard of approaching traffic.

F. A locality adopting an ordinance under subsection E shall coordinate the enforcement and placement of any stop signs affecting a shared-use path owned and operated by a park authority formed under Chapter 57 (§ 15.2-5700 et seq.) of Title 15.2 with such authority.

**Improper driving as a lesser included offense of reckless driving.** Permits a jury to find an accused, where the degree of culpability is slight, not guilty of reckless driving but guilty of improper driving. Current law only permits the trial court to do so or the attorney for the Commonwealth to reduce a charge of reckless driving to improper driving at any time prior to the court's decision.

## CHAPTER 357

*An Act to amend and reenact § 46.2-869 of the Code of Virginia, relating to improper driving as a lesser included offense of reckless driving.*

[S 847]

Approved March 21, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-869 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-869. Improper driving; penalty.**

Notwithstanding the foregoing provisions of this article, upon the trial of any person charged with reckless driving where the degree of culpability is slight, *the jury or* the court ~~in its discretion~~ *trying the case without a jury* may find the accused not guilty of reckless driving but guilty of improper driving. However, an attorney for the Commonwealth may reduce a charge of reckless driving to improper driving at any time prior to the court's decision and shall notify the court of such change. Improper driving shall be punishable as a traffic infraction punishable by a fine of not more than $500.

**Vehicles used for agricultural purposes.** Provides that trailers and semitrailers used for certain agricultural purposes may be operated without tail lights or brake lights on the highways of the Commonwealth, except in Planning District 8 (Northern Virginia), that are not interstate highways between sunrise and sunset, provided that such trailer or semitrailer has affixed to the rear end either (i) two or more reflectors of a type approved by the Superintendent of State Police or (ii) at least 100 square inches of solid reflectorized material. The bill requires such a trailer or semitrailer operated without tail lights or brake lights to keep to the rightmost lane, except when turning at an intersection or avoiding any hazard. The bill also prohibits the operation of such a trailer or semitrailer operated without tail lights or brake lights whenever (a) certain conditions reducing visibility are present or (b) windshield wipers are in use as a result of fog, rain, sleet, or snow.

## CHAPTER 718

*An Act to amend and reenact § 46.2-1088.5 of the Code of Virginia, relating to vehicles used for agricultural purposes.*

[H 2458]

Approved May 2, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1088.5 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1088.5. Reflectors or reflectorized material required on rear end of certain trailers.**

*A.* There shall be affixed to the rear end of every utility trailer that does not require state inspection either *(i)* two or more reflectors of a type approved by the Superintendent or *(ii)* at least 100 square inches of solid reflectorized material. The reflectors or reflective material shall be applied so as to outline the rear end of the trailer.

*B. Notwithstanding the provisions of § 46.2-1013 or 46.2-1014, any trailer or semitrailer exempt from registration pursuant to § 46.2-665, 46.2-666, 46.2-670, 46.2-672, or 46.2-673 may be operated without tail lights or brake lights on the highways of the Commonwealth located in Planning Districts 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, and 23, except interstate highways, between sunrise and sunset, provided that such trailer or semitrailer has affixed to the rear end either (i) two or more reflectors of a type approved by the Superintendent or (ii) at least 100 square inches of solid reflectorized material. Such a trailer or semitrailer operated without tail lights or brake lights shall keep to the rightmost lane when operating on such a highway, except when turning at an intersection or avoiding any hazard. However, any such trailer or semitrailer operated without tail lights or brake lights shall not be operated on the highways of the Commonwealth (a) during any time when, because of rain, smoke, fog, snow, sleet, insufficient light, or other unfavorable atmospheric conditions, visibility is reduced to a degree whereby persons or vehicles on the highway are not clearly discernible at a distance of 500 feet or (b) whenever windshield wipers are in use as a result of fog, rain, sleet, or snow.*

*C.* For the purposes of this section, "utility trailer" means a trailer whose body and tailgate consist largely or exclusively of a metal mesh.

**Portable changeable message signs; certain vehicles.** Authorizes certain towing, traffic management, and highway maintenance vehicles to be equipped with a portable changeable message sign that may be used without prior authorization from the Department of Transportation, provided that certain conditions are met.

## CHAPTER 526

*An Act to amend the Code of Virginia by adding a section numbered 46.2-920.1:1, relating to portable changeable message signs; certain vehicles.*

[H 2074]

Approved March 24, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 46.2-920.1:1 as follows:**

***§ 46.2-920.1:1. Portable changeable message signs; certain vehicles.***

*Any vehicle authorized to be equipped with flashing, blinking, or alternating amber warning lights pursuant to subdivision A 1 or 2 of § 46.2-1025 may be equipped with a portable changeable message sign. Such portable changeable message sign may be used without prior authorization from the Department of Transportation, provided that (i) such use complies with all state and federal laws, regulations, and policies regarding the use and operation of portable changeable message signs; (ii) such sign is only activated when the vehicle is being used to perform the duties and functions that qualify such vehicle to be equipped with amber warning lights; and (iii) for those vehicles authorized to use such lights pursuant to subdivision A 1 of § 46.2-1025, such sign is only activated when the vehicle is stationary.*

**Driver's licenses and identification cards; indication of non-apparent disability.** Adds non-apparent disabilities, defined in the bill, to the list of conditions that the Department of Motor Vehicles, when requested by an applicant and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, is required to indicate on such applicant's driver's license. Such requirement is also extended to identification cards. Such an indication on a person's driver's license allows for the voluntary indication of a disability that can impair communication on a motor vehicle registration.

## CHAPTER 532

*An Act to amend and reenact § 46.2-342 of the Code of Virginia, relating to driver's licenses and identification cards; indication of non-apparent disability.*

[H 2116]

Approved March 24, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-342 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-342. What license to contain; organ donor information; Uniform Donor Document.**

A. Every license issued under this chapter shall bear:

1. For licenses issued or renewed on or after July 1, 2003, a license number which shall be assigned by the Department to the licensee and shall not be the same as the licensee's social security number;

2. A photograph of the licensee;

3. The licensee's full name, year, month, and date of birth;

4. The licensee's address, subject to the provisions of subsection B;

5. A brief description of the licensee for the purpose of identification;

6. A space for the signature of the licensee; and

7. Any other information deemed necessary by the Commissioner for the administration of this title.

No abbreviated names or nicknames shall be shown on any license.

B. At the option of the licensee, the address shown on the license may be either the post office box, business, or residence address of the licensee, provided such address is located in Virginia. However, regardless of which address is shown on the license, the licensee shall supply the Department with his residence address, which shall be an address in Virginia. This residence address shall be maintained in the Department's records. Whenever the licensee's address shown either on his license or in the Department's records changes, he shall notify the Department of such change as required by § 46.2-324.

C. The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

D. The license shall be made of a material and in a form to be determined by the Commissioner.

E. Licenses issued to persons less than 21 years old shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. The Department shall establish a method by which an applicant for a driver's license or an identification card may indicate his consent to make an anatomical gift for transplantation, therapy, research, and education pursuant to § 32.1-291.5, and shall cooperate with the Virginia Transplant Council to ensure that such method is designed to encourage organ, tissue, and eye donation with a minimum of effort on the part of the donor and the Department.

G. If an applicant indicates his consent to be a donor pursuant to subsection F, the Department may make a notation of this designation on his license or card and shall make a notation of this designation in his driver record. The notation shall remain on the individual's license or card until he revokes his consent to make an anatomical gift by requesting removal of the notation from his license or card or otherwise in accordance with § 32.1-291.6. Inclusion of a notation indicating consent to making an organ donation on an applicant's license or card pursuant to this subsection shall be sufficient legal authority for removal, following death, of the subject's organs or tissues without additional authority from the donor or his family or estate, in accordance with the provisions of § 32.1-291.8.

H. A minor may make a donor designation pursuant to subsection F without the consent of a parent or legal guardian as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

I. The Department shall provide a method by which an applicant conducting a Department of Motor Vehicles transaction using electronic means may make a voluntary contribution to the Virginia Donor Registry and Public Awareness Fund (Fund) established pursuant to § 32.1-297.1. The Department shall inform the applicant of the existence of the Fund and also that contributing to the Fund is voluntary.

J. The Department shall collect all moneys contributed pursuant to subsection I and transmit the moneys on a regular basis to the Virginia Transplant Council, which shall credit the contributions to the Fund.

K. When requested by the applicant, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's driver's license that the applicant (i) is an insulin-dependent diabetic~~,~~; (ii) is deaf or hard of hearing or speech impaired~~,~~; (iii) has a traumatic brain injury~~, or~~; (iv) has an intellectual disability, as defined in § 37.2-100, or autism spectrum disorder, as defined in § 38.2-3418.17*; or (v) has a non-apparent disability*. Any request for a traumatic brain injury indicator on an applicant's driver's license shall be accompanied by a form prescribed by the Commissioner and completed by a licensed physician. *For purposes of this subsection, "non-apparent disability" means a physical, sensory, mental, or emotional impairment that substantially limits one or more activities of daily living and that may not be visible or otherwise apparent, or a record of such impairment.*

L. In the absence of gross negligence or willful misconduct, the Department and its employees shall be immune from any civil or criminal liability in connection with the making of or failure to make a notation of donor designation on any license or card or in any person's driver record.

M. The Department shall, in coordination with the Virginia Transplant Council, prepare an organ donor information brochure describing the organ donor program and providing instructions for completion of the uniform donor document information describing the bone marrow donation program and instructions for registration in the National Bone Marrow Registry. The Department shall include a copy of such brochure with every driver's license renewal notice or application mailed to licensed drivers in Virginia.

N. The Department shall establish a method by which an applicant for an original, reissued, or renewed driver's license may indicate his blood type. If the applicant chooses to indicate his blood type, the Department shall make a notation of this designation on his license and in his record. Such notation on the driver's license shall only be used by emergency medical services agencies in providing emergency medical support. Upon written request of the license holder or his legal guardian to have the designation removed, the Department shall issue the driver's license without such designation upon the payment of applicable fees.

Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant to this subsection except to the subject of the information and by designation on the driver's license. Nothing herein shall require the Department to verify any information provided for the designation. No action taken by any person, whether private citizen or public officer or employee, with regard to any blood type designation displayed on a driver's license, shall create a warranty of the reliability or accuracy of the document or electronic image, nor shall it create any liability on the part of the Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.

**Charges for towing and storage of certain vehicles.** Increases the maximum hookup and initial towing fee of a passenger car from $150 to $210.

## CHAPTER 625

*An Act to amend and reenact § 46.2-1233.1 of the Code of Virginia, relating to limitation on charges for towing and storage of certain vehicles.*

[S 1332]

Approved April 2, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1233.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1233.1. Limitation on charges for towing and storage of certain vehicles.**

A. Unless different limits are established by ordinance of the local governing body pursuant to § 46.2-1233, as to vehicles towed or removed from private property, no charges imposed for the towing, storage, and safekeeping of any passenger car removed, towed, or stored without the consent of its owner shall be in excess of the maximum charges provided for in this section. No hookup and initial towing fee of any passenger car shall exceed ~~$150~~ *$210*. For towing a vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday, an additional fee of no more than $30 per instance may be charged; however, in no event shall more than two such fees be charged for towing any such vehicle. No charge shall be made for storage and safekeeping for a period of 24 hours or less. Except for fees or charges imposed by this section or a local ordinance adopted pursuant to § 46.2-1233, no other fees or charges shall be imposed during the first 24-hour period.

B. The governing body of any county, city, or town may by ordinance, with the advice of an advisory board established pursuant to § 46.2-1233.2, (i) provide that no towing and recovery business having custody of a vehicle towed without the consent of its owner impose storage charges for that vehicle for any period during which the owner of the vehicle was prevented from recovering the vehicle because the towing and recovery business was closed and (ii) place limits on the amount of fees charged by towing and recovery operators. Any such ordinance limiting fees shall also provide for periodic review of and timely adjustment of such limitations.

C. (Expires July 1, 2025) In addition to the fees authorized pursuant to this section, towing and recovery operators are authorized to charge a fuel surcharge fee of no more than $20 for each vehicle towed or removed from private property without the consent of its owner. Notwithstanding any other provision of this chapter, no local governing body shall limit or prohibit the fee authorized pursuant to this subsection.

**Department of Motor Vehicles; driver communication improvement program.** Requires the Department of Motor Vehicles to develop and implement a program for the promotion, printing, and distribution of envelopes for use by drivers diagnosed with autism spectrum disorder, as that term is defined in relevant law, to provide to a law-enforcement officer for the purpose of easing communication during a traffic stop or upon such law-enforcement officer's arrival at the scene of a traffic accident.

## CHAPTER 665

*An Act to amend the Code of Virginia by adding a section numbered 46.2-203.3, relating to Department of Motor Vehicles; driver communication improvement program.*

[H 2501]

Approved April 2, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 46.2-203.3 as follows:**

***§ 46.2-203.3. Driver communication improvement program.***

*The Department shall develop and implement a program for the promotion, printing, and distribution of envelopes for use by drivers diagnosed with autism spectrum disorder, as that term is defined in § 38.2-3418.17, to provide to a law-enforcement officer for the purpose of easing communication during a traffic stop or upon such law-enforcement officer's arrival at the scene of a traffic accident. Such envelope may (i) clearly state that the driver has been diagnosed with autism spectrum disorder and have printed directions for law-enforcement officers on best practices for interacting with such driver; (ii) provide space for more information to be written about the driver's communication needs; (iii) be of a sufficient size to fit a vehicle registration card, vehicle insurance card, and emergency contact information; and (iv) have printed directions instructing the driver to place his proof of vehicle registration and insurance in the envelope and provide such envelope and his driver's license to law enforcement if he is ever involved in a traffic stop or traffic accident.*

*The Department shall not collect or store information identifying any person who has requested or received such envelope, except any information necessary to distribute such envelope to the requestor. No such information shall be stored in any form after the distribution of such envelope is complete.*

*Nothing herein shall require the Department to verify any information provided on the envelope. No action taken by any person, whether private citizen or public officer or employee, with regard to any information provided on the envelope shall create a warranty of the reliability or accuracy of the document, nor shall it create any liability on the part of the Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.*

**Intelligent Speed Assistance Program established; penalty.** Establishes the Intelligent Speed Assistance Program to be administered by the Commission on the Virginia Alcohol Safety Action Program. The bill authorizes enrollment in such Program as an alternative to suspending a person's driver's license upon such person's conviction of certain speed-related offenses. The bill requires a court to order enrollment in such Program for a person convicted of reckless driving and who was found to have been driving in excess of 100 miles per hour, unless the court has otherwise ordered the suspension of such person's driver's license. The bill requires the Commissioner of the Department of Motor Vehicles to provide the option in a written notice for enrollment in such Program instead of license suspension for a person who has accumulated certain amounts of demerit points, and if such person does not respond to such notice within 30 days, the bill requires such suspension of his license. The bill requires any person enrolled in the Program to enter into and successfully complete the Program and install an intelligent speed assistance system, defined in the bill, in any motor vehicle owned by or registered to the participant and prohibits such person from driving any motor vehicle that does not have such a system installed. The bill creates a Class 1 misdemeanor for tampering with or attempting to bypass or circumvent such a system. The bill provides that any person who enters into the Program prior to trial may pre-qualify with the Program to have an intelligent speed assistance system installed on any motor vehicle owned or operated by him and that the court may consider such pre-qualification and installation. The bill has a delayed effective date of July 1, 2026.

## CHAPTER 652

*An Act to amend and reenact §§ 46.2-393, 46.2-394, 46.2-398, 46.2-506, and 46.2-865 of the Code of Virginia and to amend the Code of Virginia by adding in Article 19 of Chapter 3 of Title 46.2 a section numbered 46.2-507, relating to Intelligent Speed Assistance Program established; penalty.*

[H 2096]

Approved April 2, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-393, 46.2-394, 46.2-398, 46.2-506, and 46.2-865 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 19 of Chapter 3 of Title 46.2 a section numbered 46.2-507 as follows:**

**§ 46.2-393. Suspension of license on conviction of certain reckless offenses; restricted licenses.**

A. When any person is convicted of reckless driving as provided in §§ 46.2-853 through 46.2-864, in addition to any penalties provided by law, the driver's license of the person may be suspended by the court for a period of not less than 60 days nor more than six months. In case of conviction the court shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.2-398. If the person so convicted has not obtained a license required by this chapter or is a nonresident, the court shall direct in the judgment of conviction that the person shall not drive any motor vehicle in the Commonwealth for a period of not less than 60 days nor more than six months.

B. The court may, in its discretion and for good cause shown, provide that such person be issued a restricted permit to operate a motor vehicle during the period of suspension for any of the purposes set forth in subsection E of § 18.2-271.1. The court shall forward to the Commissioner a copy of its order entered pursuant to this section, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a

copy of its order to the person who may operate a motor vehicle on the order until receipt from the Commissioner of a restricted license. A copy of such order and, after receipt thereof, the restricted license shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be punished as provided in subsection C of § 46.2-301. No restricted license issued pursuant to this section shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

*C. Notwithstanding the provisions of subsection A, when any person is convicted of reckless driving pursuant to § 46.2-861 or 46.2-862, in addition to any penalties provided by law and as an alternative to suspending such person's driver's license, the court may, in its discretion and for good cause shown, require that such person enroll in the Intelligent Speed Assistance Program established pursuant to § 46.2-507 for a period of not less than 60 days nor more than six months. However, if such person was convicted of reckless driving pursuant to § 46.2-862 and was found to have been driving on the highways of the Commonwealth in excess of 100 miles per hour, the court shall order such enrollment for such period of time, unless the court has ordered suspension of such person's driver's license pursuant to subsection A. No restricted license issued nor enrollment in the Intelligent Speed Assistance Program required pursuant to this section shall permit any person to operate a commercial motor vehicle, as that term is defined in § 46.2-341.4.*

**§ 46.2-394. Revocation of license for fourth conviction of certain offenses.**

If any person is convicted four times of a violation of ~~§§~~ *§* 46.2-865, 46.2-894, or ~~§~~ 46.2-895, or any substantially similar ordinance or law of any other jurisdiction, the court shall revoke his driver's license for five years. *However, if such person is convicted four times of a violation of § 46.2-865, or any substantially similar ordinance or law of any other jurisdiction, the court may alternatively, in its discretion and for good cause shown, require that such person enroll in the Intelligent Speed Assistance Program established pursuant to § 46.2-507 for five years. No restricted license issued nor enrollment in the Intelligent Speed Assistance Program required pursuant to this section shall permit any person to operate a commercial motor vehicle, as that term is defined in § 46.2-341.4.*

**§ 46.2-398. Disposition of surrendered licenses on revocation or suspension.**

In any case in which the accused is convicted of an offense, on the conviction of which the law requires or permits revocation or suspension of the driver's license of the person so convicted, the court shall order the surrender of such license, which shall remain in the custody of the court during the period of revocation or suspension if the period does not exceed 30 days.

If the revocation or suspension period exceeds 30 days, and the conviction was obtained in a court not of record, the license shall remain in the custody of that court (i) until the time allowed by law for an appeal to the circuit court has elapsed, when it shall be forwarded to the Commissioner, or (ii) until an appeal to the circuit court is noted, at which time it shall be returned to the accused.

If the revocation or suspension period exceeds 30 days, and the conviction was obtained in the circuit court, the circuit court shall forward the license to the Commissioner forthwith upon the conviction.

*In any case in which a court ordered a person to enroll in the Intelligent Speed Assistance Program established pursuant to § 46.2-507, the court shall forward the license to the Department upon the conviction.*

For any revocation or suspension of a privilege to drive in Virginia of a person who does not have a Virginia driver's license but who does have a valid driver's license from another jurisdiction, the court shall not order the physical surrender of such license.

**§ 46.2-506. Formal hearings; suspension for excessive point accumulation.**

A. Whenever the operating record of any person shows a continued disregard of the motor vehicle laws subsequent to being placed on probation, he may be charged as a reckless or negligent driver of a motor vehicle, and cited for a formal hearing in accordance with the provisions of §§ 46.2-402 through 46.2-408. If the hearing results in the suspension of a person's driving privilege, the person shall be placed on probation at the end of the suspension period in accordance with the provisions of § 46.2-499.

B. Whenever the operating record of any person shows an accumulation of at least ~~eighteen~~ *18* demerit points based on convictions, or findings of not innocent in the case of a juvenile, for traffic violations committed within any ~~twelve~~ *12* consecutive months, or at least ~~twenty-four~~ *24* demerit points based on convictions, or findings of not innocent in the case of a juvenile, for traffic violations committed within any ~~twenty-four~~ *24* consecutive months, respectively, the Commissioner shall *(i)* suspend the person's license or licenses for a period of ~~ninety~~ *90* days and thereafter until he attends and satisfactorily completes a driver improvement clinic *or (ii) require such person to enroll in the Intelligent Speed Assistance Program established pursuant to § 46.2-507 for a period of nine months and satisfactorily complete a driver improvement clinic. The Department shall provide such driver subject to the provision of this subsection with the option, in a written notice, either to have his license suspended or to enroll in the Intelligent Speed Assistance Program. Such driver shall indicate his choice to the Department within 30 days of the receipt of such written notice. The Department shall, pursuant to clause (i), suspend the license of any driver who fails to respond to such written notice within such 30 days*. At the end of ~~this~~ *a* suspension period *pursuant to clause (i)*, the person shall be placed on probation in accordance with the provisions of § 46.2-499. *No restricted license issued nor enrollment in the Intelligent Speed Assistance Program required pursuant to this section shall permit any person to operate a commercial motor vehicle, as that term is defined in § 46.2-341.4.*

***§ 46.2-507. Establishment of Intelligent Speed Assistance Program; penalty.***

*A. As used in this section:*

*"Commission" means the Commission on the Virginia Alcohol Safety Action Program (VASAP) as established pursuant to § 18.2-271.2.*

*"Intelligent speed assistance system" means a system that limits the speed at which a motor vehicle is capable of traveling based on the applicable speed limit where such motor vehicle is being operated.*

*"Program" means the Intelligent Speed Assistance Program established pursuant to this section.*

*B. The Executive Director of the Commission or his designee shall, pursuant to approval by the Commission, establish the Intelligent Speed Assistance Program for the administration of the provisions of this section and supervise the installation and compliance of intelligent speed assistance systems.*

*C. Upon receipt of notice from a court that a person is required to enroll in the Program, the Department shall:*

*1. Require such person's enrollment in the Program as a condition for obtaining and maintaining a restricted driver's license;*

*2. Suspend such person's driver's license and issue such person a restricted driver's license that indicates his participation in the Program; and*

*3. Not issue such person any other driver's license until such person successfully completes a period of enrollment as provided in subsection E.*

*D. The Department shall provide notice to any person required to enroll in the Program of the requirements of this section. Such notice shall be deemed to have been delivered if it is (i) hand-delivered to such person or (ii) sent by mail to the address on such person's driver's license.*

*E. A person's driver's license shall remain suspended pursuant to subdivision C 3, and a person's enrollment in the Program shall remain a condition for obtaining and maintaining a restricted driver's license pursuant to subdivision C 1, for the duration of time ordered by the court or, if such enrollment is pursuant to § 46.2-506, for a period of nine months and after satisfactory completion of a driver improvement clinic.*

*F. A person enrolled in the Program pursuant to this section shall enter into and successfully complete the Program and (i) shall install a certified intelligent speed assistance system on each motor vehicle owned by or registered to such person and (ii) shall not operate any motor vehicle that is not equipped with a functioning, certified intelligent speed assistance system.*

*G. A person enrolled in the Program shall pay all costs associated with enrollment and participation in the Program, unless such person is found by the court or the Commission to be indigent.*

*H. The Executive Director of the Commission or his designee shall, pursuant to approval by the Commission, certify intelligent speed assistance systems for use in the Commonwealth and adopt regulations and forms for the installation, maintenance, and certification of such intelligent speed assistance systems. Such regulations shall include requirements that such intelligent speed assistance systems:*

*1. Do not impede the safe operation of the motor vehicle;*

*2. Minimize opportunities to be bypassed, circumvented, or tampered with, and provide evidence that such system has not been bypassed, circumvented, or tampered with;*

*3. Work accurately and reliably in an unsupervised environment;*

*4. Have the capability to provide an accurate measure of speed and record each attempt to bypass, circumvent, or tamper with such intelligent speed assistance systems;*

*5. Minimize inconvenience to other users of the motor vehicle;*

*6. Be manufactured or distributed by an entity that is responsible for the installation, user training, service, and maintenance of such intelligent speed assistance systems;*

*7. Operate reliably over the range of motor vehicle environments or motor vehicle manufacturing standards;*

*8. Be manufactured by an entity that is adequately insured against liability, in an amount established by the Commission, including product liability and liability against installation and maintenance errors; and*

*9. Provide for an electronic log of the driver's experience with such intelligent speed assistance system with an information management system capable of electronically delivering information to the Commission within 24 hours of the collection of such information from the data logger.*

*I. The regulations adopted pursuant to subsection H shall also provide for the establishment of a Fund, administered by the Commission, using a percentage of fees received by the manufacturer or distributor providing the intelligent speed assistance systems from a person enrolled in the Program, to assist any person found by the court or the Commission to be indigent with all or part of the costs of an intelligent speed assistance system.*

*J. The Commission shall publish a list of certified intelligent speed assistance systems and shall ensure that such intelligent speed assistance systems are available throughout the Commonwealth. The Commission shall make the list available to eligible offenders, who shall have the responsibility and authority to choose which certified intelligent speed assistance system manufacturer or distributor will supply such offender's certified intelligent speed assistance system. A manufacturer or distributor of intelligent speed assistance systems that seeks*

*to sell or lease the intelligent speed assistance systems to persons subject to the provisions of this section shall pay the reasonable costs of obtaining the required certification, as established by the Commission.*

*K. A person may not sell or lease or offer to sell or lease an intelligent speed assistance system to any person unless:*

*1. The intelligent speed assistance system has been certified by the Commission; and*

*2. The warning label adopted by the Commission pursuant to subsection N is affixed to the intelligent speed assistance system.*

*L. A manufacturer or distributor of an intelligent speed assistance system shall provide such support services as may be required at no cost to the Commonwealth. Such services shall include a toll free, 24-hour telephone number for the users of intelligent speed assistance systems.*

*M. No person shall tamper with, or in any way attempt to circumvent, bypass, or tamper with the operation of, an intelligent speed assistance system that has been installed in a motor vehicle pursuant to this section. A violation of this subsection is punishable as a Class 1 misdemeanor. The venue for the prosecution of a violation of this subsection shall be where the offense occurred.*

*N. The Commission shall design and adopt a warning label to be affixed to an intelligent speed assistance system upon installation in a motor vehicle. The warning label shall state that a person tampering with or attempting to bypass or circumvent the intelligent speed assistance system is guilty of a Class 1 misdemeanor and, upon conviction, is subject to a fine or incarceration or both.*

*O. Any person who enters into the Program prior to trial may pre-qualify with the Program to have an intelligent speed assistance system installed on any motor vehicle owned or operated by him and the court may consider such pre-qualification and installation.*

*P. The Commission shall promulgate such regulations and forms as are necessary to implement the Program established by this section.*

**§ 46.2-865. Racing; penalty.**

Any person who engages in a race between two or more motor vehicles on the highways in the Commonwealth or on any driveway or premises of a church, school, recreational facility, or business property open to the public in the Commonwealth shall be guilty of reckless driving, unless authorized by the owner of the property or his agent. When any person is convicted of reckless driving under this section, in addition to any other penalties provided by law the driver's license of such person shall be suspended by the court for a period of not less than six months nor more than two years *or the court may, in its discretion and for good cause shown, require that such person enroll in the Intelligent Speed Assistance Program established pursuant to § 46.2-507 for a period of not less than six months nor more than two years*. In case of conviction the court shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.2-398. *No restricted license issued nor enrollment in the Intelligent Speed Assistance Program required pursuant to this section shall permit any person to operate a commercial motor vehicle, as that term is defined in § 46.2-341.4.*

**2. That the provisions of this act shall become effective on July 1, 2026.**

# TRAFFIC – SUMMARY ONLY

**HB 2724 – §§52-30.2 and 2.2-5517 – Use of automatic license plate recognition systems; reports; penalty.** Requires the Division of Purchases and Supply of the Department of General Services (the Division) to determine and approve the automatic license plate recognition systems, defined in the bill, for use in the Commonwealth and provides requirements for use of such systems by law-enforcement agencies. The bill limits the use of such systems by law-enforcement agencies to the following purposes: (i) as part of a criminal investigation into an alleged criminal violation of the Code of Virginia or any ordinance of any county, city, or town where there is a reasonable suspicion that a crime was committed; (ii) as part of an active investigation related to a missing or endangered person, including whether to issue an alert for such person, or a person associated with human trafficking; or (iii) to receive notifications related to a missing or endangered person, a person with an outstanding warrant, a person associated with human trafficking, a stolen vehicle, or a stolen license plate.

The bill requires annual reports from law-enforcement agencies using such systems that provide de-identified information concerning the use of the systems and from the State Police that aggregate such information statewide beginning April 1, 2027. The bill also requires a law-enforcement officer or State Police officer to collect data on whether a stop of a driver of a motor vehicle or stop or temporary detention of a person was based on a notification from an automatic license plate recognition system prior to such stop and if so, the specific reason for the notification as set forth in relevant law.

The provisions of the bill that require a law-enforcement agency to obtain a permit from the Department of Transportation in accordance with regulations of the Commonwealth Transportation Board before installing an automatic license plate recognition system on a state right-of-way do not become effective unless reenacted by the 2026 Session of the General Assembly. Except for provisions requiring (a) the Division to determine and approve automatic license plate recognition systems for use in the Commonwealth, which shall become effective on July 1, 2026, and (b) law-enforcement officers to collect data on whether a stop was based on a notification from an automatic license plate recognition system, which shall become effective January 1, 2026, the provisions of the bill become effective in due course. The bill requires the Division, in consultation with the Virginia Information Technologies Agency, to determine such systems for use in the Commonwealth and publicly post a list of such systems by January 1, 2026. Finally, the bill requires the Virginia State Crime Commission to collect data and conduct surveys of law-enforcement agencies to assess the use of automatic license plate recognition systems and report its findings by the first day of the 2026 Regular Session and again on November 1, 2026. As introduced, this bill was a recommendation of the Virginia State Crime Commission.

**HB 1722 – §1 – Special license plates; LUPUS AWARENESS.** Authorizes the issuance of revenue-sharing special license plates for supporters of the Social Butterflies Foundation bearing the legend LUPUS AWARENESS.

**HB 2721 – §46.2-749.73 – Special license plates; Washington Commanders.** Updates provisions related to special license plates issued to supporters of the Washington Redskins to specify that such special license plates shall be issued to supporters of the Washington Commanders. The bill allows special license plates issued to supporters of the Washington Redskins prior to July 1, 2025, to be used until their expiration and renewed if the proper fee is paid, except that $15 from such fee formerly paid to the Washington Redskins Leadership Council Fund is to be paid to the Washington Commanders Foundation Fund.

**HB 1993 – §22.1-177 – Public school buses; display of advertising; hiring of school bus drivers in the local school division.** Permits any local school board, notwithstanding any regulation to the contrary, to display decals, posters, and stickers on the sides and rear of school buses advertising the hiring of school bus drivers in the local school division, provided that the local school board is responsible for the cost of such decals, posters, and stickers and that no such decal, poster, or sticker obstructs the name of the school division or the number of the school bus.

**SB 1066 – §18.2-271.1 – Driving while intoxicated; pre-conviction ignition interlock for certain offenders.** Permits a first-time or second-time offender charged with driving while intoxicated to obtain an ignition interlock pre-conviction. The bill allows the installation period of time accrued by such offender prior to trial for the pending charge to count toward any (i) ignition interlock or restricted license period of time ordered

by the court or (ii) restricted license, suspension, or revocation issued by the Department of Motor Vehicles pursuant to relevant law. Current law prohibits the installation of an ignition interlock system until a court issues a restricted license. As introduced, this bill was a recommendation of the Commission on the Virginia Alcohol Safety Action Program.

**SB 1392 – §§18.2-270.1 and 18.2-271.1 – Ignition interlock system; duration**. Increases the period of time during which a person, as a condition of a restricted license, is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system from not less than six consecutive months to not less than 12 consecutive months without alcohol-related violations of the interlock requirements. This bill is a recommendation of the Commission on the Virginia Alcohol Safety Action Program.

**SB 852 – §46.2-882.1 – Photo speed monitoring devices; proof of violation; retired law-enforcement officials.** Allows a retired sworn law-enforcement officer, defined in the bill, to swear to or affirm a certificate for a vehicle speed violation enforced by a photo speed monitoring device.

**HB 2370 and SB 1067 – §18.2-246.6 – Cigarette delivery sales; definition**. Removes from the exceptions enumerated in the definition of "delivery sale" the delivery of cigarettes, not through the mail or by a common carrier, to a consumer performed by the owner, employee, or other individual acting on behalf of a retailer authorized to sell such cigarettes. This bill is identical to SB 1067.

**HB 2718 – §46.2-882.1 – Photo speed monitoring devices; school crossing zones.** Requires photographs, microphotographs, videotapes, or other recorded images, or documentation, produced by a photo speed monitoring device placed in a school crossing zone to depict or confirm a portable sign or tilt-over sign that is in position or blinking sign that is activated, indicating the school crossing zone, at the time of such vehicle speed violation in order for a sworn certificate to be considered prima facie evidence for purposes of enforcing vehicle speed violations.

**HB 1705 – §§51.1-1150, 51.1-1153, 51.1-1161, and 51.1-1169 – Virginia Retirement System; disability benefits; emergency dispatchers.** Requires that, beginning July 1, 2026, emergency dispatchers who are not members of the hybrid retirement program become participants in the disability program for hybrid retirement plan members if the locality employing such dispatcher participates in such program. The employers of such dispatchers shall provide the costs required for funding participation in such program.

**HB 1874 and SB 781 – §18.2-186.4:1 – Publication of personal information of retired or former law-enforcement officers**. Adds retired or former law-enforcement officers, defined in the bill, to the definition of "public official" for the purposes of prohibiting the Commonwealth from publishing a public official's personal information on the Internet. The bill clarifies that such retired or former law-enforcement officer be in good standing with no pending investigations or disciplinary actions. The bill provides that the demand in writing required to prohibit the publication of such personal information shall be effective for a period of four years, provided that such retired or former law-enforcement officer was retired or ended his service within four years of filing a petition with a circuit court. This bill is identical to SB 781.

**HB 1933 and SB 920 – §65.2-402 – Workers' compensation; throat cancer.** Provides that for the purposes of the workers' compensation presumption as to death or disability from certain types of cancer, throat cancer includes cancer that forms in the tissues of the pharynx, larynx, adenoid, tonsil, esophagus, trachea, nasopharynx, oropharynx, or hypopharynx. This bill applies only to diseases diagnosed on or after July 1, 2025. This bill is identical to SB 920.

**HB 2205 and SB 959 – §§46.2-100, 46.2-316, 46.2-436, 46.2-439, 46.2-441, 46.2-706, and 46.2-707 through 46.2-709 – Department of Motor Vehicles; proof of financial responsibility in the future.** Clarifies when a vehicle owner is required to furnish proof of financial responsibility or proof of financial responsibility in the future. The bill specifies the forms required when providing proof of financial responsibility in the future. This bill is identical to SB 959.

**HB 1846 and SB 1157 – §801-217 – Application for change of name; person required to register on the Sex Offender and Crimes Against Minors Registry; victim notification.** Requires the attorney for the Commonwealth to make a reasonable effort to notify the victim of an offense for which a person is required to register with the Sex Offender and Crimes Against Minors Registry or such victim's immediate family member if

such victim has died when such registrant applies for a change of name with the court. This bill is identical to SB 1157.

# CRIMINAL – FULL TEXT

**Possession, etc., of retail tobacco products and hemp products intended for smoking by a person younger than 21 years of age; liquid nicotine and nicotine vapor products license; prohibitions; enforcement**. Prohibits any person younger than 21 years of age from possessing any retail tobacco or hemp product intended for smoking, as those terms are defined in relevant law, with certain exceptions enumerated in the bill. The bill provides that any such product purchased or possessed by a person younger than 21 years of age (i) shall be deemed contraband and (ii) may be seized by a law-enforcement officer. Any such product, the lawful possession of which is not established, seized by such officer shall be forfeited and disposed of according to the process described in relevant law. The bill also provides that seizure shall be the sole penalty for a violation of such prohibition and that the provisions of the bill shall not preclude prosecution under any other statute.

Further, if a person does not receive a license from the Department of Taxation to sell, deal, transport, or ship liquid nicotine or nicotine vapor products to retailers in the Commonwealth, such person is subject to a penalty of $400, in addition to any other applicable taxes or fees. The bill provides that the Department of Taxation is not required pursuant to relevant law to conduct unannounced investigations of retail tobacco dealers at least once every 24 months to verify that a retail dealer is not selling retail tobacco products to persons younger than 21 years of age.

Lastly, the bill requires the Department of Taxation to convene a work group consisting of the Alcoholic Beverage Control Authority, the Office of the Attorney General, the Virginia State Police, and the Department of Behavioral Health and Development Services to develop an enforcement program related to the sale of retail tobacco products or hemp products intended for smoking to individuals younger than 21 years of age. The work group's findings and recommendations are to be reported to the Chairs of the House Committees on General Laws and Appropriations and the Senate Committees on Rehabilitation and Social Services and Finance and Appropriations no later than November 1, 2025. This bill is identical to SB 1060.

## CHAPTER 595

*An Act to amend and reenact §§ 15.2-912.4 and 58.1-1021.04:1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-371.2:1, relating to possession of retail tobacco products and hemp products intended for smoking by a person younger than 21 years of age; liquid nicotine and nicotine vapor products license; prohibitions; enforcement.*

[H 1946]

Approved March 24, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-912.4 and 58.1-1021.04:1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-371.2:1 as follows:**

**§ 15.2-912.4. Regulation of tobacco and hemp product retail sale locations.**

Any locality may by ordinance regulate the retail sale locations of *retail* tobacco products~~, nicotine vapor products, alternative nicotine products~~, as such ~~terms are~~ *term is* defined in § 18.2-371.2, or hemp products intended for smoking, as such term is defined in § 3.2-4112, for any such retail sale location and

may prohibit a retail sale location on property within 1,000 linear feet of a child day center as defined in § 22.1-289.02 or a public, private, or parochial school. An ordinance adopted pursuant to this section shall not affect (i) a licensee holding a valid license under § 4.1-206.3 or (ii) any retail sale location of *retail* tobacco products~~, nicotine vapor products, alternative nicotine products,~~ or hemp products intended for smoking operating before July 1, 2024.

***§ 18.2-371.2:1. Prohibiting possession of retail tobacco products and hemp products intended for smoking by a person younger than 21 years of age; seizure.***

*A. No person younger than 21 years of age shall possess any retail tobacco product or hemp product intended for smoking, as those terms are defined in § 18.2-371.2. The provisions of this section shall not be applicable to the possession of retail tobacco products or hemp products intended for smoking by a person younger than 21 years of age (i) making a delivery of retail tobacco products or hemp products intended for smoking in pursuance of his employment or (ii) as part of a scientific study being conducted by an organization for the purpose of medical research to further efforts in cigarette and tobacco use prevention and cessation and tobacco product regulation, provided that such medical research has been approved by an institutional review board pursuant to applicable federal regulations or by a research review committee pursuant to Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1. This subsection shall not apply to the possession of any retail tobacco product or hemp product intended for smoking by a law-enforcement officer or his agent when the same is necessary in the performance of his duties.*

*B. Any retail tobacco product or hemp product intended for smoking, as those terms are defined in § 18.2-371.2, possessed in violation of this section shall be deemed contraband and may be seized by a law-enforcement officer. Any such product, the lawful possession of which is not established, seized by such officer shall be forfeited and disposed of according to the process described in subdivision A 2 of § 19.2-386.23.*

*C. The seizure of contraband pursuant to subsection B shall be the sole penalty for a violation of this section.*

*D. The provisions of this section shall not preclude prosecution under any other statute.*

**§ 58.1-1021.04:1. Distributor's or remote retail seller's license; liquid nicotine and nicotine vapor products license; penalties.**

A. 1. No person shall engage in the business of selling or dealing in tobacco products as a distributor in the Commonwealth without first having received a separate license from the Department for each location or place of business. Each application for a distributor's license shall be accompanied by a fee to be prescribed by the Department. Every application for such license shall be made on a form prescribed by the Department and the following information shall be provided on the application:

a. The name and address of the applicant. If the applicant is a firm, partnership, or association, the name and address of each of its members shall be provided. If the applicant is a corporation, the name and address of each of its principal officers shall be provided;

b. The address of the applicant's principal place of business;

c. The place or places where the business to be licensed is to be conducted; and

d. Such other information as the Department may require for the purpose of the administration of this article.

2. A person outside the Commonwealth who ships or transports tobacco products to retailers in the Commonwealth, to be sold by those retailers, may make application for license as a distributor, be granted such a license by the Department, and thereafter be subject to all the provisions of this article. Once a license is granted pursuant to this section, such person shall be entitled to act as a licensed distributor and, unless such person maintains a registered agent pursuant to Chapter 9 (§ 13.1-601 et seq.), 10 (§ 13.1-801 et seq.), 12 (§ 13.1-1000 et

seq.), or 14 (§ 13.1-1200 et seq.) of Title 13.1 or Chapter 2.1 (§ 50-73.1 et seq.) or 2.2 (§ 50-73.79 et seq.) of Title 50, shall be deemed to have appointed the Clerk of the State Corporation Commission as the person's agent for the purpose of service of process relating to any matter or issue involving the person and arising under the provisions of this article.

The Department shall conduct a background investigation, to include a Virginia criminal history records search, and fingerprints of the applicant, or the responsible principals, managers, and other persons engaged in handling tobacco products at the licensable locations, that shall be submitted to the Federal Bureau of Investigation if the Department deems a national criminal records search necessary, on applicants for licensure as tobacco products distributors. The Department may refuse to issue a distributor's license or may suspend, revoke, or refuse to renew a distributor's license issued to any person, partnership, corporation, limited liability company, or business trust if it determines that the principals, managers, and other persons engaged in handling tobacco products at the licensable location of the applicant have been (i) found guilty of any fraud or misrepresentation in any connection; (ii) convicted of robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, gambling, perjury, bribery, treason, or racketeering; or (iii) convicted of a felony. Anyone who knowingly and willfully falsifies, conceals, or misrepresents a material fact or knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in any application for a distributor's license to the Department, is guilty of a Class 1 misdemeanor. The Department may establish an application or renewal fee not to exceed $750 to be retained by the Department to be applied to the administrative and other costs of processing distributor's license applications, conducting background investigations, and issuing distributor's licenses. Any amount collected pursuant to this section in excess of such costs as of June 30 in even-numbered years shall be reported to the State Treasurer and deposited into the state treasury.

3. No person inside or outside the Commonwealth shall make a remote retail sale of cigars or pipe tobacco to consumers in the Commonwealth without (i) completing an application for and being granted a license as a remote retail seller; (ii) determining whether economic nexus activity thresholds have been met to register for a dealer's certificate under § 58.1-613; (iii) if economic nexus thresholds are met, collecting and remitting the excise tax pursuant to subsection A of § 58.1-1021.02; (iv) providing for age verification through an independent, third-party age verification service that compares information available from a commercially available database, or aggregate of databases, that is regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is of age; and (v) if economic nexus thresholds are met and excise tax is being remitted using the actual cost list method to calculate the excise tax, providing the remote retail seller's certified actual cost list to the Department for each SKU to be offered for remote retail sale in the subsequent calendar year. The actual cost list shall be updated quarterly as new SKUs are added to a remote retail seller's inventory. New SKUs will be added using the actual cost first paid for the SKU.

B. Upon receipt of an application in proper form and payment of the required license fee, the Department shall, unless otherwise provided by this article, issue to the applicant a license, which shall permit the licensee to engage in business as a distributor at the place of business shown on the license. Each license, or a copy thereof, shall be prominently displayed on the premises covered by the license. No license shall be transferable to any other person. Distributor's licenses issued pursuant to this section shall be valid for a period of three years from the date of issue unless revoked by the Department in the manner provided herein. The Department may at any time revoke the license issued to any distributor who is found guilty of violating or noncompliance with any of the provisions of this chapter or any of the rules of the Department adopted and promulgated under authority of this chapter. The Department shall suspend or revoke the license issued to any distributor who is found guilty of a second or subsequent violation of subsection A or B of § 18.2-371.2.

C. 1. No person shall engage in the business of selling or dealing liquid nicotine or nicotine vapor products or ~~who ships~~ *shipping* or ~~transports~~ *transporting* liquid nicotine or nicotine vapor products to retailers in the Commonwealth, to be sold by those retailers, as a manufacturer, distributor, or retail dealer in the Commonwealth without first having received a separate license from the Department for each location or place of business*, and any person who violates such prohibition shall be subject to a penalty of $400 in addition to any other applicable taxes or fees*. Each application for a manufacturer's, distributor's, or retail dealer's liquid nicotine and nicotine vapor products license shall be accompanied by a fee to be prescribed by the Department. Any retail dealer who

holds an approved Retail Sales and Use Tax Exemption Certificate for Stamped Cigarettes Purchased for Resale or an Other Tobacco Products (OTP) Distributor's License issued by the Department shall not be required to obtain a license under this subsection. Every application for such liquid nicotine and nicotine vapor products license shall be made on a form prescribed by the Department and the following information shall be provided on the application:

a. The name and address of the applicant. If the applicant is a firm, partnership, or association, the name and address of each of its members shall be provided. If the applicant is a corporation, the name and address of each of its principal officers shall be provided;

b. The address of the applicant's principal place of business;

c. The place or places where the business to be licensed is to be conducted; and

d. Such other information as the Department may require for the purpose of the administration of this article.

2. The Department shall conduct a background investigation, to include a Virginia criminal history records search of the applicant, or the responsible principals and managers of liquid nicotine and nicotine vapor products at the licensable locations that shall be submitted to the Federal Bureau of Investigation if the Department deems a national criminal records search necessary, on applicants for licensure as a liquid nicotine and nicotine vapor products manufacturer, distributor, or retailer, as applicable. The Department may refuse to issue a license or may suspend, revoke, or refuse to renew a license issued to any person, partnership, corporation, limited liability company, or business trust if it determines that the principals and managers at the licensable location of the applicant have been (i) found guilty of any fraud or misrepresentation in any connection; (ii) convicted of robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, gambling, perjury, bribery, treason, tax evasion, or racketeering; or (iii) convicted of a felony within the last five years. Anyone who knowingly and willfully falsifies, conceals, or misrepresents a material fact or knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in any application for a license to the Department is guilty of a Class 1 misdemeanor. The Department may establish an application or renewal fee to be retained by the Department to be applied to the administrative and other costs of processing license applications, conducting background investigations, and issuing licenses. Any amount collected pursuant to this section in excess of such costs as of June 30 in even-numbered years shall be reported to the State Treasurer and deposited into the state treasury.

3. Upon receipt of an application in proper form and payment of the required license fee, the Department shall, unless otherwise provided by this article, issue to the applicant a liquid nicotine and nicotine vapor products license, which shall permit the licensee to engage in business as a manufacturer, distributor, or retail dealer at the place of business shown on the license. Each license, or a copy thereof, shall be prominently displayed on the premises covered by the license. No license shall be transferable to any other person, partnership, corporation, limited liability company, or business trust; however, the Department may grant a temporary license to any applicant that has purchased the business of any manufacturer, distributor, or retail dealer licensed pursuant to this section while such applicant's application for licensure is pending. Licenses, other than temporary licenses, issued pursuant to this section shall be valid for two years from the date of issue unless revoked by the Department in the manner provided in this section. The Department may at any time suspend or revoke the approved license, permit, or registration issued in accordance with this subsection to any person who is found guilty of violating or noncompliance with any of the provisions of this chapter or any of the rules of the Department adopted and promulgated under authority of this chapter. Any person authorized to sell liquid nicotine or nicotine vapor products pursuant to this subsection shall, as a condition of renewing or extending an approved license, permit, or registration, be required to submit to the Department an accurate record of any taxes paid on liquid nicotine pursuant to § 58.1-1021.02.

4. No person shall make a sale of liquid nicotine or nicotine vapor products (i) to any person who has not attained the legal age for purchasing liquid nicotine or nicotine vapor products and (ii) without a valid liquid nicotine and nicotine vapor products license issued pursuant to this subsection. Any person who is found guilty of violating or noncompliance with this subdivision shall be subject to the following penalties:

a. For the first violation in a 36-month period, a penalty of no less than $1,000;

b. For a second violation in a 36-month period, a penalty of no less than $5,000 and a 30-day suspension of the liquid nicotine and nicotine vapor products license. If the person is found to be in violation of clause (i) of this subdivision 4, such person shall be required to verify that any consumer who appears to be under 30 years of age is of legal age by verifying such consumer's government-issued photographic identification using fraud detection software, technology, or a scanner that confirms the authenticity of such identification; and

c. For a third violation in a 36-month period, a penalty of no less than $10,000, revocation of the liquid nicotine and nicotine vapor products license, and ineligibility to possess a liquid nicotine and nicotine vapor products license for a period of three years from the date of the most recent violation.

5. No person inside or outside the Commonwealth shall make a retail sale of liquid nicotine and nicotine vapor products without verifying that the consumer is of legal age by examining from any person who appears to be under 30 years of age a government-issued photographic identification that establishes that the person is of legal age or providing for age verification through an independent age verification service that compares information available from a commercially available database, or aggregate of databases, that is regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is of age.

6. For any transaction between a distributor and a retail dealer involving liquid nicotine or nicotine vapor products, both the distributor and the retail dealer shall maintain and retain records of any invoice or sales receipt involved that shall include itemized lists of the types of products included in such transaction, the tax due on each product pursuant to subsection B of § 58.1-1021.02, and the total amount of taxes paid. Such records shall be produced and provided to the Department as necessary for auditing, compliance, and enforcement purposes.

D. The Department shall compile and maintain a current list of licensed distributors and remote retail sellers of tobacco products and of manufacturers, distributors, and retail dealers of liquid nicotine and nicotine vapor products. The list shall be updated on a monthly basis and published on the Department's website, available to any interested party.

**2. That, notwithstanding any other provision of the Code of Virginia or this act to the contrary, the Department of Taxation (the Department) shall not be required to comply with the provisions of subdivision B 1 of § 59.1-293.12 of the Code of Virginia that require the Department to conduct an unannounced investigation at least once every 24 months to verify that a retail dealer is not selling retail tobacco products to persons under 21 years of age.**

**3. That the Department of Taxation (the Department) shall convene a work group consisting of representatives of the Alcoholic Beverage Control Authority, the Office of the Attorney General, the Virginia State Police, and the Department of Behavioral Health and Developmental Services to develop an enforcement program to address the sale of retail tobacco products or hemp products intended for smoking to individuals younger than 21 years of age. The work group shall consider and report on the following factors: (i) the frequency of licensee inspections in Virginia and other states, (ii) licensee compliance rates with underage enforcement in Virginia and other states, (iii) one-time and ongoing costs of any enforcement program recommendations, and (iv) potential sources of revenue to support such enforcement program. The Department shall report the findings and recommendations of the work group to the Chairs of the House Committees on General Laws and Appropriations and the Senate Committees on Rehabilitation and Social Services and Finance and Appropriations no later than November 1, 2025.**

**Threats to discharge a firearm within or at buildings or means of transportation; penalties.** Provides that any person (i) who makes and communicates to another by any means any threat to bomb, burn, destroy, discharge a firearm within or at, or in any manner damage any place of assembly, building or other structure, or means of transportation or (ii) who communicates to another, by any means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction, discharging of a firearm within or at, or damage to any such place of assembly, building or other structure, or means of transportation is guilty of a Class 5 felony, provided, however, that if such person is under 18 years of age, he is guilty of a Class 1 misdemeanor. Under current law, any person 15 years of age or older (a) who makes and communicates to another by any means any threat to bomb, burn, destroy, or in any manner damage any place of assembly, building or other structure, or means of transportation or (b) who communicates to another, by any means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction, or damage to any such place of assembly, building or other structure, or means of transportation is guilty of a Class 5 felony. This bill is a recommendation of the Virginia Criminal Justice Conference.

## CHAPTER 368

*An Act to amend and reenact § 18.2-83 of the Code of Virginia, relating to threats to discharge a firearm within or at buildings or means of transportation; penalties.*

[H 1583]

Approved March 24, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-83 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-83. Threats to bomb, damage, or discharge a firearm within or at buildings or means of transportation; false information as to danger to such buildings, etc.; punishment; venue.**

A. Any person (i) who makes and communicates to another by any means any threat to bomb, burn, destroy, *discharge a firearm within or at,* or in any manner damage any place of assembly, building or other structure, or ~~any~~ means of transportation~~,~~ or (ii) who communicates to another, by any means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction, *discharging of a firearm within or at,* or damage to any such place of assembly, building or other structure, or ~~any~~ means of transportation~~,~~ is guilty of a Class 5 felony, provided, however, that if such person is under ~~15~~ *18* years of age, he is guilty of a Class 1 misdemeanor.

B. A violation of this section may be prosecuted either in the jurisdiction from which the communication was made or in the jurisdiction where the communication was received.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

**Threats of death or bodily injury or discharge of a firearm on school property; penalties.** Clarifies that for crimes involving communicating in writing a threat to kill or do bodily injury, regardless of whether the person who is the object of such threat actually receives such threat, an electronically transmitted communication producing a visual or electronic message includes an email, a text message, or a message or post on any social media platform. The bill also clarifies that any person who communicates an oral threat of discharging a firearm within or on school property, at any school-sponsored event, or on a school bus and the threat would place the person who is the object of the threat, or is included in the threat, in reasonable apprehension of death or bodily harm is guilty of a Class 6 felony.

## CHAPTER 588

*An Act to amend and reenact § 18.2-60 of the Code of Virginia, relating to threats of death or bodily injury; penalty.*

[S 1271]

Approved March 24, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-60 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-60. Threats of death or bodily injury to a person or member of his family; threats of death or discharge of a firearm on school property; threats of death or bodily injury to health care providers; penalties.**

A. 1. Any person who knowingly communicates, in a writing, including an electronically transmitted communication producing a visual or electronic message, *including an email, a text message, or a message or post on any social media platform*, a threat to kill or do bodily injury to a person, ~~regarding that person or any member of his family~~ *regardless of whether the person who is the object of the threat actually receives the threat*, and the threat places such person *who is the object of the threat, or any member of his family,* in reasonable apprehension of death or bodily injury to himself or his family member~~,~~ is guilty of a Class 6 felony. However, any person who violates this subsection with the intent to commit an act of terrorism as defined in § 18.2-46.4 is guilty of a Class 5 felony.

2. Any person who communicates a threat~~,~~ *orally or* in a writing, including an electronically transmitted communication producing a visual or electronic message, *including an email, a text message, or a message or post on any social media platform,* to kill or ~~do bodily harm,~~ *discharge a firearm within or* (i) on the grounds or premises of any elementary, middle, or secondary school property~~;~~, (ii) at any elementary, middle, or secondary school-sponsored event*;* or (iii) on a school bus to any person or persons, regardless of whether the person who is the object of the threat actually receives the threat, and the threat would place the person who is the object of the threat*, or is included in the threat,* in reasonable apprehension of death or bodily harm~~,~~ is guilty of a Class 6 felony.

3. Any person 18 years of age or older who communicates a threat in writing, including an electronically transmitted communication producing a visual or electronic message such as an email, a text message, or a message or post on any social media platform, to another to kill or to do serious bodily injury to any other person and makes such threat with the intent to (i) intimidate a civilian population at large; (ii) influence the conduct or activities of a government, including the government of the United States, a state, or a locality, through intimidation; or (iii) compel the emergency evacuation, or avoidance, of any place of assembly, any building or other structure, or any

means of mass transportation is guilty of a Class 5 felony. Any person younger than 18 years of age who commits such offense is guilty of a Class 1 misdemeanor.

B. Any person who orally makes a threat to kill or to do bodily injury to (i) any employee of any elementary, middle, or secondary school, while on a school bus, on school property, or at a school-sponsored activity or (ii) any health care provider as defined in § 8.01-581.1 who is engaged in the performance of his duties while on the premises of any facility rendering health care as defined in § 8.01-581.1, unless the health care provider is on the premises of any facility rendering health care as defined in § 8.1-581.1 or emergency medical care as a result of an emergency custody order pursuant to § 37.2-808, involuntary temporary detention order pursuant to § 37.2-809, involuntary hospitalization order pursuant to § 37.2-817, or emergency custody order of a conditionally released acquittee pursuant to § 19.2-182.9, is guilty of a Class 1 misdemeanor.

C. A prosecution pursuant to this section may be in either the county, city, or town in which the communication was made or received.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

**Obtaining records concerning electronic communication service or remote computing service without a warrant.** Provides that when disclosure of real-time location data or subscriber data is not prohibited by federal law, an investigative or law-enforcement officer may obtain real-time location data or subscriber data without a warrant if the investigative or law-enforcement officer reasonably believes that (i) an individual or group of individuals has made a credible threat via electronic communication to commit an act of violence upon the property, including the buildings and grounds thereof, of any (a) child day center, including any preschool program offered by a publicly funded provider; (b) preschool or nursery program certified by the Board of Education; or (c) public, private, or religious elementary or secondary school and (ii) a warrant cannot be obtained in time to prevent the identified danger or identify the source of the threat. The bill also provides that no real-time location data or subscriber data shall be admissible in a criminal proceeding unless a judge finds that probable cause for the issuance of a search warrant existed at the time of the search and such data is otherwise admissible, provided that no such data obtained is presented to establish the necessary probable cause.

## CHAPTER 286

*An Act to amend and reenact § 19.2-70.3 of the Code of Virginia, relating to obtaining records concerning electronic communication service or remote computing service without a warrant.*

[H 2546]

Approved March 21, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-70.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-70.3. Obtaining records concerning electronic communication service or remote computing service.**

A. A provider of electronic communication service or remote computing service, which, for purposes of subdivisions 2, 3, and 4, includes a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, excluding the contents of electronic communications and real-time location data, to an investigative or law-enforcement officer only pursuant to:

1. A subpoena issued by a grand jury of a court of the Commonwealth;

2. A search warrant issued by a magistrate, general district court, or circuit court;

3. A court order issued by a circuit court for such disclosure issued as provided in subsection B; or

4. The consent of the subscriber or customer to such disclosure.

B. A court shall issue an order for disclosure under this section only if the investigative or law-enforcement officer shows that there is reason to believe the records or other information sought are relevant and material to an ongoing criminal investigation, or the investigation of any missing child as defined in § 52-32, any missing senior adult as defined in § 52-34.4, an incapacitated person as defined in § 64.2-2000 who meets the definition of a missing senior adult except for the age requirement, or any critically missing adult as defined in § 15.2-1718.2. Upon issuance of an order for disclosure under this section, the order and any written application or statement of facts may be sealed by the court for 90 days for good cause shown upon application of the attorney for the Commonwealth in an ex parte proceeding. The order and any written application or statement of facts may be

sealed for additional 90-day periods for good cause shown upon subsequent application of the attorney for the Commonwealth in an ex parte proceeding. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order, if the information or records requested are unusually voluminous in nature or compliance with such order would otherwise cause an undue burden on such provider.

C. Except as provided in subsection D or E, a provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose the contents of electronic communications or real-time location data to an investigative or law-enforcement officer only pursuant to a search warrant issued by a magistrate, a juvenile and domestic relations district court, a general district court, or a circuit court, based upon complaint on oath supported by an affidavit as required in § 19.2-54, or judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia when the warrant issued by such officer or such court complies with the provisions of subsection G. In the case of a search warrant directed to a foreign corporation, the affidavit shall state that the complainant believes that the records requested are actually or constructively possessed by a foreign corporation that provides electronic communication service or remote computing service within the Commonwealth of Virginia. If satisfied that probable cause has been established for such belief and as required by Chapter 5 (§ 19.2-52 et seq.), the magistrate, the juvenile and domestic relations district court, the general district court, or the circuit court shall issue a warrant identifying those records to be searched for and commanding the person seeking such warrant to properly serve the warrant upon the foreign corporation. A search warrant for real-time location data shall be issued if the magistrate, the juvenile and domestic relations district court, the general district court, or the circuit court is satisfied that probable cause has been established that the real-time location data sought is relevant to a crime that is being committed or has been committed or that an arrest warrant exists for the person whose real-time location data is sought.

D. A provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, including real-time location data but excluding the contents of electronic communications, to an investigative or law-enforcement officer pursuant to an administrative subpoena issued pursuant to § 19.2-10.2 concerning a violation of § 18.2-374.1 or 18.2-374.1:1, former § 18.2-374.1:2, or § 18.2-374.3 when the information sought is relevant and material to an ongoing criminal investigation.

E. When disclosure of real-time location data *or subscriber data* is not prohibited by federal law, an investigative or law-enforcement officer may obtain real-time location data *or subscriber data* without a warrant in the following circumstances:

1. To respond to the user's call for emergency services;

2. With the informed, affirmative consent of the owner or user of the electronic device concerned if (i) the device is in his possession; (ii) the owner or user knows or believes that the device is in the possession of an employee or agent of the owner or user with the owner's or user's consent; or (iii) the owner or user knows or believes that the device has been taken by a third party without the consent of the owner or user;

3. With the informed, affirmative consent of the legal guardian or next of kin of the owner or user, if reasonably available, if the owner or user is reasonably believed to be deceased, is reported missing, or is unable to be contacted;

4. To locate a child who is reasonably believed to have been abducted or to be missing and endangered; ~~or~~

5. If the investigative or law-enforcement officer reasonably believes that an emergency involving the immediate danger to a person requires the disclosure, without delay, of real-time location data concerning a specific person and that a warrant cannot be obtained in time to prevent the identified danger*; or*

*6. If the investigative or law-enforcement officer reasonably believes that (i) an individual or group of individuals has made a credible threat via electronic communication to commit an act of violence upon the*

*property, including the buildings and grounds thereof, of any (a) child day center, as defined in § 22.1-289.02, including any preschool program offered by a publicly funded provider; (b) any preschool or nursery school program certified by the Board of Education pursuant to § 22.1-289.032; or (c) public, private, or religious elementary or secondary school, as defined in § 22.1-1, and (ii) a warrant cannot be obtained in time to prevent the identified danger or identify the source of the threat.*

No later than three business days after seeking disclosure of real-time location data *or subscriber data* pursuant to this subsection, the investigative or law-enforcement officer seeking the information shall file with the appropriate court a written statement setting forth the facts giving rise to the emergency and the facts as to why the person whose real-time location data *or subscriber data* was sought is believed to be important in addressing the emergency. *No real-time location data or subscriber data obtained pursuant to this subsection shall be admissible in a criminal proceeding unless a judge finds that probable cause for the issuance of a search warrant existed at the time of the search and such data is otherwise admissible, provided that no such data obtained is presented to establish the necessary probable cause.*

F. In order to comply with the requirements of § 19.2-54, any search of the records of a foreign corporation shall be deemed to have been made in the same place wherein the search warrant was issued.

G. A Virginia corporation or other entity that provides electronic communication services or remote computing services to the general public, when properly served with a search warrant and affidavit in support of the warrant, issued by a judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia with jurisdiction over the matter, to produce a record or other information pertaining to a subscriber to or customer of such service, including real-time location data, or the contents of electronic communications, or both, shall produce the record or other information, including real-time location data, or the contents of electronic communications as if that warrant had been issued by a Virginia court. The provisions of this subsection shall only apply to a record or other information, including real-time location data, or contents of electronic communications relating to the commission of a criminal offense that is substantially similar to (i) a violent felony as defined in § 17.1-805, (ii) an act of violence as defined in § 19.2-297.1, (iii) any offense for which registration is required pursuant to § 9.1-902, (iv) computer fraud pursuant to § 18.2-152.3, or (v) identity theft pursuant to § 18.2-186.3. The search warrant shall be enforced and executed in the Commonwealth as if it were a search warrant described in subsection C.

H. The provider of electronic communication service or remote computing service may verify the authenticity of the written reports or records that it discloses pursuant to this section by providing an affidavit from the custodian of those written reports or records or from a person to whom said custodian reports certifying that they are true and complete copies of reports or records and that they are prepared in the regular course of business. When so authenticated, no other evidence of authenticity shall be necessary. The written reports and records, excluding the contents of electronic communications, shall be considered business records for purposes of the business records exception to the hearsay rule.

I. No cause of action shall lie in any court against a provider of a wire or electronic communication service or remote computing service or such provider's officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order, warrant, administrative subpoena, or subpoena under this section or the provisions of subsection E.

J. A search warrant or administrative subpoena for the disclosure of real-time location data pursuant to this section shall require the provider to provide ongoing disclosure of such data for a reasonable period of time, not to exceed 30 days. A court may, for good cause shown, grant one or more extensions, not to exceed 30 days each.

K. An investigative or law-enforcement officer shall not use any device to obtain electronic communications or collect real-time location data from an electronic device without first obtaining a search warrant authorizing the use of the device if, in order to obtain the contents of such electronic communications or such real-time location data from the provider of electronic communication service or remote computing service, such officer would be required to obtain a search warrant pursuant to this section. However, an investigative or law-enforcement officer

may use such a device without first obtaining a search warrant under the circumstances set forth in subsection E. For purposes of subdivision E 5, the investigative or law-enforcement officer using such a device shall be considered to be the possessor of the real-time location data.

L. Upon issuance of any subpoena, search warrant, or order for disclosure issued under this section, upon written certification by the attorney for the Commonwealth that there is a reason to believe that the victim is under the age of 18 and that notification or disclosure of the existence of the subpoena, search warrant, or order will endanger the life or physical safety of an individual, or lead to flight from prosecution, the destruction of or tampering with evidence, the intimidation of potential witnesses, or otherwise seriously jeopardize an investigation, the court may in an ex parte proceeding order a provider of electronic communication service or remote computing service not to disclose for a period of 90 days the existence of the subpoena, search warrant, or order and written application or statement of facts to another person, other than an attorney to obtain legal advice. The nondisclosure order may be renewed for additional 90-day periods for good cause shown upon subsequent application of the attorney for the Commonwealth in an ex parte proceeding. A court issuing an order for disclosure pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order if the information or records requested are unusually voluminous in nature or compliance with such order would otherwise cause an undue burden on such provider.

M. For the purposes of this section:

"Electronic device" means a device that enables access to, or use of, an electronic communication service, remote computing service, or location information service, including a global positioning service or other mapping, locational, or directional information service.

"Foreign corporation" means any corporation or other entity, whose primary place of business is located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and effect as if served personally within the Commonwealth.

"Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

"Real-time location data" means any data or information concerning the current location of an electronic device that, in whole or in part, is generated, derived from, or obtained by the operation of the device.

*"Subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a communications services provider. "Subscriber data" does not include data or personally identifiable information protected by federal or state law, including viewing history, billing details, Internet usage patterns or data, and any other data protected by federal or state law.*

**Sexual extortion; penalty.** Makes it a Class 5 felony for any person to maliciously threaten eviction, loss of housing, property damage, or any financial loss with the intent to cause the complaining witness to engage in sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, inanimate or animate object sexual penetration, or an act of sexual abuse and thereby engage in sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, inanimate or animate object sexual penetration, or an act of sexual abuse. The bill also creates an unclassified felony punishable by not less than one nor more than 20 years and a fine of not more than $100,000 for any adult who violates the provisions of the bill with a person younger than 15 years of age.

## CHAPTER 227

*An Act to amend and reenact § 18.2-59.1 of the Code of Virginia, relating to sexual extortion; penalty.*

[H 1998]

Approved March 21, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-59.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-59.1. Sexual extortion; penalty.**

A. Any person who maliciously threatens in writing, including an electronically transmitted communication producing a visual or electronic message, (i) to disseminate, sell, or publish a videographic or still image, created by any means whatsoever, or (ii) to not delete, remove, or take back a previously disseminated, sold, or published videographic or still image, created by any means whatsoever, that depicts the complaining witness or such complaining witness's family or household member, as defined in § 16.1-228, as totally nude or in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast with the intent to cause the complaining witness to engage in sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, inanimate or animate object sexual penetration, or an act of sexual abuse, as defined in § 18.2-67.10, and thereby engages in sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, inanimate or animate object sexual penetration, or an act of sexual abuse, as defined in § 18.2-67.10, is guilty of a Class 5 felony. However, any adult who violates this section with a person under the age of 18 is guilty of a felony punishable by confinement in a state correctional facility for a term of not less than one nor more than 20 years and by a fine of not more than $100,000.

B. *Any person who maliciously threatens eviction, loss of housing, property damage, or any financial loss with the intent to cause the complaining witness to engage in sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, inanimate or animate object sexual penetration, or an act of sexual abuse, as defined in § 18.2-67.10, and thereby engages in sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, inanimate or animate object sexual penetration, or an act of sexual abuse, as defined in § 18.2-67.10, is guilty of a Class 5 felony. However, any adult who violates this section with a person under the age of 15 is guilty of a felony punishable by confinement in a state correctional facility for a term of not less than one nor more than 20 years and by a fine of not more than $100,000.*

*C.* A prosecution pursuant to this section may be in the county, city, or town in which the communication was either made or received.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the**

**Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

**Mail theft; penalty.** Creates the offense of mail theft, punishable as a Class 6 felony, for any person who (i) knowingly, willfully, and with the intent to deprive, injure, damage, or defraud another (a) takes, destroys, hides, or embezzles mail or (b) obtains any mail by fraud or deception; (ii) buys, receives, conceals, or possesses (a) mail and knows or reasonably should know that the mail was unlawfully taken or obtained; (b) any key he knows or reasonably should know is suited to any lock adopted by the United States Postal Service that provides access to any mail receptacle located in a cluster mailbox unit or other mailbox panel used for the purpose of centralized mail in any neighborhood, including any condominium or apartment complex; or (c) a counterfeit device or key designed to provide access to any lock described in clause (b); or (iii) knowingly, willfully, and with the intent to steal any mail inside damages, opens, removes, injures, vandalizes, or destroys any mail receptacle. This bill is identical to SB 939.

## CHAPTER 128

*An Act to amend the Code of Virginia by adding in Article 3 of Chapter 5 of Title 18.2 a section numbered 18.2-110.1, relating to mail theft; penalty.*

[H 1715]

Approved March 19, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 3 of Chapter 5 of Title 18.2 a section numbered 18.2-110.1 as follows:**

***§ 18.2-110.1. Mail theft; penalty.***

*A. As used in this section:*

*"Delivery service" means the same as that term is defined in § 18.2-246.6. "Delivery service" does not include the United States Postal Service.*

*"Mail" means any letter, postal card, parcel, package, bag, or other material, along with its contents, that (i) has postage affixed by the postal customer or a postal service, (ii) has been accepted for delivery by a postal service, (iii) the postal customer leaves for collection by a postal service, or (iv) a postal service delivers to the postal customer, which has not been retrieved from the mail receptacle.*

*"Mail receptacle" means a mailbox, post office box, rural box, letter box, lock drawer, or any place or area intended or used by postal customers or a postal service for the collection, deposit, or delivery of mail.*

*"Postal service" means the United States Postal Service or a delivery service.*

*B. Any person who (i) knowingly, willfully, and with the intent to deprive, injure, damage, or defraud another (a) takes, destroys, hides, or embezzles mail or (b) obtains any mail by fraud or deception; (ii) buys, receives, conceals, or possesses (a) mail and knows or reasonably should know that the mail was unlawfully taken or obtained; (b) any key he knows or reasonably should know is suited to any lock adopted by the United States Postal Service that provides access to any mail receptacle located in a cluster mailbox unit or other mailbox panel used for the purpose of centralized mail in any neighborhood, including any condominium or apartment complex; or (c) a counterfeit device or key designed to provide access to any lock described in clause (b); or (iii) knowingly,*

*willfully, and with the intent to steal any mail inside damages, opens, removes, injures, vandalizes, or destroys any mail receptacle is guilty of a Class 6 felony.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

**Search warrants; electronic records; commercial enterprise; domestic and foreign corporations.** Provides that, for the purposes of search warrants, "any object, thing, or person" includes electronic records stored within or outside the Commonwealth of a commercial enterprise, whether a domestic corporation or a foreign corporation, that is transacting or has transacted any business in the Commonwealth that constitute evidence of the commission of crime. The bill requires the affidavit for any search warrant issued for such records of a foreign corporation to contain a statement that the complainant believes such records are actually or constructively possessed by such foreign corporation and provides that, in order to comply with relevant law, any search of the records of a foreign corporation shall be deemed to have been made in the same place where the search warrant was issued.

The bill establishes a procedure for the execution of a search warrant for such records or other information stored outside of the Commonwealth by a commercial enterprise, whether a domestic corporation or a foreign corporation, that is transacting or has transacted any business in the Commonwealth. The bill also provides that (i) for the purposes of responding to a subpoena served pursuant to relevant law, a foreign corporation transacting business in the Commonwealth that has a registered agent in the Commonwealth shall be deemed to have consented to service and (ii) the provisions of the bill are intended to reverse the holding in Yelp, Inc. v. Hadeed Carpet Cleaning, Inc., 289 Va. 426 (2015).

Lastly, the bill directs the Joint Commission on Technology and Science and the Virginia State Crime Commission to (a) review existing statutes on service of process and subpoenas relating to electronic records and (b) provide recommendations to update such statutes relating to the use of technology in the criminal justice system. Such recommendations shall be made to the General Assembly by November 15, 2025.

## CHAPTER 345

*An Act to amend and reenact §§ 8.01-301, 19.2-53, and 19.2-56 of the Code of Virginia, relating to domestic corporation or foreign corporation transacting business in Commonwealth; search warrants; service of process; electronic records.*

[S 1412]

Approved March 21, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 8.01-301, 19.2-53, and 19.2-56 of the Code of Virginia are amended and reenacted as follows:**

**§ 8.01-301. How process served on foreign stock or nonstock corporations and foreign limited liability companies generally.**

Subject to § 8.01-286.1, service of process on a foreign stock or nonstock corporation or a foreign limited liability company may be effected in the following manner:

1. By personal service on any officer or director or the registered agent of a foreign stock or nonstock corporation that is authorized to do business in the Commonwealth, by personal service on any agent of any such foreign corporation transacting business in the Commonwealth without such authorization, wherever any such officer, director, or agents be found within the Commonwealth, and by personal service on the registered agent of a foreign limited liability company that is registered to do business in the Commonwealth;

2. By substituted service on (i) a foreign stock or nonstock corporation in accordance with §§ 13.1-766 and 13.1-928, respectively, and on a foreign limited liability company in accordance with § 13.1-1018, if any such corporation or limited liability company is authorized or registered to transact business or affairs within the

Commonwealth, and (ii) a foreign stock or nonstock corporation in accordance with subsection F of § 13.1-758 and subsection E of § 13.1-920, respectively, and on a foreign limited liability company in accordance with subsection E of § 13.1-1057, if any such corporation or limited liability company is not authorized or registered to transact business within the Commonwealth;

3. By substituted service on a foreign stock or nonstock corporation or foreign limited liability company in accordance with § 8.01-329, or by service in accordance with § 8.01-320, where jurisdiction is authorized under § 8.01-328.1, regardless of whether any such foreign corporation or foreign limited liability company is authorized or registered to transact business within the Commonwealth; or

4. By order of publication in accordance with §§ 8.01-316 and 8.01-317 where jurisdiction in rem or quasi in rem is authorized, regardless of whether the foreign stock or nonstock corporation or foreign limited liability company so served is authorized or registered to transact business within the Commonwealth.

This section does not prescribe the only means, or necessarily the required means, of serving a foreign stock or nonstock corporation or foreign limited liability company.

*For the purposes of responding to a subpoena served in the manner prescribed by this section, a foreign corporation transacting business in the Commonwealth that has a registered agent in the Commonwealth shall be deemed to have consented to service.*

**§ 19.2-53. What may be searched and seized.**

A. Search warrants may be issued for the search of or for specified places, things, or persons, and seizure therefrom of the following things as specified in the warrant:

1. Weapons or other objects used in the commission of crime;

2. Articles or things the sale or possession of which is unlawful;

3. Stolen property or the fruits of any crime;

4. Any object, thing, or person, including ~~without limitation,~~ *(i)* documents, *(ii)* books, *(iii)* papers, *(iv)* records, ~~or~~ *(v)* body fluids, *or (vi) electronic records stored within or outside the Commonwealth of a commercial enterprise, whether a domestic corporation or a foreign corporation, that is transacting or has transacted any business in the Commonwealth*, constituting evidence of the commission of crime; or

5. Any person to be arrested for whom a warrant or process for arrest has been issued.

Notwithstanding any other provision in this chapter to the contrary, no search warrant may be issued as a substitute for a witness subpoena.

B. Any search warrant issued for the search and seizure of a computer, computer network, or other device containing electronic or digital information shall be deemed to include the search and seizure of the physical components and the electronic or digital information contained in any such computer, computer network, or other device, except information for which a search warrant is prohibited by § 19.2-60.2.

C. Any search, including the search of the contents of any computer, computer network, or other device conducted pursuant to subsection B, may be conducted in any location and is not limited to the location where the evidence was seized.

**§ 19.2-56. To whom search warrant directed; what it shall command; warrant to show date and time of issuance; copy of affidavit to be part of warrant and served therewith; warrants not executed within 15 days.**

A. The judge, magistrate, or other official authorized to issue criminal warrants shall issue a search warrant only if he finds from the facts or circumstances recited in the affidavit that there is probable cause for the issuance thereof. *If a search warrant is issued for electronic records of a foreign corporation, as described in § 19.2-53, such affidavit shall state that the complainant believes such records are actually or constructively possessed by such foreign corporation. In order to comply with the requirements of § 19.2-54, any search of the records of a foreign corporation, as described in § 19.2-53, shall be deemed to have been made in the same place where the search warrant was issued.*

Every search warrant shall be directed (i) to the sheriff, sergeant, or any policeman of the county, city, or town in which the place to be searched is located; (ii) to any law-enforcement officer or agent employed by the Commonwealth and vested with the powers of sheriffs and police; or (iii) jointly to any such sheriff, sergeant, policeman, or law-enforcement officer or agent and an agent, special agent, or officer of the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms and Explosives of the U.S. Department of Justice, the United States Naval Criminal Investigative Service, the United States Army Criminal Investigation Division, the United States Air Force Office of Special Investigations, or the U.S. Department of Homeland Security or any inspector, law-enforcement official, or police personnel of the United States Postal Service or the U.S. Drug Enforcement Administration. The warrant shall (a) name the affiant, (b) recite the offense or the identity of the person to be arrested for whom a warrant or process for arrest has been issued in relation to which the search is to be made, (c) name or describe the place to be searched, (d) describe the property or person to be searched for, and (e) recite that the magistrate has found probable cause to believe that the property or person constitutes evidence of a crime (identified in the warrant) or tends to show that a person (named or described therein) has committed or is committing a crime or that the person to be arrested for whom a warrant or process for arrest has been issued is located at the place to be searched.

The warrant shall command that the place be forthwith searched and that the objects or persons described in the warrant, if found there, be seized. An inventory shall be produced before a court having jurisdiction of the offense or over the person to be arrested for whom a warrant or process for arrest has been issued in relation to which the warrant was issued as provided in § 19.2-57.

Any such warrant as provided in this section shall be executed by the policeman or other law-enforcement officer or agent into whose hands it shall come or be delivered. If the warrant is directed jointly to a sheriff, sergeant, policeman, or law-enforcement officer or agent of the Commonwealth and a federal agent or officer as otherwise provided in this section, the warrant may be executed jointly or by the policeman, law-enforcement officer, or agent into whose hands it is delivered. No other person may be permitted to be present during or participate in the execution of a warrant to search a place except (1) the owners and occupants of the place to be searched when permitted to be present by the officer in charge of the conduct of the search and (2) persons designated by the officer in charge of the conduct of the search to assist or provide expertise in the conduct of the search.

Any search warrant for records or other information pertaining to a subscriber to, or customer of, an electronic communication service or remote computing service, whether a domestic corporation or foreign corporation, that is transacting or has transacted any business in the Commonwealth, to be executed upon such service provider may be executed within or outside the Commonwealth by hand, United States mail, commercial delivery service, facsimile, or other electronic means upon the service provider. Notwithstanding the provisions of § 19.2-57, the officer executing a warrant pursuant to this paragraph shall endorse the date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three days after the materials ordered to be produced are received by the officer from the service provider. The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was (A) executed, if executed within the Commonwealth, and a copy of the return shall also be delivered to the clerk of the circuit court of the county or city where the

warrant was issued or (B) issued, if executed outside the Commonwealth. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing period.

Electronic communication service or remote computing service providers, whether a foreign or domestic corporation, shall also provide the contents of electronic communications pursuant to a search warrant issued under this section and § 19.2-70.3 using the same process described in the preceding paragraph.

*Any search warrant for electronic records or other information stored outside of the Commonwealth by a commercial enterprise, whether a domestic corporation or a foreign corporation, that is transacting or has transacted any business in the Commonwealth, to be executed upon such commercial enterprise may be executed within or outside the Commonwealth by hand, United States mail, commercial delivery service, facsimile, or other electronic means upon the commercial enterprise. Notwithstanding the provisions of § 19.2-57, the officer executing a warrant pursuant to this paragraph shall endorse the date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three days after the materials ordered to be produced are received by the officer from the commercial enterprise. The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was (I) executed, if executed within the Commonwealth, and a copy of the return shall also be delivered to the clerk of the circuit court of the county or city where the warrant was issued or (II) issued, if executed outside the Commonwealth. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing period.*

Notwithstanding the provisions of § 19.2-57, any search warrant for records or other information pertaining to a customer of a financial institution as defined in § 6.2-604, money transmitter as defined in § 6.2-1900, commercial business providing credit history or credit reports, or issuer as defined in § 6.2-424 may be executed within the Commonwealth by hand, United States mail, commercial delivery service, facsimile, or other electronic means upon the financial institution, money transmitter, commercial business providing credit history or credit reports, or issuer. The officer executing such warrant shall endorse the date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three days after the materials ordered to be produced are received by the officer from the financial institution, money transmitter, commercial business providing credit history or credit reports, or issuer. The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was executed. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing period. For the purposes of this section, the warrant will be considered executed in the jurisdiction where the entity on which the warrant is served is located.

Every search warrant shall contain the date and time it was issued. However, the failure of any such search warrant to contain the date and time it was issued shall not render the warrant void, provided that the date and time of issuing of said warrant is established by competent evidence.

The judge, magistrate, or other official authorized to issue criminal warrants shall attach a copy of the affidavit required by § 19.2-54, which shall become a part of the search warrant and served therewith. However, this provision shall not be applicable in any case in which the affidavit is made by means of a voice or videotape recording or where the affidavit has been sealed pursuant to § 19.2-54.

Any search warrant not executed within 15 days after issuance thereof shall be returned to, and voided by, the officer who issued such search warrant.

B. No law-enforcement officer shall seek, execute, or participate in the execution of a no-knock search warrant. A search warrant for any place of abode authorized under this section shall require that a law-enforcement officer be recognizable and identifiable as a uniformed law-enforcement officer and provide audible notice of his authority and purpose reasonably designed to be heard by the occupants of such place to be searched prior to the execution of such search warrant.

After entering and securing the place to be searched and prior to undertaking any search or seizure pursuant to the search warrant, the executing law-enforcement officer shall give a copy of the search warrant and affidavit to the person to be searched or the owner of the place to be searched or, if the owner is not present, to at least one adult occupant of the place to be searched. If the place to be searched is unoccupied by an adult, the executing law-enforcement officer shall leave a copy of the search warrant and affidavit in a conspicuous place within or affixed to the place to be searched.

Search warrants authorized under this section for the search of any place of abode shall be executed by initial entry of the abode only in the daytime hours between 8:00 a.m. and 5:00 p.m. unless (i) a judge or a magistrate, if a judge is not available, authorizes the execution of such search warrant at another time for good cause shown by particularized facts in an affidavit or (ii) prior to the issuance of the search warrant, law-enforcement officers lawfully entered and secured the place to be searched and remained at such place continuously.

A law-enforcement officer shall make reasonable efforts to locate a judge before seeking authorization to execute the warrant at another time, unless circumstances require the issuance of the warrant after 5:00 p.m., pursuant to the provisions of this subsection, in which case the law-enforcement officer may seek such authorization from a magistrate without first making reasonable efforts to locate a judge. Such reasonable efforts shall be documented in an affidavit and submitted to a magistrate when seeking such authorization.

Any evidence obtained from a search warrant executed in violation of this subsection shall not be admitted into evidence for the Commonwealth in any prosecution.

C. For the purposes of this section:

"Foreign corporation" means any corporation or other entity, whose primary place of business is located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and effect as if served personally within the Commonwealth.

"Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

**2. That the provisions of this act are intended to reverse the holding in *Yelp, Inc. v. Hadeed Carpet Cleaning, Inc.*, 289 Va. 426 (2015).**

**3. That the Joint Commission on Technology and Science and the Virginia State Crime Commission shall (i) review existing statutes on service of process and subpoenas relating to electronic records and (ii) provide recommendations to update such statutes relating to the use of technology in the criminal justice system. Such recommendations shall be made to the General Assembly by November 15, 2025.**

**Seizure of property used in connection with or derived from financial exploitation of vulnerable adults.** Establishes a procedure for seizure of property used in connection with or derived from financial exploitation of vulnerable adults. The bill permits a guardian, adult proactive agent, or representative of the vulnerable adult to enforce such an action for good cause shown.

## CHAPTER 160

*An Act to amend and reenact § 19.2-386.5 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 22.2 of Title 19.2 a section numbered 19.2-386.36, relating to seizure of property used in connection with or derived from financial exploitation of vulnerable adults.*

[H 2120]

Approved March 19, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-386.5 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 22.2 of Title 19.2 a section numbered 19.2-386.36 as follows:**

**§ 19.2-386.5. Release of seized property.**

At any time prior to the filing of an information, the attorney for the Commonwealth in the county or city in which the property has been seized pursuant to Chapter 22.2 (§ 19.2-386.15 et seq.) or other provision under the Code may, in his discretion, upon the payment of costs incident to the custody of the seized property, return the seized property to an owner or lien holder, without requiring that the owner or lien holder post bond as provided in § 19.2-386.6, if he believes the property is properly exempt from forfeiture pursuant to § 19.2-386.8.

*At any time after the filing of an answer or upon default, on motion of the attorney for the Commonwealth or a vulnerable adult, the court may order the return of property to the vulnerable adult upon a showing that the property is the subject of a violation of § 18.2-178.1 or traceable to such a violation and is properly exempt from forfeiture pursuant to § 19.2-386.8.*

*Any property seized and returned pursuant to § 19.2-386.36 shall not require the payment of costs or the posting of a bond.*

***§ 19.2-386.36. Seizure of moneys or other assets of value in connection with or derived from financial exploitation of vulnerable adults.***

*All money, equipment, motor vehicles, and other personal and real property of any kind or character that is (i) the subject of a violation of § 18.2-178.1, including all moneys or other property, real or personal, traceable to such a violation, together with any interest or profits derived from the investment of such money or other property, or (ii) used in substantial connection with such a violation shall be subject to lawful seizure. Real property shall not be subject to seizure unless the minimum prescribed punishment for the violation is a term of imprisonment of not less than 12 months.*

*All seizures and forfeitures under this section shall be governed by Chapter 22.1 (§ 19.2-386.1 et seq.), and the procedures specified therein shall apply, mutatis mutandis, except that an action against any property subject to seizure under the provisions of this section may be commenced by the filing of an information in the clerk's office*

*of the circuit court by the guardian, adult protective agent, or representative of the vulnerable adult, who may for good cause shown, upon motion to the court in which the information is filed, act and stand in the place of the attorney for the Commonwealth for the enforcement of such action. A hearing on a motion by a vulnerable adult pursuant to this section shall be scheduled on an expedited basis and given priority over other civil matters before the court. In addition to existing procedures for service of process, such service may be satisfied by certified mail, return receipt requested.*

*Notwithstanding any provision of Chapter 22.1 (§ 19.2-386.1 et seq.) to the contrary, money, equipment, motor vehicles, and other personal and real property seized in the course of the investigation or prosecution for such offense shall be returned to the vulnerable adult or his estate pursuant to § 19.2-386.5 and shall be returned upon a plea of guilty or a finding of facts sufficient for guilt for a violation of § 18.2-178.1.*

**Inhaling drugs or other noxious chemical substances or causing, etc., others to do so; distribution of nitrous oxide to persons under 18 prohibited; penalties.** Prohibits the sale or distribution of a device that is designed or intended to deliver a gas containing nitrous oxide to persons under 18 years of age with exceptions as defined in the bill. Any person who fails to make diligent inquiry as to whether the person trying to obtain such a device is 18 years of age or older or sells, distributes, or attempts to sell or distribute such a device to a person under 18 years of age is guilty of a Class 1 misdemeanor. The bill also adds nitrous oxide to the list of noxious chemical substances for which it is unlawful to deliberately smell or inhale with the intent to become intoxicated, inebriated, excited, or stupefied or to dull the brain or nervous system, or to deliberately cause another person to do so. This bill is identical to SB 1361.

## CHAPTER 259

*An Act to amend and reenact § 18.2-264 of the Code of Virginia, relating to inhaling drugs or other noxious chemical substances or causing, etc., others to do so; distribution of nitrous oxide to persons under 18 prohibited; penalties.*

[H 2308]

Approved March 21, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-264 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-264. Inhaling drugs or other noxious chemical substances or causing, etc., others to do so; distribution of nitrous oxide to persons under 18 prohibited; penalties.**

A. It is unlawful, except under the direction of a practitioner as defined in § 54.1-3401, for any person deliberately to smell or inhale any drugs or any other noxious chemical substances with the intent to become intoxicated, inebriated, excited, or stupefied or to dull the brain or nervous system.

Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

B. It is unlawful for any person, other than one duly licensed, deliberately to cause, invite, or induce any person to smell or inhale any drugs or any other noxious chemical substances with the intent to intoxicate, inebriate, excite, stupefy, or dull the brain or nervous system of such person.

Any person violating the provisions of this subsection is guilty of a Class 2 misdemeanor.

C. *1. It is unlawful for any person to sell, distribute, or offer to sell or distribute a device that is designed or intended to deliver a gas containing nitrous oxide to any person under 18 years of age for any purpose.*

*2. This subsection shall not apply to (i) a device, as described in subdivision 1, for nitrous oxide that is denatured or otherwise rendered unfit for human consumption or (ii) any person or establishment that is (a) solely engaged in the business of selling or distributing catering supplies, food processing equipment, or compressed gases for industrial or medical use or (b) a health care provider as defined in § 32.1-127.1:03.*

*3. Any person who fails to make diligent inquiry as to whether the person trying to obtain a device as described in subdivision 1 is 18 years of age or older or violates the provisions of this subsection is guilty of a Class 1 misdemeanor.*

*D.* For ~~the~~ purposes of this section~~, "noxious~~*;*

*"Diligent inquiry" means a good faith effort to determine the age of a person that includes an examination of any valid photo identification that establishes the identity and age of such person.*

*"Noxious* chemical substances" includes fingernail polish and model airplane glue and chemicals containing any ketones, aldehydes, organic acetates, ether, chlorinated hydrocarbons or vapors, fluorinated hydrocarbons or vapors, *nitrous oxide,* or hydrogenated fluorocarbons.

**Use of communications system to expose sexual or genital parts to a child; penalty.** Creates a Class 1 misdemeanor for any person 18 years of age or older who uses a communications system, including computers or computer networks or bulletin boards, or any other electronic means, with lascivious intent, to expose his sexual or genital parts to any person he knows or has reason to know is a child to whom he is not legally married and such child is 15 years of age or older. Under current law, it is a Class 5 felony for any person 18 years of age or older to use such communications system for the purposes of soliciting, with lascivious intent, any person he knows or has reason to believe is a child younger than 15 years of age to knowingly and intentionally commit certain sexual activities, including exposing his sexual or genital parts to any child to whom he is not legally married or proposing that any such child expose his sexual or genital parts to such person. It is also a Class 5 felony under current law for any person to commit such acts with any child he knows or has reason to believe is at least 15 years of age but younger than 18 years of age if such person is at least seven years older than the child. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference.

## CHAPTER 261

*An Act to amend and reenact §§ 17.1-805 and 18.2-374.3 of the Code of Virginia, relating to use of communications system to expose sexual or genital parts to a child; penalty.*

[H 2310]

Approved March 21, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 17.1-805 and 18.2-374.3 of the Code of Virginia are amended and reenacted as follows:**

**§ 17.1-805. Adoption of initial discretionary sentencing guideline midpoints.**

A. The Commission shall adopt an initial set of discretionary felony sentencing guidelines which shall become effective on January 1, 1995. The initial recommended sentencing range for each felony offense shall be determined first, by computing the actual time-served distribution for similarly situated offenders, in terms of their conviction offense and prior criminal history, released from incarceration during the base period of calendar years 1988 through 1992, increased by 13.4 percent, and second, by eliminating from this range the upper and lower quartiles. The midpoint of each initial recommended sentencing range shall be the median time served for the middle two quartiles and subject to the following additional enhancements:

1. The midpoint of the initial recommended sentencing range for first degree murder, second degree murder, rape in violation of § 18.2-61, forcible sodomy, object sexual penetration, and aggravated sexual battery shall be further increased by (i) 125 percent in cases in which the defendant has no previous conviction of a violent felony offense; (ii) 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years; or (iii) 500 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of 40 years or more, except that the recommended sentence for a defendant convicted of first degree murder who has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more shall be imprisonment for life;

2. The midpoint of the initial recommended sentencing range for voluntary manslaughter, robbery, aggravated malicious wounding, malicious wounding, and any burglary of a dwelling house or statutory burglary of a dwelling house or any burglary committed while armed with a deadly weapon or any statutory burglary committed while

armed with a deadly weapon shall be further increased by (i) 100 percent in cases in which the defendant has no previous conviction of a violent felony offense, (ii) 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of less than 40 years, or (iii) 500 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more;

3. The midpoint of the initial recommended sentencing range for manufacturing, selling, giving, or distributing, or possessing with the intent to manufacture, sell, give, or distribute a Schedule I or II controlled substance, shall be increased by (i) 200 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years or (ii) 400 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more; and

4. The midpoint of the initial recommended sentencing range for felony offenses not specified in subdivision 1, 2, or 3 shall be increased by 100 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years and by 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more.

B. For purposes of this chapter, previous convictions shall include prior adult convictions and juvenile convictions and adjudications of delinquency based on an offense which would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, or the United States or its territories.

C. For purposes of this chapter, violent felony offenses shall include any felony violation of § 16.1-253.2; solicitation to commit murder under § 18.2-29; any violation of § 18.2-31, 18.2-32, 18.2-32.1, 18.2-32.2, 18.2-33, or 18.2-35; any violation of subsection B of § 18.2-36.1; any violation of § 18.2-40 or 18.2-41; any violation of clause (c)(i) or (ii) of subsection B of § 18.2-46.3; any violation of § 18.2-46.5, 18.2-46.6, or 18.2-46.7; any Class 5 felony violation of § 18.2-47; any felony violation of § 18.2-48, 18.2-48.1, or 18.2-49; any violation of § 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.4, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-54.1, 18.2-54.2, or 18.2-55; any violation of subsection B of § 18.2-57; any felony violation of § 18.2-57.2; any violation of § 18.2-58 or 18.2-58.1; any felony violation of § 18.2-60.1, 18.2-60.3, or 18.2-60.4; any violation of § 18.2-61, 18.2-64.1, 18.2-67.1, 18.2-67.2, former § 18.2-67.2:1, 18.2-67.3, 18.2-67.5, or 18.2-67.5:1 involving a third conviction of either sexual battery in violation of § 18.2-67.4 or attempted sexual battery in violation of subsection C of § 18.2-67.5; any Class 4 felony violation of § 18.2-63; any violation of subsection A of § 18.2-67.4:1; any violation of subsection A of § 18.2-77; any Class 3 felony violation of § 18.2-79; any Class 3 felony violation of § 18.2-80; any violation of § 18.2-85, 18.2-89, 18.2-90, 18.2-91, 18.2-92, or 18.2-93; any felony violation of § 18.2-152.7; any Class 4 felony violation of § 18.2-153; any Class 4 felony violation of § 18.2-154; any Class 4 felony violation of § 18.2-155; any felony violation of § 18.2-162; any violation of § 18.2-279 involving an occupied dwelling; any felony violation of subsection A or B of § 18.2-280; any violation of § 18.2-281; any felony violation of subsection A of § 18.2-282; any felony violation of § 18.2-282.1; any violation of § 18.2-286.1, 18.2-287.2, 18.2-289, or 18.2-290; any violation of subsection A of § 18.2-300; any felony violation of subsection C of § 18.2-308.1 or § 18.2-308.2; any violation of § 18.2-308.2:1 or subsection M or N of § 18.2-308.2:2; any violation of § 18.2-308.3 or 18.2-312; any former felony violation of § 18.2-346; any felony violation of § 18.2-346.01, 18.2-348, or 18.2-349; any violation of § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1; any violation of former § 18.2-358; any violation of subsection B of § 18.2-361; any violation of subsection B of § 18.2-366; any violation of § 18.2-368, 18.2-370, or 18.2-370.1; any violation of subsection A of § 18.2-371.1; any felony violation of § 18.2-369 resulting in serious bodily injury or disease; any violation of § 18.2-374.1; any felony violation of § 18.2-374.1:1; any *felony* violation of § 18.2-374.3 or 18.2-374.4; any second or subsequent offense under §§ 18.2-379 and 18.2-381; any felony violation of § 18.2-405 or 18.2-406; any violation of § 18.2-408, 18.2-413, 18.2-414, 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, or 18.2-433.2; any felony violation of § 18.2-460, 18.2-474.1, or 18.2-477.1; any violation of § 18.2-477, 18.2-478, 18.2-480, 18.2-481, or 18.2-485; any violation of § 37.2-917; any violation of § 52-48; any violation of § 53.1-203; any conspiracy or attempt to commit any offense specified in this subsection, or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories.

**§ 18.2-374.3. Use of communications systems to facilitate certain offenses involving children; penalties.**

A. As used in ~~subsections C, D, and E~~ *this section*, "use a communications system" means making personal contact or direct contact through any agent or agency, any print medium, the United States mail, any common carrier or communication common carrier, any electronic communications system, the Internet, or any telecommunications, wire, computer network, or radio communications system.

B. It is unlawful for any person to use a communications system, including ~~but not limited to~~ computers or computer networks or bulletin boards, or any other electronic means for the purposes of procuring or promoting the use of a minor for any activity in violation of § 18.2-370 or 18.2-374.1. A violation of this subsection is a Class 6 felony.

C. It is unlawful for any person 18 years of age or older to use a communications system, including ~~but not limited to~~ computers or computer networks or bulletin boards, or any other electronic means, for the purposes of soliciting, with lascivious intent, any person he knows or has reason to believe is a child younger than 15 years of age to knowingly and intentionally:

1. Expose his sexual or genital parts to any child to whom he is not legally married or propose that any such child expose his sexual or genital parts to such person;

2. Propose that any such child feel or fondle his own sexual or genital parts or the sexual or genital parts of such person or propose that such person feel or fondle the sexual or genital parts of any such child;

3. Propose to such child the performance of an act of sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or any act constituting an offense under § 18.2-361; or

4. Entice, allure, persuade, or invite any such child to enter any vehicle, room, house, or other place, for any purposes set forth in the preceding subdivisions.

Any person who violates this subsection is guilty of a Class 5 felony. However, if the person is at least seven years older than the child he knows or has reason to believe is less than 15 years of age, the person shall be punished by a term of imprisonment of not less than five years nor more than 30 years in a state correctional facility, five years of which shall be mandatory minimum term of imprisonment. Any person who commits a second or subsequent violation of this subsection when the person is at least seven years older than the child he knows or has reason to believe is less than 15 years of age shall be punished by a term of imprisonment of not less than 10 years nor more than 40 years, 10 years of which shall be a mandatory minimum term of imprisonment.

D. Any person who uses a communications system, including ~~but not limited to~~ computers or computer networks or bulletin boards, or any other electronic means, for the purposes of soliciting, with lascivious intent, any child he knows or has reason to believe is at least 15 years of age but younger than 18 years of age to knowingly and intentionally commit any of the activities listed in subsection C if the person is at least seven years older than the child is guilty of a Class 5 felony. Any person who commits a second or subsequent violation of this subsection shall be punished by a term of imprisonment of not less than one nor more than 20 years, one year of which shall be a mandatory minimum term of imprisonment.

*D1. Any person 18 years of age or older who uses a communications system, including computers or computer networks or bulletin boards, or any other electronic means, with lascivious intent, to expose his sexual or genital parts to any person he knows or has reason to know is a child to whom he is not legally married and such child is 15 years of age or older is guilty of a Class 1 misdemeanor.*

E. Any person 18 years of age or older who uses a communications system, including ~~but not limited to~~ computers or computer networks or bulletin boards, or any other electronic means, for the purposes of soliciting any person he knows or has reason to believe is a child younger than 18 years of age for

(i) any activity in violation of § 18.2-355 or 18.2-361, (ii) any activity in violation of § 18.2-374.1, or (iii) a violation of § 18.2-374.1:1 is guilty of a Class 5 felony.

**Drug paraphernalia; controlled paraphernalia; drug checking products; exception.** Creates an exception for drug checking products used to determine the presence or concentration of a contaminant that can cause physical harm or death from the definitions of drug paraphernalia and controlled paraphernalia. Under current law, the exception applies only to narcotic testing products used to determine whether a controlled substance contains fentanyl or a fentanyl analog.

## CHAPTER 266

*An Act to amend and reenact §§ 18.2-265.1 and 54.1-3466 of the Code of Virginia, relating to drug paraphernalia; controlled paraphernalia; drug checking products; exception.*

[H 2319]

Approved March 21, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 18.2-265.1 and 54.1-3466 of the Code of Virginia are amended and reenacted as follows:**

**§ 18.2-265.1. Definition.**

As used in this article, ~~the term~~ "drug paraphernalia" means all equipment, products, and materials of any kind which are either designed for use or which are intended by the person charged with violating § 18.2-265.3 for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana or a controlled substance. ~~It~~ *"Drug paraphernalia"* includes, but is not limited to:

1. Kits intended for use or designed for use in planting, propagating, cultivating, growing, or harvesting ~~of~~ marijuana or any species of plant which is a controlled substance or from which a controlled substance can be derived;

2. Kits intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing marijuana or controlled substances;

3. Isomerization devices intended for use or designed for use in increasing the potency of marijuana or any species of plant which is a controlled substance;

4. Testing equipment intended for use or designed for use in identifying or in analyzing the strength or effectiveness of marijuana or controlled substances, other than ~~narcotic testing~~ *drug checking* products used to determine ~~whether a controlled substance contains fentanyl or a fentanyl analog~~ *the presence or concentration of a contaminant that can cause physical harm or death*;

5. Scales and balances intended for use or designed for use in weighing or measuring marijuana or controlled substances;

6. Diluents and adulterants, such as quinine hydrochloride, mannitol, or mannite, intended for use or designed for use in cutting controlled substances;

7. Separation gins and sifters intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

8. Blenders, bowls, containers, spoons, and mixing devices intended for use or designed for use in compounding controlled substances;

9. Capsules, balloons, envelopes, and other containers intended for use or designed for use in packaging small quantities of marijuana or controlled substances;

10. Containers and other objects intended for use or designed for use in storing or concealing marijuana or controlled substances;

11. Hypodermic syringes, needles, and other objects intended for use or designed for use in parenterally injecting controlled substances into the human body;

12. Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

b. Water pipes;

c. Carburetion tubes and devices;

d. Smoking and carburetion masks;

e. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

f. Miniature cocaine spoons, and cocaine vials;

g. Chamber pipes;

h. Carburetor pipes;

i. Electric pipes;

j. Air-driven pipes;

k. Chillums;

l. Bongs;

m. Ice pipes or chillers.

**§ 54.1-3466. Possession or distribution of controlled paraphernalia; definition of controlled paraphernalia; evidence; exceptions.**

A. For purposes of this chapter, "controlled paraphernalia" means (i) a hypodermic syringe, needle, or other instrument or implement or combination thereof adapted for the administration of controlled dangerous substances by hypodermic injections under circumstances that reasonably indicate an intention to use such controlled

paraphernalia for purposes of illegally administering any controlled drug or (ii) gelatin capsules, glassine envelopes, or any other container suitable for the packaging of individual quantities of controlled drugs in sufficient quantity to and under circumstances that reasonably indicate an intention to use any such item for the illegal manufacture, distribution, or dispensing of any such controlled drug. Evidence of such circumstances shall include, but not be limited to, close proximity of any such controlled paraphernalia to any adulterants or equipment commonly used in the illegal manufacture and distribution of controlled drugs, including, but not limited to, scales, sieves, strainers, measuring spoons, staples and staplers, or procaine hydrochloride, mannitol, lactose, quinine, or any controlled drug, or any machine, equipment, instrument, implement, device, or combination thereof that is adapted for the production of controlled drugs under circumstances that reasonably indicate an intention to use such item or combination thereof to produce, sell, or dispense any controlled drug in violation of the provisions of this chapter. "Controlled paraphernalia" does not include ~~narcotic testing~~ *drug checking* products used to determine ~~whether a controlled substance contains fentanyl or a fentanyl analog~~ *the presence or concentration of a contaminant that can cause physical harm or death*.

B. Except as authorized in this chapter, it is unlawful for any person to possess controlled paraphernalia.

C. Except as authorized in this chapter, it is unlawful for any person to distribute controlled paraphernalia.

D. A violation of this section is a Class 1 misdemeanor.

E. The provisions of this section shall not apply to persons who have acquired possession and control of controlled paraphernalia in accordance with the provisions of this article or to any person who owns or is engaged in breeding or raising livestock, poultry, or other animals to which hypodermic injections are customarily given in the interest of health, safety, or good husbandry; or to hospitals, physicians, pharmacists, dentists, podiatrists, veterinarians, funeral directors and embalmers, persons to whom a permit has been issued, manufacturers, wholesalers, or their authorized agents or employees when in the usual course of their business, if the controlled paraphernalia lawfully obtained continue to be used for the legitimate purposes for which they were obtained.

F. The provisions of this section and of § 18.2-265.3 shall not apply to (i) a person who dispenses naloxone in accordance with the provisions of subsection Y of § 54.1-3408 and who, in conjunction with such dispensing of naloxone, dispenses or distributes hypodermic needles and syringes for injecting such naloxone or (ii) a person who possesses naloxone that has been dispensed in accordance with the provisions of subsection Y of § 54.1-3408 and possesses hypodermic needles and syringes for injecting such naloxone in conjunction with such possession of naloxone.

G. The provisions of this section and of § 18.2-265.3 shall not apply to (i) a person who possesses or distributes controlled paraphernalia on behalf of or for the benefit of a comprehensive harm reduction program established pursuant to § 32.1-45.4 or (ii) a person who possesses controlled paraphernalia obtained from a comprehensive harm reduction program established pursuant to § 32.1-45.4.

**Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited; penalties.** Removes the distinction between cocaine, which refers to powder cocaine, its salts, optical and geometric isomers, and salts of isomers and a mixture or substance that contains cocaine base, which refers to crack cocaine, for the offense of manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance. This bill is identical to SB 888.

## CHAPTER 394

*An Act to amend and reenact § 18.2-248 of the Code of Virginia, relating to manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited; penalties.*

[H 1955]

Approved March 24, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-248 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-248. Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited; penalties.**

A. Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.), it shall be unlawful for any person to manufacture, sell, give, distribute, or possess with intent to manufacture, sell, give or distribute a controlled substance or an imitation controlled substance.

B. In determining whether any person intends to manufacture, sell, give or distribute an imitation controlled substance, the court may consider, in addition to all other relevant evidence, whether any distribution or attempted distribution of such pill, capsule, tablet or substance in any other form whatsoever included an exchange of or a demand for money or other property as consideration, and, if so, whether the amount of such consideration was substantially greater than the reasonable value of such pill, capsule, tablet or substance in any other form whatsoever, considering the actual chemical composition of such pill, capsule, tablet or substance in any other form whatsoever and, where applicable, the price at which over-the-counter substances of like chemical composition sell.

C. Except as provided in subsection C1, any person who violates this section with respect to a controlled substance classified in Schedule I or II shall upon conviction be imprisoned for not less than five nor more than 40 years and fined not more than $500,000. Upon a second conviction of such a violation, and it is alleged in the warrant, indictment, or information that the person has been before convicted of such an offense or of a substantially similar offense in any other jurisdiction, which offense would be a felony if committed in the Commonwealth, and such prior conviction occurred before the date of the offense alleged in the warrant, indictment, or information, any such person may, in the discretion of the court or jury imposing the sentence, be sentenced to imprisonment for life or for any period not less than five years, three years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence, and he shall be fined not more than $500,000.

When a person is convicted of a third or subsequent offense under this subsection and it is alleged in the warrant, indictment or information that he has been before convicted of two or more such offenses or of substantially similar offenses in any other jurisdiction which offenses would be felonies if committed in the Commonwealth and such prior convictions occurred before the date of the offense alleged in the warrant, indictment, or information, he shall be sentenced to imprisonment for life or for a period of not less than 10 years, 10 years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence, and he shall be fined not more than $500,000.

Any person who manufactures, sells, gives, distributes or possesses with the intent to manufacture, sell, give, or distribute the following is guilty of a felony punishable by a fine of not more than $1 million and imprisonment for five years to life, five years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence:

1. 100 grams or more of a mixture or substance containing a detectable amount of heroin;

2. 500 grams or more of a mixture or substance containing a detectable amount of:

a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;

c. *Cocaine base;*

*d.* Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

~~d.~~ *e.* Any compound, mixture, or preparation that contains any quantity of any of the substances referred to in subdivisions 2a through ~~2c~~ *2d*; *or*

3. ~~250 grams or more of a mixture or substance described in subdivisions 2a through 2d that contain cocaine base; or~~

~~4.~~ 10 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 20 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers.

The mandatory minimum term of imprisonment to be imposed for a violation of this subsection shall not be applicable if the court finds that:

a. The person does not have a prior conviction for an offense listed in subsection C of § 17.1-805;

b. The person did not use violence or credible threats of violence or possess a firearm or other dangerous weapon in connection with the offense or induce another participant in the offense to do so;

c. The offense did not result in death or serious bodily injury to any person;

d. The person was not an organizer, leader, manager, or supervisor of others in the offense, and was not engaged in a continuing criminal enterprise as defined in subsection I; and

e. Not later than the time of the sentencing hearing, the person has truthfully provided to the Commonwealth all information and evidence the person has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan, but the fact that the person has no relevant or useful other information

to provide or that the Commonwealth already is aware of the information shall not preclude a determination by the court that the defendant has complied with this requirement.

C1. Any person who violates this section with respect to the manufacturing of methamphetamine, its salts, isomers, or salts of its isomers or less than 200 grams of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers shall, upon conviction, be imprisoned for not less than 10 nor more than 40 years and fined not more than $500,000. Upon a second conviction of such a violation, any such person may, in the discretion of the court or jury imposing the sentence, be sentenced to imprisonment for life or for any period not less than 10 years, and be fined not more than $500,000. When a person is convicted of a third or subsequent offense under this subsection and it is alleged in the warrant, indictment, or information that he has been previously convicted of two or more such offenses or of substantially similar offenses in any other jurisdiction, which offenses would be felonies if committed in the Commonwealth and such prior convictions occurred before the date of the offense alleged in the warrant, indictment, or information, he shall be sentenced to imprisonment for life or for a period not less than 10 years, three years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence and he shall be fined not more than $500,000.

Upon conviction, in addition to any other punishment, a person found guilty of this offense shall be ordered by the court to make restitution, as the court deems appropriate, to any innocent property owner whose property is damaged, destroyed, or otherwise rendered unusable as a result of such methamphetamine production. This restitution shall include the person's or his estate's estimated or actual expenses associated with cleanup, removal, or repair of the affected property. If the property that is damaged, destroyed, or otherwise rendered unusable as a result of such methamphetamine production is property owned in whole or in part by the person convicted, the court shall order the person to pay to the Methamphetamine Cleanup Fund authorized in § 18.2-248.04 the reasonable estimated or actual expenses associated with cleanup, removal, or repair of the affected property or, if actual or estimated expenses cannot be determined, the sum of $10,000. The convicted person shall also pay the cost of certifying that any building that is cleaned up or repaired pursuant to this section is safe for human occupancy according to the guidelines established pursuant to § 32.1-11.7.

D. If such person proves that he gave, distributed or possessed with intent to give or distribute a controlled substance classified in Schedule I or II only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility or state correctional facility as defined in § 53.1-1 or in the custody of an employee thereof, and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, he shall be guilty of a Class 5 felony.

E. If the violation of the provisions of this article consists of the filling by a pharmacist of the prescription of a person authorized under this article to issue the same, which prescription has not been received in writing by the pharmacist prior to the filling thereof, and such written prescription is in fact received by the pharmacist within one week of the time of filling the same, or if such violation consists of a request by such authorized person for the filling by a pharmacist of a prescription which has not been received in writing by the pharmacist and such prescription is, in fact, written at the time of such request and delivered to the pharmacist within one week thereof, either such offense shall constitute a Class 4 misdemeanor.

E1. Any person who violates this section with respect to a controlled substance classified in Schedule III except for an anabolic steroid classified in Schedule III, constituting a violation of § 18.2-248.5, shall be guilty of a Class 5 felony.

E2. Any person who violates this section with respect to a controlled substance classified in Schedule IV shall be guilty of a Class 6 felony.

E3. Any person who proves that he gave, distributed or possessed with the intent to give or distribute a controlled substance classified in Schedule III or IV, except for an anabolic steroid classified in Schedule III, constituting a violation of § 18.2-248.5, only as an accommodation to another individual who is not an inmate in a community

correctional facility, local correctional facility or state correctional facility as defined in § 53.1-1 or in the custody of an employee thereof, and not with the intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, is guilty of a Class 1 misdemeanor.

F. Any person who violates this section with respect to a controlled substance classified in Schedule V or Schedule VI or an imitation controlled substance which imitates a controlled substance classified in Schedule V or Schedule VI, shall be guilty of a Class 1 misdemeanor.

G. Any person who violates this section with respect to an imitation controlled substance which imitates a controlled substance classified in Schedule I, II, III, or IV shall be guilty of a Class 6 felony. In any prosecution brought under this subsection, it is not a defense to a violation of this subsection that the defendant believed the imitation controlled substance to actually be a controlled substance.

H. Any person who manufactures, sells, gives, distributes or possesses with the intent to manufacture, sell, give or distribute the following:

1. 1.0 kilograms or more of a mixture or substance containing a detectable amount of heroin;

2. 5.0 kilograms or more of a mixture or substance containing a detectable amount of:

a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;

c. *Cocaine base;*

*d.* Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

~~d.~~ *e.* Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subdivisions a through ~~c~~ *d*;

3. ~~2.5 kilograms or more of a mixture or substance described in subdivision 2 which contains cocaine base;~~

~~4.~~ 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana; or

~~5.~~ *4.* 100 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 200 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers shall be guilty of a felony punishable by a fine of not more than $1 million and imprisonment for 20 years to life, 20 years of which shall be a mandatory minimum sentence. Such mandatory minimum sentence shall not be applicable if the court finds that (i) the person does not have a prior conviction for an offense listed in subsection C of § 17.1-805; (ii) the person did not use violence or credible threats of violence or possess a firearm or other dangerous weapon in connection with the offense or induce another participant in the offense to do so; (iii) the offense did not result in death or serious bodily injury to any person; (iv) the person was not an organizer, leader, manager, or supervisor of others in the offense, and was not engaged in a continuing criminal enterprise as defined in subsection I of this section; and (v) not later than the time of the sentencing hearing, the person has truthfully provided to the Commonwealth all information and evidence the person has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan, but the fact that the person has no relevant or useful other information to provide or that the Commonwealth already is aware of the information shall not preclude a determination by the court that the defendant has complied with this requirement.

H1. Any person who was the principal or one of several principal administrators, organizers or leaders of a continuing criminal enterprise shall be guilty of a felony if (i) the enterprise received at least $100,000 but less than $250,000 in gross receipts during any 12-month period of its existence from the manufacture, importation, or distribution of heroin or cocaine or ecgonine or methamphetamine or the derivatives, salts, isomers, or salts of isomers thereof or marijuana or (ii) the person engaged in the enterprise to manufacture, sell, give, distribute or possess with the intent to manufacture, sell, give or distribute the following during any 12-month period of its existence:

1. At least 1.0 kilograms but less than 5.0 kilograms of a mixture or substance containing a detectable amount of heroin;

2. At least 5.0 kilograms but less than 10 kilograms of a mixture or substance containing a detectable amount of:

a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;

c. *Cocaine base;*

*d.* Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

~~d.~~ *e.* Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subdivisions a through ~~c~~ *d*;

3. ~~At least 2.5 kilograms but less than 5.0 kilograms of a mixture or substance described in subdivision 2 which contains cocaine base;~~

~~4.~~ At least 100 kilograms but less than 250 kilograms of a mixture or substance containing a detectable amount of marijuana; or

~~5.~~ *4.* At least 100 grams but less than 250 grams of methamphetamine, its salts, isomers, or salts of its isomers or at least 200 grams but less than 1.0 kilograms of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers.

A conviction under this section shall be punishable by a fine of not more than $1 million and imprisonment for 20 years to life, 20 years of which shall be a mandatory minimum sentence.

H2. Any person who was the principal or one of several principal administrators, organizers or leaders of a continuing criminal enterprise if (i) the enterprise received $250,000 or more in gross receipts during any 12-month period of its existence from the manufacture, importation, or distribution of heroin or cocaine or ecgonine or methamphetamine or the derivatives, salts, isomers, or salts of isomers thereof or marijuana or (ii) the person engaged in the enterprise to manufacture, sell, give, distribute or possess with the intent to manufacture, sell, give or distribute the following during any 12-month period of its existence:

1. At least 5.0 kilograms of a mixture or substance containing a detectable amount of heroin;

2. At least 10 kilograms of a mixture or substance containing a detectable amount of:

a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;

c. *Cocaine base;*

*d.* Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

~~d.~~ *e.* Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subdivisions a through ~~c~~ *d*;

3. ~~At least 5.0 kilograms of a mixture or substance described in subdivision 2 which contains cocaine base;~~

~~4.~~ At least 250 kilograms of a mixture or substance containing a detectable amount of marijuana; or

~~5.~~ *4.* At least 250 grams of methamphetamine, its salts, isomers, or salts of its isomers or at least 1.0 kilograms of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers shall be guilty of a felony punishable by a fine of not more than $1 million and imprisonment for life, which shall be served with no suspension in whole or in part. Such punishment shall be made to run consecutively with any other sentence. However, the court may impose a mandatory minimum sentence of 40 years if the court finds that the defendant substantially cooperated with law-enforcement authorities.

I. For purposes of this section, a person is engaged in a continuing criminal enterprise if (i) he violates any provision of this section, the punishment for which is a felony and either (ii) such violation is a part of a continuing series of violations of this section which are undertaken by such person in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management, and from which such person obtains substantial income or resources or (iii) such violation is committed, with respect to methamphetamine or other controlled substance classified in Schedule I or II, for the benefit of, at the direction of, or in association with any criminal street gang as defined in § 18.2-46.1.

J. Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.), any person who possesses any two or more different substances listed below with the intent to manufacture methamphetamine, methcathinone, or amphetamine is guilty of a Class 6 felony: liquefied ammonia gas, ammonium nitrate, ether, hypophosphorus acid solutions, hypophosphite salts, hydrochloric acid, iodine crystals or tincture of iodine, phenylacetone, phenylacetic acid, red phosphorus, methylamine, methyl formamide, lithium, sodium metal, sulfuric acid, sodium hydroxide, potassium dichromate, sodium dichromate, potassium permanganate, chromium trioxide, methylbenzene, methamphetamine precursor drugs, trichloroethane, or 2-propanone.

K. The term "methamphetamine precursor drug," when used in this article, means a drug or product containing ephedrine, pseudoephedrine, or phenylpropanolamine or any of their salts, optical isomers, or salts of optical isomers.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is $0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

**Prohibited equipment related to manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance; penalties.** Exempts permitted outsourcing facilities and pharmacies from the prohibition for any person to possess, purchase, sell, give, distribute, or possess with intent to sell, give, or distribute an encapsulating machine or a tableting machine that manufactures, compounds, converts, produces, processes, prepares, or otherwise introduces into the human body a controlled substance. Current law exempts permitted manufacturers.

## CHAPTER 418

*An Act to amend and reenact § 18.2-248.05 of the Code of Virginia, relating to prohibited equipment related to manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance; penalties.*

[H 2708]

Approved March 24, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-248.05 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-248.05. Prohibited equipment related to manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance; penalties.**

A. For the purposes of this section:

"Encapsulating machine" means manual, semiautomatic, or fully automatic equipment that can be used to fill shells or capsules with powdered or granular solids or semisolid material to produce coherent solid contents.

"Tableting machine" means manual, semiautomatic, or fully automatic equipment that can be used to compact, compress, or mold powdered or granular solids or semisolid material to produce fused coherent solid tablets.

B. Except for manufacturers*, outsourcing facilities, and pharmacies* permitted pursuant to the Drug Control Act (§ 54.1-3400 et seq.), it is unlawful for any person to possess, purchase, sell, give, distribute, or possess with intent to sell, give, or distribute an encapsulating machine or a tableting machine that manufactures, compounds, converts, produces, processes, prepares, or otherwise introduces into the human body a controlled substance. Any person who violates this section is guilty of a Class 6 felony. However, any person who violates this section knowing, intending, or having reasonable cause to believe that such action will result in the unlawful manufacture of a controlled substance or counterfeit controlled substance that contains (i) a controlled substance classified in Schedule I or Schedule II of the Drug Control Act or (ii) a controlled substance analog as defined in § 54.1-3456 is guilty of a Class 5 felony.

I**nvoluntary manslaughter; certain drug offenses.** Provides that any person who knowingly, intentionally, and feloniously manufactures, sells, or distributes a controlled substance knowing that such controlled substance contains a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers, and unintentionally causes the death of another person is guilty of involuntary manslaughter if (i) such death results from the use of the controlled substance and (ii) such controlled substance is the proximate cause of the death. The bill provides that venue for a prosecution of this crime shall lie in the locality where the manufacturing, sale, or distribution of such controlled substance occurred, where the use of the controlled substance occurred, or where death occurred.

The bill also provides that if a person gave or distributed such controlled substance only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility, or state correctional facility, or in the custody of an employee thereof, and not with intent to profit thereby from any consideration received or expected nor to induce the recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, he is not guilty of involuntary manslaughter but is guilty of a Class 6 felony. This bill is identical to SB 746.

## CHAPTER 719

*An Act to amend and reenact § 18.2-251.03 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-36.3, relating to involuntary manslaughter; certain drug offenses.*

[H 2657]

Approved May 2, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-251.03 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-36.3 as follows:**

***§ 18.2-36.3. Involuntary manslaughter; certain drug offenses.***

*A. Any person who knowingly, intentionally, and feloniously manufactures, sells, or distributes a controlled substance knowing that such controlled substance contains a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers, in violation of Article 1 (§ 18.2-247 et seq.) of Chapter 7 and unintentionally causes the death of another person is guilty of involuntary manslaughter if (i) such death results from the use of the controlled substance and (ii) such controlled substance is the proximate cause of the death regardless of the time or place death occurred in relation to the commission of the underlying manufacturing, sale, or distribution of a controlled substance that contains a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers.*

*B. It is not a defense to a prosecution under this section that the decedent contributed to his own death by his knowing or voluntary use of the controlled substance. Venue for a prosecution under this section shall lie in the locality where the manufacturing, sale, or distribution of a controlled substance that contains a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers, occurred, where the use of the controlled substance occurred, or where death occurred.*

*C. However, if any person proves that he gave or distributed a controlled substance that contains a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers, in violation of Article 1 (§ 18.2-247 et seq.) of Chapter 7 only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility, or state correctional facility as defined in § 53.1-*

*1 or in the custody of an employee thereof, and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, he shall not be guilty of involuntary manslaughter but is guilty of an accommodation sale punishable as a Class 6 felony.*

*D. No person convicted pursuant to this section for conduct described in subsection A shall be subject to a prosecution for a violation of subsection D of § 18.2-46.6 or § 18.2-248.01, 18.2-250, or 18.2-256 for the same transaction or occurrence.*

**§ 18.2-251.03. Arrest and prosecution when experiencing or reporting overdoses.**

A. For purposes of this section, "overdose" means a life-threatening condition resulting from the consumption or use of a controlled substance, alcohol, or any combination of such substances.

B. No individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or consumption of alcohol pursuant to § 4.1-305, unlawful purchase, possession, or consumption of marijuana pursuant to § 4.1-1105.1, *involuntary manslaughter pursuant to § 18.2-36.3,* possession of a controlled substance pursuant to § 18.2-250, intoxication in public pursuant to § 18.2-388, or possession of controlled paraphernalia pursuant to § 54.1-3466 if:

1. Such individual (i) in good faith, seeks or obtains emergency medical attention (a) for himself, if he is experiencing an overdose, or (b) for another individual, if such other individual is experiencing an overdose; (ii) is experiencing an overdose and another individual, in good faith, seeks or obtains emergency medical attention for such individual, by contemporaneously reporting such overdose to a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, a law-enforcement officer, as defined in § 9.1-101, or an emergency 911 system; or (iii) in good faith, renders emergency care or assistance, including cardiopulmonary resuscitation (CPR) or the administration of naloxone or other opioid antagonist for overdose reversal, to an individual experiencing an overdose while another individual seeks or obtains emergency medical attention in accordance with this subdivision;

2. Such individual remains at the scene of the overdose or at any alternative location to which he or the person requiring emergency medical attention has been transported until a law-enforcement officer responds to the report of an overdose. If no law-enforcement officer is present at the scene of the overdose or at the alternative location, then such individual shall cooperate with law enforcement as otherwise set forth herein;

3. Such individual identifies himself to the law-enforcement officer who responds to the report of the overdose; and

4. The evidence for the prosecution of an offense enumerated in this subsection was obtained as a result of the individual seeking or obtaining emergency medical attention or rendering emergency care or assistance.

C. The provisions of this section shall not apply to any person who seeks or obtains emergency medical attention for himself or another individual, to a person experiencing an overdose when another individual seeks or obtains emergency medical attention for him, or to a person who renders emergency care or assistance to an individual experiencing an overdose while another person seeks or obtains emergency medical attention during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.

D. This section does not establish protection from arrest or prosecution for any individual or offense other than those listed in subsection B.

E. No law-enforcement officer acting in good faith shall be found liable for false arrest if it is later determined that the person arrested was immune from prosecution under this section.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

**Assault and battery; sports official; penalty.** Makes it a Class 1 misdemeanor for a person to commit a battery against another knowing or having reason to know that such individual is a sports official, defined in the bill, for an entity sponsoring an interscholastic or intercollegiate sports event or any person performing services as a sports official for a public entity or a private, nonprofit organization that sponsors an amateur sports event who (i) is engaged in the performance of his duties or (ii) is on the premises of such event prior to engaging in his duties or upon conclusion of his duties. The bill provides that such person, upon conviction, may be prohibited from attending any such sports event operated by the entity or organization that employed such sports official for a period of not less than six months as a term and condition of such sentence.

## CHAPTER 361

*An Act to amend and reenact § 18.2-57 of the Code of Virginia, relating to assault and battery; sports official; penalty.*

[S 986]

Approved March 21, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-57 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-57. Assault and battery; penalty.**

A. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor, and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or ethnic or national origin, the penalty upon conviction shall include a term of confinement of at least six months.

B. However, if a person intentionally selects the person against whom an assault and battery resulting in bodily injury is committed because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or ethnic or national origin, the person is guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least six months.

C. In addition, if any person commits an assault or an assault and battery against another knowing or having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as defined in subsection ~~G~~ *H*, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under the supervision of the Department of Juvenile Justice, an employee or other individual who provides control, care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any emergency medical services personnel member who is employed by or is a volunteer of an emergency medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency medical services agency, regardless of whether a resolution has been adopted by the governing body of a political subdivision recognizing such firefighters or emergency medical services personnel as employees, engaged in the performance of his public duties anywhere in the Commonwealth, such person is guilty of a Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of confinement of six months.

Nothing in this subsection shall be construed to affect the right of any person charged with a violation of this section from asserting and presenting evidence in support of any defenses to the charge that may be available under common law.

D. In addition, if any person commits a battery against another knowing or having reason to know that such other person is a full-time or part-time employee of any public or private elementary or secondary school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and the sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory minimum sentence of confinement of six months.

E. In addition, any person who commits a battery against another knowing or having reason to know that such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his duties in a hospital or in an emergency room on the premises of any clinic or other facility rendering emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

F. In addition, any person who commits an assault or an assault and battery against another knowing or having reason to know that such individual is an operator of a vehicle operated by a public transportation service as defined in § 18.2-160.2 who is engaged in the performance of his duties is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall also prohibit such person from entering or riding in any vehicle operated by the public transportation service that employed such operator for a period of not less than six months as a term and condition of such sentence.

G. *In addition, any person who commits a battery against another knowing or having reason to know that such individual is a sports official for an entity sponsoring an interscholastic or intercollegiate sports event or any person performing services as a sports official for a public entity or a private, nonprofit organization that sponsors an amateur sports event who (i) is engaged in the performance of his duties or (ii) is on the premises of such event prior to engaging in his duties or upon conclusion of his duties is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, may also prohibit such person from attending any such sports event operated by the entity or organization that employed such sports official for a period of not less than six months as a term and condition of such sentence.*

*H.* As used in this section:

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

"Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2.

"Judge" means any justice or judge of a court of record of the Commonwealth including a judge designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district court.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, any special agent of the Virginia Alcoholic Beverage Control Authority, conservation police officers appointed pursuant to § 29.1-200, full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any employee with internal investigations

authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10, and such officer also includes jail officers in local and regional correctional facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan Washington Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30 when such fire marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

"School security officer" means the same as that term is defined in § 9.1-101.

*"Sports official" includes an umpire, referee, judge, scorekeeper, timekeeper, or other person who is a neutral participant in a sports event*.

~~H.~~ *I.* "Simple assault" or "assault and battery" shall not be construed to include the use of, by any school security officer or full-time or part-time employee of any public or private elementary or secondary school while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or associated paraphernalia that are upon the person of the student or within his control.

In determining whether a person was acting within the exceptions provided in this subsection, due deference shall be given to reasonable judgments that were made by a school security officer or full-time or part-time employee of any public or private elementary or secondary school at the time of the event.

**Placing Nazi swastika on certain property with intent to intimidate; penalty.** Creates a Class 6 felony for any person who, with intent of intimidating any person or group of persons, places a Hakenkreuz, hooked cross, or Nazi symbol or emblem, sometimes referred to as the Nazi swastika, on the private property of another without permission. The bill also makes it a Class 6 felony if such Nazi symbol or emblem is placed on a highway or other public place in a manner having a direct tendency to place another person in reasonable fear or apprehension of death or bodily injury. Finally, the bill clarifies that such Nazi symbol or emblem does not include the swastika symbol of peace and prosperity used by Hinduism, Buddhism, Jainism, Zoroastrianism, or Native American religions.

## CHAPTER 673

*An Act to amend and reenact § 18.2-423.1 of the Code of Virginia, relating to placing Nazi symbols or emblems on certain property with intent to intimidate; penalty.*

[H 2783]

Approved April 2, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-423.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-423.1. Placing Nazi symbol or emblem on certain property with intent to intimidate; penalty; prima facie evidence of intent.**

*A.* It ~~shall be~~ *is* unlawful for any person or persons, with the intent of intimidating another person or group of persons, to place or cause to be placed a *Hakenkreuz, hooked cross, or Nazi symbol or emblem, sometimes referred to as the Nazi* swastika, on *(i)* any church, synagogue, or other building or place used for religious worship~~, or on~~*;* *(ii)* any school, educational facility, or community center owned or operated by a church or religious body*; or (iii) the private property of another without permission.*

*B. It is unlawful for any person or persons, with the intent of intimidating another person or group of persons, to place or cause to be placed a Hakenkreuz, hooked cross, or Nazi symbol or emblem, sometimes referred to as the Nazi swastika, on a highway or other public place in a manner having a direct tendency to place another person in reasonable fear or apprehension of death or bodily injury.*

*C.* A violation of this section ~~shall be~~ *is* punishable as a Class 6 felony.

*D.* For the purposes of this section, any such placing of a *Hakenkreuz, hooked cross, or Nazi symbol or emblem, sometimes referred to as the Nazi* swastika, shall be prima facie evidence of an intent to intimidate another person or group of persons. *However, these terms do not include and are distinct from the sacred swastika word and symbol of peace and prosperity used by Hinduism, Buddhism, Jainism, Zoroastrianism, or Native American religions.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount**

**of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

# CRIMINAL – SUMMARY ONLY

**HB 1587 – §§54.1-3446 and 54.1-3452 – Drug Control Act; Schedule I; Schedule IV.** Adds certain chemicals to Schedules I and IV of the Drug Control Act. The Board of Pharmacy has added these substances in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the substance to the schedule.

**HB 1845 and SB 804 – §19.2-243 – Limitation on prosecution of felony due to lapse of time after finding of probable cause; exceptions; competency evaluation.** Provides that the speedy trial statute is tolled for an evaluation or restoration to determine a defendant's competency to stand trial. This bill is identical to SB 804.

**HB 1858 – §19.2-243 – Limitation on prosecution of felony due to lapse of time after finding of probable cause; certified misdemeanors.** Provides that the existing statutory speedy trial protections applicable to a felony prosecution also apply to a misdemeanor certified to circuit court pursuant to relevant law. This bill is a recommendation of the Virginia Criminal Justice Conference.

**HB 1920 – §§18.2-340.33 and 18.2-340.34:1 – Charitable gaming; remuneration for bingo callers and bingo managers.** Provides that, with certain exceptions, remuneration of up to $200 per session may paid to bingo managers or callers who have a current registration certificate issued by the Department of Agriculture and Consumer Services or who are exempt from such registration requirement. Current law permits such remuneration to be paid so long as it does not exceed $100 per session. The bill requires an exception for such remuneration to be paid at a rate not less than one and one-half times the normal remuneration rate when bingo managers or callers provide services on any day designated as a legal holiday. Lastly, the bill provides that by October 1, 2029, and annually thereafter, the Department shall adjust the maximum remuneration rate of $200 to reflect the rate of inflation from the previous date that such rate was established, as measured by the Consumer Price Index or other method of measuring the rate of inflation that the Department determines is reliable and generally accepted.

**HB 1665 – §19.2-360.1 – Fines, restitution, forfeiture, penalties, and other costs; criminal and traffic cases; itemized statement.** Requires the clerk of the court to provide an itemized statement to any defendant convicted of a traffic infraction or a violation of any criminal law of the Commonwealth or of any political subdivision thereof, or found not innocent in the case of a juvenile, who is sentenced to pay a fine, restitution, forfeiture, or penalty or assessed any other costs in the circuit court or appropriate district court of his county or city at the time such fine, restitution, forfeiture, penalty, or other costs are assessed, or within a reasonable time after assessment. The bill requires the clerk to also provide an updated statement of the outstanding balances of any fines, forfeiture, and penalties, restitution and costs, or payment history upon request of the defendant. The bill has a delayed effective date of January 1, 2026.

**HB 2406 and SB 861 – §§18.2-478 and 18.2-479 – Escape from jail or custody; penalty.** Specifies that the definition of law-enforcement officer that currently applies for the crime of assault and battery of a law-enforcement officer shall be used for the purposes of the crimes related to escaping from jail or custody of a law-enforcement officer. This bill is identical to SB 861.

**HB 924 – §§18.2-265.1 and 54.1-3466 – Drug paraphernalia and controlled paraphernalia; drug checking products**. Clarifies that drug checking products used to determine the presence or concentration of a contaminant that can cause physical harm or death are not drug paraphernalia or controlled paraphernalia.

**HB 1253 – §54.1-3481 – Unlawful designation as Doctor of Physical Therapy**. Adds to the list of titles that are unlawful to use without a license "D.P.T." and "Doctor of Physical Therapy." The bill also removes "P.T.T." and "Physical Therapy Technician" from such list.

**HB 1280 – §§18.2-340.19, 58.1-4007.3, 58.1-4122.1, and 59.1-369 – Gaming; posting of problem gambling helpline information.** Requires those legally authorized to sell Virginia lottery tickets or conduct charitable gaming, horse racing with pari-mutuel wagering, and casino gaming in the Commonwealth to post in a conspicuous place on their premises a sign that bears the toll-free telephone number for the National Problem Gambling Helpline.

**HB 2679 – §22.1-79.4 – School boards; threat assessment teams and procedures; parental notification of student determined to pose a threat of violence or physical harm to self or others; provision of certain recognition and response materials required.** Requires each division superintendent or his designee to provide materials on recognition of and strategies for responding to behavior indicating that a student poses a threat of violence or physical harm to himself or others to the parent or legal guardian of any student who, according to a preliminary determination from a threat assessment team, poses such a threat. The bill specifies that the provision of such materials shall occur either in the initial attempt to immediately notify such student's parent or legal guardian pursuant to applicable law or through a separate communication to such student's parent or legal guardian made as soon as practicable thereafter. The bill (i) requires such materials to be selected in accordance with the criteria and guidelines developed by the Board of Education pursuant to the provisions of the bill; (ii) requires such materials to include information on the requirements set forth in applicable law relating to the safe storage of firearms in the presence of minors; and (iii) permits such materials to include guidance on best practices and strategies for limiting a student's access to lethal means, including firearms and medications.

**HB 1781 and SB 1095 – §16.1-253.2 – Foreign protective orders in cases of family abuse; enforcement.** Clarifies that the same criminal penalty applies for any person who violates the provisions of a foreign protective order in a case of family abuse that is accorded full faith and credit and is enforceable in the Commonwealth as if it were an order of the Commonwealth. This bill is a recommendation of the Judicial Council of Virginia and is identical to SB 1095.

**HB 2269 and SB 1260 – §32.1-127 – Hospitals; reports of threats or acts of violence against health care providers.** Requires hospitals in the Commonwealth to establish a workplace violence incident reporting system to document, track, and analyze any incident of workplace violence reported. The bill requires each hospital to (i) report the data collected via the reporting system to the chief medical officer and the chief nursing officer of such hospital on, at minimum, a quarterly basis and (ii) send a report to the Department of Health on an annual basis that includes, at a minimum, the number of incidents of workplace violence voluntarily reported by an employee. The bill also requires the Secretary of Health and Human Resources, in collaboration with the Department of Criminal Justice Services, to convene a stakeholder work group for the purpose of making recommendations on the workplace violence system and policies adopted pursuant to the bill. This bill is identical to SB 1260.

**HB 2387 – §§8.01-229 and 8.01-244 – Death by wrongful act; suspension of limitations.** Provides that the statute of limitations for an action for death by wrongful act shall be tolled during the pendency of any criminal prosecution that arises out of the same facts as such action. The bill's provisions apply only to causes of action accruing on or after July 1, 2025. As introduced, this bill was a recommendation of the Boyd-Graves Conference.

**HB 2725 – §9.1-116.10 – Surveillance technology reporting by state and local law-enforcement agencies and sheriff's departments.** Adds any third-party service or third-party subscription that allows access to any form of surveillance technology or the data therefrom to the list of what is included in the definition of surveillance technology used in the provisions requiring all state and local law-enforcement agencies and sheriff's departments to annually provide to the Department of Criminal Justice Services a list of all surveillance technologies used, accessed, or procured by such agencies and departments. The bill specifies that such list of surveillance technologies shall include (i) all surveillance technologies used, accessed, or procured where the agency or department is the owner, user, or licensee and (ii) all surveillance technologies used or accessed where the owner or licensee is a separate law-enforcement agency, sheriff's department, government agency or department, or private business, entity, or individual. The bill also clarifies that the Department shall provide

such information to the Virginia State Crime Commission and the Joint Commission on Technology and Science by December 1 of each year. This bill is a recommendation of the Virginia State Crime Commission**.**

**SB 1339 – §§59.1-510 through 59.1-514.1 – Virginia Telephone Privacy Protection Act; telephone solicitations by text message.** Permits an individual receiving a telephone solicitation via text message to request not to receive telephone solicitations from a telephone solicitor by replying to such text message with the word "UNSUBSCRIBE" or "STOP." The bill requires a telephone solicitor in receipt of such request to honor such request for at least 10 years from the time such request is made. The bill has a delayed effective date of January 1, 2026.

**HB 2393 and SB 1460 – §§19.2-327.15, 19.2-327.17, 19.2-327.18, and 19.2-327.19 – Issuance of writ of vacatur for victims of human trafficking.** Amends the procedure that allows victims of human trafficking, defined in the bill, to file a petition of vacatur in circuit court to have certain convictions vacated and the police and court records expunged for such convictions. This bill incorporates HB 2227 and is identical to SB 1460.

**HB 2493 – §59.1-557 – Gaming; fantasy contests; age restrictions**. Increases from 18 years of age to 21 years of age the minimum age an individual must be to participate in fantasy contests.

**HB 2328 – §19.2-120 – Admission to bail; pregnant persons or persons who have recently given birth**. Requires the judicial officer to consider any evidence a person provides indicating that such person (i) is currently pregnant, (ii) has recently given birth, or (iii) is currently nursing a child when determining whether such person shall be admitted to bail.

**HB 1734 – §§9.1-116.5 and 15.2-1627.2 – Sex Trafficking Response Coordinator; name change.** Renames the Sex Trafficking Response Coordinator as the Human Trafficking Response Coordinator within the Department of Criminal Justice Services. The bill also changes related references from "sex trafficking" to "human trafficking."

**HB 1637 and SB 1035 – §54.1-3408** – **Opiod antagonists; dispensing and administration by person acting on behalf of an organization.** Permits persons acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone or other opioid antagonists to dispense other opioid antagonists. The bill also allows persons to whom other opioid antagonists are dispensed to possess and administer such opioid antagonists. Under current law, persons acting on behalf of such organizations may only dispense naloxone. This bill is identical to SB 1035.

# MISCELLANEOUS – FULL TEXT

**Custodial interrogations; false statements to a child prohibited; inauthentic replica documents.** Prohibits law-enforcement officers from knowingly and intentionally making false statements about any material fact, including by use of inauthentic replica documents, prior to or during a custodial interrogation of a child to secure the cooperation, confession, or conviction of such child. The bill defines "inauthentic replica documents" as any documents, including computer-generated documents, created by any means, including artificial intelligence, by a law-enforcement officer or his agent that (i) contain a false statement, signature, seal, letterhead, or contact information or (ii) materially misrepresent any fact. The bill provides that if a law-enforcement officer knowingly violates such prohibition, any statements made by such child shall be inadmissible in any delinquency proceeding or criminal proceeding against such child.

## CHAPTER 669

*An Act to amend and reenact § 16.1-247.1 of the Code of Virginia, relating to custodial interrogations; false statements to a child prohibited; inauthentic replica documents prohibited.*

[H 2692]

Approved April 2, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 16.1-247.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 16.1-247.1. Custodial interrogation of a child; parental notification and contact; inadmissibility of statement.**

A. Prior to any custodial interrogation of a child by a law-enforcement officer who has arrested such child pursuant to subsection C, C1, or D of § 16.1-246, the child's parent, guardian, or legal custodian shall be notified of his arrest and the child shall have contact with his parent, guardian, or legal custodian. The notification and contact required by this subsection may be in person, electronically, by telephone, or by video conference.

B. Notwithstanding the provisions of subsection A, a custodial interrogation may be conducted (i) if the child's parent, guardian, or legal custodian is a codefendant in the alleged offense; (ii) if the child's parent, guardian, or legal custodian has been arrested for, has been charged with, or is being investigated for a crime against the child; (iii) if, after every reasonable effort has been made to comply with subsection A, the child's parent, guardian, or legal custodian cannot be located or refuses contact with the child; or (iv) if the law-enforcement officer conducting the custodial interrogation reasonably believes the information sought is necessary to protect life, limb, or property from an imminent danger and the law-enforcement officer's questions are limited to those that are reasonably necessary to obtain such information.

C. *A law-enforcement officer shall be prohibited from knowingly and intentionally making false statements about any known material fact, including by use of inauthentic replica documents, prior to or during a custodial interrogation of a child in order to secure the cooperation, confession, or conviction of such child. As used in this subsection, "inauthentic replica documents" means any documents, including computer-generated documents, created by any means, including artificial intelligence, by a law-enforcement officer or his agent that (i) contain a false statement, signature, seal, letterhead, or contact information or (ii) materially misrepresent any fact.*

*D.* Except as provided in subsection B, if a law-enforcement officer knowingly violates the provisions of subsection A *or C*, any statements made by such child shall be inadmissible in any delinquency proceeding or criminal proceeding against such child, unless the attorney for the Commonwealth proves by a preponderance of the evidence that the statement was made knowingly, intelligently, and voluntarily.

**Arrest and prosecution when experiencing or reporting an overdose or act of sexual violence.** Provides that no individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or consumption of alcohol or marijuana, possession of a controlled substance, intoxication in public, or possession of controlled paraphernalia if the individual, in good faith, seeks or obtains assistance for himself or another individual from emergency medical services personnel, a health care provider, or a law-enforcement officer, as those terms are defined in relevant law, and seeks to report an act of sexual violence committed against himself or another individual, so long as (i) such individual identifies himself to the law-enforcement officer who responds to the report of the act of sexual violence and (ii) the evidence for the prosecution of such an offense was obtained as a result of the individual seeking or obtaining medical attention, rendering care or assistance, or reporting to law enforcement. However, such immunity shall not apply to an individual who is alleged to have committed the act of sexual violence or if the emergency medical attention was sought or obtained during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.

The bill also provides that no individual immune to arrest or prosecution when experiencing or reporting an overdose or act of sexual violence shall have his bail, probation, furlough, supervised release, suspended sentence, or parole revoked for the behavior immune from arrest or prosecution under the provisions of applicable law.

## CHAPTER 396

*An Act to amend and reenact § 18.2-251.03 of the Code of Virginia, relating to arrest and prosecution when experiencing or reporting an overdose or act of sexual violence.*

[H 2117]

Approved March 24, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-251.03 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-251.03. Arrest and prosecution when experiencing or reporting an overdose or act of sexual violence.**

A. For purposes of this section~~, "overdose"~~:

*"Act of sexual violence" means an alleged violation of § 18.2-361, 18.2-370, or 18.2-370.1 or the laws pertaining to criminal sexual assault pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4.*

*"Overdose"* means a life-threatening condition resulting from the consumption or use of a controlled substance, alcohol, or any combination of such substances.

B. No individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or consumption of alcohol pursuant to § 4.1-305, unlawful purchase, possession, or consumption of marijuana pursuant to § 4.1-1105.1, possession of a controlled substance pursuant to § 18.2-250, intoxication in public pursuant to § 18.2-388, or possession of controlled paraphernalia pursuant to § 54.1-3466 if:

1. Such individual (i) in good faith, seeks or obtains emergency medical attention (a) for himself, if he is experiencing an overdose, or (b) for another individual, if such other individual is experiencing an overdose; (ii) is experiencing an overdose and another individual, in good faith, seeks or obtains emergency medical attention for such individual, by contemporaneously reporting such overdose to a firefighter, as defined in § 65.2-102,

emergency medical services personnel, as defined in § 32.1-111.1, a law-enforcement officer, as defined in § 9.1-101, or an emergency 911 system; or (iii) in good faith, renders emergency care or assistance, including cardiopulmonary resuscitation (CPR) or the administration of naloxone or other opioid antagonist for overdose reversal, to an individual experiencing an overdose while another individual seeks or obtains emergency medical attention in accordance with this subdivision;

2. Such individual remains at the scene of the overdose or at any alternative location to which he or the person requiring emergency medical attention has been transported until a law-enforcement officer responds to the report of an overdose. If no law-enforcement officer is present at the scene of the overdose or at the alternative location, then such individual shall cooperate with law enforcement as otherwise set forth herein;

3. Such individual identifies himself to the law-enforcement officer who responds to the report of the overdose; and

4. The evidence for the prosecution of an offense enumerated in this subsection was obtained as a result of the individual seeking or obtaining emergency medical attention or rendering emergency care or assistance.

C. *No individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or consumption of alcohol pursuant to § 4.1-305, unlawful purchase, possession, or consumption of marijuana pursuant to § 4.1-1105.1, possession of a controlled substance pursuant to § 18.2-250, intoxication in public pursuant to § 18.2-388, or possession of controlled paraphernalia pursuant to § 54.1-3466 if:*

*1. Such individual, in good faith, seeks or obtains assistance for himself or another individual from emergency medical services personnel, as defined in § 32.1-111.1, a health care provider, as defined in § 8.01-581.1, or a law-enforcement officer, as defined in § 9.1-101, and seeks to report an act of sexual violence committed against himself or another individual;*

*2. Such individual identifies himself to the law-enforcement officer who responds to the report of the act of sexual violence; and*

*3. The evidence for the prosecution of an offense enumerated in this subsection was obtained as a result of the individual seeking or obtaining medical attention, rendering care or assistance, or reporting to law enforcement.*

*This subsection shall not apply to an individual who is alleged to have committed the act of sexual violence.*

*D.* The provisions of this section shall not apply to any person who seeks or obtains emergency medical attention for himself or another individual, to a person experiencing an overdose *or who has experienced an act of sexual violence* when another individual seeks or obtains emergency medical attention for him, or to a person who renders emergency care or assistance to an individual experiencing an overdose *or who has experienced an act of sexual violence* while another person seeks or obtains emergency medical attention during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.

~~D.~~ *E.* This section does not establish protection from arrest or prosecution for any individual or offense other than those listed in subsection B *or C. However, any individual immune to arrest or prosecution under this section shall not have his bail, probation, furlough, supervised release, suspended sentence, or parole revoked for the behavior immune from arrest or prosecution under the provisions of this section*.

~~E.~~ *F.* No law-enforcement officer acting in good faith shall be found liable for false arrest if it is later determined that the person arrested was immune from prosecution under this section.

**Trespass with an unmanned aircraft system; contracted defense facility; penalty.** Creates a Class 4 felony for any person who knowingly, intentionally, and without authorization causes an unmanned aircraft system to enter the property of and obtains or attempts to obtain any videographic or still image that contains or reveals any controlled technical information located within a contracted defense facility, as those terms are defined in the bill. The bill also provides that the owner or operator of a contracted defense facility and its employees shall be immune from criminal prosecution and civil liability as a result of preventing, stopping, deterring, interrupting, or repelling, or attempting to prevent, stop, deter, interrupt, or repel, an unmanned aircraft system from entering the property of such contracted defense facility or from stopping, interrupting, or repelling, or attempting to stop, interrupt, or repel, an unmanned aircraft system that has entered such property, provided that such action does not result in injury to any person. This bill is identical to SB 757.

## CHAPTER 374

*An Act to amend and reenact § 18.2-121.3 of the Code of Virginia, relating to trespass with an unmanned aircraft system; contracted defense facility; penalty.*

[H 1726]

Approved March 24, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-121.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-121.3. Trespass with an unmanned aircraft system; penalty.**

A. Any person who knowingly and intentionally causes an unmanned aircraft system to (i) enter the property of another and come within 50 feet of a dwelling house (a) to coerce, intimidate, or harass another person or (b) after having been given actual notice to desist, for any other reason; (ii) take off or land in violation of current Federal Aviation Administration Special Security Instructions or UAS Security Sensitive Airspace Restrictions; or (iii) (a) drop any item within the boundaries of or (b) obtain any videographic or still image of any identifiable inmate or resident at any state or local correctional facility, as defined in § 53.1-1, or juvenile correctional center is guilty of a Class 1 misdemeanor.

B. ~~This section~~ *Subsection A* shall not apply to any person who causes an unmanned aircraft system to enter the property as set forth in subsection A if (i) consent is given to the entry by any person with legal authority to consent or by any person who is lawfully present on such property or (ii) such person is authorized by federal regulations to operate an unmanned aircraft system and is operating such system in an otherwise lawful manner and consistent with federal regulations.

*C. Notwithstanding the provisions of subsections A and B, any person who knowingly, intentionally, and without authorization causes an unmanned aircraft system to enter the property of and obtains or attempts to obtain any videographic or still image that contains or reveals any controlled technical information located within a contracted defense facility is guilty of a Class 4 felony. Notwithstanding the provisions of § 18.2-146, the owner or operator of a contracted defense facility and its employees shall be immune from criminal prosecution and civil liability as a result of preventing, stopping, deterring, interrupting, or repelling, or attempting to prevent, stop, deter, interrupt, or repel, an unmanned aircraft system from entering the property of such contracted defense facility, or attempting to stop, deter, interrupt, or repel, an unmanned aircraft system that has entered such property, provided that such action does not result in injury to any person.*

*As used in this subsection:*

*"Contracted defense facility" means any manufacturing or engineering facility or other related facility where work involving the design, construction, repair, maintenance, modernization, or inactivation of an asset of the U.S. Department of Defense occurs pursuant to a contract issued by the federal government.*

*"Controlled technical information" means technical information with military or space application that is subject to controls on the access, use, reproduction, modification, performance, display, release, disclosure, or dissemination, excluding information that is lawfully publicly available without restrictions, as defined in clause 252.204-7012 of the Defense Federal Acquisition Regulation Supplement, as amended.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

**Trespass with an unmanned aircraft system; penalties.** Creates a Class 4 felony for any person who knowingly and intentionally, and without authorization, causes an unmanned aircraft system to enter the airspace over any public services or utilities or critical infrastructure, as defined in relevant law, including any military base authorized by the U.S. Department of Defense, or any facility, as defined in relevant law, covered by the federal Maritime Transportation Security Act of 2002. The bill also adds that the offenses related to trespass with an unmanned aircraft system shall not apply to any person who causes an unmanned aircraft system to enter any prohibited property if such person is (i) an employee of the property and is conducting official business or (ii) an employee of a public service or utility, critical infrastructure, or facility and is conducting official business.

## CHAPTER 622

*An Act to amend and reenact § 18.2-121.3 of the Code of Virginia, relating to trespass with an unmanned aircraft system; penalties.*

[S 1272]

Approved April 2, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-121.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-121.3. Trespass with an unmanned aircraft system; penalties.**

A. Any person who knowingly and intentionally causes an unmanned aircraft system to (i) enter the property of another and come within 50 feet of a dwelling house (a) to coerce, intimidate, or harass another person or (b) after having been given actual notice to desist, for any other reason; (ii) take off or land in violation of current Federal Aviation Administration Special Security Instructions or UAS Security Sensitive Airspace Restrictions; or (iii) (a) drop any item within the boundaries of or (b) obtain any videographic or still image of any identifiable inmate or resident at any state or local correctional facility, as defined in § 53.1-1, or juvenile correctional center is guilty of a Class 1 misdemeanor.

B. *Any person who knowingly and intentionally, and without authorization, causes an unmanned aircraft system to enter the airspace over any (i) public services or utilities, as described in § 18.2-162; (ii) critical infrastructure, as defined in 42 U.S.C. § 5195c, including any military base authorized by the U.S. Department of Defense; or (iii) facility, as defined in 46 U.S.C. § 70101, covered by the federal Maritime Transportation Security Act of 2002 is guilty of a Class 4 felony.*

*C.* This section shall not apply to any person who causes an unmanned aircraft system to enter the property as set forth in subsection A *or B* if (i) consent is given to the entry by any person with legal authority to consent or by any person who is lawfully present on such property ~~or~~; (ii) such person is authorized by federal regulations to operate an unmanned aircraft system and is operating such system in an otherwise lawful manner and consistent with federal regulations*; (iii) such person is an employee of the property and is conducting official business; or (iv) such person is an employee of a public service or utility, as described in § 18.2-162, critical infrastructure, as defined in 42 U.S.C. § 5195c, or facility, as defined in 46 U.S.C. § 70101, and is conducting official business*.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign**

**a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

**Use of unmanned aircraft systems by public bodies; employees.** Allows a law-enforcement officer or an employee of a law-enforcement agency to deploy an unmanned aircraft system without a warrant (i) following an accident where a report is required pursuant to relevant law to survey the scene of such accident for the purpose of crash reconstruction and record the scene by photographic or video images or (ii) to (a) aerially survey a primary residence of the subject of the arrest warrant to formulate a plan to execute an existing arrest warrant or capias for a felony offense or (b) locate a person sought for arrest when such person has fled from a law-enforcement officer and a law-enforcement officer remains in hot pursuit of such person. Current law allows a law-enforcement officer to operate an unmanned aircraft system under such conditions. The bill also permits a law-enforcement officer to deploy an unmanned aircraft system without a warrant where such officer is investigating unmanned aircraft systems surrounding or over property of the federal or state government, public critical infrastructure, or nongovernment-operated prison or jail facilities.

## CHAPTER 400

*An Act to amend and reenact § 19.2-60.1 of the Code of Virginia, relating to use of unmanned aircraft systems by public bodies; employees.*

[H 2177]

Approved March 24, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-60.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-60.1. Use of unmanned aircraft systems by public bodies; search warrant required.**

A. As used in this section, unless the context requires a different meaning:

"Unmanned aircraft" means an aircraft that is operated without the possibility of human intervention from within or on the aircraft.

"Unmanned aircraft system" means an unmanned aircraft and associated elements, including communication links, sensing devices, and the components that control the unmanned aircraft.

B. No state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations, including but not limited to the Department of State Police, and no department of law enforcement as defined in § 15.2-836 of any county, city, or town shall utilize an unmanned aircraft system except during the execution of a search warrant issued pursuant to this chapter or an administrative or inspection warrant issued pursuant to law.

C. Notwithstanding the prohibition in this section, an unmanned aircraft system may be deployed without a warrant (i) when an Amber Alert is activated pursuant to § 52-34.3; (ii) when a Senior Alert is activated pursuant to § 52-34.6; (iii) when a Blue Alert is activated pursuant to § 52-34.9; (iv) where use of an unmanned aircraft system is determined to be necessary to alleviate an immediate danger to any person; (v) by a law-enforcement officer*, an employee of the Department of State Police, or an employee of a local law-enforcement agency* following an accident where a report is required pursuant to § 46.2-373, to survey the scene of such accident for the purpose of crash reconstruction and record the scene by photographic or video images; (vi) by the Department of Transportation when assisting a law-enforcement officer to prepare a report pursuant to § 46.2-373; (vii) for training exercises related to such uses; (viii) if a person with legal authority consents to the warrantless search; ~~or~~ (ix) by a law-enforcement officer *or an employee of a law-enforcement agency* to (a) aerially survey a

primary residence of the subject of the arrest warrant to formulate a plan to execute an existing arrest warrant or capias for a felony offense or (b) locate a person sought for arrest when such person has fled from a law-enforcement officer and a law-enforcement officer remains in hot pursuit of such person*; or (x) by a law-enforcement officer investigating unmanned aircraft systems surrounding or over property of the federal or state government, public critical infrastructure as defined in § 44-146.28:2, or nongovernment-operated prison or jail facilities*.

D. The warrant requirements of this section shall not apply when such systems are utilized to support the Commonwealth or any locality for purposes other than law enforcement, including damage assessment, traffic assessment, flood stage assessment, and wildfire assessment. Nothing herein shall prohibit use of unmanned aircraft systems for private, commercial, or recreational use or solely for research and development purposes by institutions of higher education and other research organizations or institutions.

E. Evidence obtained through the utilization of an unmanned aircraft system in violation of this section is not admissible in any criminal or civil proceeding.

F. In no case may a weaponized unmanned aircraft system be deployed in the Commonwealth or its use facilitated in the Commonwealth by a state or local government department, agency, or instrumentality or department of law enforcement in the Commonwealth except in operations at the Space Port and Naval/Aegis facilities at Wallops Island. *No weaponized unmanned aircraft systems shall be construed to include such systems designed and used for the purpose of disabling another unmanned aircraft system.*

G. Nothing herein shall apply to the Armed Forces of the United States or the Virginia National Guard while utilizing unmanned aircraft systems during training required to maintain readiness for its federal mission or when facilitating training for other U.S. Department of Defense units.

**Protective orders; Military Protective Orders.** Permits a court to issue a preliminary protective order upon evidence of a Military Protective Order issued by a commanding officer in the Armed Forces of the United States, the Virginia National Guard, or the National Guard of any other state in favor of the petitioner or the petitioner's family or household members. The bill provides that a Military Protective Order issued between the parties shall only be admissible or considered as evidence in accordance with the Code of Virginia, the Rules of Evidence of the Supreme Court of Virginia, or other relevant Virginia case law. The bill requires a law-enforcement agency, upon a defendant's violation of a protective order, if such Military Protective Order was issued against the same defendant as a protective order in a Virginia court and registered with the National Crime Information Center (NCIC), to inform the military law-enforcement officer or agency that issued and entered the Military Protective Order into NCIC of such violation. This bill is identical to SB 957.

## CHAPTER 208

*An Act to amend and reenact §§ 16.1-253.1, 16.1-253.2, 18.2-60.4, and 19.2-152.9 of the Code of Virginia, relating to protective orders; Military Protective Orders.*

[H 1882]

Approved March 21, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 16.1-253.1, 16.1-253.2, 18.2-60.4, and 19.2-152.9 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-253.1. Preliminary protective orders in cases of family abuse; confidentiality.**

A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of time, subjected to family abuse, or the filing of a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period of time, subject to family abuse, the court may issue a preliminary protective order against an allegedly abusing person in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer*, upon evidence of a Military Protective Order issued by a commanding officer in the Armed Forces of the United States, the Virginia National Guard, or the National Guard of any other state in favor of the petitioner or petitioner's family or household members,* or upon the filing of a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period of time, subject to family abuse. If an ex parte order is issued without an affidavit or a completed form as prescribed by subsection D of § 16.1-253.4 being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings. Immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred shall constitute good cause. *Any Military Protective Order issued between the parties shall only be admissible or considered as evidence in accordance with the Code of Virginia, the Rules of Evidence of the Supreme Court of Virginia, or relevant Virginia case law.*

Evidence that the petitioner has been subjected to family abuse within a reasonable time and evidence of immediate and present danger of family abuse may be established by a showing that (i) the allegedly abusing person is incarcerated and is to be released from incarceration within 30 days following the petition or has been released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the allegedly abusing

person has made threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse.

A preliminary protective order may include any one or more of the following conditions to be imposed on the allegedly abusing person:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property.

2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons.

3. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession shall affect title to any real or personal property.

4. Enjoining the respondent from terminating any necessary utility service to a premises that the petitioner has been granted possession of pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to such premises.

5. Granting the petitioner and, where appropriate, any other family or household member of the petitioner, exclusive use and possession of a cellular telephone number or electronic device and the password to such device. The court may enjoin the respondent from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The court may enjoin the respondent from using a cellular telephone or other electronic device to locate or surveille the petitioner.

6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession or use shall affect title to the vehicle.

7. Requiring that the allegedly abusing person provide suitable alternative housing for the petitioner and any other family or household member and, where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided.

8. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

9. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner.

B. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established

and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order, unless the hearing has been continued pursuant to this subsection or court is closed pursuant to § 16.1-69.35 or 17.1-207 and such closure prevents the hearing from being held within such time period, in which case the hearing shall be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective order shall remain in full force and effect until it is dissolved by such court, until another preliminary protective order is entered, or until a protective order is entered. If the respondent fails to appear at this hearing because the respondent was not personally served, or if personally served was incarcerated and not transported to the hearing, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served forthwith on the respondent. However, where the respondent shows good cause, the court may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court. Upon petitioner's motion to dissolve the preliminary protective order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the primary law-enforcement agency, and the agency shall forthwith verify and enter any modification as necessary into the Virginia Criminal Information Network as described above. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

C. The preliminary order is effective upon personal service on the allegedly abusing person. Except as otherwise provided in § 16.1-253.2, a violation of the order shall constitute contempt of court.

D. In the event that the allegedly abused person is a minor and an emergency protective order was issued pursuant to § 16.1-253.4 for the protection of such minor and the respondent is a parent, guardian, or person standing in loco parentis, the attorney for the Commonwealth or a law-enforcement officer may file a petition on behalf of such minor as his next friend before such emergency protective order expires or within 24 hours of the expiration of such emergency protective order.

E. At a full hearing on the petition, the court may issue a protective order pursuant to § 16.1-279.1 if the court finds that the petitioner has proven the allegation of family abuse by a preponderance of the evidence.

F. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

G. As used in this section, "copy" includes a facsimile copy.

H. No fee shall be charged for filing or serving any petition or order pursuant to this section.

I. Upon issuance of a preliminary protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

J. The respondent may be required to notify the court in writing within seven days of any change of residence while the preliminary protective order is in effect, provided that the respondent has been served a copy of such order in accordance with the provisions of this section. Any failure of a respondent to make such required notification shall be punishable by contempt.

**§ 16.1-253.2. Violation of provisions of protective orders; penalty.**

A. In addition to any other penalty provided by law, any person who violates any provision of a protective order issued pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B of § 20-103, when such violation involves a provision of the protective order that prohibits such person from (i) going or remaining upon land, buildings, or premises; (ii) further acts of family abuse; or (iii) committing a criminal offense, or which prohibits contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person as the court deems appropriate, is guilty of a Class 1 misdemeanor. The punishment for any person convicted of a second offense of violating a protective order, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.

B. In addition to any other penalty provided by law, any person who, while knowingly armed with a firearm or other deadly weapon, violates any provision of a protective order with which he has been served issued pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B of § 20-103 is guilty of a Class 6 felony.

C. If the respondent commits an assault and battery upon any party protected by the protective order resulting in bodily injury to the party or stalks any party protected by the protective order in violation of § 18.2-60.3, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.

D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 16.1-279.1 for a specified period not exceeding two years from the date of conviction.

E. A violation of this section may be prosecuted in the jurisdiction where the protective order was issued, in any county, city, or town where any act constituting the violation of the protective order occurred, or in the jurisdiction where the party protected by the protective order resided at the time of such violation.

*F. Upon a violation of this section, if a Military Protective Order issued by a commanding officer in the Armed Forces of the United States, the Virginia National Guard, or the National Guard of any other state against a person under such officer's command and registered in the National Crime Information Center (NCIC) has been issued against the same defendant, the law-enforcement officer or agency shall inform the military law-enforcement officer or agency that entered the Military Protective Order into the NCIC or the commanding officer who issued the Military Protective Order of such violation telephonically, in writing, via email, via text, or by any other routine means of interagency communication.*

**§ 18.2-60.4. Violation of protective orders; penalty.**

A. Any person who violates any provision of a protective order issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 is guilty of a Class 1 misdemeanor. Conviction hereunder shall bar a finding of contempt for the same act. The punishment for any person convicted of a second offense of violating a protective order, other than a protective order issued pursuant to subsection C of § 19.2-152.10, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, other than a protective order issued pursuant to subsection C of § 19.2-152.10, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.

B. In addition to any other penalty provided by law, any person who, while knowingly armed with a firearm or other deadly weapon, violates any provision of a protective order with which he has been served issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, other than a protective order issued pursuant to subsection C of § 19.2-152.10, is guilty of a Class 6 felony.

C. If the respondent commits an assault and battery upon any party protected by the protective order, other than a protective order issued pursuant to subsection C of § 19.2-152.10, resulting in bodily injury to the party or stalks any party protected by the protective order in violation of § 18.2-60.3, he is guilty of a Class 6 felony. Any person who violates such a protective order, other than a protective order issued pursuant to subsection C of § 19.2-152.10, by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.

D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended.

E. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 19.2-152.10 for a specified period not exceeding two years from the date of conviction.

F. A violation of this section may be prosecuted in the jurisdiction where the protective order was issued, in any county, city, or town where any act constituting the violation of the protective order occurred, or in the jurisdiction where the party protected by the protective order resided at the time of such violation.

*G. Upon a violation of this section, if a Military Protective Order issued by a commanding officer in the Armed Forces of the United States, the Virginia National Guard, or the National Guard of any other state against a person under such officer's command and registered in the National Crime Information Center (NCIC) has been issued against the same defendant, the law-enforcement officer or agency shall inform the military law-enforcement officer or agency that entered the Military Protective Order into the NCIC or the commanding officer who issued the Military Protective Order of such violation telephonically, in writing, via email, via text, or by any other routine means of interagency communication.*

**§ 19.2-152.9. Preliminary protective orders.**

A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force, or threat, or (ii) a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat, or the filing of a written motion requesting a hearing to extend a protective order pursuant to § 19.2-152.10 without alleging that the petitioner is or has been, within a reasonable period of time, subject to an act of violence, force, or threat, or that a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat, the court may issue a preliminary protective order against the alleged perpetrator in order to protect the health and safety of the petitioner or any

family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer, *upon evidence of a Military Protective Order issued by a commanding officer in the Armed Forces of the United States, the Virginia National Guard, or the National Guard of any other state in favor of the petitioner or petitioner's family or household members,* or upon the filing of a written motion requesting a hearing to extend a protective order pursuant to § 19.2-152.10. If an ex parte order is issued without an affidavit or a completed form as prescribed by subsection D of § 19.2-152.8 being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings. Immediate and present danger of any act of violence, force, or threat or evidence sufficient to establish probable cause that an act of violence, force, or threat has recently occurred shall constitute good cause. *Any Military Protective Order issued between the parties shall only be admissible or considered as evidence in accordance with the Code of Virginia, the Rules of Evidence of the Supreme Court of Virginia, or relevant Virginia case law.*

A preliminary protective order may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property;

2. Prohibiting such other contacts by the respondent with the petitioner or the petitioner's family or household members as the court deems necessary for the health and safety of such persons;

3. Such other conditions as the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses that may result in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and

4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

B. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264, and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order, unless the hearing has been continued pursuant to this subsection or the court is closed pursuant to § 16.1-69.35 or 17.1-207 and such closure prevents the hearing from being held within such time period, in which case the hearing shall be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective order shall remain in full force and effect until it is dissolved by such court, until another preliminary protective order is entered, or until a protective order is entered. If the respondent fails to appear at this hearing because the respondent

was not personally served, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served as soon as possible on the respondent. However, where the respondent shows good cause, the court may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court. Upon petitioner's motion to dissolve the preliminary protective order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to primary law-enforcement agency and the agency shall forthwith verify and enter any modification as necessary into the Virginia Criminal Information Network as described above. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

C. The preliminary order is effective upon personal service on the alleged perpetrator. Except as otherwise provided, a violation of the order shall constitute contempt of court.

D. At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2-152.10 if the court finds that the petitioner has proven the allegation that the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force, or threat by a preponderance of the evidence.

E. No fees shall be charged for filing or serving petitions pursuant to this section.

F. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

G. As used in this section, "copy" includes a facsimile copy.

H. Upon issuance of a preliminary protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

I. The respondent may be required to notify the court in writing within seven days of any change of residence while the preliminary protective order is in effect, provided that the respondent has been served a copy of such order in accordance with the provisions of this section. Any failure of a respondent to make such required notification shall be punishable by contempt.

**Protective orders; maximum time valid.** Provides that if the court finds, based upon evidence presented, that the respondent has been subject to a previous permanent protective order or a permanent protective order in cases of family abuse issued within 10 years, the court may issue a permanent protective order in a case of family abuse for a specified period of time up to a maximum of four years. The bill further provides that such protective order may be extended for a period of not longer than two years, regardless of whether such order was initially issued for a period of time up to a maximum of two years or four years. Current law allows such protective orders to be issued for a specified period of time up to a maximum of two years and extended for a period of time not longer than two years.

## CHAPTER 161

*An Act to amend and reenact § 16.1-279.1 of the Code of Virginia, relating to protective orders in cases of family abuse; maximum time valid.*

[H 2123]

Approved March 19, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 16.1-279.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 16.1-279.1. Protective order in cases of family abuse.**

A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the court may issue a protective order to protect the health and safety of the petitioner and family or household members of the petitioner. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;

2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;

3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property;

4. Enjoining the respondent from terminating any necessary utility service to the residence to which the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to that residence;

5. Granting the petitioner and, where appropriate, any other family or household member of the petitioner, exclusive use and possession of a cellular telephone number or electronic device and the password to such device. The court may enjoin the respondent from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The court may enjoin the respondent from using a cellular telephone or other electronic device to locate or surveille the petitioner;

6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent to maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession or use shall affect title to the vehicle;

7. Requiring that the respondent provide suitable alternative housing for the petitioner and, if appropriate, any other family or household member and where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided;

8. Ordering the respondent to participate in treatment, counseling or other programs as the court deems appropriate;

9. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500; and

10. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner, including a provision for temporary custody or visitation of a minor child.

A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary child support order for the support of any children of the petitioner whom the respondent has a legal obligation to support. Such temporary child support order shall terminate upon the determination of support pursuant to § 20-108.1 or upon the termination of such protective order, whichever occurs first.

B. 1. The protective order may be issued for a specified period of time up to a maximum of two years. *However, if the court finds, based upon evidence presented, that the respondent has been subject to a previous order issued within 10 years pursuant to this section, the protective order may be issued for a specified period of time up to a maximum of four years.* The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year *or four-year* period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. A written motion requesting a hearing to extend the protective order shall be served as soon as possible on the respondent.

If the petitioner was a family or household member of the respondent at the time the initial protective order was issued, the court may extend the protective order for a period not longer than two years*, regardless of whether such order was initially issued for a period of time up to a maximum of two years or four years,* to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

2. Upon the filing of a written motion requesting a hearing to extend the protective order, the court may issue an ex parte preliminary protective order pursuant to § 16.1-253.1 until the extension hearing. The ex parte preliminary protective order shall specify a date for the extension hearing, which shall be held within 15 days of the issuance of the ex parte preliminary protective order and may be held after the expiration of the protective order. If the respondent fails to appear at the extension hearing because the respondent was not personally served, the court shall schedule a new date for the extension hearing and may extend the ex parte preliminary protective order until such new date. The extended ex parte preliminary protective order shall be served as soon as possible on the respondent. If the respondent was personally served, where the petitioner shows by clear and convincing evidence that a continuance is necessary to meet the ends of justice or the respondent shows good cause, the court may continue the extension hearing and such ex parte preliminary protective order shall remain in effect until the extension hearing.

C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no

later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

D. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this section shall constitute contempt of court.

E. The court may assess costs and attorney fees against either party regardless of whether an order of protection has been issued as a result of a full hearing.

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any juvenile and domestic relations district court by filing with the court an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

G. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

H. As used in this section:

"Copy" includes a facsimile copy.

"Protective order" includes an initial, modified or extended protective order.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. No fee shall be charged for filing or serving any petition or order pursuant to this section.

K. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

L. An appeal of a final protective order issued by a circuit court pursuant to this section shall be given expedited review by the Court of Appeals.

M. The respondent shall be required to notify the court in writing within seven days of any change of residence while the protective order is in effect, provided that the respondent has been served a copy of such order in accordance with the provisions of this section. A violation of this subsection shall be punishable by contempt.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

**Synthetic digital content; penalty; work group.** Expands the applicability of provisions related to defamation, slander, and libel to include synthetic digital content, defined in the bill. The bill makes it a Class 1 misdemeanor for any person to use any synthetic digital content for the purpose of committing any criminal offense involving fraud, constituting a separate and distinct offense with punishment separate and apart from any punishment received for the commission of the primary criminal offense. The bill also authorizes the individual depicted in the synthetic digital content to bring a civil action against the person who violates such prohibition to recover actual damages, reasonable attorney fees, and such other relief as the court determines to be appropriate. The bill directs the Attorney General to convene a work group to study and make recommendations on the current enforcement of laws related to the use of synthetic digital content, including deepfakes, and any further action needed to address the issue of such use in fraudulent acts. The substantive provisions of the bill do not become effective unless reenacted by the 2026 Session of the General Assembly and the provisions directing the Attorney General to convene a work group become effective in due course. This bill is identical to SB 1053.

## CHAPTER 398

*An Act to amend and reenact §§ 8.01-45, 8.01-46, and 18.2-417 of the Code of Virginia and to amend the Code of Virginia by adding in Article 7 of Chapter 6 of Title 18.2 a section numbered 18.2-213.3, relating to synthetic digital content; penalty; work group.*

[H 2124]

Approved March 24, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 8.01-45, 8.01-46, and 18.2-417 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 7 of Chapter 6 of Title 18.2 a section numbered 18.2-213.3 as follows:**

**§ 8.01-45. Action for insulting words.**

*A. For purposes of this section:*

*"Synthetic digital content" means any digital content, including any audio, image, text, or video, that realistically but falsely depicts an individual's appearance, speech, or conduct and is produced by any system or service that (i) incorporates technology that uses data to train statistical models for the purpose of enabling a computer system or service to autonomously perform any task that is normally associated with human intelligence or perception, including visual perception, natural language processing, and speech recognition and (ii) is based on a foundation model.*

*"Words" includes any synthetic digital content.*

*B.* All words shall be actionable which from their usual construction and common acceptance are construed as insults and tend to violence and breach of the peace.

**§ 8.01-46. Justification and mitigation of damages.**

In any action for defamation, the defendant may justify by alleging and proving that the words spoken ~~or~~, written*, or otherwise represented* were true, and, after notice in writing of his intention to do so, given

to the plaintiff at the time of, or for, pleading to such action, may give in evidence, in mitigation of damages, that he made or offered an apology to the plaintiff for such defamation before the commencement of the action, or as soon afterwards as he had an opportunity of doing so in case the action shall have been commenced before there was an opportunity of making or offering such apology. *For purposes of this section, "words" means the same as that term is defined in § 8.01-45.*

***§ 18.2-213.3. Use of synthetic digital content in furtherance of crimes involving fraud; penalty.***

*A. For purposes of this section, "synthetic digital content" means the same as that term is defined in § 8.01-45.*

*B. It is unlawful for any person to use any synthetic digital content for the purpose of committing any criminal offense prohibited pursuant to this chapter.*

*C. Violation of this section shall constitute a separate and distinct offense, and any person found guilty thereof is guilty of a Class 1 misdemeanor. Such punishment shall be separate and apart from any punishment received for the commission of the primary criminal offense.*

*D. Any person who violates this section shall be liable to the individual depicted in the synthetic digital content, who may bring a civil action in district court. The court may award actual damages, reasonable attorney fees, and such other relief as the court determines to be appropriate.*

*E. Nothing in this section shall be construed to limit or enlarge the protections that 47 U.S.C. § 230 confers on an interactive computer service for content provided by another information content provider, as such terms are defined in 47 U.S.C. § 230.*

**§ 18.2-417. Slander and libel.**

Any person who shall falsely utter and speak, or falsely write and publish, of and concerning any person of chaste character, any words derogatory of such person's character for virtue and chastity, or imputing to such person acts not virtuous and chaste, or who shall falsely utter and speak, or falsely write and publish, of and concerning another person, any words which from their usual construction and common acceptation are construed as insults and tend to violence and breach of the peace or who shall use grossly insulting language to any person of good character or reputation is guilty of a Class 3 misdemeanor. *For purposes of this section, "words" means the same as that term is defined in § 8.01-45.*

The defendant shall be entitled to prove upon trial in mitigation of the punishment, the provocation which induced the libelous or slanderous words, or any other fact or circumstance tending to disprove malice, or lessen the criminality of the offense.

**2. That the Attorney General shall convene a work group to study and make recommendations on the current enforcement of laws related to the use of synthetic digital content, as defined in § 8.01-45 of the Code of Virginia, as amended by this act, including deepfakes, and any further action needed to address the issue of such use in fraudulent acts. Such work group shall consist of a representative of the Office of the Attorney General, one member of the Senate and one member of the House of Delegates who are members of the Joint Commission on Technology and Science and who shall be selected by the Chair of the Joint Commission on Technology and Science, the Chief Information Officer of the Commonwealth or his designee, the Superintendent of State Police or his designee, and any other relevant stakeholders, including technology industry representatives. The work group shall complete its meetings by November 1, 2025, and report its findings and recommendations to the Chairs of the House Committee on Communications, Technology and Innovation, the Senate Committee on General Laws and Technology, and the Joint Commission on Technology and Science no later than the first day of the 2026 Regular Session of the General Assembly.**

**3. That the provisions of the first enactment of this act shall not become effective unless reenacted by the 2026 Session of the General Assembly.**

**Department of Motor Vehicles; incorrect vehicle title or registration address.** Authorizes the owner or lessee of any real property in the Commonwealth to notify the Department of Motor Vehicles if the address of the real property is used for the titling or registration of a vehicle that does not belong to any owner, lessee, or resident of the real property. The bill requires the Department to (i) attempt to notify the vehicle owner of such report and (ii) conduct a search of the National Change of Address System and provides that if the Department is unable to identify the correct address for the vehicle, the Department may revoke the registration, registration card, license plates, and decals issued for the vehicle.

## CHAPTER 173

*An Act to amend and reenact § 46.2-606 of the Code of Virginia, relating to Department of Motor Vehicles; incorrect vehicle title or registration address.*

[H 2423]

Approved March 19, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-606 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-606. Notice of change of address or incorrect address.**

A. Whenever any person who has applied for or obtained the registration or title to a vehicle moves from the address shown in his application, registration card or certificate of title, he shall notify the Department of his change of address within 30 days.

B. *The owner or lessee of any real property in the Commonwealth may notify the Department if the address of such real property is used for the titling or registration of a vehicle that does not belong to any owner, lessee, or resident of such real property. The Department shall (i) attempt to notify the vehicle owner of such report of an incorrect address on the vehicle registration or certificate of title and (ii) conduct a search as authorized pursuant to subsection C for an updated mailing address. If the Department is unable to identify the correct address for the owner of such vehicle, the Department may revoke the registration, registration card, license plates, and decals issued for such vehicle.*

*C.* The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

~~C.~~ *D.* Anyone failing to comply with ~~this section~~ *the provisions of subsection A* may be charged a fee of $5, to be used to cover the Department's expenses. Notwithstanding the foregoing provision of this subsection, no fee shall be imposed on any person whose address is obtained from the National Change of Address System.

**Publication of personal information of retired or former law-enforcement officers.** Adds retired or former law-enforcement officers, defined in the bill, to the definition of "public official" for the purposes of prohibiting the Commonwealth from publishing a public official's personal information on the Internet. The bill clarifies that such retired or former law-enforcement officer be in good standing with no pending investigations or disciplinary actions. The bill provides that the demand in writing required to prohibit the publication of such personal information shall be effective for a period of four years, provided that such retired or former law-enforcement officer was retired or ended his service within four years of filing a petition with a circuit court. This bill is identical to HB 1874.

## CHAPTER 215

*An Act to amend and reenact § 18.2-186.4:1 of the Code of Virginia, relating to publication of personal information of retired or former law-enforcement officers.*

[S 781]

Approved March 21, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-186.4:1 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-186.4:1. Internet publication of personal information of certain public officials.**

A. The Commonwealth shall not publish on the Internet the personal information of any public official if a court has, pursuant to subsection B, ordered that the official's personal information is prohibited from publication and the official has made a demand in writing to the Commonwealth, accompanied by the order of the court, that the Commonwealth not publish such information.

B. Any public official may petition a circuit court for an order prohibiting the publication on the Internet, by the Commonwealth, of the official's personal information. The petition shall set forth the specific reasons that the official seeks the order. The court shall issue such an order only if it finds that (i) there exists a threat to the official or a person who resides with him that would result from publication of the information or (ii) the official has demonstrated a reasonable fear of a risk to his safety or the safety of someone who resides with him that would result from publication of the information on the Internet.

C. If the Commonwealth publishes the public official's personal information on the Internet prior to receipt of a written demand by the official under subsection A or E, it shall remove the information from publication on the Internet within 48 hours of receipt of the written demand.

D. A written demand made by any public official pursuant to this section shall be effective for four years as follows:

1. For a law-enforcement officer, if the officer remains continuously employed as a law-enforcement officer throughout the four-year period; ~~and~~

2. For an attorney for the Commonwealth, if such public official continuously serves throughout the four-year period*; and*

*3. For a retired or former law-enforcement officer, if such public official was retired or ended his service as a law-enforcement officer within four years of filing the petition*.

E. The Commonwealth shall not publish on the Internet the personal information of any active or retired federal or Virginia justice, judge, or magistrate who has made a demand in writing to the Commonwealth that the Commonwealth not publish such information. A written demand made pursuant to this subsection shall be effective until such demand is rescinded in writing by such judge, justice, or magistrate.

F. For purposes of this section:

"Commonwealth" means any agency or political subdivision of the Commonwealth of Virginia.

"Law-enforcement officer" means the same as that term is defined in § 9.1-101, 5 U.S.C. § 8331(20), excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20), and any other federal officer or agent who is credentialed with the authority to enforce federal law.

"Personal information" means home address, home telephone numbers, personal cell phone numbers, or personal email address.

"Publication" and "publishes" means intentionally communicating personal information to, or otherwise making personal information available to, and accessible by, the general public through the Internet or other online service.

"Public official" means any law-enforcement officer*, retired or former law-enforcement officer,* or attorney for the Commonwealth.

*"Retired or former law-enforcement officer" means any person who was employed as a law-enforcement officer as that term is defined in § 9.1-101; has retired from law enforcement or has ended his service as a law-enforcement officer; and is in good standing with no pending investigations or disciplinary actions.*

G. No provision of this section shall apply to lists of registered voters and persons who voted, voter registration records, or lists of absentee voters prepared or provided under Title 24.2.

# MISCELLANEOUS – SUMMARY ONLY

**HB 1692 – §53.1-231 – Virginia Parole Board; investigation of cases for executive clemency**. Requires all public bodies engaged in criminal law-enforcement activities to provide, to the extent permitted by law, copies of certain specified records upon request by the Virginia Parole Board related to cases in which executive clemency is sought or the Virginia Parole Board believes action on the part of the Governor is proper or in the best interest of the Commonwealth. The bill specifies that records of any general district court, juvenile and domestic relations district court, or circuit court and the Department of Forensic Science shall be subject to such provisions and that any records requested shall be provided to the Virginia Parole Board at no cost. The bill requires any requested records be provided within 30 working days of receiving the request. Additionally, the bill specifies that records obtained pursuant to such request shall be excluded from mandatory public disclosure in the same manner as the correspondence and working papers of the Office of the Governor under the Virginia Freedom of Information Act.

**HB 1568 – §17.1-515.6 – Law-enforcement jurisdiction; Frederick County.** Provides that the Frederick County Sheriff's Department shall have, concurrently with the City of Winchester Police Department, jurisdiction to arrest perpetrators of all offenses committed in or upon the premises, buildings, rooms, or offices of the Joint Judicial Center or any other building located in the City of Winchester that is owned or occupied by Frederick County. Current law provides such jurisdiction only at the Joint Judicial Center located in the City of Winchester.

**HB 2105 – §53.1-116.2:1 – Regional correctional facilities; investigation of acts of violence; report to law-enforcement agency; policies.** Requires the jail superintendent of any regional correctional facility to promptly report to the primary local law-enforcement agency in the jurisdiction where such facility is located or to the Department of State Police any act of violence that occurs within such correctional facility. The bill also requires each regional correctional facility to adopt a policy setting forth the procedures for the investigation of such acts of violence and the respective roles and responsibilities of the jail superintendent of such correctional facility and the law-enforcement agency to which such report is made. The bill requires each regional correctional facility to provide a copy of such policy to the State Board of Local and Regional Jails prior to January 1 each year, beginning on January 1, 2026.

**HB 2130 – §§16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 – Juvenile respondent in protective order proceeding; certain orders.** Provides that a court may, upon its own motion or the motion of an attorney or guardian ad litem representing a juvenile respondent in a protective order proceeding, enter an order that requires the local board of social services to provide services to the child and family.

**HB 2260 – §§54.1-3446 and 54.1-3452 – Child in need of services; definition**. Expands the definition of a "child in need of services" for purposes of juvenile and domestic relations district courts to include a child who remains away from, deserts, or abandons his family or lawful custodian during one occasion and is demonstratively at risk of coercion, exploitation, abuse, or manipulation or has been lured from his parent or lawful custodian by means of trickery or misrepresentation or under false pretenses.

**HB 2322 – §19.2-160.1 – Appointment of counsel for accused; felonies punishable by a mandatory minimum term of confinement for life.** Provides that in any case in which an indigent defendant is charged with any felony punishable by a mandatory minimum term of confinement for life, the court shall appoint to represent the defendant two competent, qualified, and experienced attorneys, one of whom shall be from the public defender office if the defendant is charged in a jurisdiction in which a public defender office is established. The bill preserves the requirement under current law for the court to appoint two such attorneys in cases in which an indigent defendant is charged with a Class 1 felony**.**

**SB 1291 – §16.1-77 – General district courts; jurisdictional limits.** Increases from $25,000 to $50,000 the maximum civil jurisdictional limit of general district courts for all civil actions. Under current law, only civil

actions for personal injury or wrongful death have a maximum jurisdictional limit of $50,000. This bill is a recommendation of the Boyd-Graves Conference.

**HB 2472 and SB 1261 – §16.1-299 – Fingerprints, palm prints, and photographs of juveniles.** Requires law-enforcement officers to obtain, electronically when possible, fingerprints, palm prints with accompanying distal prints, if available, and photographs of any juvenile taken into custody and charged with a delinquent act. The bill also requires such fingerprints, palm prints, or photographs to be both filed with the Central Criminal Records Exchange and submitted electronically, when possible, to the State Police to be maintained in a confidential and secure area within the system in which the record is maintained that is inaccessible during routine use of such system. The bill further requires any electronic record of such fingerprints, palm prints, or photographs to be destroyed as soon as possible after the State Police have been notified that a petition or warrant has not been filed against the juvenile. The bill has a delayed effective date of July 1, 2026. This bill is identical to SB 1261.

**HB 2642 – §§27-95 and 27-97 – Statewide Fire Prevention Code Act; counterfeit and unsafe lighters prohibited.** Prohibits the offering or sale to the public of unsafe lighters or counterfeit lighters, defined in the bill, regardless of whether such offering or sale is conducted on a retail basis or wholesale basis**.**

**HB 2689 – §20-24 – Penalty for failure to certify record of marriage; persons other than ministers**. Provides that persons other than ministers authorized to celebrate the rites of marriage are subject to a $25 penalty for failing to certify the record of marriage. Under current law, such penalty is applicable only to ministers authorized to celebrate such rites of marriage.

**HB 1728 – §18.2-67.9 – Child victims and witnesses using two-way closed-circuit television or other securely encrypted two-way audio and video technology; standard.** Allows the court to order that the testimony of a child be taken by two-way closed-circuit television or other securely encrypted two-way audio and video technology if it finds that the child is unavailable to testify in open court in the presence of the defendant, the jury, the judge, and the public if the court finds, by clear and convincing evidence, based upon expert opinion testimony, that the child will suffer at least moderate emotional trauma that is more than nervousness or excitement or some reluctance to testify as a result of testifying in the defendant's presence and not in the courtroom generally where such trauma would impair the child's ability to communicate.

Under current law, the court may order such testimony be taken by two-way closed-circuit television if it finds that (i) the child has a substantial inability to communicate about the offense or (ii) there is a substantial likelihood, based upon expert opinion testimony, that the child will suffer severe emotional trauma from so testifying.

The bill also extends the application window for the party seeking such order from seven to 14 days before the trial date or such other preliminary proceeding to which such order is to apply.

**HB 1895 and SB 1094 – §37.2-809 – Involuntary temporary detention orders; definition of "psychiatric emergency department."** Amends the definition of "psychiatric emergency department" as it relates to involuntary temporary detention orders to remove the requirement that a psychiatric emergency department be located adjacent to a facility licensed by the Department of Behavioral Health and Developmental Services and to add requirements that a psychiatric emergency department (i) be licensed by either the Department of Behavioral Health and Developmental Services or the Department of Health and (ii) provide that at least one physician who is primarily responsible for the emergency department be on duty and physically present at all times that the hospital is operating as an emergency service. This bill applies to hospitals with a psychiatric emergency department located in the City of Hampton for the purpose of employing certain trained individuals to perform evaluations to determine whether a person meets the criteria for temporary detention for behavioral health treatment and has an expiration date of July 1, 2026, and is identical to SB 1094.

**HB 2058 and SB 811 – §4.1-212.1 – Alcoholic beverage control; delivery of mixed beverages; repeal.** Clarifies that under current law, mixed beverage restaurant and limited mixed beverage restaurant

licensees may sell for off-premises consumption or deliver up to two mixed beverages per meal served, but shall in no event sell for off-premises consumption or deliver more than four mixed beverages at any one time. The bill also provides clarification as to where delivery of such mixed beverages may be made. The bill maintains alcoholic beverage control third-party delivery licenses by eliminating the repeal of such licenses that is set to go into effect July 1, 2026. This bill is identical to SB 811.

**HB 2063 – §§19.2-83.1, 19.2-291.1, 19.2-299.3, and 22.1-279.8 – Reports of certain arrests and convictions of school employees; timing; method**. Removes the requirement to report certain arrests and convictions of school employees enumerated in law via fax to the fax number identified for the division superintendent or the designated division safety official, as the case may be. However, the requirements in current law to make such reports via certified mail and email are preserved.

**HB 2435 – §9.1-102 – Model policy for law-enforcement officer investigating overdose; notification to prescriber.** Requires the Department of Criminal Justice Services to establish a model policy for best practices for law-enforcement officers responding to or investigating an overdose to notify the prescriber of any controlled substance found to be in the possession of or ingested by the victim that such prescription was involved in an overdose.

**HB 2595 and SB 1389 – §58.1-339.14 – Firearm safety device tax credit; definitions.** Redefines an "eligible transaction" for purposes of the firearm safety device tax credit as one in which a taxpayer purchases one or more firearm safety devices from a commercial retailer, as defined in the bill. Current law defines "eligible transaction" as one in which a taxpayer purchases one or more firearm safety devices from a federally licensed dealer. The provisions of the bill apply to taxable years beginning on and after January 1, 2025. This bill incorporates HB 1581 and is identical to SB 1389.

**HB 2652 – §§16.1-135, 19.2-125, and 19.2-319 – Bail and recognizance; appeal of conviction**. Provides that the court shall not require any new bond for the release of a person who has been convicted of an offense in a district court and has noted an appeal.

**HB 1283 – §§2.2-1837, 2.2-3703, 8.01-195.10, 8.01-690, 19.2-353.5, 53.1-1, 53.1-31.1, 53.1-71.1, 53.1-71.2, 53.1-71.4, 53.1-71.5, 53.1-261, 53.1-262, 53.1-263, 53.1-265, and 53.1-266 – Corrections Private Management Act; name change; private management prohibited.** Removes the authority of the Director of the Department of Corrections, pursuant to the Corrections Private Management Act (the Act), or a regional jail authority to enter into contracts with contractors for the operation of prison facilities or regional jails, including management, custody of inmates, and provision of security, unless approved by the General Assembly. The bill does not affect the Director's authority pursuant to the Act, renamed by the bill as the Corrections Private Services Act, or a regional jail authority's ability to enter into private contracts for other correctional services, including those related to food service, medical care, transportation, sanitation, information systems, education and training programs, recreational or religious activities, financing, construction, or maintenance. The bill also removes provisions stating that (i) a site proposed by a contractor for the construction of a prison facility shall not be subject to certain approval procedures and (ii) no construction and operation of a private correctional facility shall be entered into nor shall any funds be expended for the contract unless the local governing body consents to the siting and construction of such facility within the bounds of the locality.

**HB 2599 – §16.1-69.35:3 – Chief judges; designation of cases to be heard in the Twelfth Judicial District.** Allows the chief judges of the Twelfth Judicial District General District Court and Juvenile and Domestic Relations District Court to designate by order cases to be heard in courtrooms in the Colonial Heights General District Court or Juvenile and Domestic Relations District Court whose proper, preferred, or permissible venue is laid in Chesterfield County. The bill provides that such designations made by order shall not be subject to objection. Additionally, the bill provides that its provisions shall supersede all other provisions outside the bill related to the venue of cases to be heard in general district court or juvenile and domestic relations district court. The bill also prohibits such use of the City of Colonial Heights courtrooms until the city manager of Colonial Heights and the county supervisor of Chesterfield County have executed a memorandum of understanding detailing the terms and conditions of the use of such courtrooms. The provisions of this bill shall expire at such time that the Twelfth Judicial District General District Court and Juvenile and Domestic Relations District Court

courthouse buildings located in Chesterfield County are expanded or otherwise redesigned to suitably accommodate the office and courtroom space for an additional judge and additional administrative staff.

**HB 2313 and SB 1051 – §1 – Grooming and boarding establishments; inspections by animal control officers.** Allows an animal control officer to inspect a grooming or boarding establishment that is not regulated by the Board of Veterinary Medicine with the consent of the owner or person in charge or pursuant to a warrant upon a receipt of a complaint or twice annually upon their own motion to ensure compliance with state animal care laws and regulations. The bill requires an animal control officer, a law-enforcement officer, or the State Veterinarian to obtain the consent of the owner or person in charge of any business premises of any dealer, pet shop, groomer, or boarding establishment to investigate allegations of a complaint of a suspected violation of state or local animal care laws. Current law does not require such consent to investigate allegations of a complaint. The bill allows an animal control officer to search a building or place pursuant to a warrant after making a sworn statement regarding any potential violations of the cruelty to animals laws. Current law only allows a sheriff, deputy sheriff, or police officer to conduct such a search. The bill also directs the Department of Agriculture and Consumer Services to, in consultation with the State Veterinarian, convene a work group to consider whether to propose a state license and other regulatory requirements for animal boarding establishments similar to the current licensing requirements for animal shelters and submit its report of such findings and recommendations by December 1, 2026. This bill is identical to SB 1051.

**HB 1553 and SB 896 – §17.1-407 – Court of Appeals; procedure on appeal; criminal cases.** Removes the requirement that a copy of a notice of appeal to the Court of Appeals in a criminal case be mailed or delivered to the Attorney General. This bill is identical to SB 896.

**HB 2236 – §19.2-390.01 – Use of Virginia crime code in documents for jailable offenses; Virginia Criminal Sentencing Commission**. Provides that the Virginia Criminal Sentencing Commission shall develop, maintain, and modify the Virginia crime codes used in documents for jailable offenses as may be deemed necessary. This bill is a recommendation of the Virginia Criminal Sentencing Commission.

**HB 2242 – §53.1-149 – Arrest of probationer without a warrant; timeframe for service of process.** Provides that upon the arrest of a probationer, the probation officer shall forthwith, but in all cases no later than three business days after the arrest of the probationer, (i) submit a copy of any written statement alleging a violation of the terms and conditions of parole or probation, including all relevant case numbers, to the local attorney for the Commonwealth and the clerk of court for the circuit court responsible for supervision of the probationer and advise such persons of his arrest and (ii) request the circuit court of the sentencing jurisdiction to promptly issue a capias or bench warrant for the alleged violation contained in the written statement.

**HB 2723 and SB 1466 – §§2.2-3706, 2.2-3706.1, 9.1-101, 9.1-128, 17.1-293.1, 17.1-502, 19.2-310.7, 19.2-392.2, 19.2-392.5 through 19.2-392.8, 19.2-392.11 through 19.2-392.14, 19.2-392.16, 19.2-392.17, 19.2-392.6:1, and 19.2-392.12:1 – Criminal records; expungement and sealing of records.** Amends numerous statutes related to the expungement and sealing of criminal records that are scheduled to become effective on July 1, 2025. In addition, the bill requires (i) the Department of State Police to develop a secure portal for the purpose of allowing government agencies to determine whether a record has been sealed prior to responding to a request pursuant to current law by October 1, 2026; (ii) the Virginia Indigent Defense Commission to (a) educate and provide support to public defenders and certified court-appointed counsel on expungement and sealing, (b) conduct trainings on expungement and sealing across the Commonwealth, (c) develop a library of resources on expungement and sealing for use by public defenders and court-appointed counsel, and (d) post information regarding expungement and sealing for use by the public on its website; and (iii) the Department of State Police, Department of Motor Vehicles, Office of the Executive Secretary of the Supreme Court of Virginia, and clerk of any circuit court to provide data and information on sealing upon request of the Virginia State Crime Commission for purposes of monitoring and evaluating the implementation and impact of the sealing processes. The bill also directs (1) the Office of the Executive Secretary of the Supreme Court of Virginia to collect data related to petitions filed pursuant to relevant law, (2) the Virginia State Crime Commission to analyze data and information collected on automatic and petition sealing and report to the General Assembly by the first day of the 2026 Regular Session, and (3) the Virginia State Crime Commission to continue its study on the sealing of criminal records and report its work to the General Assembly by the first day of the 2026 Regular Session.

The bill repeals the Sealing Fee Fund and directs any money in such Fund to be reverted to the general fund. The bill contains a delayed effective date of July 1, 2026, for the provisions related to the sealing of former possession of marijuana offenses without entry of a court order and the sealing of charges and convictions related to automatic sealing and such petitions. Lastly, the bill delays the repeal of the relevant law related to marijuana possession, limits on dissemination of criminal history record information, and prohibited practices by employers, educational institutions, and state and local governments until January 1, 2026. As introduced, this bill was a recommendation of the Virginia State Crime Commission. This bill is identical to SB 1466.

**SB 844 – §9.1-904 – Sex Offender and Crimes Against Minors Registry; registration intervals for Tier I and Tier II offenses.** Requires any person who is required to register with the Sex Offender and Crimes Against Minors Registry and who is convicted of a Tier I or Tier II offense to register yearly. The bill also requires any person convicted of providing false information or failing to provide registration information where such person was included on the Registry for a Tier I or Tier II offense to register twice a year.

**SB 956 – §19.2-388 – Department of State Police; Central Criminal Records Exchange; removal of certain reporting requirements.** Removes the requirement that the Central Criminal Records Exchange report to the Governor and General Assembly on or before November 1 of each year on the status of unapplied criminal history record information and any updates to fingerprinting policies and procedures.

**SB 1420 – §19.2-386.14 – Forfeited assets; law enforcement use.** Provides that a state or local agency that receives a forfeited asset or an equitable share of the net proceeds of a forfeited asset from the Department of Criminal Justice Services may use such proceeds for equipment and training for law-enforcement officers. The bill also provides that such forfeited property or proceeds shall only be used by law enforcement in the course of employment and in the performance of their official duties and not for personal use.

**HB 2222 and SB 1255– §16.1-276.4 – Use of restraints on juveniles in court prohibited; exceptions.** Prohibits the use of instruments of restraint, as defined in the bill, on a juvenile appearing before the juvenile and domestic relations district court unless, upon motion of the attorney for the Commonwealth or on the court's own motion sua sponte, the court makes a finding that (i) the use of such restraints is necessary (a) to prevent physical harm to such juvenile or another person, (b) because such juvenile has a history of disruptive courtroom behavior that has placed others in potentially harmful situations or presents a substantial threat of serious harm to himself or others as evidenced by recent behavior, or (c) because such juvenile presents a substantial risk of flight from the courtroom and (ii) there are no less restrictive alternatives to such restraints that will prevent flight of or harm to such juvenile or another person, including court personnel or law-enforcement officers. The bill provides that the juvenile shall be entitled to an attorney prior to a hearing on the use of instruments of restraint. The bill also requires the court to provide the juvenile's attorney an opportunity to be heard before the court orders the use of instruments of restraint, and the juvenile's attorney may waive the juvenile's appearance at such hearing. Lastly, the bill requires the court, if such restraints are ordered, to communicate to the parties the basis of the decision either orally or in writing. This bill is identical to SB 1255.

**HB 1712 and SB 1194 – §§9.1-102 and 19.2-81.3 – Department of Criminal Justice Services; training on certain arrests**. Requires the Department of Criminal Justice Services to establish a training curriculum for law-enforcement agencies, law-enforcement officers, and special conservators of the peace on the discretion such officers can exercise regarding certain arrests. The bill requires that such training include (i) instruction on the scope and nature of law-enforcement officer discretion in arrest decisions, with particular emphasis on encounters with individuals experiencing a mental health crisis, including individuals currently subject to an emergency custody order, a temporary detention order, or an involuntary admission order, and (ii) instruction on the immediate and long-term effects of arrests on individuals in need of mental health services due to a mental health crisis, including impacts on treatment outcomes as identified in substantially accepted peer-reviewed research literature by July 1, 2027. The bill requires any person employed as a law-enforcement officer prior to July 1, 2027, to review any course material or course criteria related to such curriculum by January 1, 2028, and any person employed as a law-enforcement officer after July 1, 2027, to review any course material or course criteria related to such curriculum within one year of his date of hire.

Lastly, the bill directs the Criminal Justice Services Board to promulgate regulations pursuant to relevant law

requiring special conservators of the peace to review any course material or course criteria related to such curriculum established by the bill by July 1, 2027. The bill requires any person applying for an initial or renewal registration as a special conservator of the peace on or after July 1, 2027 to review any course material or course criteria related to such curriculum as part of his compulsory training standards.

As introduced, this bill was a recommendation of the Behavioral Health Commission. This bill is identical to SB 1194.

**HB 1611 and SB 1014– §2.2-1214 – Department of Human Resource Management; hiring on the basis of direct experience.** Prohibits any state agency from requiring as a condition of eligibility for hire to a position in state employment that an applicant have a baccalaureate degree. The bill provides an exception to such prohibition if the knowledge, skills, or abilities required for the position for which an applicant is applying can only reasonably be obtained, as determined by the appointing authority, through a course of study in pursuit of, and culminating in the award of, a baccalaureate degree. This bill is identical to SB 1014.

**SB 965 – §16.1-69.35:2 – Recording of proceedings in district courts.** Allows an audio recording of proceedings in a district court, which includes both general district court and juvenile and domestic relations district court, to be made by a party or his counsel. Under current law, such recordings are only allowed in a general district court.

Additionally, the bill (i) allows the judge of a juvenile and domestic relations district court to impose any restriction as necessary to comply with the confidentiality requirements applicable to such district court and (ii) prohibits the judge of a district court from (a) ordering or requiring a party or his counsel to submit a copy of such audio recording or transcript of such recording to the clerk of a district court to be maintained in such party's individual case file or (b) prohibiting a party or his counsel from providing such copy or transcript to the opposing party or his counsel.

**HB 2088 and SB 1041 – §§9.1-191, 19.2-11.5, 19.2-368.3, 19.2-11.6:1, and 32.1-162.15:12 – Virginia Forensic Nursing Advisory Council established; sexual assault forensic examiners; physical evidence recovery kits; report.** Establishes the Virginia Forensic Nursing Advisory Council (the Council), which consists of five members appointed by the Governor, each of whom shall have expertise in forensic examination of sexual assault victims and shall currently reside and practice in the Commonwealth. The Council shall review and make recommendations as necessary to the Board of Health with support from the Coordinator of the Virginia Sexual Assault Forensic Examiner Coordination Program concerning (i) criteria to become a sexual assault forensic examiner, (ii) the process for certification as a sexual assault forensic examiner, (iii) the curriculum and training program of an entity seeking approval to train sexual assault forensic examiners, (iv) qualifications of prospective sexual assault forensic examiners, and (v) strategies for expanding access to sexual assault forensic examiners. The bill requires the Council to report, at least annually, to the General Assembly regarding the status of sexual assault forensics in the Commonwealth, including any recommendations to improve the quality of such services. The bill also amends provisions of law related to physical evidence recovery kits. This bill is identical to SB 1041.

**HB 1627 and SB 1193 – §19.2-389 – Dissemination of criminal history record information.** Requires an attorney for the Commonwealth to provide a physical or electronic copy of a person's criminal history record information, including criminal history record information maintained in the National Crime Information Center and the Interstate Identification Index System that is in his possession, pursuant to the rules of court for obtaining discovery or for review by the court. The bill also provides that no criminal history record information provided shall be disseminated further.

Current law provides that nothing shall preclude the dissemination of a person's criminal history record information pursuant to such rules of court but does not require the attorney for the Commonwealth to provide the copy nor identify specific types of information. As introduced, this bill was a recommendation of the Virginia Indigent Defense Commission. This bill incorporates HB 2314 and is identical to SB 1193.

**HB 1661 – §19.2-354.1 – Deferred or installment payment agreements; minimum payments**. Provides that if the defendant requests to enter into an installment agreement, the court may offer installment payments of (i) $25 per month, or a higher amount, depending upon a defendant's ability to pay or (ii) less than $25 per month if the defendant is determined to be indigent.

**SB 838 – §37.2-431. 1 – Department of Behavioral Health and Developmental Services; recovery residences; certification required; penalty; work group.** Changes the existing civil penalty for a violation of law related to the operation of recovery residences to a Class 1 misdemeanor. The bill allows the Department of Behavioral Health and Developmental Services to issue conditional certification to certain recovery residences. The bill also directs the Secretary of Health and Human Resources to convene a work group to (i) make recommendations related to oversight and transparency for recovery residences and (ii) develop credentialing guidelines for recovery residences. The bill directs the work group to report its findings and recommendations to the General Assembly by November 1, 2025.