

# 2015 Bills of Interest

Passed or Considered  
by the  
2015 Session  
of the  
General Assembly of Virginia

Legislative Update Panel

from the Senate of Virginia  
The Honorable A. Donald McEachin  
The Honorable Mark D. Obenshain

from the House of Delegates  
The Honorable Gregory D. Habeeb  
The Honorable Scott A. Surovell



Virginia Trial Lawyers Association  
56<sup>th</sup> Annual Convention  
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**2015 VTLA BILLS OF INTEREST**  
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### CIVIL LAW

**HB 1350 Personal injury or wrongful death action; appointment of administrator.**

Imposes a minimum interval of 60 days between a person's death and a circuit court clerk's appointment of an administrator for prosecution of a personal injury or wrongful death action against or on behalf of the decedent, when an executor or administrator of the estate has not been appointed.

PASSED

**HB 1367 Temporary injunction; affidavit or verified pleading.** Provides that an application for a temporary injunction may be supported or opposed by an affidavit or verified pleading.

PASSED

**SB 761 Personal injury and wrongful death actions; disclosure of address of insured person.** Requires an insurance company to disclose the address of an alleged tortfeasor upon request of an injured person, personal representative, or attorney in a cause of action for personal injury or wrongful death due to a motor vehicle accident, if such address has not previously been disclosed. The bill also provides that if the alleged tortfeasor has insurance coverage from a self-insured locality for a

motor vehicle accident and the locality is authorized by the alleged tortfeasor to accept service of process, the locality may instead disclose the insured's work address and the name and address of the person who shall accept service of process on behalf of the alleged tortfeasor.

PASSED

**HB 1476/SB 861 Nurse practitioners.** Allows a nurse practitioner to testify as an expert witness in a court of law on certain matters within the scope of his activities and adds nurse practitioner to the definition of "health care provider" under the medical malpractice statutes.

PASSED

**SB 814 / HB 1562 Electronic identity management; standards; liability.** Creates the Identity Management Standards Advisory Council to advise the Secretaries of Technology and Transportation on the adoption of technical and data standards regarding the verification and authentication of identity in digital and online transactions. The bill establishes in the Code of Virginia the concept of an identity trust framework operator, an entity that establishes rules and policies for identity providers operating within the

framework and issues electronic trustmarks to such providers signifying compliance with the rules and policies of that trust framework. The bill also establishes limitation on liability for providers that adhere to the adopted standards, applicable contract terms, and the rules and policies of the identity trust framework provider, absent gross negligence or willful misconduct.

PASSED

**HB 1513 Jail authorities; sovereign immunity.** Provides that regional jail authorities enjoy sovereign immunity in the performance of government functions.

FAILED

**SB 832 Taking blood samples pursuant to search warrant; qualified**

**immunity.** Provides that no cause of action shall lie in any court against any person authorized by law to withdraw blood pursuant to a search warrant issued in accordance with § 19.2-53 when that person is acting in accordance with such warrant, except in cases of negligence in the withdrawing of blood or willful misconduct.

PASSED

**SB 845 Immunity for volunteer first responders en route to an emergency.**

Provides that no volunteer firefighter or volunteer emergency services personnel shall be liable for any injury to persons or property arising out of the operation of an emergency vehicle when such volunteer is en route to respond to a fire or to render emergency care or assistance to any ill or injured person at the scene of an accident, fire, or life-threatening emergency and the emergency vehicle displays warning lights and sounds a siren, exhaust whistle, or air

horn, unless such injury results from gross negligence or willful or wanton misconduct.

PASSED

**SB 860 Satisfaction of judgment required to be noted by creditor.** Requires a creditor to note satisfaction of a judgment only when it has been fully paid.

PASSED

**HB 1609 Severability.** Removes severability clauses by repeal or amendment throughout the Code pursuant to the general severability clause, § 1-243. Severability clauses currently found in the Code are inconsistent and misleading and create the assumption that other sections of the Code are not severable. Severability sections applying outside of the Code, for example to administrative regulations and interstate compacts, are maintained.

PASSED

**HB 1610 Punitive or exemplary damages.** Provides consistency by changing references to "exemplary damages" or "punitive or exemplary damages" to "punitive damages." The terms "exemplary" and "punitive" are interchangeable.

PASSED

**HB 1635 Defamation; statute of limitations.**

Provides that if a publisher of defamatory statements publishes anonymously or under a false identity on the Internet, an action may be filed and the statute of limitations shall be tolled until the identity of the publisher is discovered or, by the exercise of due diligence, reasonably should have been discovered.

PASSED

**HB 1693 Civil admission process; alternative transportation.** Provides that a magistrate may authorize alternative transportation for a person subject to an emergency custody order or temporary detention order when there exists a substantial likelihood that the person will cause serious physical harm to himself or others. Current law prohibits the use of alternative transportation when there exists a substantial likelihood that the person will cause serious physical harm to himself or others. The bill also provides liability protection for alternative transportation providers.  
**PASSED**

**HB 1748 Accident reports maintained by DMV.** Grants next of kin of any person injured or killed in an accident, except for minors, access to reports of the accident maintained by DMV. Access to reports of accidents involving a minor is only available to the minor's parent or guardian.  
**PASSED**

**HB 1764 Dissemination, etc., of criminal history record; civil action.** Provides that a person who disseminates, publishes, or maintains the criminal history record information of an individual pertaining to that individual's charge or arrest for a criminal offense; and solicits, requests, or accepts money or other thing of value for removing such criminal history record information shall be liable to the individual who is the subject of the information for actual damages or \$500, whichever is greater, in addition to reasonable attorney fees and costs. The bill specifies that liability is not imposed on an interactive computer service for content provided by another person or for any speech protected by the Constitution Virginia.  
**PASSED**

**HB 1765 Civil liability; sheriff.** Provides that a sheriff shall not be liable for civil damages resulting from any act or omission by a deputy sheriff in the performance of his duties as a deputy sheriff.  
**FAILED**

**HB 1767 Unlawful detainer proceedings; satisfaction of judgments.** Provides that in an unlawful detainer proceeding in which the defendant fails to appear, the plaintiff may submit evidence of outstanding rent and other damages by affidavit or sworn testimony. The bill also provides that if a lease requires rent to be due on the first of the month in advance for the entire month, the amount due at the date of the hearing shall include rent for the entire month, if so requested by the plaintiff. The bill further requires a creditor to note satisfaction of a judgment only when it has been fully paid.  
**PASSED**

**HB 1862 Wrongful death action; distribution of award.** Provides that if a person dies testate and a wrongful death action is filed following the death of such person, the court may consider the beneficiaries designated in the will when determining the distribution of damages.  
**FAILED**

**SB 938 Fire services and emergency medical services.** Revises terminology related to fire services and emergency medical services and reorganizes provisions governing fire services and emergency medical services. The bill also contains technical amendments.  
**PASSED**

**SB 1064 Administration of estates; liability of heir or devisee for real estate conveyed.**

Provides that real estate sold or conveyed as part of a decedent's estate is not liable to persons entitled to be paid out of such real estate if the sale was made more than one year after the death of the decedent, the conveyance was bona fide, and no debts or demands report has been filed prior to the sale. The bill returns the law to its state prior to the recodification of Title 64.1 in 2012.

PASSED

**HB 2016 / SB 963 Action for personal injury or wrongful death; appointment of administrator.**

Provides that when a fiduciary qualifies for the sole purpose of prosecuting or defending a personal injury or wrongful death action, the court in which the fiduciary qualifies or the commissioner of accounts for such court may exempt the fiduciary from filing further accounts where the fiduciary is not administering any funds and has no power of sale over any real estate the decedent owned. The bill also provides that when an administrator is appointed solely to prosecute or defend a personal injury or wrongful death action, the administrator is qualified to prosecute both types of actions.

PASSED

**HB 2048 Payment of funds into circuit court.**

Provides that where judgment is taken in the circuit court, upon motion of a party for good cause shown, the court may enter an order directing the clerk to hold certain funds. The bill further provides that where judgment is taken in the general district court, upon motion of a party for good cause shown, the general district court judge may enter an order directing the clerk of the general district court to

hold such funds for a period not to exceed 180 days to enable such party to file a petition requesting that such funds be received and held by the clerk of the circuit court. If an order directing the clerk of the general district court to transfer funds to the clerk of the circuit court is not received within 180 days, the clerk of the general district court may disburse the funds to the plaintiff.

PASSED

**HB 2082 Civil immunity for rendering emergency care; forcible entry of motor vehicle to remove a minor.**

Provides that the civil immunity granted for rendering emergency care or assistance includes the forcible entry of a motor vehicle to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, a firefighter, emergency medical services personnel, or an emergency 911 system prior to such entry, if feasible under the circumstances.

PASSED

**SB 1357 Servicemembers Civil Relief Act; duty of counsel to exercise due diligence in representation of a servicemember.**

Requires any counsel appointed to represent a defendant pursuant to the Service-members Civil Relief Act (SCRA) to exercise due diligence to faithfully represent the interest of the servicemember, to locate and communicate with the servicemember, to conduct an investigation of the reasonably discoverable facts in the case, to determine whether or not the servicemember has a defense to any of the allegations in the suit, and to present that information to the court. The bill also requires the plaintiff in a case in which counsel has been appointed under

the SCRA to represent a defendant to promptly deliver all discoverable electronic and print files to the appointed counsel upon request. The bill further provides that counsel appointed pursuant to the Service members Civil Relief Act shall not be selected by the plaintiff or counsel for the

plaintiff or have any affiliation with the plaintiff.

FAILED

**HB 2360 Punitive damages cap.** Changes the punitive damages cap from \$350,000 to \$750,000.

FAILED



## MEDICAL MALPRACTICE LAW

**SB 718 Telemedicine; pilot program.** Directs the DOH, in partnership with a hospital licensed in the Commonwealth, to establish a three-year telemedicine pilot program designed to reduce patient use of emergency department facilities for the treatment of low-acuity conditions.  
FAILED

**HB 1413 Hospital discharge procedures; designation of individual to receive information and instructions.** Requires hospitals to provide each patient admitted as an inpatient or his legal guardian the opportunity to designate an individual who will care for or assist the patient in his residence following discharge from the hospital and to whom the hospital shall provide information regarding the patient's discharge plan and any follow-up care, treatment, and services that the patient may require.  
PASSED

**SB 750 Hospitals; required notice to patients.** Requires hospitals to provide oral and written notice with 24 hours to any patient that has been placed under observation or in any other outpatient status that he has been placed in such status if (i) the patient receives onsite services from the hospital and (ii) such onsite services include a hospital bed and meals that are provided in an area of the hospital other than the emergency department.  
PASSED

**HB 1432 Regulation of health care providers; prohibited acts; penalties.** Provides that any person who is licensed, registered, certified, or otherwise subject to the oversight of a health regulatory board who knowingly or intentionally makes any false statement or includes any false information in a patient's medical record is guilty of a Class 1 misdemeanor and that any individual who knowingly or intentionally makes a false statement or provides false information related to the subject of an investigation to investigative personnel of the DHP engaged in the investigation of a complaint is guilty of a Class 1 misdemeanor.  
FAILED

**SB 862/HB 1755 Medical malpractice proceedings; health care providers; expert testimony.** Provides that medical experts licensed in other states, but not in Virginia, are presumed to know the standard of care in Va., provided that they meet the educational and examination requirements for licensure in Va. The bill also extends this presumption to all health care providers who are licensed to practice in Va. Currently, such presumption is limited to physicians and nurses.  
PASSED

**HB 1660 Recognition of EMS Personnel Licensure Interstate Compact.** Creates the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact to (i) protect the public through verification of competency and ensuring of accountability for patient-care-related activities of licensed emergency medical services (EMS)

personnel,(ii) facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority, and (iii) authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state.

FAILED

**SB 944 Home health and hospice organizations; reporting requirements concerning health professionals.** Requires a director of a licensed home health organization, a director of a licensed hospice organization, and a director of an accredited home health organization exempt from licensure to report certain disciplinary actions against and certain disorders of health professionals to the Office of Licensure and Certification at DOH.

PASSED

**SB 1197 Stillbirths; data collection; policies.** Requires the Virginia Congenital Anomalies Reporting and Education System to collect data on stillbirths. The bill defines a stillbirth as an unintended, intrauterine fetal death occurring after a gestational period of 20 weeks. The bill also requires the BOH to adopt regulations that require any hospital that provides obstetrical services to establish policies to follow when a stillbirth occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations.

PASSED

**HB 2063 Telemedicine services; prescriptions.** Amends the definition of telemedicine services to encompass the use

of electronic technology or media, including interactive audio or video, for the purpose of diagnosing or treating a patient or consulting with other health care providers regarding a patient's diagnosis or treatment. The measure also provides that for the purpose of prescribing a Schedule VI controlled substance to a patient via telemedicine services, a prescriber may establish a bona fide practitioner-patient relationship by an examination through face-to-face interactive, two-way, real-time communications services or store-and-forward technologies when certain conditions are met.

PASSED

**HB 2200 Limitations on disclosure and use of health information.** Prohibits every agency of the Commonwealth or political subdivision of the Commonwealth from disclosing or using information contained in an individual's health record without the written consent of the individual and requires agencies of the Commonwealth or political subdivisions of the Commonwealth to provide to the individual, upon his request and without charge, an accounting of disclosures of health records made by the agency.

FAILED

**SB 1310 Practitioner-owned distributorships.** Prohibits a practitioner from using a medical device in the provision of services to a patient if the medical device was supplied directly or indirectly by a medical device distributor in which the practitioner or an immediate family member of the practitioner has a direct or indirect ownership interest if the services provided to the patient are paid for by the Commonwealth. The bill also provides certain exceptions to the prohibition.

FAILED

**SB 732/.HB 1750 Expanded access to investigational drugs, biological products, and devices.** Provides that a person who has a terminal condition shall be eligible for expanded access to an investigational drug, biological product, or device when (i) no comparable or satisfactory alternative treatment options approved by the U.S. FDA are available to treat his terminal condition; (ii) the potential benefits of the use of the investigational drug, biological product, or device outweigh the risks of use of the investigational drug, biological product, or device; (iii) his treating physician has recommended use of the investigational drug, biological product, or device; and (iv) the person or his legally authorized representative or his parent or legal guardian has provided informed written consent to use of the investigational drug, biological product, or device. The bill

also provides that a manufacturer may provide an investigational drug, biological product, or device for treatment of such eligible person's terminal condition and may do so free of charge or may require the person to pay costs associated with manufacture of the investigational drug, biological product, or device and that health insurance providers may, but are not required to, provide coverage for costs associated with use of the investigational drug, biological product, or device. The bill provides immunity from civil liability for health care providers who recommend an investigational drug, biological product, or device and for manufacturers of investigational drugs, biological products, or devices that make such drugs, products, or devices available to a person who meets the criteria set forth in the bill.

PASSED

## INSURANCE LAW

**HB 1771 Refusal of motor vehicle insurance claims; payment of uninsured and underinsured benefits.** Provides that an insured under an uninsured or underinsured motorist policy of insurance may bring an action against the insurance carrier for failing to consider in good faith an uninsured or underinsured claim, without first obtaining a judgment against the uninsured or underinsured defendant. An insured who brings such an action against an insurer is limited to a recovery of double the amount of the insured claim up to \$350,000 in excess of the amount otherwise due and payable, plus interest, and attorney fees and expenses.

FAILED

**HB 1819/SB1190 Motor vehicle liability insurance; underinsured motorist claims; settlement procedures; subrogation.** Establishes a procedure by which an injured person or personal representative may settle a claim with a liability insurer or insurers and the liability insurer's or insurers' insured for the available limits of the liability insurer's coverage without prejudice to any underinsured motorist benefits or claim. Upon payment of the liability insurer's available limits, the liability insurer has no further duties to its insured and the underinsured motorist benefits insurer shall have no right of subrogation or

claim against the underinsured motorist. However, if the underinsured motorist unreasonably fails to cooperate with the underinsured motorist benefits insurer in the defense of any lawsuit brought by the injured person or their personal representative, he may again be subjected to a claim for subrogation by the underinsured motorist benefits insurer. The measure also provides that an insurer paying underinsured motorist benefits to an insured shall have no right of subrogation against any person who settled with the underinsured motorist benefits insurer's insured pursuant to this new procedure unless the underinsured motorist failed to reasonably cooperate in the defense of any lawsuit brought against him. The underinsured motorist benefits insurer is required to pay the reasonable costs and expenses related to procuring the insured's cooperation. If the underinsured motorist cooperates with the underinsured motorist benefits insurer, or if his failure to do so was not unreasonable, then the court may

award him his costs, including attorney fees, in defending the subrogation action. The provisions of the bill apply to policies issued or renewed on or after January 1, 2016.

**PASSED**

**HB 2086 Motor vehicle insurance; liability for damage to covered property.** Requires motor vehicle liability insurance policies to provide coverage for damage to covered property resulting from a collision in which the insured motor vehicle strikes covered property. Liability under this section shall not be conditioned upon negligence or recklessness in the operation of the insured motor vehicle. The measure also prohibits an insurer from denying a claim on grounds that the proximate cause of the collision was the negligent, reckless, or intentional act of any other person. The insurer may bring a subrogation action to enforce the legal liability of any other person or party.

**FAILED**

## WORKERS COMPENSATION LAW

**HB 1285 Workers' compensation; definition of employee; property owners' associations.** Amends the definition of employee within the Virginia Workers' Compensation Act to exclude noncompensated employees, directors, and executive officers of any entity that constitutes a property owners' association under the provisions of the Property Owners' Association Act.

**PASSED**

**SB 745/HB 1806 Workers' compensation; exclusion of certain truck owner-**

**operators.** Excludes any owner-operator of a motor vehicle that is leased with or to a common or contract carrier in the trucking industry from the definition of an employee for purposes of the Virginia Workers' Compensation Act, if certain conditions establish that the owner-operator is an independent contractor.

**PASSED**

**SB 770/ HB 1486 Workers' compensation; exclusivity of remedy.** Provides that if the Worker's Compensation Commission or a

court on appeal from the Commission makes a finding in an unappealed order based on an evidentiary hearing or a factual stipulation of the parties that the claim relating to an accident, injury, disease or death did not arise out of or in the course of the employee's employment, then that finding shall be res judicata between the parties and estop them from arguing before a court that the accident is barred by the exclusivity provisions of the Workers' Compensation Act. The bill further sets out the notice provisions required in order for the court finding to be res judicata.

PASSED

**HB 1681 Workplace safety; employer reporting requirements.** Requires employers to notify the Virginia Department of Labor and Industry of any work-related hospitalization, amputation, or loss of an eye. Existing law requires employers to report hospitalizations involving three or more employees and does not specifically address reporting an amputation or enucleation.

PASSED

**HB 1820 Workers' compensation; payment for medical services.** Requires the Virginia Workers' Compensation Commission to determine the number and geographic area of communities across the Commonwealth. The measure also requires the Commission shall convene a work group of stakeholder representatives of employers, health care service providers, claimants, and insurers to advise and assist the Commission in (i) reviewing, analyzing, and comparing information contained within and reports on all possible databases containing workers compensation or healthcare data for medical services rendered in Virginia, (ii) reviewing, analyzing, and comparing information contained within and reports on how similar databases are used for the establishment of the pecuniary liability of the employer in other states, and (iii) making findings or recommendations as to how the databases reviewed and the contents thereof may serve to enhance or replace Virginia's current mechanisms for establishing the pecuniary liability of the employer for medical services provided to an injured employee.

PASSED

## TRANSPORTATION NETWORK COMPANIES

**SB 1025/ HB 1662 Transportation network companies.** Establishes a process for the licensing of transportation network companies (TNCs) by the Department of Motor Vehicles (DMV), provided that TNCs comply with the requirements for licensure. The bill requires TNCs to screen drivers (TNC partners), ensure that all drivers are at least 21 years old and properly licensed to drive, and conduct background checks on all

drivers including a national criminal background check, a driving history report, and status on the state and national sex offender registries. The bill also requires that TNC partner vehicles be titled and registered personal vehicles; be insured; have a maximum seating capacity of no more than seven persons, excluding the driver; be registered with DMV for TNC use; and display TNC and DMV identification

markers. The bill further requires that TNC drivers be covered by a specific liability insurance policy and specifies the nature and limits of the insurance coverage. The bill also imposes several other operational requirements, including requirements that the TNC provide a credential to the driver and disclose information about the TNC partner and TNC policies to passengers. The

bill authorizes DMV to conduct periodic reviews of TNCs to confirm compliance and authorizes fees to cover DMV's costs of administering the program, an initial TNC license fee of \$100,000 and an annual license renewal fee of \$60,000. The bill requires DMV to review the fee structure and report by December 1, 2016.

PASSED

## CONSUMER LAW

### HB 1451 Landlord and tenant

**laws.** Provides that in cases of a change in use, the 120-day termination notice shall not be waived, except in the case of a tenancy from month to month, which may be terminated by the landlord by giving the tenant 30 days' written notice prior to the next rent due date of the landlord's intention to terminate the tenancy. The bill, among other things, (i) allows an owner, manager, or operator of a commercial or residential building or campground to include water, sewer, electrical, natural gas, or other utilities in the amount of rent or additional rent as specified in the rental agreement or lease; (ii) prohibits a landlord from photocopying a U.S. government-issued identification under certain circumstances; (iii) allows a landlord and a tenant to agree in a rental agreement that the tenant pay prepaid rent; and (iv) allows a landlord or managing agent to enter into an agreement with a third-party service provider to maintain tenant records in electronic form or other medium. In such case, the landlord and managing agent shall not be liable in the event of a breach of the electronic data of such third-party service

provider, except in the case of gross negligence or intentional act.

PASSED

**HB 1452 Landlord and tenant law; who may recover rent and possession.** Adds an employee who has proper written authorization by a manager, general partner, or trustee of a family trust to sign pleadings as the agent of the business entity to obtain a judgment for possession or for rent or damages.

PASSED

**HB 1454 Fair Housing Law; unlawful discrimination; sexual orientation; gender identity.** Adds discrimination based on sexual orientation or gender identity as an unlawful discriminatory housing practice. The bill defines "sexual orientation" and "gender identity."

FAILED

### SB 945 Payday loans; permitted

**interest.** Removes provisions of the Payday Loan Act that authorize lenders to charge a loan fee or verification fee, thereby limiting permissible charges on payday loans to interest at a maximum annual rate of 36 percent.

FAILED

**HB 1867 Virginia Residential Landlord and Tenant Act; visible mold**

**remediation.** Provides that where there is visible evidence of mold in a dwelling unit, the landlord shall promptly remediate the mold conditions in accordance with the requirements for visible mold remediation and reinspect the dwelling unit to confirm that there is no longer any visible evidence of mold in the dwelling unit. The bill requires the landlord to make available to the tenant copies of any available written information related to the remediation of mold.

PASSED

**HB 1905 Landlord and tenant law; retaliatory conduct by landlord.**

Removes the requirement in the Virginia Residential Landlord Tenant Act that the court determine that the "primary" reason for a landlord taking an action for possession or termination of a rental agreement is retaliation. The tenant continues to have the burden of proving retaliatory intent. The bill also adds in landlord and tenant law a provision prohibiting retaliatory conduct by the landlord.

PASSED

**HB 2108 Sale of recalled used motor vehicles; penalty.**

Prohibits dealer sales or offers for sale of used motor vehicles recalled by their manufacturers. A violation of the prohibition is a Class 1 misdemeanor.

FAILED

**HB 2145 Garage keepers' liens for vehicle storage, etc.** Removes the \$500 cap on liens for storage charges, extends from seven to 15 business days the amount of time a secured party has to reclaim his vehicle, and provides that the lienholder is responsible for towing and storage charges.

FAILED

**HB 2184/SB 1259 Salvage and rebuilt vehicles; penalty.** Enhances and clarifies certain requirements and practices relating to the licensing and activities of vehicle demolishers, rebuilders, salvage dealers, salvage pools, scrap metal processors, and vehicle removal operators.

PASSED

**SB 1430/HB 2342 Display of salvage license numbers.**

Prohibits advertising to the public the sale, transport, delivery, removal, or receipt of a salvage or nonrepairable vehicle, or the major component parts of such vehicle, unless the seller is a licensee or an exempt individual. The bill requires a licensee advertiser to display its salvage license number in such advertisement and to state in any such advertisement placed in a newspaper, online, or by other electronic means the company's name, address, and telephone number in addition to its salvage license number.

PASSED

## JUDGES & ADMINISTRATION OF JUSTICE

**HB 1984/SB 1196 Mandatory judicial retirement.**

Increases the mandatory retirement age under the Judicial

Retirement System from 70 years of age to 73 years of age. The provisions of this bill apply to justices of the Supreme Court of

Virginia and judges of the Court of Appeals of Virginia effective July 1, 2015 and only to those judges of the circuit, general district, and juvenile and domestic relations district courts who are elected or appointed to an original or subsequent term commencing on or after July 1, 2015.

PASSED

**SB 680 Magistrates; appointment and supervision.** Reinstates supervisory control over the magistrate system with the chief circuit court judge and the Committee on District Courts and abolishes magisterial regions. In 2008, appointment of and supervisory authority over magistrates was transferred to the Executive Secretary of the Virginia Supreme Court with a provision for consultation with the chief judges of the circuit courts in the region where the appointment is made.

FAILED

**HB 1282 Judges; limitation on election and appointment of judges.** Restricts the General Assembly from electing a person to a judgeship if the person is an immediate family member (spouse, parent, child, brother, or sister) of a (i) member of the General Assembly or (ii) former member of the General Assembly for at least 24 months after such member has ceased to be a member of the General Assembly.

FAILED

**HB 1780 Circuit court clerk responsibilities.** Revises certain circuit court clerk responsibilities, including (i) permitting the posting of notices on the circuit court clerk's website; (ii) clarifying that, if a name change is granted to a convicted sex offender, the clerk entering such order shall transmit a certified copy to any agency or department of the

Commonwealth that has issued a license using such person's changed name, if known to the court and identified in the court order; (iii) clarifying that the clerk of court is not required to enter partial satisfactions of each installment payment of court costs; and (iv) allowing the clerk of court to compel production of a will or require security.

PASSED

**SB 1067 Petition for attachment.** Removes judges from the list of persons before whom a petition for attachment shall be filed. The bill also adds magistrates to those who may receive payments for an attachment petition.

PASSED

**HB 2172 Courts of record; acceptability of electronic medium; submission of trial court record to appellate court.** Provides that any clerk of a circuit court with an electronic filing system that complies with the Rules of Supreme Court of Virginia may provide the trial court record in electronic form to the appropriate clerk of any appellate court and permits the use of a private vendor electronic filing system as long as such system is in compliance with the filing standards established by the Supreme Court of Virginia. The bill has a delayed effective date of January 1, 2016.

PASSED

**SB 1261 Judicial Nominations Commission; local judicial nomination committees.** Creates a 15-member statewide Judicial Nominations Commission (Commission), elected by the General Assembly, to recommend appellate judicial candidates to the General Assembly and the Governor.

FAILED



**HB 1506 Deferred and installment payments for fines, costs, etc.;** **posting.** Requires that the guidelines for conditions of all deferred or installment payment agreements for the payment of

court-ordered fines or other penalties be reduced to writing as well as posted in the clerk's office and on the court's website, if a website is available.  
**PASSED**

## DOMESTIC RELATIONS LAW

**HB 1397 Divorce; evidence by affidavit.** Provides that if a party has filed for divorce on fault grounds and moves pursuant to § 20-121.02 for a divorce on no-fault grounds without amending the pleadings, the party may submit to the court an affidavit in support of such no-fault grounds. The bill also clarifies that in order to file a divorce or annulment action in the Commonwealth, at least one of the parties to the action must have been for at least six months preceding the filing of the action an actual bona fide resident and domiciliary of the Commonwealth.  
**PASSED**

**SB 923/SB 957/HB 2383 Child support for disabled child over the age of 18 (Conner's Law).** Provides that a court may order child support for any child over the age of 18 who is severely and permanently mentally or physically disabled if such disability existed prior to the child's reaching the age of 18 or the age of 19 if the child was a full-time high school student, not self-supporting, and was living in the home of the parent seeking child support. Current requirements that the child also be unable to live independently, unable to support himself, and reside in the home of the parent seeking child support remain unchanged. The bill also provides that an individual who was denied such support

prior to July 1, 2015, is eligible to petition the court for support for a disabled child.  
**PASSED**

**SB 947 Foster care plan.** Removes the provision requiring that the Department of Social Services create a separate section within a foster care plan that describes the reasons why a child cannot be returned home and the alternative chosen and allows such information to be sent to foster parents.  
**PASSED**

**HB 1783 Child support; arrearage.** Allows the Department of Social Services to establish and operate an arrears compromise program pursuant to which it may compromise child support arrears and interest accrued thereon owed to the Commonwealth for reimbursement of public assistance paid.  
**PASSED**

**HB 1821 / SB 834 Post-adoption services.** Requires the State Registrar of Vital Records, when issuing a new certificate of birth pursuant to an adoption, to provide adoptive parents with a document listing all post-adoption services available to adoptive families. The bill requires the DSS to furnish this document to the State Registrar of Vital Records,

update the document annually, and make the document available on the Department's website.

PASSED

**HB 1951 Child support; proportionate share of health insurance**

**premiums.** Provides that only the proportionate share of a health insurance premium for a child who is the subject of a support order shall be added to the child support obligation. The bill provides that the cost per person is determined by subtracting the cost of individual coverage for the policy holder from the total cost of the coverage, and dividing the remainder by the number of remaining covered persons.

PASSED

**SB 1180 Custody and visitation agreements; best interests of the child.**

Requires the court to consider any history of abuse of persons other than family members when determining the best interests of the child for the purposes of custody and visitation arrangements. The bill removes the requirement that in order for a court, on the basis of certain offenses, to enjoin a parent from filing a custody or visitation petition, the victim of the offense must have been his child, a child with whom he resided at the time, or the other parent of the child.

FAILED

**HB 2014 Custody and visitation agreements; best interests of the child.**

Requires the court to consider any history of abuse of persons other than family members when determining the best interests of the child for the purposes of custody and visitation arrangements. The bill removes the requirement that in order for a court, on the basis of certain offenses,

to enjoin a parent from filing a custody or visitation petition, the victim of the offense must have been his child, a child with whom he resided at the time, or the other parent of the child.

FAILED

**HB 2015 Exemption from creditor process; bankruptcy proceedings.**

Makes several changes to articles that may be exempted from creditor process: (i) removes the one-gun limit, though the \$3,000 cap remains the same; (ii) removes the one-car limit, though the \$6,000 cap remains the same; (iii) allows those portions of a tax refund or governmental payment attributable to the federal Child Tax Credit or the Earned Income Credit to be exempted; (iv) allows unpaid spousal or child support to be exempted; and (v) extends the exemption from creditor process to spousal and child support, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

PASSED

**HB 2105 Denial of spousal support to spouses convicted of certain violations.**

Provides that a court shall not award spousal support to a spouse if such spouse was convicted of any violation of Article 4 (Assaults and Bodily Woundings) or Article 7 (Criminal Sexual Assault) of Chapter 4 of Article 18.2, provided that (i) such violation was against the spouse from whom support is being sought and (ii) the conviction occurred within the five-year period immediately preceding the filing of the petition for divorce or at any time thereafter, unless the spouse seeking support proves by a preponderance of the evidence that a denial of support would be unconscionable.

FAILED

**HB 2190 Child support; incarcerated obligor.** Provides that a court shall recalculate the child support obligation of an obligor who is incarcerated during the support period, the recalculation being retroactive to the date of incarceration. The bill also provides that prisoners are exempt from various fees and costs that may be collected by the Department of Social Services in enforcing support obligations. The bill further provides that reductions in the child support arrearages owed by prisoners be granted for timely payments of support.  
FAILED

**SB 1268 Adoption; child in custody of prospective adoptive parent(s) for five years or more.** Allows the juvenile and domestic relations district court to accept consent to a parental placement adoption without a home study and certain meeting

and counseling requirements if the child has been in the continuous legal and physical custody of the prospective adoptive parent(s) for five or more years.  
PASSED

**HB 1602 Proration of child support.** Clarifies that the Department of Social Services, in allocating child support payments received pursuant to one or more judicial or administrative orders, shall prorate payments on the basis of amounts due for current support and, upon satisfaction of all amounts due for current support, prorate the remainder on the basis of amounts due for accrued arrearages. The bill directs the Department to allocate payments received pursuant to federal tax refund offset pursuant to subsection h of 45 C.F.R. § 303.72.  
PASSED

## NURSING HOME LAW

**HB 1396 Board of Health and State Board of Social Services; staffing standards for nursing homes and assisted living facilities.** Directs the Board of Health and the State Board of Social Services to set staffing standards for nursing homes and assisted living facilities, respectively, which include staff-to-patient ratios sufficient to protect the health and safety of the residents of each.  
FAILED

**HB 1559 Abuse and neglect of incapacitated adults; penalty.** Provides that any responsible person who abuses or neglects an incapacitated adult in a manner

so gross, wanton, and culpable as to show a reckless disregard for human life, but whose abuse or neglect does not result in serious bodily injury or disease to the incapacitated adult, is guilty of a Class 6 felony.  
FAILED

**HB 1582 Suspected adult abuse, neglect, or exploitation; mandated reporters.** Requires any employee of the Office of the State Long-Term Care Ombudsman and any local ombudsman providing assistance to older individuals receiving long-term care services to report suspected adult abuse, neglect, or exploitation.  
FAILED

## EMPLOYMENT LAW

**SB 772 Equal pay irrespective of sex.** Amends existing law requiring equal pay for equal work irrespective of sex to (i) increase the penalty for a violation from double unpaid wages to triple unpaid wages plus reasonable attorney fees; (ii) prohibit employers from punishing employees for sharing salary information with their coworkers; and (iii) prohibit unequal provision of benefits and privileges. The measure also deletes the exemption for employers covered by the federal Fair Labor Standards Act from the Commonwealth's prohibition on discrimination in the payment of wages on the basis of sex.  
FAILED

**HB 1744 Local employee grievance procedure.** Requires that the final step in an employee grievance procedure adopted by a local governing body, providing for a hearing before an administrative hearing officer or an impartial panel hearing, be selected by the aggrieved employee. Currently, the selection of this final step requires the agreement of both parties. The bill also permits a school board to conduct a teacher grievance hearing before a three-member fact-finding panel. Under current law, the school board has the option of appointing a hearing officer or conducting such hearing itself.  
FAILED

**SB 1017 . Employment applications; inquiries regarding criminal arrests, charges, or convictions.** Prohibits state agencies from including on any employment application a question inquiring whether the prospective employee has ever been arrested or charged with, or convicted of, any crime,

subject to certain exceptions. A prospective employee may not be asked if he has ever been convicted of any crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if the prospective employee has a conviction record that bears a rational relationship to the duties and responsibilities of the position. A prospective employee may not be asked if he has ever been arrested or charged with a crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if (i) the prospective employee's criminal arrest or charge resulted in the prospective employee's conviction of a crime and (ii) the crime of which he was convicted bears a rational relationship to the duties and responsibilities of the position.  
FAILED

**HB 1823 Equal pay irrespective of sex.** Increases the amount an employee can recover as damages for a violation of the existing requirement that employees receive equal pay for equal work irrespective of sex to triple the amount of wages withheld in violation of the requirement. Currently, such employees may recover double the amount of such wages.  
FAILED

**HB 1916 Fraud and Abuse Whistle Blower Protection Act; definition of state agency.** Includes all independent agencies in the definition of "state agency" under the Fraud and Abuse Whistle Blower Protection Act.  
PASSED

**HB 2081 Employers; disclosure of social media account information.** Prohibits an employer from requiring a current or prospective employee to disclose the username and password to his social media account. The measure also prohibits an employer from requiring an employee to add an employee, a supervisor, or an administrator to the list or contacts associated with the employee's social media account.

PASSED

**SB 1407 Paid sick leave.** Requires private employers to give to each full-time employee paid sick days, to be accrued at a

rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the ninetieth calendar day of employment. An employer may limit an employee's use of paid sick days to 24 hours or three days in each calendar year. The bill would require an employer to provide paid sick days, upon the request of the employee, for diagnosis, care, or treatment of health conditions of the employee or the employee's family member. The bill would prohibit an employer from discriminating or retaliating against an employee who requests paid sick days.

FAILED

## BUSINESS/COMMERCIAL LAW

**SB 884 Service of process on domestic corporations.** Allows process on a Virginia corporation to be served on its registered agent by posting a copy of the process on the front door or main entrance of the corporation's registered office.

FAILED

**SB 927 Administrative Process Act; disqualification; presiding officers and hearing officers.** Establishes a process for the disqualification of presiding officers and hearing officers in situations where such officers cannot accord a fair and impartial hearing or consideration, or when required by the applicable rules governing the practice of law. The reasons that a presiding officer or hearing officer may be disqualified include prejudice, financial interest, ex parte communications, or any other factor that would cause a reasonable person to question the impartiality of the presiding officer or hearing officer. In

addition, the bill establishes a process for challenging the initial decision to not disqualify.

PASSED

**SB 928 Virginia Administrative Process Act; default by nonappearing party.** Establishes a mechanism to more efficiently dispose of contested matters under the Virginia Administrative Process Act where the defendant in an administrative proceeding fails to appear at a hearing without a valid excuse. Currently, unless an agency's enabling statute provides differently, there is no provision for allowing an agency to enter a default order in a case in which the defendant fails to appear at a hearing.

PASSED

**HB 1901 Department of Small Business and Supplier Diversity; definition of small business.** Changes the definition of small business to require the business, together

with affiliates, to meet the small business size standards established by the regulations of the U.S. Small Business Administration.

**PASSED**

**HB 2059 Limited partnerships; admission or withdrawal of partners.** Provides that a person may be admitted to a limited partnership as a general partner and may receive a partnership interest in it without making, or being required to make, a contribution to the limited partnership. The measure also provides that, unless a partnership agreement otherwise provides, a person may be admitted to a limited partnership as its general partner without acquiring a partnership interest in the limited partnership. Finally, the measure clarifies that the withdrawal of a general partner from a limited partnership does not cause its dissolution (i) when there is at least one other general partner, unless the partnership agreement provides otherwise or all remaining partners agree, or (ii) when all remaining partners agree in writing to continue the business of the limited partnership.

**PASSED**

**HB 2176 Virginia Stock Corporation Act and Virginia Nonstock Corporation**

**Act.** Updates terminology and addresses shortcomings in the Virginia Stock and

Nonstock Corporation Acts. The measure (i) authorizes fiduciaries to sign a corporate annual report; (ii) authorizes the State Corporation Commission of its own motion to enter an order correcting staff errors; (iii) authorizes a credit for charter fees previously paid by a Virginia corporation that had converted to a Virginia limited liability company upon its conversion back to a Virginia corporation; (iv) authorizes the conversion of a Virginia stock corporation to a Virginia limited liability company by the board of directors when there are no shareholders and by the incorporators when there are no shareholders or directors; (v) redesignates a "reentry" by a revoked foreign corporation as a "reinstatement"; and (vi) provides that a Virginia nonstock corporation can become a Virginia stock corporation by filing articles of restatement instead of articles of amendment.

**PASSED**

**SB 1368 Limited liability companies;**

**liability.** Clarifies that the existing provision that insulates a member, manager, organizer, or other agent of a limited liability company (LLC) from any personal obligation for any liability of the LLC applies without regard to whether the LLC has a single member or multiple members.

**PASSED**

## CRIMINAL LAW

**HB 1308 Right to privacy in electronic communications; confidential relationship; civil action.** Doubles the amount of liquidated damages that may be recovered

against a person who intercepts, discloses, or uses wire, electronic, or oral communications in violation of Virginia's wiretapping law if such communications are

between (i) a husband and wife; (ii) an attorney and client; (iii) a licensed practitioner of the healing arts and patient; (iv) a licensed professional counselor, licensed clinical social worker, licensed psychologist, or licensed marriage and family therapist and client; or (v) a clergy member and person seeking spiritual counsel or advice. The bill increases the allowable liquidated damages from \$400 a day for each day of violation or \$4,000, whichever is higher, to \$800 a day or \$8,000, whichever is higher.

PASSED

**HB 1353/SB 1074 Supplement to the Sex Offender and Crimes Against Minors Registry (Robby's Rule).** Requires the Superintendent of State Police to establish a supplement to the Sex Offender and Crimes Against Minors Registry that would include information on persons who were convicted of certain sexual offenses on or after July 1, 1980, and before July 1, 1994, who are not currently on the registry. The supplement will be available to the public on the Department of State Police website.

**HB 1355 Use of photo-monitoring systems to enforce traffic light signals; appeals.** Provides that an operator of a motor vehicle found in violation of an ordinance created to enforce photo-monitoring systems for traffic lights has a right to appeal to the circuit court in a civil proceeding. The bill also reduces from \$50 to \$20 the amount of the matter in controversy above which an appeal of right exists in a civil case.

PASSED

**HB 1408 Warrant requirement for certain telecommunications records; prohibition**

**on collection by law enforcement.** Provides that if an investigative or law-enforcement officer would be required to obtain a search warrant in order to obtain the contents of electronic communications or real-time location data from a provider of electronic communication service or remote computing service, the officer shall not use any device to intercept such communications or collect such real-time location data without first obtaining a search warrant authorizing the use of the device.

PASSED

**HB 1427 Felony homicide; felony drug offenses; penalty.** Provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another and (i) such other person's death results from his use of the controlled substance and (ii) the controlled substance is the proximate cause of his death. The bill also provides that venue for a prosecution of this crime shall lie in the locality where the underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. This bill overrules the Court of Appeals of Virginia decision in *Woodard v. Commonwealth*.

PASSED

**HB 1474 Detention of delinquent juveniles; offenses causing death.** Provides that a court may order that a juvenile who has been adjudicated delinquent of an offense that would be punishable as a felony or a Class 1 misdemeanor if committed by an

adult and who (i) has not previously been and is not currently adjudicated delinquent of a violent juvenile felony or found guilty of a violent juvenile felony and (ii) has not been released from the custody of the Dept. of Juvenile Justice within the previous 18 months be confined in a detention home or other secure facility for juveniles for a period not to exceed 12 mos. if the offense committed by the juvenile resulted in the death of another person.

PASSED

**HB 1493 Enticing persons to dwelling house to commit certain crimes; penalty.** Provides that a person who commits certain specified crimes including capital murder, first and second degree murder, murder of a pregnant woman, abduction with intent to extort money or for immoral purposes, aggravated malicious wounding, robbery, rape, forcible sodomy, or object sexual penetration within a dwelling house, and who, with the intent to commit such crime, enticed, solicited, requested, or otherwise caused the victim to enter the dwelling house is guilty of a separate and distinct Class 6 felony.

PASSED

**HB 1503 Driving after forfeiture of license; blood alcohol content.** Provides that there shall be a rebuttable presumption that a person's blood alcohol concentration at the time of the offense is the concentration indicated by a chemical test in any prosecution of (i) a person for operating a motor vehicle after his privilege to do so has been restricted, suspended, or revoked with a blood alcohol concentration (BAC) of 0.02 or more (ii) of a person under the age of 21 for operating a motor vehicle with a blood alcohol concentration (BAC) of 0.02 or more.

FAILED

**HB 1578 DNA data bank; State Police to verify receipt of samples from persons on the Sex Offender and Crimes Against Minors Registry.** Requires the Department of State Police to verify receipt of DNA samples by the Department of Forensic Science for persons required to register on the Sex Offender and Crimes Against Minors Registry. The bill also requires the State Police to obtain a DNA sample for such persons if one has not been received by the Department of Forensic Science.

PASSED

**HB 1611 Assault and battery against certain persons.** Amends provision making it a Class 6 felony to commit an assault or an assault and battery against judges, magistrates, law-enforcement officers, correctional officers, firefighters, emergency medical services personnel, and persons directly involved in the care, treatment, or supervision of certain inmates, juvenile offenders, and sexually violent predators when they are engaged in the performance of their public duties to state that the crime occurs regardless of where in Va. the public duties are performed.

PASSED

**HB 1639 DUI; persons convicted under laws of other states or federal law; restricted license; ignition interlock.** Provides that a person convicted in a federal court of an offense substantially similar to Virginia's DUI law may petition the general district court that he be assigned to a certified alcohol safety program and issued a restricted driver's license.

PASSED



**HB 1882 Writ of actual innocence; bail hearings.** Provides that when the Attorney General joins in a petition for a writ of actual innocence, the petitioner may move the circuit court that entered the felony conviction for a bail hearing.

**PASSED**

**HB 1927 Venue in criminal cases.** Provides that if it cannot readily be determined where a crime was committed in the Commonwealth, venue for the prosecution of the crime may be had in any county or city (i) in which the defendant resides or (ii) in which the defendant is apprehended if he is a nonresident. The bill also provides that venue for offenses related to a homicide offense may be had in the same county or city as venue for the homicide offense. The bill further provides that venue for homicide offenses may be had in any county or city where any part of the victim's body is found.

**PASSED**

**HB 1928/SB 1187 DNA analysis upon conviction of certain misdemeanors.** The bill adds misdemeanor violations of §§ 16.1-253.2 (violation of a protective order), 18.2-60.3 (stalking), 18.2-60.4 (violation of a stalking protective order), 18.2-67.4:1 (infected sexual battery), 18.2-102 (unauthorized use of animal, aircraft, vehicle, or boat valued at less than \$200), 18.2-121 (entering property of another for purpose of damaging it), 18.2-387 (indecent exposure), 18.2-387.1 (obscene sexual display), and 18.2-479.1 (resisting arrest) to the list of offenses for which an adult convicted of such offense must have a sample of his blood, saliva, or tissue taken for DNA analysis. Under current law, a sample is taken for DNA analysis from adults convicted of only five misdemeanor

sex offenses: (i) § 18.2-67.4 (sexual battery), (ii) § 18.2-67.4:2 (sexual abuse of a child 13 years of age or older but under 15), (iii) § 18.2-67.5 (attempted sexual battery), (iv) § 18.2-130 (peeping), or (v) § 18.2-370.6 (penetrating the mouth of a child under 13 with the tongue). The bill also increases the fee collected for the withdrawal of the DNA sample from \$25 to \$53.

**PASSED**

**HB 1946 / SB 919 Administrative subpoenas; electronic communication services nondisclosure of subpoena.**

Authorizes the Attorney General, as attorneys for the Commonwealth are currently authorized, to issue administrative subpoenas to obtain certain records and other information from electronic communication service and remote computing service providers if relevant to a law-enforcement investigation of certain pornography, abduction, and prostitution crimes. The bill requires such subpoenas to contain a provision ordering the service provider not to notify or disclose the existence of the subpoena to another person, other than an attorney to obtain legal advice, for a period of 30 days after the date on which the service provider responds to the subpoena if the attorney for the Commonwealth or Attorney General makes written certification that there is reason to believe that the victim is under the age of 18 and that the disclosure of the existence of the subpoena will endanger the life or physical safety of an individual; lead to flight from prosecution, the destruction of or tampering with evidence, or the intimidation of potential witnesses; or otherwise seriously jeopardize an investigation.

**PASSED**

**HB 2043/SB 1361 Inmates; U.S. Immigration and Customs Enforcement; detainers.** Allows the custodian of a state or local inmate to transfer custody of an incarcerated alien to U.S. Immigration and Customs Enforcement no more than five days before the date on which such inmate would otherwise be released if the custodian receives a detainer from U.S. Immigration and Customs Enforcement. The bill requires that, upon such transfer of custody, the alien receive credit for the number of days remaining before he would otherwise have been released.

PASSED

**HB 2125 Use of unmanned aircraft systems by public bodies; search warrant required.** Replaces the moratorium on the use of unmanned aircraft systems by state and local law enforcement and regulatory entities, except in defined emergency situations or in training exercises related to such situations, that will expire on July 1, 2015, with an absolute prohibition on the use of unmanned aircraft systems by such law enforcement and regulatory entities unless a search warrant has been obtained prior to such use.

PASSED

**HB 2355 Real-time location data; search warrant.** Provides that a search warrant for real-time location data shall be issued if the judge or magistrate issuing the warrant 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.

PASSED

**SB 794 Testimony of certain judicial personnel.** Clarifies that certain persons who have the power to issue warrants are competent to testify in a criminal proceeding in which the defendant is charged with perjury.

PASSED

**SB 855 Capital cases; mental retardation.** Requires that the results of an intelligence test given in the process of determining whether a capital case defendant is mentally retarded must be reported as a range of scores calculated by adding to and subtracting from the defendant's test score the standard error of measurement for such test.

PASSED

**SB 908 Expungement of police and court records; hearing.** Provides that within 21 days after being served with a petition requesting expungement of police and court records, the attorney for the Commonwealth may give written notice to the court that he does not object to the petition and, if the charge to be expunged is a felony, that he stipulates that the continued dissemination of such records constitutes a manifest injustice to the petitioner. If such notice is given, the court may enter an order of expungement without conducting a hearing.

PASSED

**SB 1056 Child pornography; obscenity; penalties.** Adds a mens rea of "knowingly" for the offenses of (i) reproducing child pornography and (ii) soliciting child pornography to gain entry to a group and removes the requirement of lascivious intent for these offenses.

PASSED

**SB 1156 Writ of habeas corpus; service; dismissal of petition.** Specifies the proper respondent to be named in a writ of habeas corpus based upon whether the petitioner is in prison or jail, is on parole or probation, or has a suspended sentence. The bill also provides for amendment of the petition if the petitioner does not name a proper respondent and provides that the habeas petition shall be dismissed without prejudice if the petitioner fails to name a proper respondent within the time allotted by the court.

PASSED

**SB 1290 Venue in criminal cases.** Provides that venue for the prosecution of a crime may be had in any county or city in which the defendant resides or is apprehended or in which any related offense was committed if the county or city where the offense is alleged to have occurred cannot be determined. The bill also provides that venue for offenses related to a homicide offense may be had in the same county or city as venue for the homicide offense. The bill further provides that venue for homicide offenses may be had in any county or city where any part of the victim's body is found.

PASSED

**SB 1307 Search warrants; computers, networks, and other electronic devices.** Clarifies that a search warrant that authorizes the lawful seizure of digital evidence from a computer, computer network, or other device containing electronic or digital information includes the search and seizure of the physical components and the electronic or digital

information contained in such computer, computer network, or other device. The bill also provides that any search, including the search of any computer, computer network, or other device, may be conducted in any location and not just the location where the evidence was seized.

PASSED

**HB 2385 Possession, etc., of wireless telecommunications device by prisoner; penalty.** Provides that a person who provides or causes to be provided a wireless telecommunications device to a prisoner or person committed to a juvenile correctional center or a prisoner or committed person who possesses such a device is guilty of a Class 6 felony.

PASSED

**SB 958 Driving while intoxicated; no driver's license.** Requires a 30-day mandatory minimum jail sentence and vehicle forfeiture for DUI defendants who do not hold a valid driver's license or who are not authorized to drive at the time of the offense. A third violation of driving without a license is raised from a Class 1 misdemeanor to a Class 6 felony. A person who drives without a license when he has previously been convicted of DUI and driving without a license for the same event is guilty of a Class 6 felony. The bill also increases from three to 30 the number of days a vehicle is impounded for a person found guilty of driving without a license for the second time. The impoundment will be ended upon acquisition of a driver's license and payment of all fees.

FAILED