

1/23/09

Agenda

Legislative Subcommittee
Friday, January 23, 2009
5 p.m. Council Workroom

City Package

HB 1643 Elections; electoral board may provide for oaths of officers, voter permitted to wear certain items.

Summary as introduced:

Conduct of elections; service and oaths of officers of election; and prohibited activities and permitted observers at the polls. Provides that (i) the electoral board may provide for administering oaths for officers of election taking into account the hours of service of the officers; (ii) at least one party or candidate representative for each section of the pollbook shall be permitted as an observer in the polling place; and (iii) the wearing of apparel, stickers, or buttons with a candidate's name or slogan into the polling place shall be allowed.

Patron: Englin

12/11/08 House: Prefiled and ordered printed

12/11/08 House: Referred to Committee on Privileges and Elections

01/15/09 House: Assigned P & E sub: Campaign Finance

Notes: Position: Support

HB 1692 Indoor Clean Air Act; prohibits smoking in all indoor restaurants and bar and lounge areas in State.

Summary as introduced:

Virginia Indoor Clean Air Act; penalty. Moves the regulation of smoking in restaurants from Title 15.2 to a new chapter in Title 32.1. This bill prohibits smoking in all indoor restaurants and bar and lounge areas in the Commonwealth. Requires the posting of "No Smoking" signs and provides for a \$25 civil penalty for a violation of these provisions.

Patrons: Englin and Eisenberg

01/05/09 House: Prefiled and ordered printed

01/05/09 House: Referred to Committee on General Laws

Notes: Position: Support

HB 1703 Indoor Clean Air Act; unlawful for any person to smoke in establishment built after July 1, 2010.

Summary as introduced:

Virginia Indoor Clean Air Act; penalty. Provides that it shall be unlawful for any person to smoke in any establishment built and operated after July 1, 2010, as a restaurant, unless such establishment is constructed in such a manner that areas where smoking may be permitted are structurally separated from the portion of the restaurant in which smoking is prohibited and such areas contain structurally separated ventilation systems. Additionally, the bill provides that no wait staff or busboys in such restaurants

shall be required by the proprietors or person who manages or otherwise controls any such restaurant to work in smoking areas mandated by this section without consent of such employees. The bill prohibits smoking in any building owned or leased by the Commonwealth or agency thereof or any locality. The bill contains technical amendments.

Patron: Cosgrove

01/05/09 House: Prefiled and ordered printed

01/05/09 House: Referred to Committee on General Laws

Notes: Position: Oppose

HB 1704 Smoke Free Air Act; smoking in public places, civil penalties.

Summary as introduced:

Virginia Smoke Free Air Act; smoking in public places; civil penalties. Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, and private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses.

Patron: Howell, A.T.

01/05/09 House: Prefiled and ordered printed

01/05/09 House: Referred to Committee on General Laws

01/19/09 House: Impact statement from DPB (HB1704)

Notes: Position: Support

HB 1814 Plastic bags; bans use by retailers at point of sale unless designed & manufactured for reuse.

Summary as introduced:

Plastic bags; use by retailers. Bans the use of plastic carryout bags by retailers at the point of sale unless such bags are (i) durable plastic bags with handles; (ii) at least 2.25 mils thick; and (iii) specifically designed and manufactured for multiple reuse.

Patrons: Morrissey, BaCote, Bouchard, Ebbin, Eisenberg and Ward

01/12/09 House: Prefiled and ordered printed

01/12/09 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

Notes: Position: Support

HB 1833 Indoor Clean Air Act; allows localities to exceed requirements that regulate smoking.

Summary as introduced:

Virginia Indoor Clean Air Act; local ordinances. Allows localities to exceed the requirements established in the Virginia Indoor Clean Air Act when adopting ordinances that regulate smoking.

Patron: Toscano

01/12/09 House: Prefiled and ordered printed

01/12/09 House: Referred to Committee on General Laws

Notes: Position: Support

HB 1955 Wireless telecommunications devices; prohibits use of while driving except in an emergency.

Summary as introduced:

Use of mobile telephone and other wireless electronic devices while driving.

Provides that, with certain exceptions, no person may use a mobile telephone or other wireless electronic telecommunications device while operating a moving motor vehicle on any public highway in the Commonwealth unless such mobile telephone or other wireless electronic telecommunications device is equipped with a hands-free accessory.

Patron: Mathieson

01/13/09 House: Prefiled and ordered printed

01/13/09 House: Referred to Committee on Militia, Police and Public Safety

Notes: Position: Support

HB 2007 Indoor Clean Air Act; smoking in restaurants in Northern Virginia.

Summary as introduced:

Virginia Indoor Clean Air Act; restaurants in Northern Virginia. Allows localities in Northern Virginia to adopt concurrent ordinances containing standards or provisions relating to smoking in restaurants that exceed those established in the Virginia Indoor Clean Air Act.

Patron: Brink

01/13/09 House: Prefiled and ordered printed

01/13/09 House: Referred to Committee on General Laws

01/19/09 House: Impact statement from DPB (HB2007)

Notes: Position: Support

HB 2067 Smoke Free Air Act; smoking in public places, civil penalties.

Summary as introduced:

Virginia Smoke Free Air Act; smoking in public places; civil penalties. Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or motel rooms designated as smoking

rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses.

Patron: Hamilton

01/13/09 House: Prefiled and ordered printed

01/13/09 House: Referred to Committee on General Laws

01/19/09 House: Impact statement from DPB (HB2067)

Notes: Position: Support

HB 2246 Indoor Clean Air Act; localities to adopt ordinances containing standards, etc. relating to smoking.

Summary as introduced:

Virginia Indoor Clean Air Act; restaurants. Allows localities to adopt ordinances containing standards or provisions relating to smoking in restaurants that meet or exceed those established in the Virginia Indoor clean Air Act.

Patron: Barlow

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee on General Laws

01/19/09 House: Impact statement from DPB (HB2246)

Notes: Position: Support

HB 2385 Discrimination; prohibited in public employment based on race, color, religion, etc.

Summary as introduced:

Public employment; nondiscrimination. Prohibits discrimination in public employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, or status as a special disabled veteran or other veteran covered by the Vietnam Era Veterans Readjustment Act of 1974, as amended. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" shall not include any person's attraction towards persons with whom sexual conduct would be illegal due to the age of the parties. The bill contains technical amendments.

Patron: Ebbin

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee on General Laws

01/22/09 House: Impact statement from DPB (HB2385)

Notes: Position: Support

HJ 623 Constitutional amendment; restoration of civil rights for certain felons (first reference).

Summary as introduced:

Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentences subject to the conditions, requirements, and classifications set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to law.

Patrons: Dance and Morrissey

10/02/08 House: Prefiled and ordered printed

10/02/08 House: Referred to Committee on Privileges and Elections

01/15/09 House: Assigned P & E sub: Constitutional

01/19/09 House: Subcommittee recommends passing by indefinitely

Notes: Position: Support

HJ 656 Constitutional amendment; restoration of civil rights for certain felons (first reference).

Summary as introduced:

Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to law.

Patron: Tyler

01/05/09 House: Prefiled and ordered printed

01/05/09 House: Referred to Committee on Privileges and Elections

01/15/09 House: Assigned P & E sub: Constitutional

01/19/09 House: Subcommittee recommends incorporating into HJ628 by voice vote

Notes: Position: Support

HJ 664 Constitutional amendment; restoration of civil rights for certain felons (first reference).

Summary as introduced:

Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law.

Patrons: Morrissey, BaCote, Ebbin, Eisenberg, Hall and Ward

01/12/09 House: Prefiled and ordered printed

01/12/09 House: Referred to Committee on Privileges and Elections

01/15/09 House: Assigned P & E sub: Constitutional

01/19/09 House: Subcommittee recommends incorporating into HJ623 by voice vote

Notes: Position: Support

HJ 726 Constitutional amendment; restoration of civil rights for certain felons (first reference).

Summary as introduced:

Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to law.

Patrons: Hall, Alexander, BaCote, Dance, Howell, A.T., McClellan, McQuinn, Melvin, Morrissey, Scott, J.M., Spruill and Ward; *Senators:* Marsh, McEachin and Miller, Y.B.

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee on Privileges and Elections

01/22/09 House: Assigned P & E sub: Constitutional

Notes: Position: Support

SB 832 Firearms; possessing or carrying dangerous weapon in public buildings during official meetings.

Summary as introduced:

Control of firearms; possessing or carrying a dangerous weapon in public buildings during official meetings of the governing body. Provides that localities may adopt an ordinance that prohibits firearms, ammunition, or components or combinations thereof in community or recreation centers, administrative buildings, or public libraries owned or operated by the locality during an official meeting of the governing body.

Patron: Locke

12/17/08 Senate: Prefiled and ordered printed

12/17/08 Senate: Referred to Committee on Local Government

Notes: Position: Support

SB 838 Land preservation tax credit; conveyance for public parks or public recreational facilities.

Summary as introduced:

Land preservation tax credit; conveyance for public parks or public recreational facilities. Provides that the land preservation tax credit would equal 60 percent of the fair market value of any land that is donated to a state or local governmental entity for the purpose of a public park or public recreational facility. The 60 percent tax credit would apply only if (i) the responsible authorities of a park authority or local park agency or the Department of Conservation and Recreation execute a written document stating its acceptance of the donation, and (ii) the conveyance is in accordance with the current comprehensive plans of the counties or cities in which the donated land is located. All other donations under the land preservation tax credit would not be affected by the bill and would be eligible for a 40 percent tax credit as provided under current law.

Patron: Ticer

12/22/08 Senate: Prefiled and ordered printed

12/22/08 Senate: Referred to Committee on Finance

01/16/09 Senate: Impact statement from TAX (SB838)

Notes: Position: Support

SB 874 Mobile telephone and other wireless electronic devices; use of hands-free accessory while driving.

Summary as introduced:

Use of mobile telephone and other wireless electronic devices while driving.

Provides that, with certain exceptions, no person may use a mobile telephone or other wireless electronic telecommunications device while operating a moving motor vehicle on any public highway in the Commonwealth unless such mobile telephone or other wireless electronic telecommunications device is equipped with a hands-free accessory.

Patron: Ticer

12/29/08 Senate: Prefiled and ordered printed

12/29/08 Senate: Referred to Committee on Transportation

01/22/09 Senate: Reported from Transportation with substitute (10-Y 5-N)

Notes: Position: Support

SB 929 Charter; City of Alexandria.

Summary as introduced:

Charter; City of Alexandria. Amends the charter to allow the city council, by ordinance, to establish term limits for members of advisory boards and commissioners whom the council has appointed. Further amends the charter by requiring any applicant in a land use proceeding to fully disclose all parties who have an ownership or financial interest in the land or application that is the subject of the hearing. Requires that all parties, members of city council, members of the planning commission, members of the board of zoning appeals, and members of the board of architectural review in any proceeding regarding land use or land development to make a full public disclosure of any business or financial relationship that such individual has, or has had within the 12-month period prior to such hearing, with each member of the board in front of which they appear. Any person knowingly and willfully violating the provisions of the bill shall be guilty of a Class 1 misdemeanor.

Patron: Ticer

01/05/09 Senate: Prefiled and ordered printed

01/05/09 Senate: Referred to Committee on Local Government

01/20/09 Senate: Reported from Local Government (12-Y 0-N)

01/22/09 Senate: Constitutional reading dispensed (40-Y 0-N)

Notes: Position: Support

SB 966 Wireless telecommunications devices; prohibits use of while driving except in an emergency.

Summary as introduced:

Wireless telecommunications devices. Prohibits, except for emergency 911 calls, the use of any cellular telephone, mobile telephone, or other wireless telecommunications

device while operating a motor vehicle, unless the device is configured for hands-free operation.

Patron: Blevins

01/12/09 Senate: Prefiled and ordered printed

01/12/09 Senate: Referred to Committee on Transportation

Notes: Position: Support

SB 1002 Indoor Clean Air Act; localities to adopt ordinances containing standards, etc. relating to smoking.

Summary as introduced:

Virginia Indoor Clean Air Act; restaurants. Allows localities to adopt ordinances containing standards or provisions relating to smoking in restaurants that meet or exceed those established in the Virginia Indoor clean Air Act.

Patron: Quayle

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee on Local Government

01/20/09 Senate: Failed to report (defeated) in Local Government (6-Y 6-N)

Notes: Position: Support

SB 1057 Smoke Free Air Act; smoking in public places, civil penalties.

Summary as introduced:

Virginia Smoke Free Air Act; smoking in public places; civil penalties. Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses.

Patrons: Whipple, Barker, Howell, Puller and Ticer; Delegates: Brink, Bulova, Ebbin, Eisenberg, Englin, Marsden, Plum, Sickles, Vanderhye and Watts

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee on Education and Health

01/19/09 Senate: Assigned Education sub: Special on Smoking

SB 1064 Comprehensive plan; local planning commission to post plan being considered on their website.

Summary as introduced:

Posting of comprehensive plans. Provides that a local planning commission shall post a comprehensive plan or part thereof that is being considered for recommendation or that is approved by the commission on a website maintained by the local planning commission and available to the public. This bill further provides that a governing body shall post any comprehensive plan or part thereof that is certified to the governing body or approved by a governing body on a website maintained by the governing body and available to the public.

Patron: Puller

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee on Local Government

SB 1105 Indoor Clean Air Act; prohibits smoking in all indoor restaurants and bar and lounge areas in State.

Summary as introduced:

Virginia Indoor Clean Air Act; penalty. Moves the regulation of smoking in restaurants from Title 15.2 to a new chapter in Title 32.1. This bill prohibits smoking in all indoor restaurants and bar and lounge areas in the Commonwealth. Requires the posting of “No Smoking” signs and provides for a \$25 civil penalty for a violation of these provisions.

Patron: Northam

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee on Local Government

SB 1160 Indoor Clean Air Act; prohibits smoking in all indoor restaurants and bar and lounge areas in State.

Summary as introduced:

Virginia Indoor Clean Air Act; civil penalty. Moves the regulation of smoking in restaurants from Title 15.2 to a new chapter in Title 32.1. This bill prohibits smoking in all indoor restaurants and bar and lounge areas in the Commonwealth. Also, the bill requires the posting of “No Smoking” signs and provides for a \$25 civil penalty for a violation of these provisions.

Patron: Saslaw

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee on Education and Health

01/19/09 Senate: Assigned Education sub: Special on Smoking

SB 1230 Elections; extension of polling hours in emergency situations.

Summary as introduced:

Elections; emergencies; extension of polling hours. Provides for a court-ordered extension of polling hours in emergency situations and situations that interfere with the ability of voters to travel to the polls. The bill provides that no extension shall exceed three hours.

Patron: Barker

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee on Privileges and Elections

01/19/09 Senate: Impact statement from DPB (SB1230)

SB 1247 Human Rights Act; adds sexual orientation to definition of unlawful discriminatory practice.

Summary as introduced:

Virginia Human Rights Act; sexual orientation. Adds sexual orientation to the definition of unlawful discriminatory practice in the Virginia Human Rights Act. The bill also removes the provision that limited on private causes of action to where the employers employed more than five but less than 15 persons.

Patron: Northam

01/14/09 Senate: Prefiled and ordered printed

01/14/09 Senate: Referred to Committee on General Laws and Technology

01/15/09 Senate: Impact statement from DPB (SB1247)

SJ 273 Constitutional amendment; restoration of civil rights for certain felons (first reference).

Summary as introduced:

Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to law.

Patron: Miller, Y.B.

09/24/08 Senate: Prefiled and ordered printed

09/24/08 Senate: Referred to Committee on Privileges and Elections

Notes: Position: Support

Human Services

HB 1897 Visitation, supervised; contact between parent & child that occurs with court-approved supervisor.

Summary as introduced:

Supervised visitation. Defines the term "supervised visitation" as contact between a parent and a child that occurs in the immediate presence of a supervising person approved by the court and under conditions designed to prevent any physical, emotional, or sexual abuse, threats, intimidation, abduction, or humiliation of either the child or the child's custodial parent or guardian. The bill also provides who may not serve as the supervising person and requires that anytime supervised visitation is ordered, it shall be done in compliance with the definition of supervised visitation.

Patron: Watts

01/13/09 House: Prefiled and ordered printed

01/13/09 House: Referred to Committee for Courts of Justice

01/16/09 House: Assigned Courts sub: Civil

01/21/09 House: Subcommittee recommends laying on the table by voice vote

HB 2328 Adult abuse, suspected; requires local departments to take photographs, etc., thereof.

Summary as introduced:

Suspected adult abuse; photographing of injuries. Requires local departments to take or cause to be taken photographs, video recordings, or appropriate medical imaging of a suspected victim of adult neglect, abuse, or exploitation mandatory.

Patron: Athey

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee on Health, Welfare and Institutions

SB 1028 Adult neglect; religious treatment exemption.

Summary as introduced:

Adult neglect; religious treatment exemption. Amends the definition of adult neglect by providing that no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult or there is a written or oral expression of consent for that adult.

Patrons: Hanger and Puller

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee on Rehabilitation and Social Services

SB 1045 Diversionary cash assistance; revises limitation on receipt of one-time assistance to one payment.

Summary as introduced:

Diversionsary cash assistance. Revises the limitation on receipt of one-time diversionary cash assistance from one payment per 60-month period to one payment per 12-month period.

Patron: Miller, Y.B.

01/19/09 Senate: Constitutional reading dispensed (35-Y 0-N)

01/20/09 Senate: Read second time and engrossed

01/21/09 Senate: Passed by for the day

01/22/09 Senate: Motion to rerefer to committee agreed to

01/22/09 Senate: Rereferred to Finance

SB 1049 Grant program; modifies eligibility of certain foster care and special needs adoption students.

Summary as introduced:

Grant program for certain foster care and special needs adoption students. Modifies the eligibility of the current program to allow a student enrolled in a minimum of six credit hours per semester at a two-year institution of higher education to receive a grant for tuition and fees and to ensure that a student who has a prior bachelor's degree is excluded from participation.

Patron: Whipple

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee on Education and Health

01/19/09 Senate: Assigned Education sub: Higher Education

Mental Health

HB 2060 Mental health law; amends statutes to address issues resulting from overhaul thereof.

Summary as introduced:

Mental health law revisions. Amends mental health statutes to address issues resulting from the overhaul of mental health laws during the 2008 Session. This bill clarifies requirements that law-enforcement initiated emergency custody remains subject to the four hour limit and two hour extension provisions; clarifies that the employee or designee of the community services board attending a commitment hearing need not be the person who prepared the prescreening report, and that neither the employee or designee of the community services board attending a commitment hearing nor the independent examiner who attends the commitment hearing shall be excluded pursuant to an order of sequestration of the witnesses; clarifies that the prescreening report shall be admitted into evidence and made part of the record of the case; and extends the CCRE reporting requirement to close of business on the next business day following the hearing resulting in involuntary commitment. This bill has an emergency clause.

Patron: Hamilton

01/13/09 House: Prefiled and ordered printed with emergency clause

01/13/09 House: Referred to Committee on Health, Welfare and Institutions

01/20/09 House: Reported from Health, Welfare and Institutions (20-Y 0-N)

01/21/09 House: Read first time

HB 2061 Psychiatric Inpatient Treatment of Minors Act; outpatient treatment.

Summary as introduced:

Psychiatric Inpatient Treatment of Minors Act; outpatient treatment; etc. Provides that a person who meets the criteria for involuntary commitment under the Psychiatric Inpatient Treatment of Minors Act may be ordered to mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are appropriate and are available and the minor and his parents have the capacity to understand the stipulations of the minor's treatment and to comply with such outpatient treatment and that they have agreed to abide by the treatment plan. The bill also sets forth how such mandatory outpatient treatment will be monitored and how a minor's noncompliance with such treatment will be addressed. The bill also clarifies that the commitment criteria for minors, and not the criteria for adults, apply when the emergency admission of a minor is sought under the procedures for the emergency admission of an adult set forth in Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2. The bill also provides that a minor who has been properly detained by a juvenile and domestic relations court may petition for voluntary admission and treatment of mental illness. Currently, such detained minors may not voluntarily seek admission. The bill further requires that if a minor is in a detention home or shelter care facility when admitted to a mental health facility, the director of the detention home or shelter care facility or his designee shall provide, if available, certain information relating to the minor to the mental health facility and to the juvenile and domestic relations district court for the jurisdiction in which the facility is located if such court is different than the court that placed the minor in detention or shelter care. The bill also clarifies under what circumstances the qualified evaluator who examined the minor must attend the minor's hearing and under what circumstances the evaluator's report is admissible.

Patron: Hamilton

01/13/09 House: Prefiled and ordered printed

01/13/09 House: Referred to Committee on Health, Welfare and Institutions

HB 2461 Notification of family member in commitment process; disclosure of certain information of patient.

Summary as introduced:

Notification of family member of person involved in commitment process.

Authorizes disclosure of information regarding a patient's location and general condition to a family member or personal representative of the person.

Patron: O'Bannon

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee on Health, Welfare and Institutions

SB 1077 Notification of family member; disclosure of information regarding patient's location and condition.

Summary as introduced:

Notification of family member of person involved in commitment process.

Authorizes disclosure of information regarding a patient's location and general condition to a family member or personal representative of the person.

Patron: Howell

01/13/09 Senate: Prefiled and ordered printed
01/13/09 Senate: Referred to Committee on Education and Health
01/19/09 Senate: Assigned Education sub: Special on Mental Health

SB 1079 Emergency custody; authority of law-enforcement officer.

Summary as introduced:

Emergency custody; authority of law-enforcement officer. Authorizes a law-enforcement officer who is transporting a person who has voluntarily consented to being transported to a facility for assessment or evaluation and who subsequently revokes consent to be transported to take such person into emergency custody when the law-enforcement officer determines that consent has been revoked and the person meets the criteria for emergency custody, even if the law-enforcement officer is beyond the territorial limits of the jurisdiction in which he serves. This bill also clarifies that a law-enforcement officer who takes a person into emergency custody based upon his own observations or reliable reports of others may transport such person beyond the territorial boundaries of the jurisdiction in which he serves in order to obtain the required assessment.

Patron: Howell

01/13/09 Senate: Prefiled and ordered printed
01/13/09 Senate: Referred to Committee for Courts of Justice
01/14/09 Senate: Assigned Courts sub: Civil

SB 1083 Mental health law; amends statutes to address issues resulting from overhaul thereof.

Summary as introduced: **Mental health law revisions.** Amends mental health statutes to address issues resulting from the overhaul of mental health laws during the 2008 Session. This bill clarifies requirements that law-enforcement initiated emergency custody remains subject to the four hour limit and two hour extension provisions; clarifies that the employee or designee of the community services board attending a commitment hearing need not be the person who prepared the prescreening report, and that neither the employee or designee of the community services board attending a commitment hearing nor the independent examiner who attends the commitment hearing shall be excluded pursuant to an order of sequestration of the witnesses; clarifies that the prescreening report shall be admitted into evidence and made part of the record of the case; and extends the CCRE reporting requirement to close of business on the next business day following the hearing resulting in involuntary commitment. This bill has an emergency clause.

Patron: Howell

01/13/09 Senate: Prefiled and ordered printed with emergency clause
01/13/09 Senate: Referred to Committee for Courts of Justice
01/14/09 Senate: Assigned Courts sub: Civil

SB 1122 Psychiatric Inpatient Treatment of Minors Act; outpatient treatment; etc.

Summary as introduced:

Psychiatric Inpatient Treatment of Minors Act; outpatient treatment; etc. Provides that a person who meets the criteria for involuntary commitment under the Psychiatric

Inpatient Treatment of Minors Act may be ordered to mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are appropriate and are available and the minor and his parents have the capacity to understand the stipulations of the minor's treatment and to comply with such outpatient treatment and that they have agreed to abide by the treatment plan. The bill also sets forth how such mandatory outpatient treatment will be monitored and how a minor's noncompliance with such treatment will be addressed. The bill also clarifies that the commitment criteria for minors, and not the criteria for adults, apply when the emergency admission of a minor is sought under the procedures for the emergency admission of an adult set forth in Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2. The bill also provides that a minor who has been properly detained by a juvenile and domestic relations court may petition for voluntary admission and treatment of mental illness. Currently, such detained minors may not voluntarily seek admission. The bill further requires that if a minor is in a detention home or shelter care facility when admitted to a mental health facility, the director of the detention home or shelter care facility or his designee shall provide, if available, certain information relating to the minor to the mental health facility and to the juvenile and domestic relations district court for the jurisdiction in which the facility is located if such court is different than the court that placed the minor in detention or shelter care. The bill also clarifies under what circumstances the qualified evaluator who examined the minor must attend the minor's hearing and under what circumstances the evaluator's report is admissible.

Patron: Lucas

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee for Courts of Justice

01/14/09 Senate: Assigned Courts sub: Civil

SB 1432 Notification of family member; disclosure of information regarding patient's location and condition.

Summary as introduced:

Notification of family member of person involved in commitment process.

Authorizes disclosure of information regarding a patient's location and general condition to a family member or personal representative of the person.

Patron: Cuccinelli

01/16/09 Senate: Presented and ordered

01/16/09 Senate: Referred to Committee on Education and Health

Miscellaneous

HB 1625 Fair housing protections; allows localities to expand beyond classes protected by state law.

Summary as introduced:

Housing; local government powers; fair housing protections. Allows localities to expand fair housing protections beyond the classes protected by state law.

Patron: Englin

12/02/08 House: Prefiled and ordered printed

12/02/08 House: Referred to Committee on General Laws
01/12/09 House: Assigned GL sub: Housing
01/21/09 House: Subcommittee recommends laying on the table by voice vote

HB 1809 Consumer Finance Act; open-end loan plans secured by motor vehicle titles.

Summary as introduced:

Consumer Finance Act; revolving loans; motor vehicle as security. Makes loans to an individual for personal, family, or household purposes that are secured by a nonpurchase-money security interest in a motor vehicle subject to the provisions of the Consumer Finance Act. Licensees under the Act are prohibited from charging interest of more than 36 percent annually on such loan balances and are required to comply with the existing 25-day grace period. The measure also provides that other types of extensions of credit under an open-end credit or similar plan by a seller or lender, under which interest currently may be charged at any rate on which the parties agree, may be made only by sellers of goods or services or by certain licensed or regulated financial institutions.

Patrons: Morrissey, Ebbin, BaCote, Bouchard, Mathieson and Ward

01/12/09 House: Prefiled and ordered printed

01/12/09 House: Referred to Committee on Commerce and Labor

HB 2307 Early voting; any qualified voter may vote in person from 17 to three days before election.

Summary as introduced:

Elections; early voting. Provides that any registered voter qualified to vote in the election may vote in person from 17 to three days before the election at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superseded by the early voting process during the early voting period. The bill takes effect January 1, 2010.

Patron: Melvin

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee on Privileges and Elections

01/22/09 House: Assigned P & E sub: Elections

HB 2355 Local government; publication of notices for charter changes, referenda, and public hearings, etc;

Summary as introduced:

Local government; publication of notices for charter changes, referenda, and public hearings, etc; alternatives. Gives localities alternatives to publication in a newspaper of general circulation in the locality for legal ads and other notices of proposed action. These alternatives include publication in at least two of the following forms of publication: (i) in a newspaper of general circulation in the locality, including such newspaper's online publication, if any, (ii) on the locality's website, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, the bill provides that any resident of the locality annually filing a written request for notification with the locality shall be provided notice

by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available. In selecting the methods of publication, the bill requires the locality to publish/advertise in a manner gauged to ensure that the maximum number of persons within the locality is likely to be informed of the existence and content of the proposed action. The bill contains technical amendments.

Patrons: Landes and Lohr

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee on Counties, Cities and Towns

HB 2424 Graffiti; restitution for abatement costs.

Summary as introduced:

Graffiti abatement. Permits courts to order any person convicted of unlawfully defacing property to pay full or partial restitution to the locality for costs incurred by the locality in removing or repairing the defacement. Further provides that such order of restitution shall be docketed as provided in § 8.01-446 when and may be enforced by the locality in the same manner as a judgment in a civil action.

Patron: May

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee on Counties, Cities and Towns

HJ 725 Constitutional amendment; taking of private property for public uses (first reference).

Summary as introduced:

Constitutional amendment (first resolution); taking of private property for public uses. Establishes what constitutes a taking of private property for a public use. Takings are for a public use only if (i) the property is taken for the possession, occupation, and enjoyment by the public or a public entity; (ii) the land is taken for construction, maintenance, and operation of public facilities by public corporations or by private entities provided that there is a written agreement with a public entity providing for the use of the facility by the public; (iii) the land is taken for the creation or functioning of a public service corporation, public service company, or railroad; (iv) the land is taken for the provision of utility services by a government utility corporation; (v) the land taken is blighted and is taken for the elimination of blight; or (vi) the property is taken in a redevelopment or conservation area that is abandoned or the acquisition is needed to clear title where one of the owners agrees to such acquisition or the acquisition is by agreement of all the owners. Property can only be taken when the public interest dominates the private gain and the primary purpose is not private financial gain, private benefit, an increase in tax base or revenues, or an increase in employment, except if the property is taken for the creation or functioning of a public service corporation, public service company, or railroad, or for the provision of authorized utility services by a government utility corporation.

Patron: Bell

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee on Privileges and Elections

01/22/09 House: Assigned P & E sub: Constitutional

SB 1055 Housing Trust Fund; dedicating revenues to provide affordable housing.

Summary as introduced:

Virginia Housing Partnership Revolving Trust Fund; dedicating revenues.

Establishes special, permanent, nonreverting fund to provide affordable housing in the Commonwealth. The bill also provides that a portion of the fund shall be used to provide matching funds to localities that have both established a local housing fund and appropriated local moneys to the fund. Under the bill, the Department of Housing and Community Development is required to establish criteria for the allocation of the matching funds to eligible localities and to annually report on the allocation of matching funds. In addition, the bill authorizes grants to be made from the Fund to support innovative housing projects and low and moderate income housing projects that are located in areas experiencing extreme shortages of such housing as well as rural housing initiatives. The bill also changes the name of the Virginia Housing Partnership Revolving Trust Fund to the Virginia Housing Trust Fund. This bill is recommended by the Virginia Housing Commission.

Patrons: Whipple, Howell, Puller and Ticer; *Delegates:* Amundson, Brink, Ebbin, Eisenberg, Englin, Marsden, Peace, Plum, Sickles, Vanderhye and Watts

01/13/09 Senate: Prefiled and ordered printed;

01/13/09 Senate: Referred to Committee on General Laws and Technology

01/21/09 Senate: Reported from General Laws and Technology with amendment (13-Y 0-N)

01/21/09 Senate: Rereferred to Finance

SB 1096 Design-Build Construction Management Review Board; authorized to make a one-time determination.

Summary as introduced:

Design-Build Construction Management Review Board. Authorizes the Design-Build Construction Management Review Board to make a one-time determination that a locality with a population in excess of 100,000 has the personnel, procedures, and expertise necessary to enter into contracts for construction on a fixed price or not-to-exceed price design-build or construction management basis. Any localities receiving the determination shall still be required to comply with applicable provisions of the Virginia Public Procurement Act and all other applicable law governing design-build or construction management contracts for public bodies other than the Commonwealth. The bill also contains a technical amendment.

Patron: Herring

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee on General Laws and Technology

SB 1369 Graffiti abatement; permits localities to charge property owner for cost thereof.

Summary as introduced:

Graffiti abatement. Permits localities to charge a property owner for the cost or expenses of abating graffiti that occurs on his vacant property, and to collect such charges

as taxes are collected. If the charges remain unpaid, they shall constitute a lien and become enforceable in the same manner as unpaid local taxes.

Patrons: Barker and Puller; *Delegates:* Nichols and Sickles

01/14/09 Senate: Prefiled and ordered printed

01/14/09 Senate: Referred to Committee on Local Government

SB 1416 Preservation of historical sites and architectural areas; local governing bodies may include.

Summary as introduced:

Preservation of historical sites and architectural areas. Provides that local governing bodies may include in ordinances establishing historic districts, landmarks, and other buildings or structures within the locality having an important historic, architectural, archaeological, or cultural interest, a provision setting forth a 30-day period for archaeological excavation and preservation before the commercial or residential development of a historic district or any area within the locality that has been identified with potential archaeological or historic significance. This bill is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission.

Patron: Blevins

01/14/09 Senate: Presented and ordered

01/14/09 Senate: Referred to Committee on Local Government

SJ 290 Constitutional amendment; establishes limitations on takings of private property.

Summary as introduced:

Constitutional amendment (first resolution); taking of private property for public uses. Establishes limitations on takings of private property. Except for property taken for public service companies or railroads, property may not be taken if the primary purpose of the taking is private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more property shall be taken than is necessary to achieve the stated public use.

Patrons: Obenshain and Smith

12/23/08 Senate: Prefiled and ordered printed

12/23/08 Senate: Referred to Committee on Privileges and Elections

Public Safety

HB 1582 Home access businesses; owner/operator thereof to conduct criminal background check of employees.

Summary as introduced:

Employees of home access businesses; penalty. Requires the owner or operator of a commercial establishment that provides a service that requires the establishment's employees regularly to enter the interior area of the residence of its customers to conduct a criminal background check of employees whose regular duties can reasonably be expected to require entering the interior area of the residences of establishment's customers. Effective September 1, 2009, employers are required to complete a criminal records check on prospective employees, but an employer is not prohibited from hiring an

employee on the basis of the results of the criminal records check. Employers are required to keep copies of the fingerprints and records check for such employees. Employers shall provide identification badges to employees and require the employees to wear the badge when they are expected to enter customers' homes. Violations constitute a Class 3 misdemeanor.

Patron: Howell, A.T.

08/05/08 House: Prefiled and ordered printed

08/05/08 House: Referred to Committee on Militia, Police and Public Safety

01/20/09 House: Assigned MPPS sub: #2

HB 1613 Polygraph examiners; only federal, state or local law-enforcement officer shall operate device.

Summary as introduced:

Department of Professional and Occupational Regulation; regulation of polygraph examiners. Provides that no person, other than a federal, state, or local law-enforcement officer, shall operate any instrument or device to detect deception or verify the truth of statements that does not meet the minimum instrumentation requirements set forth in § 54.1-1805 or use any title or make any representation tending to indicate that he is qualified to detect deception or verify the truth of statements through the use of such instrument or device. The bill specifies the conditions under which law-enforcement officers may use other types of polygraph instruments.

Patron: Wright

11/14/08 House: Prefiled and ordered printed

11/14/08 House: Referred to Committee on Militia, Police and Public Safety

HB 1615 Wireless telecommunications devices; prohibits use of text messaging while driving certain vehicles.

Summary as introduced:

Text messaging while driving. Prohibits operation of a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth while using any wireless telecommunication device for the purpose of sending, receiving, or reading any text message. The prohibition, however, does not extend to entering names or numbers for making telephone calls and does not apply to the operator of emergency vehicles. Violations are punishable by fines of \$20 for first offenses and \$50 for subsequent offenses.

Patron: Howell, A.T.

11/19/08 House: Prefiled and ordered printed

11/19/08 House: Referred to Committee on Transportation

HB 1659 Wireless telecommunications devices; prohibits use of while driving except in an emergency.

Summary as introduced:

Use of wireless telecommunications devices while driving. Prohibits use of wireless telecommunications devices, whether handheld or otherwise, while operating a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth, except in an emergency.

Patron: Howell, A.T.

12/15/08 House: Prefiled and ordered printed

12/15/08 House: Referred to Committee on Militia, Police and Public Safety

HB 1698 Scrap metal processors; prohibits sale/purchase of certain metal that seller knows is copper, etc.

Summary as introduced:

Scrap metal processors. Prohibits the sale to or purchase of any scrap metal that the seller or scrap metal processor knows is copper, aluminum, brass, lead, or other nonferrous metal of any kind, including catalytic converters or any materials derived from a catalytic converter, steel railroad track and track material, metal beverage containers with a capacity of more than two liters that are marketed as returnable, or other specific categories of scrap metal, unless the person attempting to sell the scrap metal provides documentation establishing or acknowledging that the seller is the owner of the scrap metal or is an employee, agent, or other person authorized to sell the scrap metal on behalf of the owner. The measure authorizes law-enforcement officers during the regular business hours of a scrap metal processor to inspect, without a warrant or subpoena, any scrap metal in the possession of a scrap metal processor, any records required to be maintained by a scrap metal processor, or both. Each seller of scrap metal is required to provide his driver's license number to the scrap metal processor in connection with each sale of nonferrous scrap, metal articles, and proprietary articles. Sales where the seller is unable or refuses to provide the required identification and information are prohibited. Scrap metal processors are required to keep a record of the total price paid for items purchased and the price paid per unit of measurement for the items. The penalty for any violation of the chapter is increased to a Class 1 misdemeanor; currently, negligent violations are subject to a civil penalty not to exceed \$7,500 while knowing violations are a Class 1 misdemeanor.

Patron: Lohr

01/05/09 House: Prefiled and ordered printed

01/05/09 House: Referred to Committee on Commerce and Labor

HB 1842 Emergency protective order; expands authority of magistrate when warrant for sexual battery.

Summary as introduced:

Authority of a magistrate or judge to issue an emergency protective order. Expands the authority of a magistrate or judge to issue an emergency protective order to include issuance when a warrant is issued for misdemeanor sexual battery. Currently, issuance of an emergency order predicated on a criminal act is limited to the crime of assault on a family member.

Patron: Griffith

01/12/09 House: Prefiled and ordered printed

01/12/09 House: Referred to Committee for Courts of Justice

HB 1857 Protective orders; issuance upon conviction for certain crimes.

Summary as introduced:

Protective orders; issuance upon conviction for certain crimes. Provides that a court shall issue a protective order for the benefit of a petitioner upon the conviction of a person for a criminal offense resulting in a serious bodily injury to the petitioner, for stalking, or for a violation of the terms of a previously issued protective order. The bill further provides that any period of time for which the person is confined to a state or local correctional facility for the conviction of the crime which required the issuance of the protective order shall not be included in calculating the duration of the protective order.

Patron: Shannon

01/12/09 House: Prefiled and ordered printed

01/12/09 House: Referred to Committee for Courts of Justice

01/16/09 House: Assigned Courts sub: Criminal

HB 1876 Wireless telecommunications devices; prohibits use of text messaging while driving certain vehicle.

Summary as introduced:

Text messaging and emailing while driving. Prohibits operation of a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth while using any wireless telecommunications device for the purpose of composing or sending any text message or email. This bill provides exemptions for the use of global positioning systems (GPS) and using a wireless telecommunications device to report an emergency. The provisions of this bill do not apply to operators of emergency vehicles.

Patron: Cosgrove

01/12/09 House: Prefiled and ordered printed

01/12/09 House: Referred to Committee on Transportation

HB 1908 Assault and battery of family or household member; rewrites existing statute for clarity, etc.

Summary as introduced:

Assault and battery of family or household member; deferred disposition. Rewrites the existing statute for clarity and requires rather than allows the court to order the person to obtain services from local community-based probation if the services are available. This bill is a recommendation of the Committee on District Courts.

Patron: Armstrong

01/13/09 House: Prefiled and ordered printed

01/13/09 House: Referred to Committee for Courts of Justice

01/16/09 House: Assigned Courts sub: Criminal

HB 1919 Prisoner keep; increases amount locality may charge inmate to defray costs associated therewith.

Summary as introduced:

Corrections; payment of costs associated with prisoner keep. Increases from \$1 to \$25 the amount a locality may charge an inmate to defray the costs associated with the inmate's keep.

Patron: Crockett-Stark

01/13/09 House: Prefiled and ordered printed
01/13/09 House: Referred to Committee on Militia, Police and Public Safety
01/20/09 House: Assigned MPPS sub: #3

HB 1959 Workers' compensation; prohibits State from terminating employment for line of duty injury, etc.

Summary as introduced:

Workers' compensation; discharge of public safety employees. Prohibits the Commonwealth, a locality, or a political subdivision, as employer of a public safety employee, from involuntarily discharging or terminating the employment of such an employee suffering from a line of duty injury or occupational illness, for a period of (i) one year after the injury occurred or illness arose, if the employee has not returned to employment in full unrestricted duty, or (ii) two years after the injury occurred or illness arose, if a physician has determined, before the expiration of the one-year period, that the employee, within the ensuing one year, will reach maximum medical improvement and, to a reasonable degree of medical probability, will resume employment without significant limitations in the position he held when the injury occurred or illness arose.

Patron: Mathieson

01/13/09 House: Prefiled and ordered printed
01/13/09 House: Referred to Committee on Commerce and Labor
01/16/09 House: Assigned C & L sub: 1

HB 2016 Human trafficking; definition to include use of force, deception, etc.

Summary as introduced:

Human Trafficking. Defines human trafficking to include the use of force, deception, or coercion, for the purpose of subjecting a person to involuntary servitude, debt bondage, concubinage, prostitution, or slavery. The bill provides that any person who engages in human trafficking is subject to the provisions of the Virginia Racketeer Influenced and Corrupt Organizations Act, and provides for forfeiture of a trafficker's property used in, and proceeds gained from, trafficking. The bill also creates an affirmative defense to criminal activity engaged in by a victim of trafficking.

Patron: Ebbin

01/13/09 House: Prefiled and ordered printed
01/13/09 House: Referred to Committee for Courts of Justice
01/20/09 House: Assigned Courts sub: Criminal

HB 2210 Enforcement of traffic light signals; allows law-enforcement officers to arrest or detain persons.

Summary as introduced:

Enforcement of traffic light signals. Allows law-enforcement officers to arrest or detain persons who violate traffic light signals even if the officers are not in uniform at the time.

Patron: Jones

01/14/09 House: Prefiled and ordered printed
01/14/09 House: Referred to Committee on Transportation

HB 2220 Animal control officers; localities may raise cap on salaries.

Summary as introduced:

Salaries of animal control officers. Authorizes localities to exceed the statutory cap on dog and cat licenses if they find it is necessary to provide additional compensation for animal officers and for expenses associated with the care provided by a pound and the maintenance of a pound.

Patron: Alexander

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/21/09 House: Assigned ACNRsub: #1 Agriculture

HB 2239 Compulsory training standards; persons designated to provide courthouse security.

Summary as introduced:

Compulsory training standards; courthouse and courtroom security. Allows persons designated to provide courthouse security who have previously been certified and served as law-enforcement officers, other than a person terminated for cause, to meet reduced minimum compulsory training standards.

Patron: Valentine

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee for Courts of Justice

01/20/09 House: Assigned Courts sub: Civil

HB 2263 Animal control officers; moves oversight & governance thereof to Dept. of Criminal Justice Services.

Summary as introduced:

Oversight of animal control officers. Moves oversight and governance of animal control officers from the State Veterinarian to the Department of Criminal Justice Services.

Patron: Kilgore

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/21/09 House: Assigned ACNRsub: #1 Agriculture

HB 2328 Adult abuse, suspected; requires local departments to take photographs, etc., thereof.

Summary as introduced:

Suspected adult abuse; photographing of injuries. Requires local departments to take or cause to be taken photographs, video recordings, or appropriate medical imaging of a suspected victim of adult neglect, abuse, or exploitation mandatory.

Patron: Athey

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee on Health, Welfare and Institutions

HB 2367 Protective order; aiding and abetting violation thereof, penalty.

Summary as introduced:

Aiding and abetting violation of a protective order. Provides that any person who aids and abets the violation of any provision of a protective order is guilty of a Class 1 misdemeanor.

Patron: Gilbert

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee for Courts of Justice

01/20/09 House: Assigned Courts sub: Criminal

HB 2380 Wireless telecommunications devices; prohibits use of text messaging while driving certain vehicles.

Summary as introduced:

Text messaging and emailing while driving. Prohibits operation of a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth while using any wireless telecommunications device for the purpose of composing or sending any text message or email. This bill provides exemptions for persons lawfully parked or stopped, the use of global positioning systems (GPS), and the use of a wireless telecommunications device to report an emergency. The provisions of this bill do not apply to operators of emergency vehicles.

Patron: Scott, J.M.

01/14/09 House: Prefiled and ordered

1/14/09 House: Referred to Committee on Transportation

HB 2381 Protective orders; court may include therein provisions for protection of companion animals, etc.

Summary as introduced:

Protective orders; companion animals and livestock. Provides that a court may include in a protective order provisions for the protection of companion animals and livestock owned, possessed, leased, kept, or held by the party, or his family or household members, for whose benefit the protective order was entered.

Patron: Scott, J.M.

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee for Courts of Justice

01/20/09 House: Assigned Courts sub: Criminal

HB 2386 Pedestrians and drivers; responsibilities thereof at marked & unmarked crosswalks.

Summary as introduced:

Pedestrians and drivers; responsibilities. Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks.

Patron: Ebbin

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee on Transportation

HB 2393 Animal control officers; classified as law-enforcement officers.

Summary as introduced:

Animal control officers deemed law-enforcement officers. Adds animal control officers to the following crimes for which enhanced punishment is imposed when the victim of such a crime is a law-enforcement officer: assault and battery, malicious wounding, and obstruction of justice.

Patron: Bell

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee for Courts of Justice

01/20/09 House: Assigned Courts sub: Criminal

HB 2489 Assault and battery; penalty when against family or household member.

Summary as introduced:

Assault and battery against a family or household member; protective order; penalty. Provides that a person who commits an assault and battery against a person who is protected by the provisions of a protective order is guilty of a Class 1 misdemeanor and, for a third offense, a Class 6 felony.

Patron: McClellan

01/14/09 House: Presented and ordered

01/14/09 House: Referred to Committee for Courts of Justice

01/20/09 House: Assigned Courts sub: Criminal

HB 2493 Prisoner keep; increases amount locality may charge inmate to defray costs associated therewith.

Summary as introduced:

Corrections; payment of costs associated with prisoner keep. Increases from \$1 to \$5 the amount a locality may charge an inmate to defray the costs associated with the inmate's keep.

Patron: Miller, P.J.

01/14/09 House: Presented and ordered

1/14/09 House: Referred to Committee on Militia, Police and Public Safety

HB 2520 Pedestrians and drivers; responsibilities thereof at marked and unmarked crosswalks.

Summary as introduced:

Pedestrians and drivers; responsibilities. Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks.

Patron: Shannon

01/16/09 House: Presented and ordered printed

01/16/09 House: Referred to Committee on Transportation

SB 1107 Exposure to communicable diseases; first responders.

Summary as introduced:

Exposure to communicable diseases; first responders. Requires that if any first responder, including any (i) salaried or volunteer firefighter, paramedic, or emergency medical technician, (ii) member of the State Police Officers' Retirement System, (iii)

member of county, city, or town police departments, (iv) sheriff or deputy sheriff, (v) Department of Emergency Management hazardous materials officer, (vi) city sergeant or deputy city sergeant of the City of Richmond, (vii) Virginia Marine Police officer, (viii) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officer, (x) special agent of the Department of Alcoholic Beverage Control, or (xi) conservation officer of the Department of Conservation and Recreation, becomes exposed to another's body fluids in a manner that may transmit HIV or hepatitis, the other person will be deemed to have consented to testing for those viruses. Also, when a first responder is asked to transport someone with a communicable disease, this bill removes the transferring facility's discretion in deciding if the responder must be notified as to the general condition of the patient and any precautions to be taken, and instead always requires such notice.

Patrons: Northam, Hanger and McDougle

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee on Education and Health

01/15/09 Senate: Assigned Education sub: Health Care

01/22/09 Senate: Committee substitute printed 094126286-S1

01/22/09 Senate: Reported from Education and Health with substitute (15-Y 0-N)

SB 1134 Electronic summons system; localities to assess an additional fee as part of costs.

Summary as introduced:

Electronic summons system; fees. Allows localities to assess an additional three dollar fee as part of the costs in each civil, criminal or traffic case to be used solely for an electronic summons system.

Patrons: Petersen and Barker; Delegate: Scott, J.M.

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee for Courts of Justice

01/14/09 Senate: Assigned Courts sub: Civil

SB 1149 Juvenile code; makes changes in code pertaining to juveniles and juvenile court provisions.

Summary as introduced:

Juvenile code. Makes various clarifying changes in code sections pertaining to juveniles and juvenile court provisions. The bill specifies that the statutory deferred disposition provisions for underage possession of alcohol apply only to adults, since the law pertaining to juveniles already allows deferred dispositions, allows juvenile probation officers to keep relevant photographs in their files, provides that a guardian ad litem of a child may file a petition alleging that the child is in need of services or supervision, specifies that a petition must be filed (rather than proceeding informally) if the offense for which the juvenile had been previously adjudicated delinquent would be a felony if committed by an adult, removes references to juvenile boot camps because they do not exist and provides that a petition may be filed for assault and battery against a family or household member. The bill also repeals two sections (protective orders in cases of

family abuse and exception as to confidentiality) and reinserts the same language in the Code in renumbered sections.

Patron: Howell

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee for Courts of Justice

01/14/09 Senate: Assigned Courts sub: Criminal

SB 1150 Emergency response plans; ensuring victims' rights.

Summary as introduced:

Emergency plans; victims' rights. Requires all emergency plans to include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01, as well as current contact information for both.

Patron: Howell

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee on General Laws and Technology

01/21/09 Senate: Reported from General Laws and Technology (14-Y 0-N)

SB 1191 Process and service fees; increases certain sheriff's fees.

Summary as introduced:

Process and service fees. Increases from \$25 to \$35 certain sheriffs' fees for levying upon property or serving an ejectment and from \$25 to \$50 for serving a writ of possession.

Patron: Puckett

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee for Courts of Justice

01/15/09 Senate: Assigned Courts sub: Civil

SB 1239 Pedestrians and drivers; sets responsibilities thereof at marked and unmarked crosswalks.

Summary as introduced:

Pedestrians and drivers; responsibilities. Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks.

Patrons: Barker and Ticer

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee on Transportation

SB 1268 Electronic video and audio communication, two-way; if available in pre-trial, judge shall use.

Summary as introduced:

Personal appearance by two-way electronic video and audio communication.

Provides that if two-way electronic video and audio communication is available for use by a judge in any pre-trial criminal proceeding, the judge shall use such communication in any proceeding that would otherwise require the transportation of a person from outside the jurisdiction of the court in order to appear in person before the court.

Patrons: Vogel and Stuart

01/14/09 Senate: Prefiled and ordered printed

01/14/09 Senate: Referred to Committee for Courts of Justice

01/15/09 Senate: Assigned Courts sub: Criminal

SB 1377 Juvenile arrest information; police and sheriff departments may release current information.

Summary as introduced:

Juvenile arrest information. Provides that police and sheriff departments may release current information on juvenile arrests to law-enforcement agencies in other states.

Patron: Stolle

01/14/09 Senate: Prefiled and ordered printed

01/14/09 Senate: Referred to Committee for Courts of Justice

01/15/09 Senate: Assigned Courts sub: Criminal

SB 1436 Crime victims; no law-enforcement officer shall inquire into immigration status of victim of crime.

Summary as introduced:

Crime victims; immigration status. Provides that no law-enforcement officer or other agent of state or local government shall, when investigating a crime, inquire into the immigration status of any person who reports that he is the victim of the crime or is the parent or guardian of a minor victim, or is a cooperating witness in the criminal investigation or is the parent or guardian of a minor witness. The bill does not prohibit a law-enforcement officer from inquiring into the immigration status of a victim or witness who has been arrested or charged with a criminal violation, or when such inquiry is required by federal law or is essential to the investigation or prosecution of the crime to which the person is a witness or of which the person is a victim.

Patrons: Howell, Edwards, Herring, Locke, Lucas, Marsh, Puller, Saslaw, Stolle and Whipple; *Delegates:* Albo, Griffith, Loupassi, Mathieson, Melvin, Morrissey, Rust, Shannon and Watts

01/16/09 Senate: Presented and ordered printed

01/16/09 Senate: Referred to Committee for Courts of Justice

01/19/09 Senate: Assigned Courts sub: Criminal

Taxation,. Finance and Budget

HB 1839 Commercial real estate tax; used for local projects and construct new roads.

Summary as introduced:

Commercial real estate tax in Northern Virginia. Provides that half of the current special tax on commercial real property in Northern Virginia be used for local projects pursuant to existing law, and half be used to construct new roads or construct new transit, provided that the projects are approved by the most recent long-range plan of the Northern Virginia Transportation Authority. The bill accomplishes this by halving the rate of the special tax under current law (from \$0.25 to \$0.125) and providing for an additional tax for the new construction of roads and transit at the same rate

Patron: Albo

01/12/09 House: Prefiled and ordered printed

01/12/09 House: Referred to Committee on Finance

01/16/09 House: Assigned Finance sub: 2

HB 2084 Real and personal property taxes; exempts certain pollution control equipment & facilities.

Summary as introduced:

Real and personal property taxes. Exempts certain pollution control equipment and facilities from local property taxes.

Patron: Purkey

01/13/09 House: Prefiled and ordered printed

01/13/09 House: Referred to Committee on Finance

01/16/09 House: Assigned Finance sub: 2

HB 2121 Public Procurement Act; verification of legal presence of contractors for employment.

Summary as introduced:

Public Procurement Act; verification of legal presence. Requires all public contractors and their subcontractors to register and participate in a federal Electronic Work Verification Program or similar electronic verification of work authorization program to determine that their employees and individual independent contractors are legally eligible for employment in the United States. Contractors and subcontractors are required to verify the employment status of their employees and independent contractors, and are prohibited from employing or contracting with an individual who is determined not to be legally eligible for employment in the United States as determined through the verification of the individual's status. Contractors who do not register and participate in the registration program are ineligible for prequalification. The measure becomes effective on July 1, 2010.

Patron: Nichols

01/13/09 House: Prefiled and ordered printed;

01/13/09 House: Referred to Committee on General Laws

01/19/09 House: Assigned GL sub: FOIA

HB 2138 Graffiti abatement; permits localities to charge property owner for cost thereof.

Summary as introduced:

Graffiti abatement. Permits localities to charge a property owner for the cost or expenses of abating graffiti that occurs on his vacant property, and to collect such charges as taxes are collected. If the charges remain unpaid, they shall constitute a lien and become enforceable in the same manner as unpaid local taxes.

Patron: Miller, J.H.

01/13/09 House: Prefiled and ordered printed

01/13/09 House: Referred to Committee on Counties, Cities and Towns

HB 2289 Real and personal property taxes; duty to provide information to commissioner of revenue.

Summary as introduced:

Real and personal property taxes; duty to provide information to commissioner of the revenue. Requires (i) certain entities that manage real property and that maintain names of the owners of such property, on the request of the commissioner of revenue, to provide such names to the commissioner, and (ii) the owner or manager of a self-storage facility to provide the names and addresses of the lessees of any portion of the facility's common area.

Patrons: Cline and Peace

01/14/09 House: Prefiled and ordered

01/14/09 House: Referred to Committee on Finance

01/20/09 House: Assigned Finance sub: 2

HB 2311 Courthouses; assessment for construction, renovation, or maintenance.

Summary as introduced:

Construction, renovation, or maintenance of a courthouse; fees. Allows localities to assess an additional three dollar fee as part of the costs in each civil, criminal, or traffic case to be used solely for the construction, renovation, or maintenance of a courthouse.

Patron: Melvin

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee for Courts of Justice

HB 2479 Real property tax rate; reduces tax imposed on commercial property in Northern Virginia.

Summary as introduced:

Real property tax rate; commercial property in Northern Virginia. Reduces the rate of the additional real property tax that may be imposed on commercial property by localities embraced by the Northern Virginia Transportation Authority from \$0.25 per \$100 to \$0.125 per \$100.

Patron: Hugo

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee on Finance

01/20/09 House: Assigned Finance sub: 2

HJ 648 Constitutional amendment; property tax exemption for certain veterans (first reference).

Summary as introduced:

Constitutional amendment (first resolution); property tax exemption for certain veterans. Directs the General Assembly to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent combat-related, permanent, and total disability.

Patrons: O'Bannon (by request), Lingamfelter, Cole, Frederick and Wright

12/17/08 House: Prefiled and ordered printed; offered

12/17/08 House: Referred to Committee on Privileges and Elections
01/15/09 House: Assigned P & E sub: Constitutional

HJ 669 Constitutional amendment; property tax exemptions for certain veterans (1st reference).

Summary as introduced:

Constitutional amendment (first resolution); property tax exemptions; property of certain veterans. Provides that the General Assembly may authorize localities to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a service-connected, permanent, and 100 percent total disability. This exemption is not limited to veterans deemed to be bearing an extraordinary tax burden in relation to their income and financial worth.

Patrons: Janis and Cole

01/12/09 House: Prefiled and ordered printed
01/12/09 House: Referred to Committee on Privileges and Elections
01/15/09 House: Assigned P & E sub: Constitutional

HJ 686 Constitutional amendment; certain property exempt from taxation (first reference).

Summary as introduced:

Constitutional amendment (first resolution); property exempt from taxation. Provides that the General Assembly may enact legislation that will authorize localities by ordinance to exempt from property taxes up to 20 percent of the value of each residential or farm property that is the individual owner-occupants' primary dwelling and lived in continuously.

Patron: Brink

01/13/09 House: Prefiled and ordered printed
01/13/09 House: Referred to Committee on Privileges and Elections
01/15/09 House: Assigned P & E sub: Constitutional

HJ 709 Constitutional amendment; assessments of real property and tax rates (first reference).

Summary as introduced:

Constitutional amendment (first resolution); assessments of real property and tax rates. Provides that assessments of real property shall not increase annually by more than one percent plus the percentage increase, if any, in the rate of inflation. Increases in the rate of taxation on real property are limited to one percent per year.

Patron: Frederick

01/14/09 House: Prefiled and ordered printed
01/14/09 House: Referred to Committee on Privileges and Elections
01/22/09 House: Assigned P & E sub: Constitutional

SB 1131 Notice for setting local real property tax rate; public notice required for increasing rate.

Summary as introduced:

Notice for setting local real property tax rate. Reduces from 30 days to 10 days the public notice required by localities under certain circumstances for increasing the local real property tax rate above the rate that would generate 101 percent of the prior year's real property tax revenues.

Patrons: Petersen; Delegate: Bulova

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee on Finance

SB 1157 Recordation and grantor taxes; changes basis of how calculated on transfer of real estate.

Summary as introduced:

Recordation and grantor taxes; basis. Changes the basis on which recordation and grantor taxes are calculated on the transfer of real estate to the actual consideration for the real estate. Under current law the basis is the consideration for the real estate or the value of the real estate, whichever is greater. The provisions of the bill would become effective on July 1, 2010.

Patron: Saslaw

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee on Finance

SB 1189 Law libraries, local; authorized to use space at public libraries, to charge flat rate to patrons.

Summary as introduced:

Local law libraries. Authorizes local law libraries to use space at local public libraries and to charge a flat rate or fee to patrons for the use of computer research services. The bill also authorizes the use of some of the funding generated from the four dollars assessed on civil actions in certain localities to be used to acquire computer terminals for offsite placement to maximize access to the law library by the public.

Patron: Puckett

01/13/09 Senate: Prefiled and ordered printed

01/13/09 Senate: Referred to Committee on General Laws and Technology

01/21/09 Senate: Reported from General Laws and Technology (14-Y 0-N)

Transportation & Environmental Services

HB 1839 Commercial real estate tax; used for local projects and construct new roads.

Summary as introduced:

Commercial real estate tax in Northern Virginia. Provides that half of the current special tax on commercial real property in Northern Virginia be used for local projects pursuant to existing law, and half be used to construct new roads or construct new transit, provided that the projects are approved by the most recent long-range plan of the Northern Virginia Transportation Authority. The bill accomplishes this by halving the

rate of the special tax under current law (from \$0.25 to \$0.125) and providing for an additional tax for the new construction of roads and transit at the same rate

Patron: Albo

01/12/09 House: Prefiled and ordered printed

01/12/09 House: Referred to Committee on Finance

01/16/09 House: Assigned Finance sub: 2

HB 1861 Street maintenance payments; increased where traffic volumes exceed statewide average by 20%.

Summary as introduced:

Street maintenance payments. Provides for increased payments where traffic volumes exceed the statewide average by more than 20 percent.

Patron: Shannon

01/12/09 House: Prefiled and ordered printed

01/12/09 House: Referred to Committee on Transportation

01/16/09 House: Assigned Transportation sub: 4

HB 2020 Highway maintenance funds; provides method Transportation Board is to allocate additional funds.

Summary as introduced:

Allocation of highway maintenance funds. Provides a method by which the Commonwealth Transportation Board is to allocate additional funds for highway maintenance in the event of insufficiency of funds in the Highway Maintenance and Operating Fund. Such allocations would begin with fiscal year 2011.

Patrons: Rust and Albo

01/13/09 House: Prefiled and ordered printed

01/13/09 House: Referred to Committee on Transportation

HB 2387 Green Public Buildings Act; certain new or renovated buildings to be built to certain standards.

Summary as introduced:

Green Public Buildings Act. Requires public bodies entering the design phase for construction of a new building greater than 5,000 gross square feet in size, or renovating such a building where the cost of renovation exceeds 50 percent of the value of the building, to build to either the Green Globes Green Building Initiative green building rating standard or the United States Green Building Council Leadership in Energy and Environment Design green building rating standard (LEED). Exemptions from the requirement may be granted by the Director of the Department of General Services for state construction projects or the governing body of a locality or school board for local projects.

Patron: Ebbin

01/14/09 House: Prefiled and ordered printed

01/14/09 House: Referred to Committee on General Laws

SB 1058 Green roofs; authorizes counties, etc., to grant incentives or provide regulatory flexibility.

Summary as introduced:

Local incentives for green roofs. Authorizes counties, cities, and towns to grant incentives or provide regulatory flexibility to encourage the use of green roofs in the construction, repair, or remodeling of residential and commercial buildings. The incentives or regulatory flexibility could include (i) a reduction in permit fees when green roofs are used, (ii) a streamlined process for the approval of building permits when green roofs are used, or (iii) a reduction in any gross receipts tax on green roof contractors as defined by the local ordinance.

Patrons: Whipple, Barker, Howell, Petersen, Puller and Ticer; *Delegates:* Amundson, Bulova, Hugo, Marsden, Plum, Rust, Sickles, Vanderhye and Watts

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09 094497352

01/13/09 Senate: Referred to Committee on Finance

HB 1879 Government, local; alternatives to publication of notices for charter changes, referenda, etc.

another bill?

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Summary as introduced:

Local government; publication of notices for charter changes, referenda, and public hearings, etc; alternatives. Gives localities with a population over 100,000 alternatives to publication in newspaper of circulation in the locality. These alternatives include publication in a newspaper of general circulation in locality, on the locality's website, or on any public access channel operated by the locality, to be aired during time programming and at least two other times during the day. Any electronic publication shall be aired two consecutive weeks.

Full text:

01/12/09 House: Prefiled and ordered printed; offered 01/14/09 098297472

Status:

01/12/09 House: Prefiled and ordered printed; offered 01/14/09 098297472

01/12/09 House: Referred to Committee on Counties, Cities and Towns

01/20/09 House: Assigned CC & T sub: 2
