

FINAL STATUS REPORT
VIRGINIA COURT CLERKS ASSOCIATION

April 27, 2009

The 2009 General Assembly has come and gone. On the substantive side, VCCA was successful in amending legislation that caused us concern, and defeating legislation that was not favorable to our positions. Also, on the substantive side, we were successful in getting our legislation passed, in a form favorable to VCCA.

The major issue this year was the budget and we are pleased to report that your efforts to contact your legislators had a major impact on the outcome. Also, having Ron Jordan on our team who primary responsibility was to focus on budget issues, yielded solid results. While the Clerks did not get spared all financial hits as a result of this year's General Assembly, the circuit court clerks appear to have escaped, to a large extent, the severe cuts that characterize the lot of many government agencies under this year's budget bill.

This is our final status report for 2009.

As you know, any piece of legislation listed in this report can be found on the Legislative Services Website, which is <http://leg1.state.va.us>.

1. Bills Requested:

HB 1946 (Delegate Peace)
SB 1442 (Senator Stolle)

Statewide case and financial management systems; interface with circuit courts. Gives the Executive Secretary of the Supreme Court the responsibility for the operation of maintenance of a statewide case management system and financial management system, for related technology improvements, and requires that he permit an interface to any circuit court that uses automation or technology improvements provided by a private vendor or the locality. The costs of designing and implementing any such interface shall be the responsibility of the circuit court clerk.

HB 1946, as amended, passed the House by a vote of 90 to 7 and passed the Senate by a vote of 29 to 10. Here is the link:

<http://leg1.state.va.us/cgi-bin/legp504.exe?091+vot+HV3465+HB1946>

SB 1442, as amended, passed the Senate by a vote of 28 to 11 and passed the House by a vote of 87 to 13. Here is the link:

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=091&typ=bil&val=sb1442>

Everyone should thank Delegate Peace and Senator Stolle for their leadership on this legislation.

In the Veto Session, the Governor proposed further changes to address the Supreme Court's concerns. We worked with the Governor's Office on those amendments, which were acceptable to the Clerks. The Governor's amendments were adopted by the General Assembly.

SJR 359 (Senator Stolle)

Operations of Circuit Court Clerks' Offices, Joint Subcommittee Studying; continued.

Summary as introduced:

Study; clerks' offices; report. Continues the joint subcommittee to study the operations of circuit court clerks' offices.

Patron: Stolle

02/11/09 House: Referred to Committee on Rules

02/16/09 House: Assigned Rules sub: Studies

02/23/09 House: Subcommittee recommends reporting with amendment(s)

02/23/09 House: Reported from Rules with amendments (15-Y 0-N)

The Clerks Commission is entering its final year. Our plan is to focus on more reliable funding for the operation of circuit court clerks offices. We are working with the VCCA Executive Committee and will keep you posted.

2. Budget

“The Governor proposes and the General Assembly disposes.” Never was this old adage truer than in the 2009 General Assembly budget actions. When the dust had settled, Compensation Board funding for the operation of Clerks offices was fully restored to FY 2009 levels (with the help of federal stimulus monies coming to the State) and additional funds from the TTF were earmarked to support increased operating costs. Below is a comparison of the budget proposed by the Governor with the budget as approved by the General Assembly.

As proposed by the Governor, the introduced budget included the following:

- a. Eliminating the 2% pay raises scheduled for FY 09 and FY 10.
- b. Reducing FY 10 state funding for the operation of Circuit Clerks' offices by \$3.9 million general funds. This reduction was to be partially offset by a non-general fund increase of \$1.5 million to support operating expenses from the Technology Trust Fund (from \$1.5 million currently to \$3.0 million in the FY 10).
- c. Overriding the provisions of the Code of Virginia and reversing the ratio on splitting the excess fees collected by Clerks. Under the Governor's proposal, 2/3 of these would be remitted to the state with 1/3 retained locally, to produce an additional \$6 million for the Commonwealth in each year of the biennium.

d. The Governor did not propose any reduction for FY 09 (current year). However, additional reductions may have occurred in FY 09 as a result of the “flexible spending reductions” made after the last session for FY 09 and FY 10 wherein local governments decided where to apply local aid reductions. As a result, some offices may have experienced reductions in FY 09 while others did not.

In its budget conference report, the General Assembly approved the following: Restored \$2.7 million in general funds in FY 10 state funding for the operation of Circuit Clerks’ offices. Under this amendment, the general fund reduction for operating Circuit Clerks offices would be \$1.2 million whereas the Governor had proposed a reduction of \$3.9 million.

- a. Increases the amount of TTF money that can be allocated by the Compensation Board for office operations by another \$1.0 million. This is on top of the \$1.5 million proposed by the Governor. When combined with the Governor’s proposed increase for this purpose, the increase in TTF funds earmarked for support operating costs is \$2.5 million. This brings the total amount of TTF funds that can be allocated by the Compensation Board for office operations in FY 10 to \$4.0 million (from \$1.5 million in FY09.)
- b. Adds \$2.1 million in general funds for the additional fringe benefit costs of circuit clerks resulting from the change in the excess fee split. When you change the fee split on the excess fees, you similarly change the required split for funding of fringe benefit costs. There is no real pickup to Clerk’s offices here, it just lets the state provide 2/3 of the cost instead of the locality in accordance with the change in the excess fee split.
- c. Allows the Newport News Circuit Clerk’s office to access a portion of its TTF monies for operations.
- d. Includes language authorizing the Supreme Court to establish an electronic access fee to generate additional funds to develop and operate a statewide electronic case filing system.
- e. Appropriates \$104,280 from the TTF to the Supreme Court for one position to implement HB 1946 requiring the Supreme Court’s case management and financial management system to interface with circuit clerk systems provided by private vendors or their localities.
- f. Includes language directing the Compensation Board to convene a workgroup to update the staffing standards.
- g. Approved reversing the ratio on splitting the excess fees collected by Clerks but exempting the thirty-first judicial district from the changes. Since the budget action on distributing the excess fees is an override of the statutory language in the Code of Virginia, it must be included in each budget going forward to remain in effect unless the Code of Virginia is amended to implement the action.

3. Bills introduced

We use the following to denote the recommended or confirmed positions on legislation:

- S** This means VCCA supports the bill and we will testify.
- S/NA** This means VCCA supports the bill, but we will support with no action.
- O** This means VCCA opposes the bill and we will try to kill the bill.
- O/NA** This means VCCA opposes the bill, but we will oppose with no action.
- NP** This means VCCA has no position on the bill.
- M** This means VCCA will monitor the bill.
- Amend** This means that VCCA will seek amendments to the bill.

The following bills passed both houses and obtained the Governor's approval:

HB 1587 REAL ID Act; State will not comply with provision thereof that they determine would compromise.

Summary as passed House:

REAL ID Act; Commonwealth's participation. Provides that, with the exception of identification cards issued to employees of the Department of State Police and certain other law enforcement officers, the Commonwealth will not comply with any provision of the federal REAL ID Act that it determines would compromise the economic privacy, biometric data, or biometric samples of any resident of the Commonwealth. This bill is identical to SB 1431.

Patrons: Marshall, R.G., Athey, Gilbert, Morgan and Peace; Senator: Cuccinelli

02/09/09 House: Engrossed by House as amended HB1587E
02/10/09 House: Read third time and passed House (88-Y 10-N)
02/19/09 Senate: Reported from Transportation with substitute (15-Y 0-N)
02/24/09 Senate: Amendment by Senator Cuccinelli agreed to
02/24/09 Senate: Passed Senate with substitute with amendment (39-Y 0-N)
02/26/09 House: Senate substitute with amendment agreed to by House 093877616-S1 (97-Y 0-N)
03/10/09 Senate: Signed by President
03/11/09 House: Signed by Speaker
03/30/09 Governor: Approved by Governor-Chapter 733 (effective 7/1/09)

Notes: M

HB 1771 Constitutional offices; provides special election to fill vacancy therein in certain localities.

Summary as passed:

Elections; vacancies in constitutional offices. Provides that the special election to fill a vacancy in a constitutional office (clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer) in localities with a population of 15,000 or less, or a constitutional office shared by localities with a combined population of 15,000 or less, shall be scheduled to be held at the next November general election rather than on a more promptly scheduled special election date. Emergency.

Patrons: Pollard; Senator: Stuart

02/04/09 House: Read third time and passed House (96-Y 1-N)

02/17/09 Senate: Reported from Privileges and Elections with amendments (15-Y 0-N)

02/20/09 Senate: Emergency clause added

02/23/09 Senate: Passed Senate with amendments (40-Y 0-N)

02/25/09 House: Senate amendments agreed to by House (97-Y 0-N)

03/05/09 Senate: Signed by President

03/06/09 House: Signed by Speaker

03/16/09 Governor: Approved by Governor-Chapter 157 (effective 3/16/09)

03/16/09 Governor: Acts of Assembly Chapter text (CHAP0157)

Notes: M

HB 1842 Emergency protective order; authority of magistrate or judge to issue in cases of sexual battery.

Summary as passed House:

Protective orders; sexual battery. Expands the authority of a magistrate or judge to issue any stalking protective order to include issuance when a warrant is issued for sexual battery or aggravated sexual battery. Currently, issuance of such an order predicated on a criminal act is limited to criminal offenses resulting in serious bodily injury or stalking.

Patron: Griffith

01/28/09 House: Reported from Courts of Justice with substitute (21-Y 0-N)

02/03/09 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)

02/16/09 Senate: Reported from Courts of Justice with amendments (15-Y 0-N)

02/18/09 Senate: Passed Senate with amendments (40-Y 0-N)

02/20/09 House: Senate amendments agreed to by House (99-Y 0-N)

02/25/09 House: Signed by Speaker

02/26/09 Senate: Signed by President

03/27/09 Governor: Approved by Governor-Chapter 341 (effective 7/1/09)

03/27/09 Governor: Acts of Assembly Chapter text (CHAP0341)

Notes: M

HB 1843 Civil commitment of sexually violent predators; changes including access to sealed records, etc.

Summary as passed:

Civil commitment of sexually violent predators; penalties. Makes a number of changes, including requiring that the court records for certain sexual misdemeanors be retained for 50 years rather than 10 years; allowing access to records of juvenile court and the Department of Juvenile Justice; addressing challenges to filing defects, including defendants under the Commitment Review Committee; allowing access to sealed records; extending from 60 to 90 days the time for a probable cause hearing and allowing the respondent to waive his right to such hearing; setting a standard for the court to find probable cause; and extending from 90 to 120 the number of days after the probable cause hearing for conduct of the trial.

Patrons: Griffith, Athey, Lingamfelter, Miller, J.H., Pollard and Sherwood

02/04/09 House: Reported from Courts of Justice with substitute (22-Y 0-N)

02/10/09 House: Passed House BLOCK VOTE (99-Y 0-N)

02/23/09 Senate: Reported from Courts of Justice with substitute (13-Y 0-N)

02/23/09 Senate: Subject matter referred by letter to Crime Commission pursuant to Senate Rule 20 (L)

02/26/09 Senate: Passed Senate with substitute with amendments (38-Y 0-N)

02/26/09 House: Senate substitute with amendments rejected by House (1-Y 72-N)

02/26/09 Senate: Senate insisted on substitute with amendments (38-Y 0-N)

02/26/09 Senate: Senate requested conference committee

02/26/09 House: House acceded to request

02/26/09 House: Delegates: Griffith, Bell, Watts

02/26/09 Senate: Senators: Edwards, Marsh, Obenshain

02/28/09 House: Conference report agreed to by House (89-Y 0-N)

02/28/09 Senate: Conference report agreed to by Senate (40-Y 0-N)

03/09/09 Senate: Signed by President

03/11/09 House: Signed by Speaker

03/30/09 Governor: Approved by Governor-Chapter 740 (effective 7/1/09)

Notes: M

HB 1845 Remote access to land records; Prince William County may establish a pilot program assessing fee.

Summary as passed House:

Occasional remote access to land records; pilot program; fee. Allows the clerk of the Circuit Court of Prince William County to establish a pilot program under which a daily fee is assessed for occasional remote access to land records by the general public. The clerk shall also assess a separate fee per image downloaded in an amount not to exceed the usual copying fee. The clerk shall make a report on the pilot program to the House and Senate Committees for Courts of Justice on or before September 30, 2012. The bill expires September 30, 2012. This bill is identical to SB 935.

Patron: Lingamfelter

01/30/09 House: Reported from Courts of Justice with substitute (19-Y 0-N)
02/06/09 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)
02/11/09 Senate: Reported from Courts of Justice (12-Y 0-N)
02/16/09 Senate: Passed Senate (40-Y 0-N)
02/18/09 House: Signed by Speaker
02/18/09 Senate: Signed by President
02/25/09 Governor: Approved by Governor-Chapter 76 (effective 7/1/09)
02/25/09 Governor: Acts of Assembly Chapter text (CHAP0076)

Notes: S/Amend

HB 1899 Jury commissioners; changes date which judge of circuit court may appoint jury commissioners.

Summary as passed:

Appointment of jury commissioners. Provides that the judge of a circuit court with the urban county form of government may appoint jury commissioners at any time prior to the first day of November each year. Currently, jury commissioners must be appointed prior to the first day of July each year.

Patron: Watts

01/21/09 House: Reported from Courts of Justice with amendments (21-Y 0-N)
01/27/09 House: Read third time and passed House BLOCK VOTE (96-Y 0-N)
02/16/09 Senate: Reported from Courts of Justice with amendment (15-Y 0-N)
02/18/09 Senate: Passed Senate with amendment (40-Y 0-N)
02/20/09 House: Senate amendment agreed to by House (96-Y 1-N)
02/25/09 House: Signed by Speaker
02/26/09 Senate: Signed by President
03/30/09 House: Governor's recommendation received by House
04/08/09 House: House concurred in Governor's recommendation (98-Y 0-N)

Notes: M/Amend

HB 1946 Statewide case and financial management systems; Ex. Secretary of Supreme Court responsible for.

Summary as passed:

Statewide case and financial management systems; interface with circuit courts. Gives the Executive Secretary of the Supreme Court the responsibility for the operation and maintenance of a statewide case management system and financial management system, for related technology improvements, and requires that he permit an interface to any circuit court that uses automation or technology improvements provided by a private vendor or the locality. The costs of designing, implementing, and maintaining any such interface shall be the responsibility of the circuit court clerk. Any expenses incurred by the office of the Executive Secretary, not to exceed \$104,280, related to this system shall be reimbursed through the Technology Trust Fund. This bill is identical to SB 1442.

Patrons: Peace, Janis and Loupassi

01/28/09 House: Reported from Courts of Justice with amendment (21-Y 0-N)
02/04/09 House: Amendment by Delegate Peace agreed to
02/05/09 House: Read third time and passed House (67-Y 32-N)
02/23/09 Senate: Reported from Courts of Justice with amendments (9-Y 5-N)
02/25/09 Senate: Passed Senate with amendments (29-Y 10-N)
02/26/09 House: Senate amendments agreed to by House (90-Y 7-N)
03/10/09 Senate: Signed by President
03/11/09 House: Signed by Speaker
03/30/09 House: Governor's recommendation received by House
04/08/09 House: House concurred in Governor's recommendation (99-Y 0-N)

Notes: S -- VCCA Legislation

HB 2108 Electronic video and audio communication, two-way; if available for a hearing, judge shall use.

Summary as passed House:

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 district court in any pre-trial criminal proceeding to determine bail or representation by counsel, the court 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: Sherwood, Athey, Byron, Gilbert, Griffith, Hamilton, Iaquinto, Landes, Lohr, Poindexter and Rust; Senator: Vogel

01/30/09 House: Reported from Courts of Justice with substitute (19-Y 0-N)
02/05/09 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)
02/11/09 Senate: Reported from Courts of Justice (13-Y 0-N)
02/16/09 Senate: Passed Senate (40-Y 0-N)
02/18/09 House: Signed by Speaker
02/18/09 Senate: Signed by President
02/25/09 Governor: Approved by Governor-Chapter 94 (effective 7/1/09)
02/25/09 Governor: Acts of Assembly Chapter text (CHAP0094)

Notes: M

HB 2135 Recordation/grantor tax; penalty if understatement of consideration is false with intent to evade.

Summary as passed:

Recordation taxes; basis. Changes from a Class 2 to a Class 1 misdemeanor the criminal penalty for knowingly misrepresenting the consideration for the interest in property conveyed for purposes of recordation and grantor taxes. The bill also would provide a penalty equal to 100 percent of the tax due on the understatement of the consideration in cases in which the understatement is false or fraudulent with the intent to evade a tax. The bill incorporates HB 1823.

Patrons: Miller, J.H. and Hugo

02/02/09 House: Reported from Finance with substitute (21-Y 1-N)
02/05/09 House: Read third time and passed House (98-Y 1-N)
02/10/09 Senate: Reported from Finance with substitute (16-Y 0-N)
02/12/09 Senate: Passed Senate with substitute (40-Y 0-N)
02/16/09 House: Senate substitute agreed to by House 096032212-S1 (93-Y 6-N)
02/17/09 House: Signed by Speaker
02/18/09 Senate: Signed by President
02/25/09 Governor: Approved by Governor-Chapter 95 (effective 7/1/09)
02/25/09 Governor: Acts of Assembly Chapter text (CHAP0095)

Notes: S

HB 2233 Electronic filings; DMV may require certain filings or submissions be made electronically.

Summary as introduced:

Electronic filings; Department of Motor Vehicles. Provides that DMV may require certain filings or submissions be made electronically, including any required monthly updates from insurance companies and requests for refunds of certain fuel.

Patron: Marsden

02/03/09 House: Reported from Transportation (15-Y 0-N)
02/09/09 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)
02/19/09 Senate: Reported from Transportation (15-Y 0-N)
02/24/09 Senate: Passed Senate (39-Y 0-N)
02/28/09 House: Signed by Speaker
02/28/09 Senate: Signed by President
03/27/09 Governor: Approved by Governor-Chapter 419 (effective 7/1/09)

Notes: M

HB 2310 Confidentiality of court records; person inspecting is authorized to have copies made of records.

Summary as introduced:

Confidentiality of court records. Provides that any person, agency, or institution that may inspect juvenile case files shall be authorized to have copies made of such records, subject to any restrictions, conditions, or prohibitions that the court may impose. This bill is a recommendation of the Committee on District Courts. This bill is identical to SB 928.

Patron: Melvin

01/29/09 House: Subcommittee recommends reporting with amendment(s)
01/30/09 House: Reported from Courts of Justice (19-Y 0-N)
02/05/09 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)
02/11/09 Senate: Reported from Courts of Justice (13-Y 0-N)
02/16/09 Senate: Passed Senate (40-Y 0-N)
02/18/09 House: Signed by Speaker
02/18/09 Senate: Signed by President

02/26/09 Governor: Approved by Governor-Chapter 138 (effective 7/1/09)
02/26/09 Governor: Acts of Assembly Chapter text (CHAP0138)

Notes: M

HB 2311 Courthouses; localities to assess fee as part of costs in each criminal or traffic case.

Summary as passed:

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. Such fee shall not be assessed in any civil action if the amount in controversy is \$500 or less. The additional fee may only be assessed by localities that, on or after January 1, 2009, operated a courthouse not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facility Guidelines and the courthouse cannot be feasibly renovated to correct the non-compliance. This bill is identical to SB 1387.

Patron: Melvin

02/04/09 House: Reported from Courts of Justice with amendments (16-Y 3-N)
02/09/09 House: Committee amendment #1 rejected
02/09/09 House: Committee amendment #2 agreed to
02/09/09 House: Amendments by Delegate Melvin agreed to
02/09/09 House: Amendment by Delegate Morgan agreed to
02/10/09 House: Read third time and passed House (80-Y 16-N)
02/16/09 Senate: Reported from Courts of Justice with amendments (9-Y 5-N)
02/19/09 Senate: Passed Senate with amendments (30-Y 10-N)
02/23/09 House: Senate amendments agreed to by House (81-Y 19-N)
02/25/09 House: Signed by Speaker
02/26/09 Senate: Signed by President
03/30/09 House: Governor's recommendation received by House
04/08/09 House: House concurred in Governor's recommendation (60-Y 32-N 1-A)

Notes: M

HB 2312 Writs; requirements for actual innocence.

Summary as introduced:

Writs of actual innocence; requirements. Extends the ability to petition for a writ of actual innocence based on previously unknown or untested biological evidence to individuals who are not incarcerated. This bill is identical to SB 1381.

Patron: Melvin

01/28/09 House: Reported from Courts of Justice (21-Y 0-N)
02/03/09 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)
02/11/09 Senate: Reported from Courts of Justice (13-Y 0-N)
02/16/09 Senate: Passed Senate (40-Y 0-N)
02/18/09 House: Signed by Speaker
02/18/09 Senate: Signed by President

02/26/09 Governor: Approved by Governor-Chapter 139 (effective 7/1/09)
02/26/09 Governor: Acts of Assembly Chapter text (CHAP0139)

Notes: M

HB 2391 Foreign service; search warrant for electronic communications.

Summary as introduced:

Search warrant for electronic communications; foreign service. Provides for the issuance of a search warrant by a circuit court for information, including contents of electronic communications, held by a foreign corporation that provides electronic communication service or remote computing service in Virginia. Currently, there is no specific provision for foreign service of such a warrant and a search warrant may not access contents of electronic communications.

Patron: Bell

01/30/09 House: Reported from Courts of Justice with substitute (19-Y 0-N)
02/04/09 House: Committee substitute agreed to 090912432-H1
02/05/09 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)
02/16/09 Senate: Reported from Courts of Justice with amendments (15-Y 0-N)
02/18/09 Senate: Committee amendments agreed to
02/18/09 Senate: Passed Senate with amendments (40-Y 0-N)
02/20/09 House: Senate amendments agreed to by House (98-Y 0-N)
02/25/09 House: Bill text as passed House and Senate (HB2391ER)
02/25/09 House: Signed by Speaker
02/26/09 Senate: Signed by President
03/27/09 Governor: Approved by Governor-Chapter 378 (effective 7/1/09)

Notes: M

HB 2426 Government Data Collection and Dissemination Practices Act; extends implementation of prohibition.

Summary as introduced:

Government Data Collection and Dissemination Practices Act; collection of social security numbers. Extends from July 1, 2009, to July 1, 2010, the implementation of the prohibition against collecting an individual's social security number unless collection of such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. The bill contains several technical amendments, all to become effective July 1, 2010. This bill is a recommendation of the Freedom of Information Advisory Council.

Patrons: May, Albo and Merricks

02/03/09 House: Reported from General Laws (22-Y 0-N)
02/06/09 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)
02/18/09 Senate: Reported from General Laws and Technology with substitute (13-Y 0-N)
02/23/09 Senate: Committee substitute agreed to 091854620-S1
02/23/09 Senate: Emergency clause added
02/23/09 Senate: Passed Senate with substitute (40-Y 0-N)
02/25/09 House: Senate substitute agreed to by House 091854620-S1 (98-Y 1-N)

03/04/09 House: Bill text as passed House and Senate (HB2426ER)
03/05/09 Senate: Signed by President
03/06/09 House: Signed by Speaker
03/30/09 House: Governor's recommendation received by House
04/08/09 House: House concurred in Governor's recommendation (97-Y 1-N)
04/08/09 House: Reconsideration of Governor's recommendation agreed to
04/08/09 House: House rejected Governor's recommendation (44-Y 55-N)

Notes: M

HB 2427 Protection of Social Security Numbers Act; first five digits to be confidential from disclosure.

Summary as introduced:

Protection of Social Security Numbers Act; penalties. Provides that the first five digits of a social security number contained in a public record shall be confidential and exempt from disclosure under the Freedom of Information Act. The bill does allow release of a social security number under certain limited circumstances, including proper judicial order; to federal, state or local law-enforcement or correctional personnel; by one agency to another agency in Virginia or to an agency in another state, district, or territory of the United States; and to any data subject exercising his rights under the Government Data Collection and Dissemination Practices Act. The bill provides for penalties for violation.

Patrons: May, Albo, Hugo, Iaquinto, Merricks and Sickles

02/03/09 House: Reported from General Laws with substitute (22-Y 0-N)
02/05/09 House: Committee substitute agreed to 096012620-H1
02/06/09 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)
02/18/09 Senate: Reported from General Laws and Technology with amendment (13-Y 0-N)
02/23/09 Senate: Passed Senate with amendment (40-Y 0-N)
02/25/09 House: Senate amendment agreed to by House (98-Y 1-N)
03/04/09 House: Bill text as passed House and Senate (HB2427ER)
03/04/09 House: Impact statement from DPB (HB2427ER)
03/05/09 Senate: Signed by President
03/06/09 House: Signed by Speaker
03/27/09 Governor: Approved by Governor-Chapter 213 (effective 7/1/09)
03/27/09 Governor: Acts of Assembly Chapter text (CHAP0213)

Notes: M

SB 855 Uniform Power of Attorney Act; created.

Summary as passed:

Uniform Power of Attorney Act (UPOAA). Establishes in the Code of Virginia the Uniform Act that was adopted by the National Conference of Commissioners on Uniform State Laws in 2006. The Act consists of default rules that can be modified if the principal desires. Powers of attorney will be durable unless drafted to expire upon a specified date or event. The UPOAA addresses creation and use, good faith reliance, limitations of agent's powers, refusal to recognize, judicial review, notification of resignation, and other matters. The Act contains an optional statutory form. The bill contains a reenactment clause.

Patrons: Edwards and Obenshain

01/26/09 Senate: Reported from Courts of Justice (13-Y 0-N)
01/29/09 Senate: Read third time and passed Senate (40-Y 0-N)
02/23/09 House: Reported from Courts of Justice with amendments (18-Y 4-N)
02/25/09 House: Committee amendments #'s 1-6 agreed to
02/25/09 House: Amendment by Delegate Athey agreed to
02/25/09 House: No action taken on committee amendment # 7
02/25/09 House: Engrossed by House as amended
02/25/09 House: Passed House with amendments (71-Y 25-N)
02/26/09 Senate: House amendments rejected by Senate (3-Y 35-N)
02/26/09 House: House insisted on amendments
02/26/09 House: House requested conference committee
02/26/09 Senate: Senate acceded to request (38-Y 0-N)
02/26/09 House: Delegates: Athey, Kilgore, Johnson
02/26/09 Senate: Senators: Edwards, Deeds, Obenshain
02/28/09 Senate: Conference report agreed to by Senate (40-Y 0-N)
02/28/09 House: Conference report agreed to by House (87-Y 12-N)
03/09/09 Senate: Signed by President
03/11/09 House: Signed by Speaker
03/30/09 Senate: Governor's recommendation received by Senate
04/08/09 Senate: Senate concurred in Governor's recommendation (40-Y 0-N)

Notes: M

SB 890 Motor vehicles; collection of court costs.

Summary as passed Senate:

Motor vehicles, etc.; collection of court costs. Requires where the court waives a fine for certain offenses that court costs still be collected and clarifies that for local offenses (i.e. failure to obtain animal license, failure to obtain rabies vaccine) where the penalty cannot be waived, court costs shall be collected.

Patron: McDougale

02/09/09 Senate: Reported from Courts of Justice with substitute (10-Y 4-N 1-A)
02/10/09 Senate: Committee substitute agreed to 090896272-S1
02/10/09 Senate: Passed Senate (35-Y 5-N)
02/23/09 House: Reported from Courts of Justice (19-Y 3-N)
02/25/09 House: Passed House (92-Y 7-N)
03/04/09 Senate: Bill text as passed Senate and House (SB890ER)
03/05/09 Senate: Signed by President
03/06/09 House: Signed by Speaker
03/30/09 Governor: Approved by Governor-Chapter 756 (effective 7/1/09)

Notes: M

SB 923 Circuit court judges; repeals section granting mileage reimbursement therefor.

Summary as introduced:

Mileage reimbursement for circuit court judges. Repeals the section granting mileage reimbursement for circuit judges to travel to and from the courthouse each day if they do not reside in the county seat. The state budget gives circuit court judges \$1,500 per year intended to cover their expenses.

Patron: Reynolds

01/21/09 Senate: Reported from Courts of Justice (15-Y 0-N)
02/04/09 Senate: Reported from Finance (15-Y 1-N)
02/09/09 Senate: Read third time and passed Senate (40-Y 0-N)
02/23/09 House: Reported from Courts of Justice (22-Y 0-N)
02/25/09 House: Passed House BLOCK VOTE (100-Y 0-N)
03/04/09 Senate: Bill text as passed Senate and House (SB923ER)
03/05/09 Senate: Signed by President
03/06/09 House: Signed by Speaker
03/11/09 Senate: Impact statement from DPB (SB923ER)
03/27/09 Governor: Approved by Governor-Chapter 592 (effective 7/1/09)

Notes: M

SB 928 Confidentiality of court records; person inspecting is authorized to have copies made of records.

Summary as introduced:

Confidentiality of court records. Provides that any person, agency, or institution that may inspect juvenile case files shall be authorized to have copies made of such records, subject to any restrictions, conditions, or prohibitions that the court may impose. This bill is a recommendation of the Committee on District Courts. This bill is identical to HB 2310.

Patron: Marsh

01/28/09 Senate: Reported from Courts of Justice (14-Y 0-N)
02/03/09 Senate: Read third time and passed Senate (40-Y 0-N)
02/23/09 House: Reported from Courts of Justice (20-Y 0-N)
02/25/09 House: Passed House BLOCK VOTE (100-Y 0-N)
03/04/09 Senate: Bill text as passed Senate and House (SB928ER)
03/05/09 Senate: Signed by President
03/06/09 House: Signed by Speaker
03/27/09 Governor: Approved by Governor-Chapter 308 (effective 7/1/09)
03/27/09 Governor: Acts of Assembly Chapter text (CHAP0308)

Notes: M

SB 935 Remote access to land records; Prince William County may establish a pilot program assessing fee.

Summary as passed:

Occasional remote access to land records; pilot program; fee. Allows the clerk of the Circuit Court of Prince William County to establish a pilot program under which a daily fee is assessed for occasional remote access to land records by the general public. The clerk shall also assess a separate fee per image downloaded in an amount not to exceed the usual copying fee. The clerk shall make a report on the pilot program to the House and Senate Committees for Courts of Justice on or before September 30, 2012. The bill expires September 30, 2012. This bill is identical to HB 1845.

Patron: Smith

02/02/09 Senate: Reported from Courts of Justice with substitute (15-Y 0-N)
02/04/09 Senate: Committee substitute agreed to 090326326-S1
02/06/09 Senate: Read third time and passed Senate (39-Y 0-N)
02/20/09 House: Reported from Courts of Justice with amendments (22-Y 0-N)
02/25/09 House: Committee amendments agreed to
02/25/09 House: Passed House with amendments BLOCK VOTE (100-Y 0-N)
02/26/09 Senate: House amendments agreed to by Senate (38-Y 0-N)
03/09/09 Senate: Signed by President
03/11/09 House: Signed by Speaker
03/30/09 Governor: Approved by Governor-Chapter 723 (effective 7/1/09)

Notes: S/Amend

SB 958 Uniform Interstate Depositions and Discovery Act; created.

Summary as introduced:

Uniform Interstate Depositions and Discovery Act; creation. Replaces current provisions in the Virginia Code (the Uniform Foreign Depositions Act) with this Uniform Act that was adopted by the National Conference of Commissioners on Uniform State Laws in 2007. The Act provides that a party may submit a subpoena issued by a court of record from another state to the clerk of the circuit court serving the jurisdiction in which discovery is sought in the Commonwealth. The foreign subpoena must be accompanied by a written statement that the law of the foreign jurisdiction grants reciprocal privileges for taking discovery by citizens of the Commonwealth. Upon receipt of the foreign subpoena, the clerk shall issue a subpoena for service upon the person to whom the foreign subpoena was directed. The Act further provides that the laws of the Commonwealth govern the service of the subpoena and any action brought for a protective order or to enforce, quash, or modify the subpoena. The Act also requires that the provisions of the Act may only be used by parties in jurisdictions that provide reciprocal privileges to residents of Virginia. This bill is a recommendation of the Boyd-Graves Conference.

Patrons: Obenshain; Delegate: Loupassi

01/26/09 Senate: Reported from Courts of Justice (15-Y 0-N)
01/29/09 Senate: Read third time and passed Senate (40-Y 0-N)
02/20/09 House: Reported from Courts of Justice (22-Y 0-N)
02/25/09 House: Passed House BLOCK VOTE (100-Y 0-N)

03/04/09 Senate: Bill text as passed Senate and House (SB958ER)
03/05/09 Senate: Signed by President
03/06/09 House: Signed by Speaker
03/30/09 Governor: Approved by Governor-Chapter 701 (effective 7/1/09)

Notes: M

SB 960 Credit cards; clarifies language allowing acceptance thereof by clerks to make it clear.

Summary as introduced:

Acceptance of credit cards by clerks. Clarifies the language allowing the acceptance of credit cards by clerks to make it clear that the convenience fee collected is to be collected from the person presenting the card as payment and not the credit card issuer. The bill also changes the language calling this fee a service charge to a reasonable convenience fee to mirror the language used in credit contracts.

Patron: Obenshain

01/21/09 Senate: Reported from Courts of Justice (13-Y 0-N)
01/27/09 Senate: Read third time and passed Senate (40-Y 0-N)
02/18/09 House: Reported from Courts of Justice (22-Y 0-N)
02/24/09 House: Passed House BLOCK VOTE (99-Y 0-N)
02/28/09 Senate: Bill text as passed Senate and House (SB960ER)
02/28/09 Senate: Signed by President
02/28/09 House: Signed by Speaker
03/27/09 Governor: Approved by Governor-Chapter 594 (effective 7/1/09)

Notes: S N/A

SB 1059 Child support orders; revises requirements for court and administrative.

Summary as introduced:

Child support orders. Revises requirements for court and administrative child support orders. This bill amends the requirement for court-issued support orders so that such orders for child support must include notice that support must continue to be paid for a child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party requesting or receiving support and may include support for a child over the age of 18 who is (a) severely and permanently disabled, (b) unable to live independently and care for himself, and (c) residing in the home of the parent seeking or receiving support; the party obligated to provide health care coverage shall keep the Department of Social Services informed of any changes in the availability of coverage or, where payments are made directly to the obligee, must keep the obligee informed of any changes in the availability of health coverage; the order shall provide for interest on arrearages at the judgment rate; and the Department of Motor Vehicles may suspend the license of any person upon receipt of notice from the Department of Social Services that the person is delinquent in the payment of child support by 90 days or an amount equal to \$5,000 or that the person has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings. This bill further amends the requirement for administrative support orders, so that such orders must contain a provision specifying that all payments are to be credited to current support obligations first, with any

payment in excess of current obligations applied to arrearages; the name, date of birth, and last four digits of the social security number of each child and each parent must be on the order unless the Department finds that a protective order has been issued or there is reason to believe that a party is at risk of physical or emotional harm from the other party; the debtor may be subject to mandatory withholding of income, interception of tax refunds or payments to the debtor from the Commonwealth, notification of arrearage information to consumer reporting agencies, passport denial or suspension, or incarceration; DMV may suspend or refuse to issue a driver's license upon receipt of notice from the Department of Social Services that the person is delinquent in the payment of child support by 90 days or an amount equal to \$5,000 or that the person has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings; and the Department may initiate a review of the amount of support ordered by any court. This bill provides that the court may suspend any license, certificate, registration, or other authorization to engage in a recreational activity of a parent upon a delinquency in the payment of child support of 90 days or \$5,000.

Patron: Quayle

01/26/09 Senate: Reported from Courts of Justice (13-Y 0-N)
01/29/09 Senate: Read third time and passed Senate (40-Y 0-N)
02/20/09 House: Reported from Courts of Justice (22-Y 0-N)
02/25/09 House: Passed House BLOCK VOTE (100-Y 0-N)
03/04/09 Senate: Bill text as passed Senate and House (SB1059ER)
03/05/09 Senate: Signed by President
03/06/09 House: Signed by Speaker
03/30/09 Governor: Approved by Governor-Chapter 706 (effective 7/1/09)

Notes: M

SB 1157 Recordation and grantor taxes; penalty for misrepresentation.

Summary as passed Senate:

Recordation and grantor taxes. Changes from a Class 2 to a Class 1 misdemeanor the criminal penalty for knowingly misrepresenting the consideration for the interest in property conveyed for purposes of recordation and grantor taxes. The bill also would provide a penalty equal to 100 percent of the tax due on the understatement of the consideration in cases in which the understatement is fraudulent with the intent to evade a tax.

Patron: Saslaw

02/04/09 Senate: Reported from Finance with substitute (16-Y 0-N)
02/06/09 Senate: Committee substitute agreed to 096021324-S1
02/10/09 Senate: Amendments by Senator Cuccinelli agreed to
02/10/09 Senate: Passed Senate (39-Y 1-N)
02/16/09 House: Reported from Finance with substitute (22-Y 0-N)
02/18/09 House: Passed House with substitute (95-Y 2-N)
02/18/09 Senate: House substitute rejected by Senate (1-Y 39-N)
02/18/09 House: House insisted on substitute
02/18/09 House: House requested conference committee
02/18/09 Senate: Senate acceded to request (38-Y 0-N)
02/18/09 Senate: Senators: Saslaw, Norment, Houck

02/18/09 House: Delegates: Hugo, Cline, Melvin
02/26/09 Senate: Conference substitute printed 092939324-S2
02/27/09 Senate: Conference report agreed to by Senate (39-Y 0-N)
02/27/09 House: Conference report agreed to by House (95-Y 1-N)
02/27/09 House: VOTE: --- ADOPTION (95-Y 1-N)
03/09/09 Senate: Signed by President
03/11/09 House: Signed by Speaker
03/30/09 Governor: Approved by Governor-Chapter 686 (effective 7/1/09)

Notes: S - This bill was amended to create a higher penalty for misrepresentation of the stated amount of a real estate transaction. The issue of how to calculate the recordation tax was put in a Senate Finance Committee study that will report its findings to the 2010 General Assembly.

SB 1191 Process and service fees; increases certain sheriffs' 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. This bill has been incorporated into SB 998.

Patron: Puckett

02/04/09 Senate: Reported from Finance (16-Y 0-N)
02/09/09 Senate: Read third time and passed Senate (39-Y 1-N)
02/13/09 House: Referred to Committee for Courts of Justice
02/17/09 House: Incorporated by Courts of Justice (SB998-Miller, J.C.)

Notes: M

SB 1197 Identity theft; relieves victim thereof of any fees for filing petition to expunge.

Summary as passed Senate:

Expungement of records; victim of identity theft. Relieves the victim of identity theft of paying fees for filing a petition to expunge the criminal records of charges against the victim brought as a result of the identity theft.

Patrons: Puckett; Delegate: Bowling

01/28/09 Senate: Reported from Courts of Justice with amendment (15-Y 0-N)
02/02/09 Senate: Committee amendment agreed to
02/03/09 Senate: Read third time and passed Senate (40-Y 0-N)
02/18/09 House: Reported from Courts of Justice (22-Y 0-N)
02/24/09 House: Passed House BLOCK VOTE (99-Y 0-N)
02/28/09 Senate: Bill text as passed Senate and House (SB1197ER)
02/28/09 House: Signed by Speaker
03/04/09 Senate: Signed by President
03/05/09 Senate: Impact statement from DPB (SB1197ER)
03/27/09 Governor: Approved by Governor-Chapter 618 (effective 7/1/09)

Notes: M

SB 1262 Interrogatories; execution debtors may be reissued one or more summonses to answer in 6 months.

Summary as passed Senate:

Interrogatories. Provides that the issuance of a summons to answer interrogatories that is not served shall not constitute the act of proceeding against an execution debtor.

Patron: Vogel

02/09/09 Senate: Reported from Courts of Justice with amendment (15-Y 0-N)

02/10/09 Senate: Committee amendment agreed to

02/10/09 Senate: Passed Senate (40-Y 0-N)

02/20/09 House: Reported from Courts of Justice (22-Y 0-N)

02/25/09 House: Passed House BLOCK VOTE (100-Y 0-N)

03/04/09 Senate: Bill text as passed Senate and House (SB1262ER)

03/05/09 Senate: Signed by President

03/06/09 House: Signed by Speaker

03/27/09 Governor: Approved by Governor-Chapter 622 (effective 7/1/09)

Notes: M

SB 1277 Land records; may contain only last four digits of social security numbers therein on Internet.

Summary as passed:

Land records; social security numbers. Requires, beginning July 1, 2012, that land records posted via secure remote access to the Internet may contain only the last four digits of the social security number of any party.

Patron: Newman

02/02/09 Senate: Reported from Courts of Justice (15-Y 0-N)

02/05/09 Senate: Read third time and passed Senate (39-Y 0-N)

02/23/09 House: Reported from Courts of Justice with amendment (20-Y 0-N)

02/25/09 House: Committee amendment agreed to

02/25/09 House: Passed House with amendment BLOCK VOTE (100-Y 0-N)

02/26/09 Senate: House amendment agreed to by Senate (38-Y 0-N)

03/09/09 Senate: Bill text as passed Senate and House (SB1277ER)

03/09/09 Senate: Signed by President

03/11/09 House: Signed by Speaker

03/27/09 Governor: Approved by Governor-Chapter 312 (effective 7/1/09)

03/27/09 Governor: Acts of Assembly Chapter text (CHAP0312)

Notes: S N/A

SB 1290 District courts; appeal may be taken to circuit court & heard de novo.

Summary as passed:

Appeals from district courts. States that an appeal from the juvenile and domestic relations

district court or an appeal in a civil case from the general district court shall be heard de novo in the circuit court. A second enactment clause provides that this bill is declarative of existing law.

Patron: Edwards

02/09/09 Senate: Reported from Courts of Justice with amendments (14-Y 1-N)
02/10/09 Senate: Committee amendments agreed to
02/10/09 Senate: Passed Senate (39-Y 1-N)
02/23/09 House: Reported from Courts of Justice with substitute (20-Y 2-N)
02/25/09 House: Committee substitute agreed to 090344228-H1
02/25/09 House: Passed House with substitute (98-Y 0-N)
02/26/09 Senate: House substitute agreed to by Senate (38-Y 0-N)
03/09/09 Senate: Bill text as passed Senate and House (SB1290ER)
03/09/09 Senate: Signed by President
03/11/09 House: Signed by Speaker
03/30/09 Governor: Approved by Governor-Chapter 729 (effective 7/1/09)

SB 1291 Deed of trust or mortgage; limitation on enforcement.

Summary as passed Senate:

Limitation on enforcement of deed of trust or mortgage. Provides a transition period for mortgages and deeds of trust for which enforcement rights may have been cut off as a result of 2008 legislation that reduced the time in which a deed of trust or mortgage may be enforced from 20 years to 10 years after the maturity of the underlying obligation. The measure provides that if the secured obligation became due and payable between July 1, 1988, and July 1, 2000, the instrument may be enforced until July 1, 2010. If the instrument is not enforced by that date, its enforcement will be time barred unless the beneficiary of the deed of trust or mortgage has extended the limitations period, for 10 additional years, by filing a certificate in the circuit court. The measure addresses obligations that matured within the 20 years preceding the effective date of the 2008 legislation and for which the beneficiary's ability to extend its limitation period was curtailed. However, the bill shall have no effect on the rights of a person who (i) acquired an interest in the real property securing such deed of trust or mortgage between July 1, 2008, and the date of enactment of this subsection and (ii) would otherwise have priority over or take free of such deed of trust or mortgage under the laws of the Commonwealth at that time. This bill contains an emergency clause.

Patron: Edwards

01/26/09 Senate: Reported from Courts of Justice with amendments (14-Y 0-N)
01/28/09 Senate: Committee amendments agreed to
01/29/09 Senate: Read third time and passed Senate (40-Y 0-N)
02/18/09 House: Reported from Courts of Justice (22-Y 0-N)
02/24/09 House: Passed House BLOCK VOTE (99-Y 0-N)
02/28/09 Senate: Bill text as passed Senate and House (SB1291ER)
02/28/09 House: Signed by Speaker
03/04/09 Senate: Signed by President
03/16/09 Governor: Approved by Governor-Chapter 163 (effective 7/1/08)
03/16/09 Governor: Acts of Assembly Chapter text (CHAP0163)

Notes: M

SB 1300 Assault and battery of family or household member; court may order person to obtain certain service.

Summary as passed:

Assault and battery of family or household member; deferred disposition. Rewrites the existing statute for clarity and allows the court to order the person to obtain services from a local community-based probation services agency if the services are available or from an alternative service provider. The bill also requires the court to order the person to be of good behavior for at least two years following deferral of proceedings. This bill is a recommendation of the Committee on District Courts. This bill is identical to HB 1908.

Patron: Hurt

02/02/09 Senate: Reported from Courts of Justice (15-Y 0-N)
02/05/09 Senate: Read third time and passed Senate (39-Y 0-N)
02/18/09 House: Reported from Courts of Justice with substitute (22-Y 0-N)
02/18/09 House: Committee substitute printed 090947250-H1
02/24/09 House: Committee substitute agreed to 090947250-H1
02/24/09 House: Passed House with substitute BLOCK VOTE (99-Y 0-N)
02/25/09 Senate: House substitute agreed to by Senate (37-Y 0-N)
03/09/09 Senate: Bill text as passed Senate and House (SB1300ER)
03/10/09 Senate: Signed by President
03/11/09 House: Signed by Speaker
03/27/09 Governor: Approved by Governor-Chapter 313 (effective 7/1/09)
03/27/09 Governor: Acts of Assembly Chapter text (CHAP0313)

Notes: M

SB 1304 Drug treatment courts; authorized for County of Franklin if funded through local sources.

Summary as passed:

Drug Treatment Court Act. Establishes a drug treatment court in the Juvenile and Domestic Relations District Court for the County of Franklin, provided that such court is funded solely through local sources. This bill is identical to HB 2275.

Patrons: Hurt; Delegate: Poindexter

02/04/09 Senate: Reported from Finance with substitute (16-Y 0-N)
02/06/09 Senate: Committee amendments rejected
02/06/09 Senate: Committee substitute agreed to 096026250-S1
02/09/09 Senate: Read third time and passed Senate (40-Y 0-N)
02/20/09 House: Reported from Courts of Justice with amendment (15-Y 7-N)
02/25/09 House: Committee amendment agreed to
02/25/09 House: Passed House with amendment (85-Y 15-N)
02/26/09 Senate: House amendment rejected by Senate (3-Y 35-N)
02/26/09 House: House insisted on amendment
02/26/09 House: House requested conference committee
02/26/09 Senate: Senate acceded to request (38-Y 0-N)
02/26/09 House: Delegates: Poindexter, Fralin, Ware, O.

02/26/09 Senate: Senators: Edwards, Hurt, Lucas
02/27/09 Senate: Conference report agreed to by Senate (39-Y 0-N)
02/27/09 House: Conference report agreed to by House (84-Y 9-N)
03/09/09 Senate: Signed by President
03/11/09 House: Signed by Speaker
03/27/09 Governor: Approved by Governor-Chapter 281 (effective 7/1/09)
03/27/09 Governor: Acts of Assembly Chapter text (CHAP0281)

Notes: M

SB 1309 Recordation tax; expands exemption statewide.

Summary as introduced:

Recordation tax; exemption. Expands the recordation tax exemption statewide for an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to afford to buy a home through conventional means, when the organization is the grantor. Under current law only such organizations located in the City of Lynchburg or Amherst County are exempt.

Patrons: Hurt; *Delegates:* Byron and Marshall, D.W.

01/28/09 Senate: Reported from Finance (14-Y 2-N)
02/02/09 Senate: Read third time and passed Senate (38-Y 1-N)
02/16/09 House: Reported from Finance (22-Y 0-N)
02/18/09 House: Passed House (88-Y 8-N)
02/23/09 Senate: Bill text as passed Senate and House (SB1309ER)
02/24/09 House: Signed by Speaker
02/25/09 Senate: Signed by President
03/27/09 Governor: Approved by Governor-Chapter 574 (effective 7/1/09)

Notes: M

SB 1316 Freedom of Information Act; strikes requirement to publish a database index, etc.

Summary as introduced:

Freedom of Information Act; requirements to publish a database index and a statement of rights and responsibilities. Strikes the requirement to publish an index of computer databases and amends the requirement to publish a statement of rights and responsibilities to ensure that the public can find out generally what types of public records a public body has and what exemptions may apply to those records. This bill is a recommendation of the Freedom of Information Advisory Council.

Patrons: Houck; *Delegate:* Griffith

02/04/09 Senate: Reported from General Laws and Technology (15-Y 0-N)
02/09/09 Senate: Passed Senate (40-Y 0-N)
02/19/09 House: Reported from General Laws (21-Y 0-N)
02/24/09 House: Passed House BLOCK VOTE (99-Y 0-N)

02/28/09 Senate: Bill text as passed Senate and House (SB1316ER)
02/28/09 House: Signed by Speaker
03/04/09 Senate: Signed by President
03/27/09 Governor: Approved by Governor-Chapter 626 (effective 7/1/09)

SB 1318 Government Data Collection and Dissemination Practices Act; extends implementation.

Summary as passed Senate:

Government Data Collection and Dissemination Practices Act; collection of social security numbers. Extends from July 1, 2009, to July 1, 2010, the implementation of the prohibition against collecting an individual's social security number unless collection of such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. This bill is a recommendation of the Freedom of Information Advisory Council.

Patrons: Houck; Delegate: Griffith

02/04/09 Senate: Reported from General Laws and Technology (15-Y 0-N)
02/09/09 Senate: Passed Senate (40-Y 0-N)
02/17/09 House: Reported from General Laws with substitute (22-Y 0-N)
02/19/09 House: Committee substitute agreed to 091853244-H1
02/19/09 House: Passed House with substitute BLOCK VOTE (99-Y 0-N)
02/23/09 Senate: House substitute agreed to by Senate (39-Y 1-N)
02/23/09 House: Emergency clause added
02/28/09 Senate: Bill text as passed Senate and House (SB1318ER)
02/28/09 Senate: Signed by President
02/28/09 House: Signed by Speaker
03/30/09 Senate: Governor's recommendation received by Senate
04/07/09 Senate: Placed on Calendar
04/08/09 Senate: Senate concurred in Governor's recommendation (40-Y 0-N)

Notes: M

SB 1387 Courthouses; assessment for construction, renovation, or maintenance.

Summary as passed:

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. Such fee shall not be assessed in any civil action if the amount in controversy is \$500 or less. The additional fee may only be assessed by localities that, on or after January 1, 2009, operated a courthouse not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facility Guidelines and the courthouse cannot be feasibly renovated to correct the non-compliance. This bill is identical to HB 2311.

Patron: Stolle

02/04/09 Senate: Reported from Finance with amendments (16-Y 0-N)
02/06/09 Senate: Committee amendments agreed to
02/09/09 Senate: Read third time and passed Senate (32-Y 8-N)

02/23/09 House: Reported from Courts of Justice with substitute (18-Y 4-N)
02/25/09 House: Committee substitute agreed to 090343328-H1
02/25/09 House: Passed House with substitute (79-Y 20-N)
02/26/09 Senate: House substitute agreed to by Senate (31-Y 7-N)
03/09/09 Senate: Bill text as passed Senate and House (SB1387ER)
03/09/09 Senate: Signed by President
03/11/09 House: Signed by Speaker
03/30/09 Senate: Governor's recommendation received by Senate
04/08/09 Senate: Senate concurred in Governor's recommendation (34-Y 6-N)

Notes: M

SB 1439 Protective orders; removes provision to contain identifying information.

Summary as introduced:

Protective orders. Removes a provision added in 2008 allowing an addendum to the protective order to contain identifying information, so that the identifying information will return to the front page of the order. The bill also specifies identifying information to be added and transmitted to the Virginia Criminal Information Network (VCIN) regarding the protected person and provides that orders will expire at 11:59 p.m. on the date specified.

Patrons: Edwards and Obenshain; Delegate: Peace

02/04/09 Senate: Reported from Courts of Justice (15-Y 0-N)
02/09/09 Senate: Passed Senate (40-Y 0-N)
02/20/09 House: Reported from Courts of Justice (22-Y 0-N)
02/25/09 House: Passed House BLOCK VOTE (100-Y 0-N)
03/09/09 Senate: Bill text as passed Senate and House (SB1439ER)
03/10/09 Senate: Signed by President
03/11/09 House: Signed by Speaker
03/30/09 Governor: Approved by Governor-Chapter 732 (effective 7/1/09)

Notes: M

SB 1442 Statewide case and financial management systems; Ex. Secretary of Supreme Court responsible for.

Summary as passed:

Statewide case and financial management systems; interface with circuit courts. Gives the Executive Secretary of the Supreme Court the responsibility for the operation and maintenance of a statewide case management system and financial management system, for related technology improvements, and requires that he permit an interface to any circuit court that uses automation or technology improvements provided by a private vendor or the locality. The costs of designing, implementing, and maintaining any such interface shall be the responsibility of the circuit court clerk. Any expenses incurred by the office of the Executive Secretary, not to exceed \$104,280, related to this system shall be reimbursed through the Technology Trust Fund. This bill is identical to HB 1946.

Patron: Stolle

02/09/09 Senate: Reported from Courts of Justice with amendments (9-Y 6-N)
02/10/09 Senate: Committee amendments agreed to
02/10/09 Senate: Motion to rerefer to committee rejected
02/10/09 Senate: Passed Senate (28-Y 11-N)
02/20/09 House: Reported from Courts of Justice with amendments (18-Y 4-N)
02/25/09 House: Committee amendments rejected
02/25/09 House: Passed House (87-Y 13-N)
03/09/09 Senate: Bill text as passed Senate and House (SB1442ER)
03/10/09 Senate: Signed by President
03/11/09 House: Signed by Speaker
03/30/09 Senate: Governor's recommendation received by Senate
03/30/09 Senate: Governor's substitute printed 090973802-S1
04/08/09 Senate: Senate concurred in Governor's recommendation (40-Y 0-N)
04/08/09 Senate: Reconsideration of Governor's recommendation agreed to (40-Y 0-N)
04/08/09 Senate: Passed by temporarily

Notes: S -- VCCA Legislation

SJ 359 Operations of Circuit Court Clerks' Offices, Joint Subcommittee Studying; continued.

Summary as introduced:

Study; clerks' offices; report. Continues the joint subcommittee to study the operations of circuit court clerks' offices.

Patron: Stolle

01/30/09 Senate: Reported from Rules
02/04/09 Senate: Agreed to by Senate by voice vote
02/23/09 House: Reported from Rules with amendments (15-Y 0-N)
02/26/09 House: Speaker ruled committee amendments not germane
02/26/09 House: Agreed to by House (96-Y 0-N)
02/26/09 House: VOTE: --- ADOPTION (96-Y 0-N)
03/06/09 Senate: Bill text as passed Senate and House (SJ359ER)

Notes: S -- VCCA Legislation

The Following Bills Failed to Pass:

(Clerks) Dead Bills

HB 1640 Deeds & deeds of trust; when corporation, etc., is grantee deed or trust must contain certain names.

Summary as introduced:

Form of deeds and deeds of trust. Provides that when a corporation, partnership, limited partnership, business trust, or limited liability company is the grantee of a deed or the grantor of a deed of trust, the deed or deed of trust shall contain the names of the registered agents and the directors, officers, partners, etc., of these various business entities.

Patron: Marshall, R.G.

02/10/09 House: Left in Courts of Justice

Notes: O - We helped kill this bill.

HB 1670 Fines and costs; waiver of payment of interest for incarcerated persons.

Summary as introduced:

Waiver of payment of interest on fines and costs. Provides that no interest shall accrue on any fine or costs imposed in a criminal or traffic case for a period of 40 days from the date of the final judgment imposing such fine or costs or during any period the defendant is incarcerated. Current law provides for the interest waiver only for the 40-day period following, or when a defendant is incarcerated, for the current case. The bill also allows a court, for good cause shown, on motion of a defendant who is making payments or who is requesting a payment plan pursuant to § 19.2-354, to waive payment of accrued but unpaid interest on fines and costs imposed by a judgment of that court.

Patrons: Dance and Howell, A.T.

02/10/09 House: Left in Courts of Justice

Notes: M

HB 1733 Charter; County of Chesterfield.

Summary as introduced:

Charter; County of Chesterfield. Adds provisions to the charter of Chesterfield County requiring the salary of the clerk of the circuit court to be paid out of the general fund of the county. Likewise, the expenses of the office of the clerk of the circuit court, including the compensation of the deputies and employees of the office, shall be paid out of the general fund of the county. All clerk's fees and commissions received by the clerk of the circuit court for the

performance of the clerk's official duties pursuant to statute and local ordinance shall be paid into the general fund of Chesterfield County.

Patrons: Cox, Dance, Ingram, Loupassi and Nixon

02/10/09 House: Left in Counties, Cities and Towns

Notes: M

HB 1804 Judges and justices; General Assembly to approve those retired for recall as substitutes.

Summary as introduced:

Recall of retired judges and justices. Requires the General Assembly to approve retired judges and justices for recall as substitutes.

Patron: Loupassi

02/09/09 House: VOTE: --- ENGROSSMENT REFUSED (43-Y 54-N)

Notes: M

HB 1818 Judges; increases mandatory retirement age from age 70 to age 75.

Summary as introduced:

Mandatory retirement age for judges. Increases the mandatory retirement age for judges from age 70 to age 75. This is a recommendation of Judicial Council.

Patron: Kilgore

02/10/09 House: Left in Appropriations

Notes: M

HB 1823 Recordation taxes; changes basis on which taxes are calculated on transfer of real estate.

Summary as introduced:

Recordation taxes; basis. Changes the basis on which recordation taxes are calculated on the transfer of real estate to (i) the stated consideration for the real estate, or (ii) when the consideration is nominal or when the sale is through foreclosure or other similar sale, the appraised value of the property. Under current law the basis is the consideration for the real estate or the value of the real estate, whichever is greater.

Patron: Albo

02/02/09 House: Incorporated by Finance (HB2135-Miller, J.H.)

Notes: M

HB 1937 Adoption records; all shall be available to birth parents, etc., upon showing of good cause.

Summary as introduced:

Adoption records. Provides that records of all adoptions shall be open and information contained in such records shall be available to birth parents, adopted parents, and adopted persons where certain criteria are met and upon a showing of good cause. This requirement currently applies to adoptions finalized on or after July 1, 1994, only.

Patron: Ingram

02/10/09 House: Left in Appropriations

Notes: S w/ Amendments

HB 2038 Judgments; limitations on enforcement of certain.

Summary as introduced:

Limitations on enforcement of certain judgments. Provides that there shall be no limitation on the enforcement of judgments, or liens of judgments, in favor of the Commonwealth that are obtained or docketed in a circuit court.

Patron: Iaquinto

02/04/09 House: Tabled in Courts of Justice

Notes: M

HB 2365 Restriction on Supreme Court; shall not promulgate any rule that prohibits conduct of an attorney.

Summary as introduced:

Restriction on Supreme Court rules; attorneys for the Commonwealth. Provides that the Supreme Court of Virginia shall not promulgate any rule or regulation that prohibits any conduct of an attorney for the Commonwealth that is permitted by the Constitution of Virginia or the Constitution of the United States or prohibits an attorney for the Commonwealth from, in good faith, advising a law-enforcement officer as to investigative conduct permitted by the Constitution of Virginia or the Constitution of the United States.

Patron: Gilbert

02/10/09 House: Left in Courts of Justice

Notes: M

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

01/23/09 House: Stricken from docket by Courts of Justice

Notes: M

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

Summary as passed House:

Protective orders; companion animals. Provides that a court may include in a protective order provisions prohibiting harm to a companion animal owned, possessed, leased, kept, or held by the petitioner, or his family or household members, when the harm to the companion animal is with the intent to threaten, coerce, intimidate or harm the petitioner or his family or household members.

Patron: Scott, J.M.

02/23/09 Senate: Passed by indefinitely in Courts of Justice (8-Y 6-N)

Notes: M

HB 2468 Marijuana; expungement of charges.

Summary as introduced:

Expungement of marijuana charges. Provides that any person who has been convicted of a charge of possession of marijuana or had a charge of possession of marijuana discharged and dismissed in accordance with the provisions of § 18.2-251, more than 10 years prior to his petition for expungement, may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge. The bill adds that the Department of Criminal Justice Services shall maintain a record of the expungement to be made available to any attorney for the Commonwealth upon request.

Patron: Morgan

02/10/09 House: Left in Courts of Justice

Notes: M

HB 2527 Chief Justice of Virginia Supreme Court; shall serve thereas for only two consecutive terms.

Summary as introduced:

Terms of the Chief Justice of the Virginia Supreme Court. Provides that the chief justice of the Virginia Supreme Court shall serve as chief justice for only two consecutive terms.

Patrons: Janis, Gilbert, Landes, Loupassi and Peace

02/06/09 House: Failed to report (defeated) in Courts of Justice (10-Y 12-N)

Notes: M

HB 2611 Protective orders; law-enforcement officer may effect service by serving person subject to order.

Summary as introduced:

Service of protective orders. Provides that a law-enforcement officer may effect service of a protective order by personally serving the person subject to the order with either (i) a copy of the order or (ii) a notification of the issuance of the order, which shall be on a form approved by the Supreme Court of Virginia. The officer making service shall enter or cause to be entered the date and time of service and other appropriate information into the Virginia Criminal Information Network and make due return to the court.

Patron: Shannon

02/10/09 House: Left in Courts of Justice

Notes: M

HJ 724 Constitutional amendment; limits appropriations in fiscal year to preceding year's (1st reference).

Summary as introduced:

Constitutional amendment (first resolution); limit on appropriations. Limits total appropriations in any fiscal year to the preceding year's total appropriations plus a percentage increase equal to the past two years' average increase in the rate of inflation plus the average percentage increase in population. The amendment provides that any revenues collected in excess of the limitation shall be distributed: 75 percent to be refunded to individual income taxpayers and 25 percent to the Revenue Stabilization Trust Fund. "Total appropriations" is defined to exclude moneys appropriated that are received from the federal government or an agency or unit thereof. If the amount in excess of the limitation is less than or equal to one percent of the limitation, the total excess shall be deposited to the Revenue Stabilization Fund if that Fund has not reached its constitutional limit, or if that Fund has reached its limit, the excess shall be appropriated to the general fund. This resolution was incorporated into HJ 789.

Patrons: Gilbert and Cole

02/06/09 House: Incorporated by Privileges and Elections (HJ789-Loupassi)

Notes: M - Incorporated into HJ 789.

HJ 789 Constitutional amendment; limits appropriations in fiscal year to preceding year's (1st reference).

Summary as passed House:

Constitutional amendment (first resolution); limit on appropriations. Limits total appropriations in a year to the preceding year's total appropriations plus a percentage equal to the sum of the percentage increase in the rate of inflation plus the rate of population increase. However, additional appropriations may be made (i) for tax relief, (ii) for deposits to the Revenue Stabilization Fund, or (iii) for nonrecurring capital projects. "Total appropriations" is defined so as not to include appropriated moneys that are received from the federal government or an agency or unit thereof. This resolution incorporates HJ 724.

Patrons: Loupassi, Bell, Cole, Gilbert and Janis

02/17/09 Senate: Failed to report (defeated) in Privileges and Elections (5-Y 10-N)

SB 841 REAL ID Act and citizens' privacy; prohibits DMV, etc., from using any type of computer chip, etc.

Summary as introduced:

REAL ID Act and citizens' privacy. Prohibits DMV or any other agency of the Commonwealth from using any type of computer chip or radio-frequency identification on licenses and identification cards and from sharing certain data with other states or with any federal government agency. Further provides that no biometric data will be gathered or retained.

Patron: Cuccinelli

02/05/09 Senate: Stricken at request of Patron in Transportation (15-Y 0-N)

Notes: M

SB 844 Fines and costs; waiver of payment of interest while defendant was incarcerated.

Summary as introduced:

Waiver of payment of interest on fines and costs; incarcerated defendant. Allows the waiver on accrual of interest on criminal or traffic fines or costs to apply to any case of an incarcerated defendant. Current law provides for the interest waiver only for the case for which the defendant is incarcerated.

Patron: Marsh

02/04/09 Senate: Defeated by Senate (1-Y 39-N)

Notes: M

SB 854 Mental health courts; Office of Ex. Secretary of Supreme Court to establish for nonviolent offender.

Summary as passed Senate:

Mental health courts; pilot program. Directs the Office of the Executive Secretary of the Supreme Court to establish by January 1, 2010, no less than two and no more than five mental health courts in Virginia for nonviolent offenders with serious mental illnesses. This bill incorporates SB 1503.

Patron: Edwards

02/24/09 House: Left in Courts of Justice

Notes: M

SB 856 Judges; increases mandatory retirement age.

Summary as introduced:

Mandatory retirement age for judges. Increases the mandatory retirement age for judges from age 70 to age 75. This is a recommendation of Judicial Council.

Patron: Edwards

02/09/09 Senate: Read third time and defeated by Senate (18-Y 22-N)

Notes: M

SB 875 Jury costs; plaintiff who requests trial in civil case shall be assessed.

Summary as introduced:

Payment of jury costs; civil actions. Provides that, except in cases where Virginia law mandates a trial by jury, a plaintiff who requests a jury trial in a civil case shall be assessed any jury costs if he does not substantially prevail on the merits of his case.

Patron: Smith

01/26/09 Senate: Passed by indefinitely in Courts of Justice (13-Y 1-N)

Notes: M

SB 912 Interpreter; appointed for non-English-speaking defendant.

Summary as introduced:

Criminal procedure; interpreter appointed for non-English-speaking defendant. Provides that the cost for such interpreter shall be borne by a defendant who is convicted at trial of the criminal offense.

Patrons: Stuart, Obenshain and Smith

01/28/09 Senate: Passed by indefinitely in Courts of Justice (14-Y 0-N)

Notes: S N/A

SB 915 Children; court to obtain & submit to Dept. of Social Services names, etc. of defendants' children.

Summary as introduced:

Children of certain persons at certain criminal proceedings. Provides that the court shall obtain from (i) persons at bail hearings, (ii) accused persons during arraignment, and (iii) defendants during the placement of probation and shall submit to the Department of Social Services the names, social security numbers, and dates of birth of the persons' and defendants' children, and the names of person having legal custody of such persons' and such defendants' children.

Patron: Stuart

02/09/09 Senate: Passed by indefinitely in Courts of Justice (11-Y 4-N)

Notes: M

SB 916 Fees in civil cases; increases fee for filing in general district court and in circuit court.

Summary as introduced:

Fees in civil cases. Increases the fee for filing any civil action in general district court to \$100 (currently \$27); and increases the fees for filing a civil action in circuit court to a sliding scale (currently, between \$60 and \$160): in cases seeking recovery up to \$50,000 - fee is \$150; up to \$100,000 - \$200; up to \$250,000 - \$300; up to \$500,000 - \$400; up to \$1,000,000 - \$500; and above \$1,000,000 - \$750.

Patron: Stuart

01/21/09 Senate: Passed by indefinitely in Courts of Justice (12-Y 3-N)

Notes: Amend

SB 942 Charter; County of Chesterfield.

Summary as introduced:

Charter; County of Chesterfield. Adds provisions to the charter of Chesterfield County requiring the salary of the clerk of the circuit court to be paid out of the general fund of the county. Likewise, the expenses of the office of the clerk of the circuit court, including the compensation of the deputies and employees of the office, shall be paid out of the general fund of the county. All clerk's fees and commissions received by the clerk of the circuit court for the performance of the clerk's official duties pursuant to statute and local ordinance shall be paid into the general fund of Chesterfield County.

Patrons: Watkins and Marsh

02/20/09 House: Tabled in Counties, Cities and Towns

Notes: M

SB 998 Process and service fees; increases certain sheriffs' 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. This bill incorporates SB 1191.

Patron: Miller, J.C.

02/28/09 House: Left in Appropriations

Notes: M/Amend

SB 1007 Garnishment; parent who does not receive child support payments may hold exempt therefrom.

Summary as introduced:

Garnishment. Provides that a parent who supports a dependent child or children residing with him for whom he does not receive child support payments may hold exempt from garnishment an additional amount for the support of the child or children as follows: \$51 per week for one child; \$79 per week for two children; and \$99 per week for three children. The court may add additional sums as necessary for the support of additional dependent children for whom no child support payment is received. This additional exemption amount shall not be available to a parent whose household gross income exceeds \$4,000 per month.

Patron: Quayle

01/26/09 Senate: Stricken at the request of Patron in Courts of Justice (15-Y 0-N)

Notes: M

SB 1042 Transfer on Death Real Property Act; created.

Summary as introduced:

Transfer on Death Real Property Act; created. Creates the Transfer on Death Real Property Act which permits an owner of real property to execute a transfer on death deed that names a beneficiary who takes ownership of the property upon the death of the owner. A transfer on death deed is nontestamentary and allows the owner of the property to avoid probate. Such deeds must be acknowledged before a notary public or other official and recorded in the office of the circuit court where the property is located. Such deeds may only be revoked by the owner by the recording of a subsequent transfer on death deed or the recording of a written notice of revocation.

Patron: Hanger

02/11/09 Senate: Left in Courts of Justice

Notes: M

SB 1061 House location survey; shall be recorded in deed book of clerk's office of county, etc., where lies.

Summary as introduced:

House location surveys. Provides that a house location survey prepared pursuant to the terms of a real estate contract shall be recorded in the deed book of the clerk's office of the county or city in which such real estate lies. The bill also provides that house location surveys prepared pursuant to the terms of real estate contracts shall, unless otherwise provided, be recorded in a book to be known as the deed book.

Patron: Puller

01/26/09 Senate: Stricken at the request of Patron in Courts of Justice (13-Y 0-N)

Notes: Amend

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.

02/23/09 House: Failed to report (defeated) in Courts of Justice (10-Y 12-N)

Notes: M

SB 1390 Judges; designates specific districts and circuits to provide judicial assistance to each other.

Summary as introduced:

Number of circuit court and district court judges. Designates specific districts and circuits to provide judicial assistance to each other on a regular basis. The designations are made to deal specifically with those districts and circuits where new judgeships have been recommended but not yet created.

Patron: Stolle

02/09/09 Senate: Passed by indefinitely in Courts of Justice (8-Y 7-N)

Notes: M - The Supreme Court had concerns about this bill.

SB 1401 Budget Bill(s); Chairman of House Appropriations Committee, etc. to issue reports concurrently.

Summary as introduced:

General Assembly; Budget Bill(s). Requires the Chairman of the House Appropriations Committee and the Chairman of the Senate Finance Committee to issue reports concurrently with the budget conference report that specifically identify (i) any nonstate appropriation, (ii) any item in the conference report that was not included in the Budget Bill(s) as passed by either the House or the Senate, and (iii) any item that represents a piece of legislation that failed during that session in either house.

Patron: Norment

02/28/09 House: Left in Appropriations

Notes: M

SB 1434 Chief Justice of Virginia Supreme Court; shall serve thereas for only two consecutive terms.

Summary as introduced:

Terms of the Chief Justice of the Virginia Supreme Court. Provides that the chief justice of the Virginia Supreme Court shall serve as chief justice for only two consecutive terms.

Patron: Cuccinelli

02/02/09 Senate: Passed by indefinitely in Courts of Justice (13-Y 1-N 1-A)

Notes: M

SB 1481 Criminal cases; allows circuit court clerk to assess local fee of up to 10% of total fees charged.

Summary as introduced:

Additional local fee; criminal cases. Allows the circuit court clerk to assess a local fee of up to 10 percent of the total fees charged in criminal cases to be retained by the clerk for use in the operation of the clerk's office.

Patron: Ruff

02/24/09 House: Left in Courts of Justice

Notes: S

SB 1503 Mental health court; Executive Secretary of the Supreme Court to establish in City of Richmond.

Summary as introduced:

Mental health court; Richmond. Requires the Executive Secretary of the Supreme Court to establish a mental health court in the Thirteenth Circuit, Richmond City.

Patron: McEachin

02/04/09 Senate: Incorporated by Courts of Justice (SB854-Edwards) (15-Y 0-N)

Notes: M

SJ 360 Judicial personnel; joint committee of Senate and House Committee for Courts of Justice to study.

Summary as passed Senate:

Study; Use of judicial personnel; Report. Establishes a joint subcommittee to study regular assignment of judicial personnel outside of established circuit boundaries.

Patron: Stolle

02/28/09 House: Left in Rules

Notes: M

Following Are the Concealed Weapons Bills:

The concealed weapons legislation is listed below, with the outcomes at the bottom of each bill. There were so many concealed weapons bills this year, we decided to break them out separately so you could see the group of legislation on this topic.

HB 1655 Firearms; award of court costs, etc., to entity that prevails in action challenging locality.

Summary as passed:

Control of firearms; award of court costs and fees. Allows a court to award reasonable attorney fees, expenses, and court costs to any entity that prevails in an action challenging an ordinance, resolution or motion as being in conflict with a locality's authority to control firearms pursuant to § 15.2-915. Attorney fees may also be awarded to the prevailing party in an action challenging an administrative action taken in bad faith as being in conflict with the section. This bill is identical to SB 1513.

Patron: Carrico

02/06/09 House: Reported from Militia, Police and Public Safety with substitute (19-Y 3-N)
02/09/09 House: Committee substitute agreed to 096018460-H1
02/10/09 House: Read third time and passed House (82-Y 16-N)
02/16/09 Senate: Reported from Courts of Justice with amendment (10-Y 4-N)
02/19/09 Senate: Committee amendment agreed to
02/19/09 Senate: Passed Senate with amendment (30-Y 10-N)
02/23/09 House: Senate amendment rejected by House (18-Y 81-N)
02/25/09 Senate: Senate insisted on amendment (35-Y 5-N)
02/25/09 Senate: Senate requested conference committee
02/26/09 House: House acceded to request
02/26/09 House: Delegates: Carrico, Wright, Bowling
02/26/09 Senate: Senators: Puller, Smith, Marsh
02/28/09 House: Conference report agreed to by House (84-Y 10-N)
02/28/09 Senate: Conference report agreed to by Senate (37-Y 1-N)
03/09/09 Senate: Signed by President
03/11/09 House: Signed by Speaker
03/30/09 Governor: Approved by Governor-Chapter 735 (effective 7/1/09)

HB 1656 Concealed handguns; allows faculty members at institutions of higher education to carry on campus.

Summary as introduced:

Possession of concealed handguns by faculty members at state institutions of higher education. Allows full-time faculty members of state institutions of higher education who possess a valid Virginia concealed handgun permit to carry a concealed handgun on campus.

Patrons: Marshall, R.G. and Gilbert

02/10/09 House: Left in Militia, Police and Public Safety

HB 1734 Concealed handgun permits; amends various processes, procedures, and requirements for obtaining.

Summary as introduced:

Concealed handgun permits. Amends various processes, procedures, and requirements for obtaining a Virginia concealed handgun permit.

The bill allows permit applications to be submitted and returned by mail, and specifies that the court may not require any additional information with a permit application other than what is required or authorized by § 18.2-308. If a current permit holder wishes to obtain a replacement permit indicating a change of address, the permit holder is no longer required to provide proof of the new address.

The bill allows a court to consider only specific acts of the applicant within the immediately preceding three-year period to determine if the applicant is disqualified from obtaining a permit because the applicant is likely to use a weapon unlawfully or negligently. If the court finds that a person is disqualified from obtaining a permit, it must include the specific Code section that is the basis for the denial.

Finally, the bill adds special conservators of the peace to the definition of a "law-enforcement officer" for purposes of § 18.2-308, thereby allowing special conservators of the peace to carry a concealed handgun anywhere in the Commonwealth without a permit, and exempting special conservators of the peace from limitations placed on concealed handgun permit holders, including carrying concealed handguns in restaurants that serve alcohol and carrying handguns on elementary, middle, and high school property.

Patron: Pogge

02/10/09 House: Left in Militia, Police and Public Safety

Notes: M

HB 1748 Concealed handgun permit; no requirement for fingerprinting if previously issued permit.

Summary as introduced:

Concealed handgun permit; fingerprints. Clarifies that no locality may require a person who has previously been issued a concealed handgun permit in the Commonwealth to submit to fingerprinting for a new permit.

Patron: Pogge

01/30/09 House: Stricken from docket by Militia, Police and Public Safety

Notes: M

HB 1821 Concealed handguns; prohibited from carrying onto premises of restaurants and consuming alcohol.

Summary as introduced:

Concealed handguns; restaurants; penalty. Prohibits a person who carries a concealed handgun onto the premises of a restaurant or club from consuming an alcoholic beverage while on the premises. A person who carries a concealed handgun onto the premises of a restaurant or club shall inform a designated employee of the restaurant or club of that fact. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor and a person who becomes intoxicated in violation of the provisions of the bill is guilty of a Class 1 misdemeanor.

Patrons: Johnson (by request); Senator: Ruff

02/10/09 House: Left in Militia, Police and Public Safety

HB 2144 Concealed handgun permit applications; access to personal information.

Summary as introduced:

Concealed handgun permits; access to permittee information. Protects from public disclosure permittee names and descriptive information held by the Department of State Police for purposes of entry into the Virginia Criminal Information Network. However, the information would still be

available to law-enforcement agencies, officers, and agents in the course of law-enforcement duties, and nonidentifying statistical information would be available to the general public.

Patron: Nutter

02/06/09 House: Reported from Militia, Police and Public Safety (22-Y 0-N)
02/10/09 House: Passed House BLOCK VOTE (99-Y 0-N)
02/23/09 Senate: Reported from Courts of Justice (15-Y 0-N)
02/25/09 Senate: Passed Senate (40-Y 0-N)
03/04/09 House: Bill text as passed House and Senate (HB2144ER)
03/05/09 Senate: Signed by President
03/06/09 House: Signed by Speaker
03/27/09 Governor: Approved by Governor-Chapter 235 (effective 7/1/09)
03/27/09 Governor: Acts of Assembly Chapter text (CHAP0235)

Notes: M

HB 2227 Airsoft guns; added to list of prohibited concealed weapons.

Summary as introduced:

Concealed weapons. Adds weapons designed to expel a projectile at a speed of more than 250 feet per second by action of compressed air or gas, such as an airsoft gun, to the list of weapons that are prohibited from being carried concealed.

Patron: Marsden

02/10/09 House: Left in Militia, Police and Public Safety

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

01/27/09 Senate: Failed to report (defeated) in Local Government (5-Y 10-N)

SB 877 Law-enforcement officers, retired; meets training and qualification standards to carry weapon.

Summary as passed Senate:

Carrying concealed weapons; retired law-enforcement officers. Allows retired law-enforcement officers who are qualified under federal law to carry concealed firearms to carry a concealed handgun into a restaurant that serves alcohol.

Patron: Martin

02/04/09 Senate: Reported from Courts of Justice with amendments (11-Y 0-N)
02/09/09 Senate: Committee amendments agreed to
02/09/09 Senate: Passed Senate (40-Y 0-N)
02/20/09 House: Reported from Militia, Police and Public Safety (20-Y 2-N)
02/24/09 House: Passed House (84-Y 15-N)
02/28/09 Senate: Bill text as passed Senate and House (SB877ER)
02/28/09 Senate: Signed by President
02/28/09 House: Signed by Speaker
03/30/09 Governor: Vetoed by Governor
04/08/09 Senate: Passed in enrolled form (30-Y 10-N)
04/08/09 Senate: Motion to reconsider passed in enrolled form agreed to (40-Y 0-N)
04/08/09 Senate: Passed in enrolled form notwithstanding Governor's objection (30-Y 10-N)
04/08/09 House: Governor's veto overridden (76-Y 22-N)

SB 1035 Concealed handguns; prohibited in restaurants, etc when consuming alcohol.

Summary as passed:

Concealed handguns; restaurants; penalty. Allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club and prohibits such person from consuming alcoholic beverages while on the premises. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor and a person who becomes intoxicated in violation of the provisions of the bill is guilty of a Class 1 misdemeanor.

Patron: Hanger

01/28/09 Senate: Reported from Courts of Justice with amendments (9-Y 6-N)
02/02/09 Senate: Committee amendments agreed to
02/03/09 Senate: Passed Senate (24-Y 16-N)
02/20/09 House: Reported from Militia, Police and Public Safety with amendment (17-Y 5-N)
02/24/09 House: Committee amendment rejected
02/24/09 House: Amendments by Delegate Griffith agreed to
02/24/09 House: Passed House with amendments (66-Y 33-N)
02/25/09 Senate: House amendments agreed to by Senate (22-Y 16-N)
03/04/09 Senate: Bill text as passed Senate and House (SB1035ER)
03/05/09 Senate: Signed by President
03/06/09 House: Signed by Speaker
03/30/09 Governor: Vetoed by Governor
04/08/09 Senate: Motion to pass in enrolled form rejected (24-Y 16-N)
04/08/09 Senate: Senate sustained Governor's veto

SB 1254 Concealed handguns; when permit from reciprocal State, person shall carry permit at all times.

Summary as passed Senate:

Concealed handgun permits. Makes changes to the procedures governing the application for a concealed handgun permit and the carrying of a concealed handgun in the Commonwealth. The bill provides that a conviction from another state for driving while intoxicated or for drunkenness

in public disqualifies an individual from obtaining a concealed handgun permit. The bill also requires that a nonresident carrying a concealed handgun in the Commonwealth with either a reciprocal permit from another state or a Commonwealth-issued nonresident permit display photo identification along with the permit, upon request of a law-enforcement officer.

Patron: Marsh

02/23/09 House: Tabled in Courts of Justice

SB 1513 Firearms; award of court costs, etc., to entity that prevails in action challenging locality.

Summary as passed:

Control of firearms; award of court costs and fees. Allows a court to award reasonable attorney fees, expenses, and court costs to any entity that prevails in an action challenging an ordinance, resolution or motion as being in conflict with a locality's authority to control firearms pursuant to § 15.2-915. Attorney fees may also be awarded to the prevailing party in an action challenging an administrative action taken in bad faith as being in conflict with the section. This bill is identical to HB 1655.

Patron: Smith

02/09/09 Senate: Reported from Courts of Justice with substitute (11-Y 4-N)
02/10/09 Senate: Engrossed by Senate - committee substitute SB1513S1
02/10/09 Senate: Passed Senate (30-Y 10-N)
02/20/09 House: Reported from Militia, Police and Public Safety with amendment (18-Y 4-N)
02/24/09 House: Passed House with amendment (84-Y 13-N)
02/25/09 Senate: House amendment rejected by Senate (9-Y 28-N)
02/26/09 House: House insisted on amendment
02/26/09 House: House requested conference committee
02/26/09 Senate: Senate acceded to request (38-Y 0-N)
02/26/09 House: Delegates: Carrico, Wright, Bowling
02/26/09 Senate: Senators: Puller, Smith, Marsh
02/28/09 House: Conference report agreed to by House (86-Y 9-N)
02/28/09 Senate: Conference report agreed to by Senate (37-Y 3-N)
03/09/09 Senate: Signed by President
03/11/09 House: Signed by Speaker
03/30/09 Governor: Approved by Governor-Chapter 772 (effective 7/1/09)

SB 1528 Concealed handgun permits; completion of firearms training, etc., may be done electronically.

Summary as introduced:

Concealed handgun permits; handgun competence demonstration. Provides that the completion of a firearms training or safety course conducted by a state-certified or National Rifle Association-certified firearms instructor may be done electronically or on-line.

Patrons: Cuccinelli, Quayle and Stolle

02/02/09 Senate: Reported from Courts of Justice (11-Y 4-N)
02/05/09 Senate: Read third time and passed Senate (29-Y 10-N)
02/20/09 House: Reported from Militia, Police and Public Safety (22-Y 0-N)
02/24/09 House: Passed House BLOCK VOTE (99-Y 0-N)
03/04/09 Senate: Bill text as passed Senate and House (SB1528ER)
03/04/09 Senate: Signed by President
03/06/09 House: Signed by Speaker
03/30/09 Governor: Vetoed by Governor
04/08/09 Senate: Passed in enrolled form not withstanding Governor's objections (28-Y 12-N)
04/08/09 House: Governor's veto overridden
04/08/09 House: VOTE: --- OVERRIDE GOVERNOR'S VETO (73-Y 23-N)

Respectfully submitted,

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