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HOUSE BILL NO. 2711

Offered January 10, 2007

Prefiled January 10, 2007

A BILL to amend the Code of Virginia by adding in Chapter 1 of Title 46.2 a section numbered 46.2-116, relating to leaving certain children unattended in motor vehicles; penalty.

Patron—Barlow

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 46.2 a section numbered 46.2-116 as follows:

§ 46.2-116. Leaving certain children unattended in motor vehicles prohibited; penalty.

It shall be unlawful for any person who is responsible for a child younger than six years of age to leave such child unattended in a motor vehicle if the conditions within the vehicle or in the immediate vicinity of the vehicle, including outside temperature, present a risk to the health or safety of the child.

Any person who violates this section shall be punished by a civil penalty of no more than \$100. The penalty is a Class 4 misdemeanor for a second such offense and a Class 3 misdemeanor for a third or subsequent offense. When any person is charged with a first offense under this section, the court, upon such plea if the facts found by the court would justify a finding of liability, without entering a judgment and with the consent of the accused, may defer further proceedings and require the accused to attend and satisfactorily complete a community education program that includes instruction on the dangers of leaving young children unattended in motor vehicles. The court shall require the person to pay the costs of the program.

The person shall provide to the court satisfactory written evidence of completion of the program. If the person fails to complete the program, the court may enter an adjudication of liability and proceed as otherwise provided. Upon completion of the program, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of liability and is a final adjudication only for the purposes of applying this section in subsequent proceedings.

INTRODUCED

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