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HOUSE BILL NO. 3108**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee for Courts of Justice
on February 2, 2007)

(Patron Prior to Substitute—Delegate Janis)

A BILL to amend the Code of Virginia by adding in Article 3 of Chapter 12 of Title 18.2 a section numbered 18.2-511.1, relating to inquiries into the exercise of constitutional rights; civil penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 12 of Title 18.2 a section numbered 18.2-511.1 as follows:

§ 18.2-511.1. Inquiries into the exercise of individual liberties; civil penalty.

A. No person shall inquire, verbally or in writing, of any minor or mentally incompetent person as to the exercise of constitutional rights and civil liberties by the minor's or incompetent person's family or household members for the purposes of acquiring personal information for statistical development or to justify the provision of social services by persons not contracted or retained by the minor's or mentally incompetent person's parent or legal guardian.

B. This section shall not apply when (i) the inquiry is in response to a direct request of the minor's or mentally incompetent person's parent or legal guardian, the inquiry is authorized in writing, and the parent or legal guardian is present during the inquiry; (ii) the inquiry is related to unlawful neglect or abuse of the minor or mentally incompetent person; or (iii) a juvenile court officer having custody of the minor authorizes the inquiry for the purpose of investigating suspected criminal acts or behaviors of the minor or mentally incompetent person and such juvenile court officer observes the inquiry; (iv) when a health care or mental health care practitioner is seeking to ascertain the possibility of imminent harm to the minor or another person.

C. Any person who violates this section shall be subject to a civil fine not to exceed \$100.

D. For purposes of this section, the exercise of constitutional rights and civil liberties includes, but is not limited to, the freedom of the exercise of religion pursuant to the First Amendment of United States Constitution and Article I, Section 16 of the Constitution of Virginia, and the right to keep and bear arms pursuant to the Second Amendment of the United States Constitution and Article I, Section 13 of the Constitution of Virginia.