

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-299.2 of the Code of Virginia, relating to alcohol and substance*  
3 *abuse screening and assessment; petit larceny.*

4  
5 Approved

[S 618]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 19.2-299.2 of the Code of Virginia is amended and reenacted as follows:**

8 § 19.2-299.2. Alcohol and substance abuse screening and assessment for designated Class 1  
9 misdemeanor convictions.

10 A. When a person is convicted of any offense committed on or after January 1, 2000, under Article  
11 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2, and such offense  
12 is punishable as a Class 1 misdemeanor, *or when a person is convicted for a second offense of petit*  
13 *larceny*, the court shall order the person to undergo a substance abuse screening as part of the sentence  
14 if the defendant's sentence includes probation supervision by a local community-based probation services  
15 agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1 or participation in a  
16 local alcohol safety action program. Whenever a court requires a person to enter into and successfully  
17 complete an alcohol safety action program pursuant to § 18.2-271.1 for a second offense of the type  
18 described therein, or orders an evaluation of a person to be conducted by an alcohol safety action  
19 program pursuant to any provision of § 46.2-391, the alcohol safety action program shall assess such  
20 person's degree of alcohol abuse before determining the appropriate level of treatment to be provided or  
21 to be recommended for such person being evaluated pursuant to § 46.2-391.

22 The court may order such screening upon conviction as part of the sentence of any other Class 1  
23 misdemeanor if the defendant's sentence includes probation supervision by a local community-based  
24 probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1,  
25 participation in a local alcohol safety action program or any other sanction and the court has reason to  
26 believe the defendant has a substance abuse or dependence problem.

27 B. A substance abuse screening ordered pursuant to this section shall be conducted by the local  
28 alcohol safety action program. When an offender is ordered to enter local community-based probation  
29 services established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, rather than the  
30 local alcohol safety action program, the local community-based probation services agency shall be  
31 responsible for the screening. However, if a local community-based probation services agency has not  
32 been established for the locality, the local alcohol safety action program shall conduct the screening as  
33 part of the sentence.

34 C. If the screening indicates that the person has a substance abuse or dependence problem, an  
35 assessment shall be completed and if the assessment confirms that the person has a substance abuse or  
36 dependence problem, as a condition of a suspended sentence and probation, the court shall order the  
37 person to complete the substance abuse education and intervention component, or both as appropriate, of  
38 the local alcohol safety action program or such other agency providing treatment programs or services, if  
39 available, such as in the opinion of the court would be best suited to the needs of the person. If the  
40 referral is to the local alcohol safety action program, the program may charge a fee for the education  
41 and intervention component, or both, not to exceed \$300, based upon the defendant's ability to pay.

ENROLLED

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