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**HOUSE BILL NO. 522**

Offered January 10, 2018

Prefiled January 8, 2018

*A BILL to amend and reenact § 22.1-277 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-251.04, relating to safe reporting of criminal sexual assault.*

Patrons—Sullivan, Boysko, Delaney, Filler-Corn, Hope, Levine, Plum, Rodman and Simon

Referred to Committee for Courts of Justice

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

**1. That § 22.1-277 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-251.04 as follows:**

**§ 18.2-251.04. Safe reporting of criminal sexual assault.**

*A. It shall be an affirmative defense to prosecution of an individual for the unlawful purchase, possession, or consumption of alcohol pursuant to § 4.1-305, possession of a controlled substance pursuant to § 18.2-250, possession of marijuana pursuant to § 18.2-250.1, intoxication in public pursuant to § 18.2-388, or possession of controlled paraphernalia pursuant to § 54.1-3466 if:*

*1. Such individual, in good faith, reports to a law-enforcement officer as defined in § 9.1-101 that such individual was the victim of or witness to a criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4;*

*2. Such individual identifies himself to the law-enforcement officer who responds to the report of the criminal sexual assault;*

*3. Concurrent to the commission of the criminal sexual assault, the individual was in violation of an offense listed in this subsection; and*

*4. The evidence for the prosecution of an offense listed in this subsection was obtained as a result of the individual reporting the criminal sexual assault to a law-enforcement officer.*

*B. No individual may assert the affirmative defense provided for in this section if the individual reported the criminal sexual assault during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.*

*C. This section does not establish an affirmative defense for any individual or offense other than those listed in subsection A.*

**§ 22.1-277. Suspensions and expulsions of pupils generally.**

*A. Pupils may be suspended or expelled from attendance at school for sufficient cause; however, in no cases may sufficient cause for suspensions include only instances of truancy.*

*B. Any student for whom the division superintendent of the school division in which such student is enrolled has received a report pursuant to § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of § 16.1-260 may be suspended or expelled from school attendance pursuant to this article.*

*C. The authority provided in § 22.1-276.2 for teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of § 22.1-277.04, 22.1-277.05, or 22.1-277.06.*

*D. No disciplinary action, including expulsion in accordance with § 22.1-277.08, shall be taken against a student for any conduct involving alcohol, marijuana, a controlled substance, or an imitation controlled substance on a school bus, school property, or at a school-sponsored activity if, concurrent to such conduct, the student was a victim of or witness to a criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2.*

INTRODUCED

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