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HOUSE BILL NO. 997

Offered January 10, 2018

Prefiled January 9, 2018

A *BILL to amend and reenact §§ 2.2-3706, 9.1-178, 9.1-180, 9.1-183, 9.1-185.4, 9.1-186.4, 16.1-300, 16.1-305, 18.2-55, 18.2-64.2, 18.2-67.4, 18.2-251.02, 18.2-254.1, 19.2-80.2, 19.2-123, 19.2-389.1, 19.2-390.01, and 30-19.1:4 of the Code of Virginia and to repeal Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of Title 19.2 of the Code of Virginia, relating to Pretrial Services Act; repeal.*

Patron—Gilbert

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3706, 9.1-178, 9.1-180, 9.1-183, 9.1-185.4, 9.1-186.4, 16.1-300, 16.1-305, 18.2-55, 18.2-64.2, 18.2-67.4, 18.2-251.02, 18.2-254.1, 19.2-80.2, 19.2-123, 19.2-389.1, 19.2-390.01, and 30-19.1:4 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3706. Disclosure of criminal records; limitations.

A. All public bodies engaged in criminal law-enforcement activities shall provide requested records in accordance with this chapter as follows:

1. Records required to be released:

a. Criminal incident information relating to felony offenses, which shall include:

- (1) A general description of the criminal activity reported;
- (2) The date the alleged crime was committed;
- (3) The general location where the alleged crime was committed;
- (4) The identity of the investigating officer or other point of contact; and
- (5) A general description of any injuries suffered or property damaged or stolen.

A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of subdivision a.

Where the release of criminal incident information, however, is likely to jeopardize an ongoing investigation or prosecution or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until the above-referenced damage is no longer likely to occur from release of the information. Nothing in subdivision a shall be construed to authorize the withholding of those portions of such information that are not likely to cause the above-referenced damage;

b. Adult arrestee photographs taken during the initial intake following the arrest and as part of the routine booking procedure, except when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of the photograph will no longer jeopardize the investigation;

c. Information relative to the identity of any individual, other than a juvenile, who is arrested and charged, and the status of the charge or arrest; and

d. Records of completed unattended death investigations to the parent or spouse of the decedent or, if there is no living parent or spouse, to the most immediate family member of the decedent, provided the person is not a person of interest or a suspect. For the purposes of this subdivision, "unattended death" means a death determined to be a suicide, accidental or natural death where no criminal charges will be initiated, and "immediate family" means the decedent's personal representative or, if no personal representative has qualified, the decedent's next of kin in order of intestate succession as set forth in § 64.2-200.

2. Discretionary releases. The following records are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except where such disclosure is prohibited by law:

a. Criminal investigative files, defined as any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence relating to a criminal investigation or prosecution, other than criminal incident information subject to release in accordance with subdivision 1 a;

b. Reports submitted in confidence to (i) state and local law-enforcement agencies, (ii) investigators authorized pursuant to Chapter 3.2 (§ 2.2-307 et seq.), and (iii) campus police departments of public institutions of higher education established pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1;

c. Records of local law-enforcement agencies relating to neighborhood watch programs that include the names, addresses, and operating schedules of individual participants in the program that are provided

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59 to such agencies under a promise of anonymity;

60 d. All records of persons imprisoned in penal institutions in the Commonwealth provided such
61 records relate to the imprisonment;

62 e. Records of law-enforcement agencies, to the extent that such records contain specific tactical
63 plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or
64 the general public;

65 f. All records of adult persons under (i) ~~investigation or supervision by a local pretrial services~~
66 ~~agency in accordance with Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of Title 19.2;~~ (ii) investigation,
67 probation supervision, or monitoring by a local community-based probation services agency in
68 accordance with Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1; or ~~(iii)~~ (ii) investigation or
69 supervision by state probation and parole services in accordance with Article 2 (§ 53.1-141 et seq.) of
70 Chapter 4 of Title 53.1;

71 g. Records of a law-enforcement agency to the extent that they disclose the telephone numbers for
72 cellular telephones, pagers, or comparable portable communication devices provided to its personnel for
73 use in the performance of their official duties;

74 h. Those portions of any records containing information related to undercover operations or
75 protective details that would reveal the staffing, logistics, or tactical plans of such undercover operations
76 or protective details. Nothing in this subdivision shall operate to allow the withholding of information
77 concerning the overall costs or expenses associated with undercover operations or protective details;

78 i. Records of (i) background investigations of applicants for law-enforcement agency employment,
79 (ii) administrative investigations relating to allegations of wrongdoing by employees of a
80 law-enforcement agency, and (iii) other administrative investigations conducted by law-enforcement
81 agencies that are made confidential by law;

82 j. The identity of any victim, witness, or undercover officer, or investigative techniques or
83 procedures. However, the identity of any victim or witness shall be withheld if disclosure is prohibited
84 or restricted under § 19.2-11.2; and

85 k. Records of the Sex Offender and Crimes Against Minors Registry maintained by the Department
86 of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, including information obtained
87 from state, local, and regional officials, except to the extent that information is required to be posted on
88 the Internet pursuant to § 9.1-913; and

89 3. Prohibited releases. The identity of any individual providing information about a crime or criminal
90 activity under a promise of anonymity shall not be disclosed.

91 B. Noncriminal records. Those portions of noncriminal incident or other noncriminal investigative
92 reports or materials that contain identifying information of a personal, medical, or financial nature may
93 be withheld where the release of such information would jeopardize the safety or privacy of any person.
94 Access to personnel records of persons employed by a law-enforcement agency shall be governed by the
95 provisions of subdivision A 2 i of this section and subdivision 1 of § 2.2-3705.1, as applicable.

96 C. Records of any call for service or other communication to an emergency 911 system or
97 communicated with any other equivalent reporting system shall be subject to the provisions of this
98 chapter.

99 D. Conflict resolution. In the event of conflict between this section as it relates to requests made
100 under this section and other provisions of law, this section shall control.

101 **§ 9.1-178. Community criminal justice boards.**

102 A. Each county or city or combination thereof developing and establishing a local ~~pretrial services or~~
103 a community-based probation services agency pursuant to this article shall establish a community
104 criminal justice board. Each county and city participating in local ~~pretrial services or~~ local
105 community-based probation services shall be represented on the community criminal justice board. In the
106 event that one county or city appropriates funds to these services as part of a multijurisdictional effort,
107 any other participating county or city shall be considered to be participating if such locality appropriates
108 funds to these services. Appointments to the board shall be made by each local governing body. In cases
109 of multijurisdictional participation, unless otherwise agreed upon, each participating city or county shall
110 have an equal number of appointments. Boards shall be composed of the number of members
111 established by a resolution or ordinance of each participating jurisdiction.

112 B. Each board shall include, at a minimum, the following members: a person appointed by each
113 governing body to represent the governing body; a judge of the general district court; a circuit court
114 judge; a juvenile and domestic relations district court judge; a chief magistrate; one chief of police or
115 the sheriff in a jurisdiction not served by a police department to represent law enforcement; an attorney
116 for the Commonwealth; a public defender or an attorney who is experienced in the defense of criminal
117 matters; a sheriff or the regional jail administrator responsible for jails serving those jurisdictions
118 involved in local ~~pretrial services and~~ community-based probation services; a local educator; and a
119 community services board administrator. Any officer of the court appointed to a community criminal
120 justice board pursuant to this subsection may designate a member of his staff approved by the governing

body to represent him at meetings of the board.

§ 9.1-180. Responsibilities of community criminal justice boards.

On behalf of the counties, cities, or combinations thereof which they represent, the community criminal justice boards shall have the responsibility to:

1. Advise on the development and operation of local ~~pretrial services~~ and community-based probation services pursuant to ~~§§ 19.2-152.2 and~~ § 9.1-176 for use by the courts in diverting offenders from local correctional facility placements;

2. Assist community agencies and organizations in establishing and modifying programs and services for defendants and offenders on the basis of an objective assessment of the community's needs and resources;

3. Evaluate and monitor community programs and ~~pretrial and~~ local community-based probation services and facilities to determine their impact on offenders;

4. Develop and amend the criminal justice plan in accordance with guidelines and standards set forth by the Department and oversee the development and amendment of the community-based corrections plan as required by § 53.1-82.1 for approval by participating local governing bodies;

5. Review the submission of all criminal justice grants regardless of the source of funding;

6. Facilitate local involvement and flexibility in responding to the problem of crime in their communities; and

7. Do all things necessary or convenient to carry out the responsibilities expressly given in this article.

§ 9.1-183. City or county to act as administrator and fiscal agent.

Any single participating city or county shall act as the administrator and fiscal agent for the funds awarded for purposes of implementing a local ~~pretrial services or~~ community-based probation services agency. In cases of multijurisdictional participation, the governing authorities of the participating localities shall select one of the participating cities or counties, with its consent, to act as administrator and fiscal agent for the funds awarded for purposes of implementing the local ~~pretrial services or~~ community-based probation services agency on behalf of the participating jurisdictions.

The participating city or county acting as administrator and fiscal agent pursuant to this section may be reimbursed for the actual costs associated with the implementation of the local ~~pretrial services or~~ community-based probation services agency, including fiscal administration, accounting, payroll services, financial reporting, and auditing. Any costs must be approved by the community criminal justice board and reimbursed from those funds received for the operation of the local ~~pretrial or~~ community-based probation services agency, and may not exceed one percent of those funds received in any single fiscal year.

§ 9.1-185.4. Limitations on licensure.

A. In order to be licensed as a bail bondsman a person shall (i) be 18 years of age or older, (ii) have received a high school diploma or passed a high school equivalency examination approved by the Board of Education, and (iii) have successfully completed the bail bondsman exam required by the Board or successfully completed prior to July 1, 2005, a surety bail bondsman exam required by the State Corporation Commission under former § 38.2-1865.7.

B. The following persons are not eligible for licensure as bail bondsmen and may not be employed nor serve as the agent of a bail bondsman:

1. Persons who have been convicted of a felony within the Commonwealth, any other state, or the United States, who have not been pardoned, or whose civil rights have not been restored;

2. Employees of a local or regional jail;

3. Employees of a sheriff's office;

4. Employees of a state or local police department;

5. Persons appointed as conservators of the peace pursuant to Article 4.1 (§ 9.1-150.1 et seq.) of this chapter;

6. Employees of an office of an attorney for the Commonwealth;

7. Employees of the Department of Corrections, Department of Criminal Justice Services, or a local ~~pretrial or~~ community-based probation services agency; and

8. Spouses of or any persons residing in the same household as persons referred to in subdivisions 2 through 7 who are sworn officers or whose responsibilities involve direct access to records of inmates.

C. The exclusions in subsection B shall not be construed to limit the ability of a licensed bail bondsman to employ or contract with a licensed bail enforcement agent authorized to do business in the Commonwealth.

§ 9.1-186.4. Limitations on licensure.

A. In order to be licensed as a bail enforcement agent a person shall (i) be 21 years of age or older, (ii) have received a high school diploma or passed a high school equivalency examination approved by the Board of Education, and (iii) have satisfactorily completed a basic certification course in training for

182 bail enforcement agents offered by the Department. Partial exemptions to the training requirements may
183 be approved by the Department if the individual has received prior training.

184 B. The following persons are not eligible for licensure as a bail enforcement agent and may not be
185 employed nor serve as agents for a bail enforcement agent:

186 1. Persons who have been convicted of a felony within the Commonwealth, any other state, or the
187 United States, who have not been pardoned, or whose civil rights have not been restored.

188 2. Persons who have been convicted of any misdemeanor within the Commonwealth, any other state,
189 or the United States within the preceding five years. This prohibition may be waived by the Department,
190 for good cause shown, so long as the conviction was not for one of the following or a substantially
191 similar misdemeanor: carrying a concealed weapon, assault and battery, sexual battery, a drug offense,
192 driving under the influence, discharging a firearm, a sex offense, or larceny.

193 3. Persons who have been convicted of any misdemeanor within the Commonwealth, any other state,
194 or the United States, that is substantially similar to the following: brandishing a firearm or stalking. The
195 Department may not waive the prohibitions under this subdivision 3.

196 4. Persons currently the subject of a protective order within the Commonwealth or another state.

197 5. Employees of a local or regional jail.

198 6. Employees of a sheriff's office, or a state or local police department.

199 7. Commonwealth's Attorneys, and any employees of their offices.

200 8. Employees of the Department of Corrections, Department of Criminal Justice Services, or a local
201 pretrial or community-based probation services agency.

202 C. The exclusions in subsection B shall not be construed to prohibit law enforcement from
203 accompanying a bail enforcement agent when he engages in bail recovery.

204 **§ 16.1-300. Confidentiality of Department records.**

205 A. The social, medical, psychiatric and psychological reports and records of children who are or have
206 been (i) before the court, (ii) under supervision, or (iii) receiving services from a court service unit or
207 who are committed to the Department of Juvenile Justice shall be confidential and shall be open for
208 inspection only to the following:

209 1. The judge, prosecuting attorney, probation officers and professional staff assigned to serve a court
210 having the child currently before it in any proceeding;

211 2. Any public agency, child welfare agency, private organization, facility or person who is treating or
212 providing services to the child pursuant to a contract with the Department or pursuant to the Virginia
213 Juvenile Community Crime Control Act as set out in Article 12.1 (§ 16.1-309.2 et seq.);

214 3. The child's parent, guardian, legal custodian or other person standing in loco parentis and the
215 child's attorney;

216 4. Any person who has reached the age of majority and requests access to his own records or
217 reports;

218 5. Any state agency providing funds to the Department of Juvenile Justice and required by the
219 federal government to monitor or audit the effectiveness of programs for the benefit of juveniles which
220 are financed in whole or in part by federal funds;

221 6. Any other person, agency or institution, including any law-enforcement agency, school
222 administration, or probation office by order of the court, having a legitimate interest in the case, the
223 juvenile, or in the work of the court;

224 7. Any person, agency, or institution, in any state, having a legitimate interest (i) when release of the
225 confidential information is for the provision of treatment or rehabilitation services for the juvenile who
226 is the subject of the information, (ii) when the requesting party has custody or is providing supervision
227 for a juvenile and the release of the confidential information is in the interest of maintaining security in
228 a secure facility, as defined by § 16.1-228 if the facility is located in Virginia, or as similarly defined by
229 the law of the state in which such facility is located if it is not located in Virginia, or (iii) when release
230 of the confidential information is for consideration of admission to any group home, residential facility,
231 or postdispositional facility, and copies of the records in the custody of such home or facility shall be
232 destroyed if the child is not admitted to the home or facility;

233 8. Any attorney for the Commonwealth, any ~~pretrial services officer~~, local community-based
234 probation officer, and adult probation and parole officer for the purpose of preparing pretrial
235 investigation, including risk assessment instruments, presentence reports, including those provided in §
236 19.2-299, discretionary sentencing guidelines worksheets, including related risk assessment instruments,
237 as directed by the court pursuant to subsection C of § 19.2-298.01 or any court-ordered post-sentence
238 investigation report;

239 9. Any person, agency, organization or institution outside the Department that, at the Department's
240 request, is conducting research or evaluation on the work of the Department or any of its divisions; or
241 any state criminal justice agency that is conducting research, provided that the agency agrees that all
242 information received shall be kept confidential, or released or published only in aggregate form;

243 10. With the exception of medical, psychiatric, and psychological records and reports, any full-time

or part-time employee of the Department of State Police or of a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the enforcement of the penal, traffic, or motor vehicle laws of the Commonwealth, is entitled to any information related to a criminal street gang, including that a person is a member of a criminal street gang as defined in § 18.2-46.1. Information shall be provided by the Department to law enforcement without their request to aid in initiating an investigation or assist in an ongoing investigation of a criminal street gang as defined in § 18.2-46.1. This information may also be disclosed, at the Department's discretion, to a gang task force, provided that the membership (i) consists of only representatives of state or local government or (ii) includes a law-enforcement officer who is present at the time of the disclosure of the information. The Department shall not release the identifying information of a juvenile not affiliated with or involved in a criminal street gang unless that information relates to a specific criminal act. No person who obtains information pursuant to this subdivision shall divulge such information except in connection with gang-activity intervention and prevention, a criminal investigation regarding a criminal street gang as defined in § 18.2-46.1 that is authorized by the Attorney General or by the attorney for the Commonwealth, or in connection with a prosecution or proceeding in court;

11. The Commonwealth's Attorneys' Services Council and any attorney for the Commonwealth, as permitted under subsection B of § 66-3.2;

12. Any state or local correctional facility as defined in § 53.1-1 when such facility has custody of or is providing supervision for a person convicted as an adult who is the subject of the reports and records. The reports and records shall remain confidential and shall be open for inspection only in accordance with this section; and

13. The Office of the Attorney General, for all criminal justice activities otherwise permitted and for purposes of performing duties required by Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

A designated individual treating or responsible for the treatment of a person may inspect such reports and records as are kept by the Department on such person or receive copies thereof, when the person who is the subject of the reports and records or his parent, guardian, legal custodian or other person standing in loco parentis if the person is under the age of 18, provides written authorization to the Department prior to the release of such reports and records for inspection or copying to the designated individual.

B. The Department may withhold from inspection by a child's parent, guardian, legal custodian or other person standing in loco parentis that portion of the records referred to in subsection A, when the staff of the Department determines, in its discretion, that disclosure of such information would be detrimental to the child or to a third party, provided that the juvenile and domestic relations district court (i) having jurisdiction over the facility where the child is currently placed or (ii) that last had jurisdiction over the child if such child is no longer in the custody or under the supervision of the Department shall concur in such determination.

If any person authorized under subsection A to inspect Department records requests to inspect the reports and records and if the Department withholds from inspection any portion of such record or report pursuant to the preceding provisions, the Department shall (i) inform the individual making the request of the action taken to withhold any information and the reasons for such action; (ii) provide such individual with as much information as is deemed appropriate under the circumstances; and (iii) notify the individual in writing at the time of the request of his right to request judicial review of the Department's decision. The circuit court (a) having jurisdiction over the facility where the child is currently placed or (b) that had jurisdiction over the original proceeding or over an appeal of the juvenile and domestic relations district court final order of disposition concerning the child if such child is no longer in the custody or under the supervision of the Department shall have jurisdiction over petitions filed for review of the Department's decision to withhold reports or records as provided herein.

§ 16.1-305. Confidentiality of court records.

A. Social, medical and psychiatric or psychological records, including reports or preliminary inquiries, predisposition studies and supervision records, of neglected and abused children, children in need of services, children in need of supervision and delinquent children shall be filed with the other papers in the juvenile's case file. All juvenile case files shall be filed separately from adult files and records of the court and shall be open for inspection only to the following:

1. The judge, probation officers and professional staff assigned to serve the juvenile and domestic relations district courts;

2. Representatives of a public or private agency or department providing supervision or having legal custody of the child or furnishing evaluation or treatment of the child ordered or requested by the court;

3. The attorney for any party, including the attorney for the Commonwealth;

4. Any other person, agency or institution, by order of the court, having a legitimate interest in the case or in the work of the court. However, for the purposes of an investigation conducted by a local

community-based probation services agency, preparation of a pretrial investigation report, or of a presentence or postsentence report upon a finding of guilty in a circuit court or for the preparation of a background report for the Parole Board, adult probation and parole officers, including United States Probation and Pretrial Services Officers, ~~any officer of a local pretrial services agency established or operated pursuant to Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of Title 19.2,~~ and any officer of a local community-based probation services agency established or operated pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (§ 9.1-173 et seq.) shall have access to an accused's or inmate's records in juvenile court without a court order and for the purpose of preparing the discretionary sentencing guidelines worksheets and related risk assessment instruments as directed by the court pursuant to subsection C of § 19.2-298.01, the attorney for the Commonwealth and any ~~pretrial services or~~ probation officer shall have access to the defendant's records in juvenile court without a court order;

5. Any attorney for the Commonwealth and any local ~~pretrial services or~~ community-based probation officer or state adult probation or parole officer shall have direct access to the defendant's juvenile court delinquency records maintained in an electronic format by the court for the strictly limited purposes of preparing a pretrial investigation report, including any related risk assessment instrument, any presentence report, any discretionary sentencing guidelines worksheets, including related risk assessment instruments, any post-sentence investigation report or preparing for any transfer or sentencing hearing.

A copy of the court order of disposition in a delinquency case shall be provided to a probation officer or attorney for the Commonwealth, when requested for the purpose of calculating sentencing guidelines. The copies shall remain confidential, but reports may be prepared using the information contained therein as provided in §§ 19.2-298.01 and 19.2-299.

6. The Office of the Attorney General, for all criminal justice activities otherwise permitted and for purposes of performing duties required by Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

A1. Any person, agency, or institution that may inspect juvenile case files pursuant to subdivisions A 1 through A 4 shall be authorized to have copies made of such records, subject to any restrictions, conditions, or prohibitions that the court may impose.

B. All or any part of the records enumerated in subsection A, or information secured from such records, which is presented to the judge in court or otherwise in a proceeding under this law shall also be made available to the parties to the proceedings and their attorneys.

B1. If a juvenile 14 years of age or older at the time of the offense is adjudicated delinquent on the basis of an act which would be a felony if committed by an adult, all court records regarding that adjudication and any subsequent adjudication of delinquency, other than those records specified in subsection A, shall be open to the public. However, if a hearing was closed, the judge may order that certain records or portions thereof remain confidential to the extent necessary to protect any juvenile victim or juvenile witness.

C. All other juvenile records, including the docket, petitions, motions and other papers filed with a case, transcripts of testimony, findings, verdicts, orders and decrees shall be open to inspection only by those persons and agencies designated in subsections A and B of this section. However, a licensed bail bondsman shall be entitled to know the status of a bond he has posted or provided surety on for a juvenile under § 16.1-258. This shall not authorize a bail bondsman to have access to or inspect any other portion of his principal's juvenile court records.

D. Attested copies of papers filed in connection with an adjudication of guilty for an offense for which the clerk is required by § 46.2-383 to furnish an abstract to the Department of Motor Vehicles, which shows the charge, finding, disposition, name of the attorney for the juvenile, or waiver of attorney shall be furnished to an attorney for the Commonwealth upon certification by the prosecuting attorney that such papers are needed as evidence in a pending criminal, traffic, or habitual offender proceeding and that such papers will be only used for such evidentiary purpose.

D1. Attested copies of papers filed in connection with an adjudication of guilt for a delinquent act that would be a felony if committed by an adult, which show the charge, finding, disposition, name of the attorney for the juvenile, or waiver of attorney by the juvenile, shall be furnished to an attorney for the Commonwealth upon his certification that such papers are needed as evidence in a pending criminal prosecution for a violation of § 18.2-308.2 and that such papers will be only used for such evidentiary purpose.

E. Upon request, a copy of the court order of disposition in a delinquency case shall be provided to the Virginia Workers' Compensation Commission solely for purposes of determining whether to make an award to the victim of a crime, and such information shall not be disseminated or used by the Commission for any other purpose including but not limited to actions pursuant to § 19.2-368.15.

F. Staff of the court services unit or the attorney for the Commonwealth shall provide notice of the disposition in a case involving a juvenile who is committed to state care after being adjudicated for a criminal sexual assault as specified in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 to the victim or a parent of a minor victim, upon request. Additionally, if the victim or parent submits a

written request, the Department of Juvenile Justice shall provide advance notice of such juvenile offender's anticipated date of release from commitment.

G. Any record in a juvenile case file which is open for inspection by the professional staff of the Department of Juvenile Justice pursuant to subsection A and is maintained in an electronic format by the court, may be transmitted electronically to the Department of Juvenile Justice. Any record so transmitted shall be subject to the provisions of § 16.1-300.

§ 18.2-55. Bodily injuries caused by prisoners, state juvenile probationers and state and local adult probationers or adult parolees.

A. It shall be unlawful for a person confined in a state, local or regional correctional facility as defined in § 53.1-1; in a secure facility or detention home as defined in § 16.1-228 or in any facility designed for the secure detention of juveniles; or while in the custody of an employee thereof to knowingly and willfully inflict bodily injury on:

1. An employee thereof, or
2. Any other person lawfully admitted to such facility, except another prisoner or person held in legal custody, or
3. Any person who is supervising or working with prisoners or persons held in legal custody, or
4. Any such employee or other person while such prisoner or person held in legal custody is committing any act in violation of § 53.1-203.

B. It shall be unlawful for an accused, probationer or parolee under the supervision of, or being investigated by, (i) a probation or parole officer whose powers and duties are defined in § 16.1-237 or § 53.1-145; ~~or (ii) a local pretrial services officer associated with an agency established pursuant to Article 5 (§ 19.2-152.2) of Chapter 9 of Title 19.2, or (iii) a local community-based probation officer associated with an agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1;~~ to knowingly and willfully inflict bodily injury on such officer while he is in the performance of his duty, knowing or having reason to know that the officer is engaged in the performance of his duty.

Any person violating any provision of this section is guilty of a Class 5 felony.

§ 18.2-64.2. Carnal knowledge of an inmate, parolee, probationer, detainee, or pretrial or posttrial offender; penalty.

An accused is guilty of carnal knowledge of an inmate, parolee, probationer, detainee, or pretrial defendant or posttrial offender if he is an employee or contractual employee of, or a volunteer with, a state or local correctional facility or regional jail, the Department of Corrections, the Department of Juvenile Justice, a secure facility or detention home, as defined in § 16.1-228, a state or local court services unit, as defined in § 16.1-235, a local community-based probation services agency ~~or a pretrial services agency~~; is in a position of authority over the inmate, probationer, parolee, detainee, or a pretrial defendant or posttrial offender; knows that the inmate, probationer, parolee, detainee, or pretrial defendant or posttrial offender is under the jurisdiction of the state or local correctional facility, a regional jail, the Department of Corrections, the Department of Juvenile Justice, a secure facility or detention home, as defined in § 16.1-228, a state or local court services unit, as defined in § 16.1-235, ~~or a local community-based probation services agency; or a pretrial services agency~~; and carnally knows, without the use of force, threat or intimidation (i) an inmate who has been committed to jail or convicted and sentenced to confinement in a state or local correctional facility or regional jail or (ii) a probationer, parolee, detainee, or a pretrial defendant or posttrial offender under the jurisdiction of the Department of Corrections, the Department of Juvenile Justice, a secure facility or detention home, as defined in § 16.1-228, a state or local court services unit, as defined in § 16.1-235, a local community-based probation services agency, ~~a pretrial services agency~~, a local or regional jail for the purposes of imprisonment, a work program or any other parole/probationary ~~or pretrial services~~ program or agency. Such offense is a Class 6 felony.

An accused is guilty of carnal knowledge of a pretrial defendant or posttrial offender if he (a) is an owner or employee of the bail bond company that posted the pretrial defendant's or posttrial offender's bond, (b) has the authority to revoke the pretrial defendant's or posttrial offender's bond, and (c) carnally knows, without use of force, threat, or intimidation, a pretrial defendant or posttrial offender. Such offense is a Class 1 misdemeanor.

For the purposes of this section, "carnal knowledge" includes the acts of sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse and animate or inanimate object sexual penetration.

§ 18.2-67.4. Sexual battery.

A. An accused is guilty of sexual battery if he sexually abuses, as defined in § 18.2-67.10, (i) the complaining witness against the will of the complaining witness, by force, threat, intimidation, or ruse, (ii) within a two-year period, more than one complaining witness or one complaining witness on more than one occasion intentionally and without the consent of the complaining witness, (iii) an inmate who has been committed to jail or convicted and sentenced to confinement in a state or local correctional facility or regional jail, and the accused is an employee or contractual employee of, or a volunteer with,

428 the state or local correctional facility or regional jail; is in a position of authority over the inmate; and
429 knows that the inmate is under the jurisdiction of the state or local correctional facility or regional jail,
430 or (iv) a probationer, parolee, or a pretrial defendant or posttrial offender under the jurisdiction of the
431 Department of Corrections, a local community-based probation services agency, a ~~pretrial services~~
432 ~~agency~~, a local or regional jail for the purposes of imprisonment, a work program or any other
433 parole/probationary or ~~pretrial services program~~ or agency and the accused is an employee or contractual
434 employee of, or a volunteer with, the Department of Corrections, a local community-based probation
435 services agency, a ~~pretrial services agency~~ or a local or regional jail; is in a position of authority over
436 an offender; and knows that the offender is under the jurisdiction of the Department of Corrections, a
437 local community-based probation services agency, a ~~pretrial services agency~~ or a local or regional jail.

438 B. Sexual battery is a Class 1 misdemeanor.

439 **§ 18.2-251.02. Drug Offender Assessment and Treatment Fund.**

440 There is hereby established in the state treasury the Drug Offender Assessment and Treatment Fund
441 which shall consist of moneys received from fees imposed on certain drug offense convictions pursuant
442 to subdivisions A 10 and A 11 of § 17.1-275 and § 16.1-69.48:3. All interest derived from the deposit
443 and investment of moneys in the Fund shall be credited to the Fund. Any moneys not appropriated by
444 the General Assembly shall remain in the Drug Offender Assessment and Treatment Fund and shall not
445 be transferred or revert to the general fund at the end of any fiscal year. All moneys in the Fund shall
446 be subject to annual appropriation by the General Assembly to the Department of Corrections, the
447 Department of Juvenile Justice, and the Commission on VASAP to implement and operate the offender
448 substance abuse screening and assessment program; the Department of Criminal Justice Services for the
449 support of community-based probation and local ~~pretrial services~~ agencies; and the Office of the
450 Executive Secretary of the Supreme Court of Virginia for the support of drug treatment court programs.

451 **§ 18.2-254.1. Drug Treatment Court Act.**

452 A. This section shall be known and may be cited as the "Drug Treatment Court Act."

453 B. The General Assembly recognizes that there is a critical need in the Commonwealth for effective
454 treatment programs that reduce the incidence of drug use, drug addiction, family separation due to
455 parental substance abuse, and drug-related crimes. It is the intent of the General Assembly by this
456 section to enhance public safety by facilitating the creation of drug treatment courts as means by which
457 to accomplish this purpose.

458 C. The goals of drug treatment courts include: (i) reducing drug addiction and drug dependency
459 among offenders; (ii) reducing recidivism; (iii) reducing drug-related court workloads; (iv) increasing
460 personal, familial and societal accountability among offenders; and, (v) promoting effective planning and
461 use of resources among the criminal justice system and community agencies.

462 D. Drug treatment courts are specialized court dockets within the existing structure of Virginia's court
463 system offering judicial monitoring of intensive treatment and strict supervision of addicts in drug and
464 drug-related cases. Local officials must complete a recognized planning process before establishing a
465 drug treatment court program.

466 E. Administrative oversight for implementation of the Drug Treatment Court Act shall be conducted
467 by the Supreme Court of Virginia. The Supreme Court of Virginia shall be responsible for (i) providing
468 oversight for the distribution of funds for drug treatment courts; (ii) providing technical assistance to
469 drug treatment courts; (iii) providing training for judges who preside over drug treatment courts; (iv)
470 providing training to the providers of administrative, case management, and treatment services to drug
471 treatment courts; and (v) monitoring the completion of evaluations of the effectiveness and efficiency of
472 drug treatment courts in the Commonwealth.

473 F. A state drug treatment court advisory committee shall be established to (i) evaluate and
474 recommend standards for the planning and implementation of drug treatment courts; (ii) assist in the
475 evaluation of their effectiveness and efficiency; and (iii) encourage and enhance cooperation among
476 agencies that participate in their planning and implementation. The committee shall be chaired by the
477 Chief Justice of the Supreme Court of Virginia or his designee and shall include a member of the
478 Judicial Conference of Virginia who presides over a drug treatment court; a district court judge; the
479 Executive Secretary or his designee; the directors of the following executive branch agencies:
480 Department of Corrections, Department of Criminal Justice Services, Department of Juvenile Justice,
481 Department of Behavioral Health and Developmental Services, Department of Social Services; a
482 representative of the following entities: a local community-based probation and ~~pretrial services~~ agency,
483 the Commonwealth's Attorney's Association, the Virginia Indigent Defense Commission, the Circuit
484 Court Clerk's Association, the Virginia Sheriff's Association, the Virginia Association of Chiefs of
485 Police, the Commission on VASAP, and two representatives designated by the Virginia Drug Court
486 Association.

487 G. Each jurisdiction or combination of jurisdictions that intend to establish a drug treatment court or
488 continue the operation of an existing one shall establish a local drug treatment court advisory committee.
489 Jurisdictions that establish separate adult and juvenile drug treatment courts may establish an advisory

committee for each such court. Each advisory committee shall ensure quality, efficiency, and fairness in the planning, implementation, and operation of the drug treatment court or courts that serve the jurisdiction or combination of jurisdictions. Advisory committee membership shall include, but shall not be limited to the following people or their designees: (i) the drug treatment court judge; (ii) the attorney for the Commonwealth, or, where applicable, the city or county attorney who has responsibility for the prosecution of misdemeanor offenses; (iii) the public defender or a member of the local criminal defense bar in jurisdictions in which there is no public defender; (iv) the clerk of the court in which the drug treatment court is located; (v) a representative of the Virginia Department of Corrections, or the Department of Juvenile Justice, or both, from the local office which serves the jurisdiction or combination of jurisdictions; (vi) a representative of a local community-based probation and pretrial services agency; (vii) a local law-enforcement officer; (viii) a representative of the Department of Behavioral Health and Developmental Services or a representative of local drug treatment providers; (ix) the drug court administrator; (x) a representative of the Department of Social Services; (xi) county administrator or city manager; and (xii) any other people selected by the drug treatment court advisory committee.

H. Each local drug treatment court advisory committee shall establish criteria for the eligibility and participation of offenders who have been determined to be addicted to or dependent upon drugs. Subject to the provisions of this section, neither the establishment of a drug treatment court nor anything herein shall be construed as limiting the discretion of the attorney for the Commonwealth to prosecute any criminal case arising therein which he deems advisable to prosecute, except to the extent the participating attorney for the Commonwealth agrees to do so. As defined in § 17.1-805 or 19.2-297.1, adult offenders who have been convicted of a violent criminal offense within the preceding 10 years, or juvenile offenders who previously have been adjudicated not innocent of any such offense within the preceding 10 years, shall not be eligible for participation in any drug treatment court established or continued in operation pursuant to this section.

I. Each drug treatment court advisory committee shall establish policies and procedures for the operation of the court to attain the following goals: (i) effective integration of drug and alcohol treatment services with criminal justice system case processing; (ii) enhanced public safety through intensive offender supervision and drug treatment; (iii) prompt identification and placement of eligible participants; (iv) efficient access to a continuum of alcohol, drug, and related treatment and rehabilitation services; (v) verified participant abstinence through frequent alcohol and other drug testing; (vi) prompt response to participants' noncompliance with program requirements through a coordinated strategy; (vii) ongoing judicial interaction with each drug court participant; (viii) ongoing monitoring and evaluation of program effectiveness and efficiency; (ix) ongoing interdisciplinary education and training in support of program effectiveness and efficiency; and (x) ongoing collaboration among drug treatment courts, public agencies, and community-based organizations to enhance program effectiveness and efficiency.

J. Participation by an offender in a drug treatment court shall be voluntary and made pursuant only to a written agreement entered into by and between the offender and the Commonwealth with the concurrence of the court.

K. Nothing in this section shall preclude the establishment of substance abuse treatment programs and services pursuant to the deferred judgment provisions of § 18.2-251.

L. Each offender shall contribute to the cost of the substance abuse treatment he receives while participating in a drug treatment court pursuant to guidelines developed by the drug treatment court advisory committee.

M. Nothing contained in this section shall confer a right or an expectation of a right to treatment for an offender or be construed as requiring a local drug treatment court advisory committee to accept for participation every offender.

N. The Office of the Executive Secretary shall, with the assistance of the state drug treatment court advisory committee, develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local drug treatment courts. A report of these evaluations shall be submitted to the General Assembly by December 1 of each year. Each local drug treatment court advisory committee shall submit evaluative reports to the Office of the Executive Secretary as requested.

O. Notwithstanding any other provision of this section, no drug treatment court shall be established subsequent to March 1, 2004, unless the jurisdiction or jurisdictions intending or proposing to establish such court have been specifically granted permission under the Code of Virginia to establish such court. The provisions of this subsection shall not apply to any drug treatment court established on or before March 1, 2004, and operational as of July 1, 2004.

P. Subject to the requirements and conditions established by the state Drug Treatment Court Advisory Committee, there shall be established a drug treatment court in the following jurisdictions: the City of Chesapeake and the City of Newport News.

Q. Subject to the requirements and conditions established by the state Drug Treatment Court

551 Advisory Committee, there shall be established a drug treatment court in the Juvenile and Domestic
552 Relations District Court for the County of Franklin, provided that such court is funded solely through
553 local sources.

554 R. Subject to the requirements and conditions established by the state Drug Treatment Court
555 Advisory Committee, there shall be established a drug treatment court in the City of Bristol and the
556 County of Tazewell, provided that the court is funded within existing state and local appropriations.

557 **§ 19.2-80.2. Duty of arresting officer; providing magistrate or court with criminal history**
558 **information.**

559 In any case in which an officer proceeds under §§ 19.2-76, 19.2-80 and 19.2-82, such officer shall, to
560 the extent possible, obtain and provide the magistrate or court with the arrested person's criminal history
561 information prior to any proceeding under Article 1 (§ 19.2-119 et seq.) of Chapter 9 of this title. A
562 pretrial services agency established pursuant to § 19.2-152.2 may, in lieu of the arresting officer, provide
563 the criminal history to the magistrate or court.

564 **§ 19.2-123. Release of accused on secured or unsecured bond or promise to appear; conditions**
565 **of release.**

566 A. Any person arrested for a felony who has previously been convicted of a felony, or who is
567 presently on bond for an unrelated arrest in any jurisdiction, or who is on probation or parole, may be
568 released only upon a secure bond. This provision may be waived with the approval of the judicial
569 officer and with the concurrence of the attorney for the Commonwealth or the attorney for the county,
570 city or town. Subject to the foregoing, when a person is arrested for either a felony or a misdemeanor,
571 any judicial officer may impose any one or any combination of the following conditions of release:

572 1. Place the person in the custody and supervision of a designated person, organization, or pretrial
573 services agency which, for the purposes of this section, shall not include a court services unit established
574 pursuant to § 16.1-233;

575 2. Place restrictions on the travel, association or place of abode of the person during the period of
576 release and restrict contacts with household members for a specified period of time;

577 2a. Require the execution of an unsecured bond;

578 3. Require the execution of a secure bond which at the option of the accused shall be satisfied with
579 sufficient solvent sureties, or the deposit of cash in lieu thereof. Only the actual value of any interest in
580 real estate or personal property owned by the proposed surety shall be considered in determining
581 solvency and solvency shall be found if the value of the proposed surety's equity in the real estate or
582 personal property equals or exceeds the amount of the bond;

583 3a. Require that the person do any or all of the following: (i) maintain employment or, if
584 unemployed, actively seek employment; (ii) maintain or commence an educational program; (iii) avoid
585 all contact with an alleged victim of the crime and with any potential witness who may testify
586 concerning the offense; (iv) comply with a specified curfew; (v) refrain from possessing a firearm,
587 destructive device, or other dangerous weapon; (vi) refrain from excessive use of alcohol, or use of any
588 illegal drug or any controlled substance not prescribed by a health care provider; and (vii) submit to
589 testing for drugs and alcohol until the final disposition of his case;

590 3b. Place a prohibition on a person who holds an elected constitutional office and who is accused of
591 a felony arising from the performance of his duties from physically returning to his constitutional office;

592 3c. Require the accused to accompany the arresting officer to the jurisdiction's fingerprinting facility
593 and submit to having his photograph and fingerprints taken prior to release; or

594 4. Impose any other condition deemed reasonably necessary to assure appearance as required, and to
595 assure his good behavior pending trial, including a condition requiring that the person return to custody
596 after specified hours or be placed on home electronic incarceration pursuant to § 53.1-131.2 or, when
597 the person is required to execute a secured bond, be subject to monitoring by a GPS (Global Positioning
598 System) tracking device, or other similar device. The defendant may be ordered by the court to pay the
599 cost of the device.

600 Upon satisfaction of the terms of recognizance, the accused shall be released forthwith.

601 In addition, where the accused is an individual receiving services in a state training center for
602 individuals with intellectual disability, the judicial officer may place the individual in the custody of the
603 director of the training center, if the director agrees to accept custody. The director is hereby authorized
604 to take custody of the individual and to maintain him at the training center prior to a trial or hearing
605 under such circumstances as will reasonably assure the appearance of the accused for the trial or
606 hearing.

607 B. In any jurisdiction served by a pretrial services agency which that offers a drug or alcohol
608 screening or testing program approved for the purposes of this subsection by the chief general district
609 court judge, any such person charged with a crime may be requested by such the testing agency to give
610 voluntarily a urine sample, submit to a drug or alcohol screening, or take a breath test for presence of
611 alcohol. A sample may be analyzed for the presence of phencyclidine (PCP), barbiturates, cocaine,
612 opiates or such other drugs as the agency may deem appropriate prior to any hearing to establish bail.

The judicial officer and agency shall inform the accused or juvenile being screened or tested that test results shall be used by a judicial officer only at a bail hearing and only to determine appropriate conditions of release or to reconsider the conditions of bail at a subsequent hearing. All screening or test results, and any pretrial investigation report containing the screening or test results, shall be confidential with access thereto limited to judicial officers, the attorney for the Commonwealth, defense counsel, ~~other pretrial service agencies~~, any criminal justice agency as defined in § 9.1-101 and, in cases where a juvenile is screened or tested, the parents or legal guardian or custodian of such juvenile. However, in no event shall the judicial officer have access to any screening or test result prior to making a bail release determination or to determining the amount of bond, if any. Following this determination, the judicial officer shall consider the screening or test results and the ~~screening or~~ testing agency's report and accompanying recommendations, if any, in setting appropriate conditions of release. In no event shall a decision regarding a release determination be subject to reversal on the sole basis of such screening or test results. Any accused or juvenile whose urine sample has tested positive for such drugs and who is admitted to bail may, as a condition of release, be ordered to refrain from use of alcohol or illegal drugs and may be required to be tested on a periodic basis until final disposition of his case to ensure his compliance with the order. Sanctions for a violation of any condition of release, which violations shall include subsequent positive drug or alcohol test results or failure to report as ordered for testing, may be imposed in the discretion of the judicial officer and may include imposition of more stringent conditions of release, contempt of court proceedings or revocation of release. Any test given under the provisions of this subsection which yields a positive drug or alcohol test result shall be reconfirmed by a second test if the person tested denies or contests the initial drug or alcohol test positive result. The results of any drug or alcohol test conducted pursuant to this subsection shall not be admissible in any judicial proceeding other than for the imposition of sanctions for a violation of a condition of release.

C. [Repealed.]

D. Nothing in this section shall be construed to prevent an officer taking a juvenile into custody from releasing that juvenile pursuant to § 16.1-247. If any condition of release imposed under the provisions of this section is violated, a judicial officer may issue a *capias* or order to show cause why the recognizance should not be revoked.

E. Nothing in this section shall be construed to prevent a court from imposing a recognizance or bond designed to secure a spousal or child support obligation pursuant to § 16.1-278.16, Chapter 5 (§ 20-61 et seq.) of Title 20, or § 20-114 in addition to any recognizance or bond imposed pursuant to this chapter.

§ 19.2-389.1. Dissemination of juvenile record information.

Record information maintained in the Central Criminal Records Exchange pursuant to the provisions of § 16.1-299 shall be disseminated only (i) to make the determination as provided in §§ 18.2-308.2 and 18.2-308.2:2 of eligibility to possess or purchase a firearm; (ii) to aid in the preparation of a ~~pretrial investigation report prepared by a local pretrial services agency established pursuant to Article 5 (§ 19.2-152.2 et seq.) of Chapter 9~~, a presentence or post-sentence investigation report pursuant to § 19.2-264.5 or 19.2-299 or in the preparation of the discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (iii) to aid local community-based probation services agencies established pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (§ 9.1-173 et seq.) with investigating or serving adult local-responsible offenders and all court service units serving juvenile delinquent offenders; (iv) for fingerprint comparison utilizing the fingerprints maintained in the Automated Fingerprint Information System (AFIS) computer; (v) to attorneys for the Commonwealth to secure information incidental to sentencing and to attorneys for the Commonwealth and probation officers to prepare the discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (vi) to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, for purposes of the administration of criminal justice as defined in § 9.1-101; (vii) to the Department of Forensic Science to verify its authority to maintain the juvenile's sample in the DNA data bank pursuant to § 16.1-299.1; (viii) to the Office of the Attorney General, for all criminal justice activities otherwise permitted and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.); (ix) to the Virginia Criminal Sentencing Commission for research purposes; (x) to members of a threat assessment team established by a school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, to aid in the assessment or intervention with individuals whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any juvenile record information obtained pursuant to this section or otherwise use any record of an individual beyond the

purpose that such disclosure was made to the threat assessment team; and (xi) to any full-time or part-time employee of the State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof for the purpose of screening any person for full-time or part-time employment with the State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof.

§ 19.2-390.01. Use of Virginia crime code references required.

If any criminal warrant, indictment, information, presentment, petition, summons, charging document issued by a magistrate, or dispositional document from a criminal trial, involves a jailable offense, it shall include the Virginia crime code references for the particular offense or offenses covered. When Virginia crime codes are provided on charging and dispositional documents, the Virginia crime codes shall be recorded and stored for adult offenders in: criminal history computer systems maintained by the State Police; court case management computer systems maintained by the Supreme Court of Virginia; probation and parole case management computer systems maintained by the Department of Corrections and the Virginia Parole Board; ~~pretrial and~~ community-based probation case management computer systems maintained by the Department of Criminal Justice Services; and jail management computer systems maintained by the State Compensation Board. The Department of Juvenile Justice shall record and store Virginia crime codes for particular offenses related to juveniles in case management computer systems.

Virginia crime codes shall only be used to facilitate administration and research, and shall not have any legal standing as they relate to a particular offense or offenses.

§ 30-19.1:4. Increase in terms of imprisonment or commitment; fiscal impact statements; appropriations for operating costs.

A. The Virginia Criminal Sentencing Commission shall prepare a fiscal impact statement reflecting the operating costs attributable to and necessary appropriations for any bill which would result in a net increase in periods of imprisonment in state adult correctional facilities. The Department of Planning and Budget shall annually provide the Virginia Criminal Sentencing Commission with the operating cost per inmate.

B. The Department of Planning and Budget, in conjunction with the Department of Juvenile Justice, shall prepare a fiscal impact statement reflecting the operating costs attributable to and necessary appropriations for any bill that would result in a net increase in periods of commitment to the custody of the Department of Juvenile Justice.

C. The requirement for a fiscal impact statement includes, but is not limited to, those bills which add new crimes for which imprisonment or commitment is authorized, increase the periods of imprisonment or commitment authorized for existing crimes, impose minimum or mandatory minimum terms of imprisonment or commitment, or modify the law governing release of prisoners or juveniles in such a way that the time served in prison, or the time committed to the custody of the Department of Juvenile Justice, will increase.

D. The fiscal impact statement of any bill introduced on or after July 1, 2002, that would result in a net increase in periods of imprisonment in state correctional facilities or periods of commitment to the custody of the Department of Juvenile Justice, shall include an analysis of the fiscal impact on local and regional jails, state and local ~~pretrial and~~ community-based probation services agencies and juvenile detention facilities.

E. The amount of the estimated appropriation reflected in the fiscal impact statement shall be printed on the face of each such bill, but shall not be codified. If the agency responsible for preparing the fiscal impact statement does not have sufficient information to project the impact, the fiscal impact statement shall state this, and the words "Cannot be determined" shall be printed on the face of each such bill.

F. The fiscal impact statement shall include, but not be limited to, details as to any increase or decrease in the offender population. Statements prepared by the Virginia Criminal Sentencing Commission shall detail any necessary adjustments in guideline midpoints for the crime or crimes affected by the bill as well as adjustments in guideline midpoints for other crimes affected by the implementation of the bill that, in the opinion of the Commission, are necessary and appropriate.

G. The agency preparing the fiscal impact statement shall forward copies of such impact statements to the Clerk of the House of Delegates and the Clerk of the Senate for transmittal to each patron of the legislation and to the chairman of each committee of the General Assembly to consider the legislation.

H. For each law enacted which results in a net increase in periods of imprisonment in state correctional facilities or a net increase in periods of commitment or the time committed to the custody of the Department of Juvenile Justice, a one-year appropriation shall be made from the general fund equal to the estimated increase in operating costs of such law, in current dollars, of the highest of the next six fiscal years following the effective date of the law. "Operating costs" means all costs other than capital outlay costs.

I. The Corrections Special Reserve Fund (the Fund) is hereby established as a nonreverting special fund on the books of the Comptroller. The Fund shall consist of all moneys appropriated by the General

736 Assembly under the provisions of this section and all interest thereon. Any moneys deposited in the
737 Fund shall remain in the Fund at the end of the biennium. Moneys in the Fund shall be expended solely
738 for capital expenses, including the cost of planning or preplanning studies that may be required to
739 initiate capital outlay projects.
740 **2. That Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of Title 19.2 of the Code of Virginia is**
741 **repealed.**
742 **3. That the provisions of this act shall become effective on July 1, 2019.**