

1999 RECONVENED SESSION

HOUSE SUBSTITUTE

996767811

HOUSE BILL NO. 2697

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Governor
on March 29, 1999)

(Patron Prior to Substitute—Delegate Byron)

A BILL to amend and reenact §§ 15.2-926 and 22.1-266 of the Code of Virginia, relating to minors; truancy and curfews; truancy centers.

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-926 and 22.1-266 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-926. Prohibiting loitering; curfew for minors; penalty.

Any locality may by ordinance prohibit loitering in, upon or around any public place, whether on public or private property. Any locality may by ordinance also prohibit minors who are not attended by their parents from frequenting or being in public places, whether on public or private property, at such times, between 10:00 p.m. and 6:00 a.m., as the governing body deems proper.

A violation of such ~~ordinance~~ *ordinances* by a minor shall be disposed of as provided in §§ 16.1-278.4 and 16.1-278.5.

§ 22.1-266. Law enforcement officers and truant children.

A. Notwithstanding the provisions of § 16.1-246, any law-enforcement officer as defined in § 9-169 or any attendance officer may pick up any child who (i) is reported to be truant from a public school by a school principal or division superintendent or ~~who~~ (ii) the law-enforcement officer or attendance officer reasonably determines, *to be a public school student and* by reason of the child's age and circumstances, *is either truant from public school or has been expelled from school and has been required to attend an alternative education program pursuant to § 22.1-277.1,* and may deliver such child to the appropriate *public school, alternative education program, or truancy center* and personnel thereof without charging the parent or guardian of such child with a violation of any provision of law.

B. Any such law-enforcement officer or attendance officer shall not be liable for any civil damages for any acts or omissions resulting from picking up or delivering a public school child as provided in subsection A when such acts or omissions are within the scope of the employment of such law-enforcement officer or attendance officer and are taken in good faith, unless such acts or omissions were the result of gross negligence or willful misconduct. This subsection shall not be construed to limit, withdraw or overturn any defense or immunity already existing in statutory or common law or to affect any claim occurring prior to the effective date of this law.

C. For the purposes of this section, "truancy center" means a facility or site operated by a school division, sometimes jointly with the local law-enforcement agency, and designated for receiving children who have been retrieved by a law-enforcement officer or attendance officer for truancy from school.

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