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## HOUSE BILL NO. 2698

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health  
on February 18, 1999)

(Patron Prior to Substitute—Delegate Byron)

*A BILL to amend and reenact § 22.1-266 of the Code of Virginia, relating to truancy centers.*

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

**1. That § 22.1-266 of the Code of Virginia is amended and reenacted as follows:**

§ 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 truant from public school, and may deliver such child to the appropriate public school 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.