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SENATE BILL NO. 1455

Senate Amendments in [] - January 31, 2023

A *BILL to amend and reenact § 15.2-925 of the Code of Virginia, relating to civil disturbance; local curfew; penalty.*

Patron Prior to Engrossment—Senator Norment

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-925 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-925. Regulation, etc., of assemblies or movement of persons or vehicles under certain circumstances; curfew; penalty.

A. Any locality may empower the chief law-enforcement officer to regulate, restrict, or prohibit any assembly of persons or the movement of persons or vehicles if there exists an imminent threat of any civil commotion or disturbance in the nature of a riot which constitutes a clear and present danger. In such circumstances the governing body may convene immediately in a special meeting and enact an emergency ordinance or ordinances for such purposes, notwithstanding any contrary provisions in any charter or under the general law.

B. Any such action may include a curfew issued by the chief law-enforcement officer [but in cities, such action shall be in concurrence with the city manager and the mayor]. Such curfew shall include the following elements:

1. Shall specify the hours of the curfew and the geographic area to which the curfew applies.

2. Shall contain exceptions for:

a. Any person traveling to or from home, work, or a place of worship;

b. Medical personnel;

c. Members of the press;

d. Federal, state, and local employees and volunteers engaged in official business, including emergency response;

e. Military personnel, including but not limited to National Guard troops;

f. Travel to or from public meetings of the local governing body;

g. Persons seeking emergency services or fleeing any emergency or danger or acting to save other persons from an emergency or danger; and

h. Persons who are incapacitated or who are seeking medical care for themselves or others.

The action authorizing the curfew shall provide for reasonable efforts to inform the public in advance of the curfew which shall be valid for no more than 24 hours. The curfew shall not be extended or renewed unless by recorded vote of the local governing body or by judicial order.

In such circumstances the governing body may convene immediately in a special meeting and enact an emergency ordinance or ordinances, including an extension or renewal of a curfew, for such purposes, notwithstanding any contrary provisions in any charter or under the general law.

C. Any violation of a regulation, restriction, or curfew imposed hereunder shall be a Class 1 misdemeanor.

ENGROSSED

SB1455E