



# 2018 New Laws

# Protective Orders

Virginia Code §§ 16.1-253.1 (Preliminary Family Abuse Protective Order) and 16.1-279.1 (Family Abuse Protective Order) are amended to include the following:

- A preliminary protective order may include any one or more of the following conditions to be imposed on the allegedly abusing person: “Granting the petitioner and, where appropriate, any other family or household member of the petitioner, exclusive use and possession of a cellular telephone number or electronic device. The court may enjoin the respondent from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The court may enjoin the respondent from using a cellular telephone or other electronic device to locate the petitioner.”

Virginia Code §§ 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code is amended to include the following:

- Victims of domestic violence; list of local resources. Provides that upon issuance of an emergency, preliminary, or permanent protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

# Criminal Procedure

- § 19.2-120(B)(15) – Presumption Against Bond – Adds human trafficking offenses.

# Victim/Witness Protections

- § 19.2-11.01(5)(a) – Victims and witnesses will be told any phone numbers and email addresses shall not be disclosed except as needed for criminal proceedings.
- § 19.2-11.2 – Upon request of (1) a witness in gang, drug, or violent crime cases or (2) any victim the LEO's, CWA's, and defense attorneys may not disclose any phone numbers or email addresses.
- § 19.2-269.2 - Judge may prohibit testimony as to any phone numbers or email addresses.
- § 19.2-390(A)(d) – All persons arrested for misdemeanors must be fingerprinted and reported to CCRE. (previously exempted trespassing and disorderly conduct)
- § 19.2-310.2(A) – Adds misdemeanor A&B and trespass to the convictions which require a DNA sample be taken.

# Child Abuse & Neglect

Virginia Code § 16.1-243 is amended to allow venue to be established in cases of the following:

- “d. Abuse and neglect: In cases involving an allegedly abused or neglected child, be commenced (i) in the city or county where the child resides, (ii) in the city or county where the child is present when the proceedings are commenced, or (iii) in the city or county where the alleged abuse or neglect occurred;”

# Violent Crimes

- § 18.2-51.7 – Female genital mutilation is a class 2 felony (previously a class 1 misdemeanor).

# Sex Crimes

- § 19.2-11.8(A) – A department with a PERK kit does not have to turn it in to the Department of Forensics within 60 days if another department has taken over the investigation.
- § 9.1-910 - Sexual/Violent Offense Registry – The 15 or 25 year availability to be removed from the registry is made available for non-Virginia offenses.

# Criminal Law

- § 18.2-460 (E) - “Any person who intentionally prevents or attempts to prevent a law enforcement officer from lawfully arresting him, with or without a warrant, is guilty of a Class 1 misdemeanor. For purposes of this subsection, intentionally preventing or attempting to prevent a lawful arrest means fleeing from a law-enforcement officer when (i) the officer applies physical force to the person, or (ii) the officer communicates to the person that he is under arrest and (a) the officer has the legal authority and the immediate physical ability to place the person under arrest, and (b) a reasonable person who receives such communication knows or should know that he is not free to leave.” (Virginia Code § 18.2-479.1 – Statute eliminated.)



# Schools: Family Life Education

Source: Action Alliance Legislative Report

- Virginia Code § 22.1-207.1:1 is amended to include the following in Subsection C:
- C. Any family life education curriculum offered by a local school division may incorporate age-appropriate elements of effective and evidence-based programs on the prevention, recognition, and awareness of child abduction, child abuse, child sexual exploitation, and child sexual abuse.
- **NOTE:** Last year this same code section was amended to include the following language to Subsection B:

B. Any high school family life education curriculum offered by a local school division shall incorporate age-appropriate elements of effective and evidence-based programs on the prevention of dating violence, domestic abuse, sexual harassment, and sexual violence *and may incorporate age-appropriate elements of effective and evidence-based programs on the law and meaning of consent.* Such age-appropriate elements of effective and evidence-based programs on the prevention of sexual violence may include instruction that increases student awareness of the fact that consent is required before sexual activity.

# Schools: Student Discipline

Source: Action Alliance Legislative Report

Virginia Code §§ 22.1-276.01 and 22.1-277.05 amended as follows:

- Student discipline; long-term suspension. Reduces the maximum length of a long-term suspension from 364 calendar days to 45 school days. The bill permits a long-term suspension to extend beyond a 45-school-day period, not to exceed 364 calendar days, if (i) the offense involves weapons, drugs, or serious bodily injury or (ii) the school board or division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department of Education. The bill requires the Department of Education's definition of aggravating circumstances to include consideration of a student's disciplinary history.

# Foster Care Placement

Source: Action Alliance Legislative Report

Virginia Code § 63.2-900. Accepting children for placement in homes, facilities, etc., by local boards. Amended to include:

- Foster care and adoption; disclosure of information prior to placement. Requires local boards of social services, prior to placement of a child in any foster home or children's residential facility, to provide to the foster home or residential facility all reasonably ascertainable background, medical, and psychological records of the child, including whether the child has been the subject of an investigation as the perpetrator of sexual abuse. The bill also requires that the background information provided to prospective adoptive parents by a child placing agency or local department of social services include whether the child has been the subject of an investigation as the perpetrator of sexual abuse.

# Questions and Answer Session

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Panel Discussion



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