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SENATE BILL NO. 332

Senate Amendments in [ ] - January 17, 2024

A BILL to amend and reenact §§ 18.2-11, 22.1-279.6, 33.2-802, 36-85.12, 62.1-44.32, as it is currently effective and as it shall become effective, and 62.1-44.34:20 of the Code of Virginia, relating to misdemeanor; maximum term of confinement.

Patrons Prior to Engrossment—Senators Salim, Hashmi and Carroll Foy

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-11, 22.1-279.6, 33.2-802, 36-85.12, 62.1-44.32, as it is currently effective and as it shall become effective, and 62.1-44.34:20 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-11. Punishment for conviction of misdemeanor.

The authorized punishments for conviction of a misdemeanor are:

(a) 1. For Class 1 misdemeanors, confinement in jail for not more than ~~twelve months~~ 364 days and a fine of not more than \$2,500, either or both.

(b) 2. For Class 2 misdemeanors, confinement in jail for not more than six months and a fine of not more than \$1,000, either or both.

(c) 3. For Class 3 misdemeanors, a fine of not more than \$500.

(d) 4. For Class 4 misdemeanors, a fine of not more than \$250.

For a misdemeanor offense prohibiting proximity to children as described in subsection A of § 18.2-370.2, the sentencing court is authorized to impose the punishment set forth in subsection B of that section in addition to any other penalty provided by law.

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.

A. The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include (i) criteria for the removal of a student from a class, the use of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension and expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards, consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, the use of electronic means for purposes of bullying, harassment, and intimidation, and dissemination of such policies to students, their parents, and school personnel; (iii) standards for in-service training of school personnel in and examples of the appropriate management of student conduct and student offenses in violation of school board policies; (iv) standards for dress or grooming codes; and (v) standards for reducing bias and harassment in the enforcement of any code of student conduct.

In accordance with the most recent enunciation of constitutional principles by the Supreme Court of the United States of America, the Board's standards for school board policies on alcohol and drugs and search and seizure shall include guidance for procedures relating to voluntary and mandatory drug testing in schools, including which groups may be tested, use of test results, confidentiality of test information, privacy considerations, consent to the testing, need to know, and release of the test results to the appropriate school authority.

In the case of suspension and expulsion, the procedures set forth in this article shall be the minimum procedures that the school board may prescribe.

B. School boards shall adopt and revise, as required by § 22.1-253.13:7 and in accordance with the requirements of this section, regulations on codes of student conduct that are consistent with, but may be more stringent than, the guidelines of the Board. School boards shall include in the regulations on codes of student conduct procedures for suspension, expulsion, and exclusion decisions and shall biennially review the model student conduct code to incorporate discipline options and alternatives to preserve a safe, nondisruptive environment for effective teaching and learning.

C. Each school board shall include in its code of student conduct prohibitions against hazing and profane or obscene language or conduct. School boards shall also cite in their codes of student conduct the provisions of § 18.2-56, which defines and prohibits hazing and imposes a Class 1 misdemeanor penalty for violations, that is, confinement in jail for not more than ~~12 months~~ 364 days and a fine of not more than \$2,500, either or both.

D. Each school board shall include in its code of student conduct policies and procedures that include a

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59 prohibition against bullying. Such policies and procedures shall (i) be consistent with the standards for school  
 60 board policies on bullying and the use of electronic means for purposes of bullying developed by the Board  
 61 pursuant to subsection A and (ii) direct the principal or his designee to notify the parent of any student  
 62 involved in an alleged incident of bullying within 24 hours of learning of the allegation of bullying.

63 Such policies and procedures shall not be interpreted to infringe upon the First Amendment rights of  
 64 students and are not intended to prohibit expression of religious, philosophical, or political views, provided  
 65 that such expression does not cause an actual, material disruption of the work of the school.

66 E. A school board may regulate the use or possession of beepers or other portable communications  
 67 devices and laser pointers by students on school property or attending school functions or activities and  
 68 establish disciplinary procedures pursuant to this article to which students violating such regulations will be  
 69 subject.

70 F. Nothing in this section shall be construed to require any school board to adopt policies requiring or  
 71 encouraging any drug testing in schools. However, a school board may, in its discretion, require or encourage  
 72 drug testing in accordance with the Board of Education's guidelines and model student conduct policies  
 73 required by subsection A and the Board's guidelines for student searches required by § 22.1-279.7.

74 G. The Board of Education shall establish standards to ensure compliance with the federal Improving  
 75 America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), as amended, in accordance with §  
 76 22.1-277.07.

77 This subsection shall not be construed to diminish the authority of the Board of Education or to diminish  
 78 the Governor's authority to coordinate and provide policy direction on official communications between the  
 79 Commonwealth and the United States government.

80 H. Each school board shall include in its code of student conduct a prohibition on possessing any tobacco  
 81 product or nicotine vapor product, as those terms are defined in § 18.2-371.2, on a school bus, on school  
 82 property, or at an on-site or off-site school-sponsored activity.

83 I. Any school board may include in its code of student conduct a dress or grooming code. Any dress or  
 84 grooming code included in a school board's code of student conduct or otherwise adopted by a school board  
 85 shall (i) permit any student to wear any religiously and ethnically specific or significant head covering or  
 86 hairstyle, including hijabs, yarmulkes, headwraps, braids, locs, and cornrows; (ii) maintain gender neutrality  
 87 by subjecting any student to the same set of rules and standards regardless of gender; (iii) not have a disparate  
 88 impact on students of a particular gender; (iv) be clear, specific, and objective in defining terms, if used; (v)  
 89 prohibit any school board employee from enforcing the dress or grooming code by direct physical contact  
 90 with a student or a student's attire; and (vi) prohibit any school board employee from requiring a student to  
 91 undress in front of any other individual, including the enforcing school board employee, to comply with the  
 92 dress or grooming code.

93 **§ 33.2-802. Dumping trash; penalty.**

94 A. It is unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, a companion  
 95 animal as defined in § 3.2-6500 for the purpose of disposal, or other unsightly matter on (i) public property,  
 96 including a public highway, right-of-way, or property adjacent to such highway or right-of-way, or (ii)  
 97 private property without the written consent of the owner or his agent.

98 B. If a person is arrested for a violation of this section and the matter alleged to have been illegally  
 99 dumped or disposed of has been ejected from a motor vehicle or transported to the disposal site in a motor  
 100 vehicle, the arresting officer may comply with the provisions of § 46.2-936 in making an arrest.

101 If a violation of this section has been observed by any person and the matter illegally dumped or disposed  
 102 of has been ejected or removed from a motor vehicle, the owner or operator of the motor vehicle shall be  
 103 presumed to be the person ejecting or disposing of the matter. However, such presumption shall be rebuttable  
 104 by competent evidence.

105 C. Any person convicted of a violation of this section is guilty of a misdemeanor punishable by  
 106 confinement in jail for not more than ~~12 months~~ 364 days and a fine of not less than \$500 or more than  
 107 \$2,500, either or both. In lieu of the imposition of confinement in jail, the court may order the defendant to  
 108 perform a mandatory minimum of 10 hours of community service in litter abatement activities.

109 D. The governing body of any locality may adopt ordinances not in conflict with the provisions of this  
 110 section and may repeal or amend such ordinances.

111 E. The provisions of this section shall not apply to the lawful disposal of such matter in landfills.

112 **§ 36-85.12. Violation; civil and criminal penalties.**

113 It ~~shall be~~ is unlawful for any person, firm, or corporation, to violate any provisions of this law, the rules  
 114 and regulations enacted under authority of this law, or the Federal ~~Law Act~~ and Federal Regulations. Any  
 115 person, firm, or corporation violating any provision of ~~said laws, rules and such law or~~ regulations, or any  
 116 final order issued thereunder, shall be liable for a civil penalty not to exceed \$1,000 for each violation. Each  
 117 violation shall constitute a separate violation with respect to each manufactured home or with respect to each  
 118 failure or refusal to allow or to perform an act required by ~~the legislation~~ such law or regulations. The  
 119 maximum civil penalty may not exceed ~~one \$1 million dollars~~ for any related series of violations occurring

120 within one year from the date of the first violation.

121 An individual or a director, officer, or agent of a corporation who knowingly and willfully violates  
122 Section § 610 of the National Manufactured Housing Construction and Safety Standards Federal Act in a  
123 manner which that threatens the health or safety of any purchaser shall be deemed is guilty of a Class 1  
124 misdemeanor and, upon conviction, shall be fined not more than \$1,000 or imprisoned not more than one  
125 year 364 days, or both.

126 § 62.1-44.32. (Effective until July 1, 2024) Penalties.

127 (a) Except as otherwise provided in this chapter, any person who violates any provision of this chapter, or  
128 who fails, neglects, or refuses to comply with any order of the Board, or order of a court, issued as herein  
129 provided, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of  
130 the court. Each day of violation of each requirement shall constitute a separate offense. Such civil penalties  
131 shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental  
132 Emergency Response Fund pursuant to Chapter 25 of Title 10.1, excluding penalties assessed for violations  
133 of Article 9 (§ 62.1-44.34:8 et seq.) or 10 (§ 62.1-44.34:10 et seq.) of Chapter 3.1 of Title 62.1, or a  
134 regulation, administrative or judicial order, or term or condition of approval relating to or issued under those  
135 articles.

136 Such civil penalties may, in the discretion of the court assessing them, be directed to be paid into the  
137 treasury of the county, city, or town in which the violation occurred, to be used for the purpose of abating  
138 environmental pollution therein in such manner as the court may, by order, direct, except that where the  
139 owner in violation is such county, city or town itself, or its agent, the court shall direct such penalty to be paid  
140 into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency  
141 Response Fund pursuant to Chapter 25 of Title 10.1, excluding penalties assessed for violations of Article 9  
142 or 10 of Chapter 3.1 of Title 62.1, or a regulation, administrative or judicial order, or term or condition of  
143 approval relating to or issued under those articles.

144 In the event that a county, city, or town, or its agent, is the owner, such county, city, or town, or its agent,  
145 may initiate a civil action against any user or users of a waste water treatment facility to recover that portion  
146 of any civil penalty imposed against the owner proximately resulting from the act or acts of such user or users  
147 in violation of any applicable federal, state, or local requirements.

148 (b) Except as otherwise provided in this chapter, any person who willfully or negligently violates any  
149 provision of this chapter, any regulation or order of the Board, any condition of a certificate, or any order of a  
150 court shall be is guilty of a misdemeanor punishable by confinement in jail for not more than 12 months 364  
151 days and a fine of not less than \$2,500 nor more than \$32,500, either or both. Any person who knowingly  
152 violates any provision of this chapter, any regulation or order of the Board, any condition of a certificate, or  
153 any order of a court issued as herein provided, or who knowingly makes any false statement in any form  
154 required to be submitted under this chapter or knowingly renders inaccurate any monitoring device or method  
155 required to be maintained under this chapter, shall be is guilty of a felony punishable by a term of  
156 imprisonment of not less than one year nor more than three years, or in the discretion of the jury or the court  
157 trying the case without a jury, confinement in jail for not more than 12 months 364 days and a fine of not less  
158 than \$5,000 nor more than \$50,000 for each violation. Any defendant that is not an individual shall, upon  
159 conviction of a violation under this subsection, be sentenced to pay a fine of not less than \$10,000. Each day  
160 of violation of each requirement shall constitute a separate offense.

161 (c) Except as otherwise provided in this chapter, any person who knowingly violates any provision of this  
162 chapter, and who knows at that time that he thereby places another person in imminent danger of death or  
163 serious bodily harm, shall, upon conviction, be guilty of a felony punishable by a term of imprisonment of not  
164 less than two years nor more than 15 years and a fine of not more than \$250,000, either or both. A defendant  
165 that is not an individual shall, upon conviction of a violation under this subsection, be sentenced to pay a fine  
166 not exceeding the greater of \$1 million or an amount that is three times the economic benefit realized by the  
167 defendant as a result of the offense. The maximum penalty shall be doubled with respect to both fine and  
168 imprisonment for any subsequent conviction of the same person under this subsection.

169 (d) Criminal prosecution under this section shall be commenced within three years of discovery of the  
170 offense, notwithstanding the limitations provided in any other statute.

171 § 62.1-44.32. (Effective July 1, 2024) Penalties.

172 (a) Except as otherwise provided in this chapter, any person who violates any provision of this chapter, or  
173 who fails, neglects, or refuses to comply with any regulation, certificate, land-disturbance approval, or order  
174 of the Board, or order of a court, issued as herein provided, shall be subject to a civil penalty not to exceed  
175 \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall  
176 constitute a separate offense. Such civil penalties shall be paid into the state treasury and deposited by the  
177 State Treasurer into the Virginia Environmental Emergency Response Fund pursuant to Chapter 25 (§ 10.1-  
178 2500 et seq.) of Title 10.1, excluding penalties assessed for violations of Article 2.3 (§ 62.1-44.15:24 et seq.),  
179 2.4 (§ 62.1-44.15:51 et seq.), 2.5 (§ 62.1-44.15:67 et seq.), 9 (§ 62.1-44.34:8 et seq.), or 10 (§ 62.1-44.34:10  
180 et seq.) of Chapter 3.1 of Title 62.1, or a regulation, administrative or judicial order, or term or condition of

181 approval relating to or issued under those articles.

182 Such civil penalties may, in the discretion of the court assessing them, be directed to be paid into the  
183 treasury of the county, city, or town in which the violation occurred, to be used for the purpose of abating  
184 environmental pollution therein in such manner as the court may, by order, direct, except that where the  
185 owner in violation is such county, city, or town itself, or its agent, the court shall direct such penalty to be  
186 paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency  
187 Response Fund pursuant to Chapter 25 of Title 10.1, excluding penalties assessed for violations of Article  
188 2.3, 2.4, 2.5, 9, or 10 of Chapter 3.1 of Title 62.1, or a regulation, administrative or judicial order, or term or  
189 condition of approval relating to or issued under those articles.

190 In the event that a county, city, or town, or its agent, is the owner, such county, city, or town, or its agent,  
191 may initiate a civil action against any user or users of a waste water treatment facility to recover that portion  
192 of any civil penalty imposed against the owner proximately resulting from the act or acts of such user or users  
193 in violation of any applicable federal, state, or local requirements.

194 (b) Except as otherwise provided in this chapter, any person who willfully or negligently violates (1) any  
195 provision of this chapter, any regulation or order of the Board, or any condition of a certificate or land-  
196 disturbance approval of the Board, (2) any land-disturbance approval, ordinance, or order of a locality serving  
197 as a Virginia Erosion and Stormwater Management Program authority, or (3) any order of a court shall be  
198 guilty of a misdemeanor punishable by confinement in jail for not more than ~~12 months~~ 364 days and a fine  
199 of not less than \$2,500 nor more than \$32,500, either or both. Any person who knowingly violates (A) any  
200 provision of this chapter, any regulation or order of the Board, or any condition of a certificate or land-  
201 disturbance approval of the Board, (B) any land-disturbance approval, ordinance, or order of a locality  
202 serving as a Virginia Erosion and Stormwater Management Program authority, or (C) any order of a court  
203 issued as herein provided, or who knowingly makes any false statement in any form required to be submitted  
204 under this chapter or knowingly renders inaccurate any monitoring device or method required to be  
205 maintained under this chapter, shall be guilty of a felony punishable by a term of imprisonment of not less  
206 than one year nor more than three years, or in the discretion of the jury or the court trying the case without a  
207 jury, confinement in jail for not more than ~~12 months~~ 364 days and a fine of not less than \$5,000 nor more  
208 than \$50,000 for each violation. Any defendant that is not an individual shall, upon conviction of a violation  
209 under this subsection, be sentenced to pay a fine of not less than \$10,000. Each day of violation of each  
210 requirement shall constitute a separate offense.

211 (c) Except as otherwise provided in this chapter, any person who knowingly violates any provision of this  
212 chapter, and who knows at that time that he thereby places another person in imminent danger of death or  
213 serious bodily harm, shall, upon conviction, be guilty of a felony punishable by a term of imprisonment of not  
214 less than two years nor more than 15 years and a fine of not more than \$250,000, either or both. A defendant  
215 that is not an individual shall, upon conviction of a violation under this subsection, be sentenced to pay a fine  
216 not exceeding the greater of \$1 million or an amount that is three times the economic benefit realized by the  
217 defendant as a result of the offense. The maximum penalty shall be doubled with respect to both fine and  
218 imprisonment for any subsequent conviction of the same person under this subsection.

219 (d) Criminal prosecution under this section shall be commenced within three years of discovery of the  
220 offense, notwithstanding the limitations provided in any other statute.

221 **§ 62.1-44.34:20. Enforcement and penalties.**

222 A. Upon a finding of a violation of this article or a regulation or term or condition of approval issued  
223 pursuant to this article, the Board is authorized to issue a special order requiring any person to cease and  
224 desist from causing or permitting such violation or requiring any person to comply with any such provision,  
225 regulation or term or condition of approval. Such special orders shall be issued only after notice and an  
226 opportunity for hearing except that, if the Board finds that any discharge in violation of this article poses a  
227 serious threat to (i) the public health, safety or welfare or the health of animals, fish, botanic or aquatic life;  
228 (ii) a public water supply; or (iii) recreational, commercial, industrial, agricultural or other reasonable uses,  
229 the Board may issue, without advance notice or hearing, an emergency special order requiring the operator of  
230 any facility, vehicle or vessel to cease such discharge immediately, to implement any applicable contingency  
231 plan and to effect containment and cleanup. Such emergency special order may also require the operator of a  
232 facility to modify or cease regular operation of the facility, or any portion thereof, until the Board determines  
233 that continuing regular operation of the facility, or such portion thereof, will not pose a substantial threat of  
234 additional or continued discharges. The Board shall affirm, modify, amend or cancel any such emergency  
235 order after providing notice and opportunity for hearing to the operator charged with the violation. The notice  
236 of the hearing and the emergency order shall be issued at the same time. If an operator who has been issued  
237 such a special order or an emergency special order is not complying with the terms thereof, the Board may  
238 proceed in accordance with subsection B of this section, and where the order is based on a finding of an  
239 imminent and substantial danger, the court shall issue an injunction compelling compliance with the  
240 emergency special order pending a hearing by the Board. If an emergency special order requires modification  
241 or cessation of operations, the Board shall provide an opportunity for a hearing within 48 hours of the

242 issuance of the injunction.

243 B. In the event of a violation of this article or a regulation, administrative or judicial order, or term or  
 244 condition of approval issued under this article, or in the event of failure to comply with a special order issued  
 245 by the Board pursuant to this section, the Board is authorized to proceed by civil action to obtain an  
 246 injunction of such violation, to obtain such affirmative equitable relief as is appropriate and to recover all  
 247 costs, damages and civil penalties resulting from such violation or failure to comply. The Board shall be  
 248 entitled to an award of reasonable attorneys' fees and costs in any action in which it is a prevailing party.

249 C. Any person who violates or causes or permits to be violated a provision of this article, or a regulation,  
 250 administrative or judicial order, or term or condition of approval issued under this article, shall be subject to a  
 251 civil penalty for each such violation as follows:

252 1. For failing to obtain approval of an oil discharge contingency plan as required by § 62.1-44.34:15, not  
 253 less than \$1,000 nor more than \$50,000 for the initial violation, and \$5,000 per day for each day of violation  
 254 thereafter;

255 2. For failing to maintain evidence of financial responsibility as required by § 62.1-44.34:16, not less than  
 256 \$1,000 nor more than \$100,000 for the initial violation, and \$5,000 per day for each day of violation  
 257 thereafter;

258 3. For discharging or causing or permitting a discharge of oil into or upon state waters, or owning or  
 259 operating any facility, vessel or vehicle from which such discharge originates in violation of § 62.1-44.34:18,  
 260 up to \$100 per gallon of oil discharged;

261 4. For failing to cooperate in containment and cleanup of a discharge as required by § 62.1-44.34:18 or for  
 262 failing to report a discharge as required by § 62.1-44.34:19, not less than \$1,000 nor more than \$50,000 for  
 263 the initial violation, and \$10,000 for each day of violation thereafter; and

264 5. For violating or causing or permitting to be violated any other provision of this article, or a regulation,  
 265 administrative or judicial order, or term or condition of approval issued under this article, up to \$32,500 for  
 266 each violation. Each day of violation of each requirement shall constitute a separate offense.

267 D. Civil penalties may be assessed under this article either by a court in an action brought by the Board  
 268 pursuant to this section, as specified in § 62.1-44.15, or with the consent of the person charged, in a special  
 269 order issued by the Board. All penalties shall be paid into the state treasury and deposited by the State  
 270 Treasurer into the Virginia Underground Petroleum Storage Tank Fund as established in § 62.1-44.34:11. In  
 271 determining the amount of any penalty, consideration shall be given to the willfulness of the violation, any  
 272 history of noncompliance, the actions of the person in reporting, containing and cleaning up any discharge or  
 273 threat of discharge, the damage or injury to state waters or the impairment of their beneficial use, the cost of  
 274 containment and cleanup, the nature and degree of injury to or interference with general health, welfare and  
 275 property, and the available technology for preventing, containing, reducing or eliminating the discharge.

276 E. Any person who knowingly violates, or causes or permits to be violated, a provision of this article, or a  
 277 regulation, administrative or judicial order, or term or condition of approval issued under this article ~~shall be~~  
 278 ~~is~~ guilty of a misdemeanor punishable by confinement in jail for not more than ~~12 months~~ 364 days and a fine  
 279 of not more than \$100,000, either or both. Any person who knowingly or willfully makes any false statement,  
 280 representation or certification in any application, record, report, plan or other document filed or required to be  
 281 maintained by this article or by administrative or judicial order issued under this article ~~shall be~~ ~~is~~ guilty of a  
 282 felony punishable by a term of imprisonment of not less than one nor more than three years and a fine of not  
 283 more than \$100,000, either or both. In the case of a discharge of oil into or upon state waters:

284 1. Any person who negligently discharges or negligently causes or permits such discharge ~~shall be~~ ~~is~~  
 285 guilty of a misdemeanor punishable by confinement in jail for not more than ~~12 months~~ 364 days and a fine  
 286 of not more than \$50,000, either or both.

287 2. Any person who knowingly and willfully discharges or knowingly and willfully causes or permits such  
 288 discharge ~~shall be~~ ~~is~~ guilty of a felony punishable by a term of imprisonment of not less than one year nor  
 289 more than 10 years and a fine of not more than \$100,000, either or both.

290 F. Each day of violation of each requirement shall constitute a separate offense. In the event the violation  
 291 of this article follows a prior felony conviction under subdivision E 2 of this section, such violation shall  
 292 constitute a felony and shall be punishable by a term of imprisonment of not less than two years nor more  
 293 than 10 years and a fine of not more than \$200,000, either or both.

294 G. Upon conviction for a violation of any provision of this article, or a regulation, administrative or  
 295 judicial order, or term or condition of approval issued under this article, a defendant who is not an individual  
 296 shall be sentenced to pay a fine not exceeding the greater of:

297 1. \$1 million; or

298 2. An amount that is three times the economic benefit, if any, realized by the defendant as a result of the  
 299 offense.

300 H. Any tank vessel entering upon state waters which fails to provide evidence of financial responsibility  
 301 required by § 62.1-44.34:16, and any vessel from which oil is discharged into or upon state waters, may be  
 302 detained and held as security for payment to the Commonwealth of any damages or penalties assessed under

303 this section. Such damages and penalties shall constitute a lien on the vessel and the lien shall secure all costs  
304 of containment and cleanup, damages, fines and penalties, as the case may be, for which the operator may be  
305 liable. The vessel shall be released upon posting of a bond with surety in the maximum amount of such  
306 damages or penalties.

307 **[ 2. That the Virginia Criminal Sentencing Commission shall revise all labels on Sentencing Guidelines**  
308 **worksheets and instructions in the Sentencing Guidelines Manual so that any conviction for an offense**  
309 **defined as a Class 1 misdemeanor or any other misdemeanor with a maximum penalty of 364 days of**  
310 **incarceration, as provided by the provisions of this act, shall be scored as if the maximum penalty were**  
311 **12 months for the purposes of preparing and using the discretionary sentencing guidelines pursuant to**  
312 **§ 19.2-298.01 of the Code of Virginia. But the Commission shall not modify any scores assigned on the**  
313 **worksheets without following the process prescribed in § 17.1-806 of the Code of Virginia. ]**