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HOUSE BILL NO. 885
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the House Committee for Courts of Justice
 on _____)

(Patron Prior to Substitute—Delegate Hope)

A BILL to amend and reenact § 46.2-388 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 2 of Title 17.1 an article numbered 9, consisting of sections numbered 17.1-296, 17.1-297, and 17.1-298, relating to Court Date Reminder Program established; work group; report.

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-388 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 2 of Title 17.1 an article numbered 9, consisting of sections numbered 17.1-296, 17.1-297, and 17.1-298, as follows:

Article 9.

Court Date Reminder Program.

§ 17.1-296. Court Date Reminder Program; purpose.

The Executive Secretary of the Supreme Court shall develop or procure a Court Date Reminder Program (the Program) to remind criminal defendants to appear at each of their scheduled court appearances. The purpose of such reminders is to reduce the number of criminal defendants who are taken into custody solely as a result of their failure to appear in court and to increase court efficiency.

§ 17.1-297. Program requirements.

A. The Program shall send a text message notification to any defendant with a criminal case in general district court or circuit court for whom the court has a telephone number prior to any scheduled hearing that requires his appearance.

B. The Program shall permit a defendant the opportunity to opt out of participating in the Program at any time.

C. Each text message notification shall include notice that the defendant may opt-out of the Program and the date, time, and location of the scheduled court hearing.

D. The Program shall not send any text message notification after a defendant has resolved his case with a guilty plea and final payment of fines in advance of a scheduled hearing, as set forth in § 16.1-69.40:2.

§ 17.1-298. Program collection and use of telephone numbers.

A. Law-enforcement officers, corrections personnel, and court staff shall, to the extent practicable, obtain the telephone numbers of defendants at the time of issuing summonses, preparing charging documents, completing intake forms, and executing booking and release forms, as well as on any other document deemed relevant for the purposes of this article.

B. Refusal to provide a telephone number to a law-enforcement officer, corrections personnel, or court staff shall not be (i) held against the defendant for any purpose, (ii) considered evidence of guilt, or (iii) used adversely against the defendant in any criminal proceeding.

C. Telephone numbers collected pursuant to subsection A shall be used exclusively in accordance with its statutory mandate. All telephone numbers shall be redacted from (i) court files made available on the internet pursuant to § 17.1-293 and (ii) the publicly accessible online case information system pursuant to § 17.1-293.1.

D. Any telephone number provided pursuant to this section shall not be (i) used by law enforcement, corrections personnel, or any other government agency for investigative, intelligence, or enforcement purposes or (ii) shared with any third party, except as strictly necessary to facilitate court appearance reminders or as required by law.

E. Failure of the Program to send a text message notification to a defendant reminding him of a scheduled court hearing or failure of the defendant to receive any such notification shall not remove the legal obligation for him to appear for his scheduled court hearing. It shall not be a defense to prosecution for failure to appear in violation of subdivision A 6 of § 18.2-456 or § 19.2-128 that the Program did not send such notification to the defendant or that the defendant did not receive such notification while participating in the Program.

§ 46.2-388. Uniform summons to be used for reportable motor vehicle law violations; citations.

A. The Attorney General, after consultation with the Committee on District Courts, the Superintendent of State Police and the Commissioner, shall approve a form for the summons to be issued in either an electronic or paper format and all revisions to the form to be used by all law-enforcement officers throughout the Commonwealth in cases of motor vehicle law violations reportable to the Department under the provisions of §§ 46.2-382 and 46.2-383 and for other offenses charged on a summons pursuant to § 19.2-74. The commencement and termination date for the use of the form and each revised version of the form shall be made by the Attorney General after consultation with the Committee on District Courts, the Superintendent

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of State Police, and the Commissioner. The law-enforcement agency issuing the summons shall determine whether to use an electronic or paper format.

The form of the summons shall include multiple copies with the original to be used for court records and other copies in sufficient number to permit the use of one copy by the courts for purposes of filing abstracts of records with the Department as required by § 46.2-383 and shall be a form prepared by the Department within the meaning of § 46.2-386. The form of the summons shall also include (i) appropriate space for use in cases of violation of either state laws or local ordinances and (ii) a field for the telephone number of the person receiving the summons to be used for the Court Date Reminder Program established pursuant to § 17.1-296.

B. A separate citation which has been approved in the manner prescribed in subsection A shall be used for violations of §§ 46.2-1122 through 46.2-1127 and 46.2-1130. The citation shall be directed to the owner, operator or other person responsible for the overweight violation, and shall advise him of:

1. The nature of the violation charged against him;
2. The amount of monetary fees, penalties, and damages that may be assessed for violations;
3. The requirement that he either pay the fees, penalties, and damages in full or deliver a notice of his intent to contest the charge to the Department;
4. The procedures and time limits for making the payments or contesting such charge, which shall include the trial date, which shall in no event be earlier than 60 days after the violation; and
5. The consequences of a failure to timely pay or contest the charge.

C. A separate citation that has been approved in the manner prescribed in subsection A shall be used for violations of § 46.2-613.1. The citation shall be directed to the owner, operator, or other person responsible for the violation and shall advise him of:

1. The nature of the violation charged against him;
2. The amount of monetary fees and penalties that may be assessed for violations;
3. The requirement that he either pay the fee and penalties in full or deliver a notice of his intent to contest the charge to the Department;
4. The procedures and time limits for making the payments or contesting such charge which shall include the trial date, which shall in no event be earlier than 60 days after the violation; and
5. The consequences of a failure to timely pay or contest the charge.

2. That the provisions the first enactment of this act shall become effective on July 1, 2027.

3. That the Executive Secretary of the Supreme Court of Virginia shall convene a Court Date Reminder Program (the Program) work group consisting of all relevant stakeholders, including a representative from the Office of the Executive Secretary of the Supreme Court of Virginia; a general district court judge appointed by the Committee on District Courts; a circuit court judge appointed by the Judicial Council of Virginia; a court clerk appointed by the Virginia Court Clerks Association; a law-enforcement representative appointed by the Superintendent of State Police; a law-enforcement representative appointed by the Virginia Sheriffs' Association; an attorney for the Commonwealth appointed by the Commonwealth's Attorneys' Services Council; a public defender appointed by the Virginia Indigent Defense Commission; a community representative appointed by the Legal Aid Justice Center; and a member of the Virginia Pretrial Justice Coalition. The work group shall advise on the implementation and expansion of the Program established pursuant to § 17.1-296 of the Code of Virginia, as created by this act, so that the Program adheres to best practices and maximizes its benefits for the Commonwealth. The work group shall make recommendations on (i) text message notification content and design, including whether and how to include information pertaining to (a) the consequences of failing to appear; (b) instructions on how to resolve the matter online, if applicable; and (c) help or resources for navigating a case; (ii) expanding the Program, including the feasibility, benefits, costs, and legal considerations associated with extending the Program to traffic infractions, juvenile cases, reminders for payment of court fines and fees, costs, or other financial obligations, and notifications of court actions such as (a) issuance of a show cause or capias, (b) entrance of a finding of guilt, and (c) suspension of a driver's license; (iii) ensuring privacy, data security, and legal compliance; and (iv) how to evaluate the Program and report any relevant data. As needed, the work group shall seek out or reference subject matter experts with demonstrated expertise in court operations, behavioral science, access to justice, technology, or related fields to inform its recommendations. The work group shall submit a report of its findings and recommendations to the Supreme Court of Virginia and the Chairs of the House and Senate Committees for Courts of Justice by December 1, 2026.