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**HOUSE BILL NO. 1272****AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on General Laws

on \_\_\_\_\_)

(Patron Prior to Substitute—Delegate Hayes)

A *BILL to amend and reenact §§ 2.2-511, 2.2-3711, as it is currently effective and as it shall become effective, 18.2-325, 18.2-334, 19.2-389, as it is currently effective and as it shall become effective, 37.2-314.2, 52-54, 58.1-4002, 58.1-4003, 58.1-4006, 58.1-4007, 58.1-4015.1, 58.1-4048, and 58.1-4103 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3 of Title 11 a section numbered 11-16.3, by adding a section numbered 18.2-334.7, and by adding in Title 58.1 a chapter numbered 42, containing articles numbered 1 through 5, consisting of sections numbered 58.1-4200 through 58.1-4225, relating to regulation of electronic gaming devices; penalties.*

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

**1. That §§ 2.2-511, 2.2-3711, as it is currently effective and as it shall become effective, 18.2-325, 18.2-334, 19.2-389, as it is currently effective and as it shall become effective, 37.2-314.2, 52-54, 58.1-4002, 58.1-4003, 58.1-4006, 58.1-4007, 58.1-4015.1, 58.1-4048, and 58.1-4103 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3 of Title 11 a section numbered 11-16.3, by adding a section numbered 18.2-334.7, and by adding in Title 58.1 a chapter numbered 42, containing articles numbered 1 through 5, consisting of sections numbered 58.1-4200 through 58.1-4225, as follows:**

**§ 2.2-511. Criminal cases.**

A. Unless specifically requested by the Governor to do so, the Attorney General shall have no authority to institute or conduct criminal prosecutions in the circuit courts of the Commonwealth except in cases involving (i) violations of the Alcoholic Beverage Control Act (§ 4.1-100 et seq.); (ii) violation of laws relating to elections and the electoral process as provided in § 24.2-104.; (iii) violation of laws relating to motor vehicles and their operation.; (iv) the handling of funds by a state bureau, institution, commission, or department.; (v) the theft of state property.; (vi) violation of the criminal laws involving child pornography and sexually explicit visual material involving children.; (vii) the practice of law without being duly authorized or licensed or the illegal practice of law.; (viii) violations of § 3.2-4212 or 58.1-1008.2.; (ix) with the concurrence of the local attorney for the Commonwealth, violations of the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.); (x) with the concurrence of the local attorney for the Commonwealth, violations of the Air Pollution Control Law (§ 10.1-1300 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.), and the State Water Control Law (§ 62.1-44.2 et seq.); (xi) with the concurrence of the local attorney for the Commonwealth, violations of Chapters 2 (§ 18.2-18 et seq.), 3 (§ 18.2-22 et seq.), and 10 (§ 18.2-434 et seq.) of Title 18.2, if such crimes relate to violations of law listed in clause (x) of this subsection.; (xii) with the concurrence of the local attorney for the Commonwealth, criminal violations by Medicaid providers or their employees in the course of doing business, or violations of Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, in which cases the Attorney General may leave the prosecution to the local attorney for the Commonwealth, or he may institute proceedings by information, presentment, or indictment, as appropriate, and conduct the same.; (xiii) with the concurrence of the local attorney for the Commonwealth, violations of Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of Title 18.2.; (xiv) with the concurrence of the local attorney for the Commonwealth, assisting in the prosecution of violations of §§ 18.2-186.3 and 18.2-186.4.; (xv) with the concurrence of the local attorney for the Commonwealth, assisting in the prosecution of violations of § 18.2-46.2, 18.2-46.3, or 18.2-46.5 when such violations are committed on the grounds of a state correctional facility; ~~and~~; (xvi) with the concurrence of the local attorney for the Commonwealth, assisting in the prosecution of violations of Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 of Title 18.2.; (xvii) with the concurrence of the local attorney for the Commonwealth, assisting in the prosecution of violations of Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2; and (xviii) with the concurrence of the local attorney for the Commonwealth, assisting in the prosecution of violations of Chapter 42 (§ 58.1-4200 et seq.) of Title 58.1.

In all other criminal cases in the circuit courts, except where the law provides otherwise, the authority of the Attorney General to appear or participate in the proceedings shall attach when the appellate court receives the record after a notice of appeal has been filed with the clerk of the circuit court noting an appeal to the Court of Appeals or the Supreme Court. In all criminal cases before the Court of Appeals or the Supreme Court in which the Commonwealth is a party or is directly interested, the Attorney General shall appear and represent the Commonwealth upon receipt of the record in the appellate court, unless, and with the consent of the Attorney General, the attorney for the Commonwealth who prosecuted the underlying criminal case files a notice of appearance to represent the Commonwealth in any such appeal. However, in an appeal regarding bail, bond, or recognizance pursuant to Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2 or subsection B of § 19.2-398, the attorney for the Commonwealth who prosecuted the underlying criminal case shall

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60 continue to represent the Commonwealth on appeal.

61 B. The Attorney General shall, upon request of a person who was the victim of a crime and subject to such  
62 reasonable procedures as the Attorney General may require, ensure that such person is given notice of the  
63 filing, of the date, time, and place and of the disposition of any appeal or habeas corpus proceeding involving  
64 the cases in which such person was a victim. For the purposes of this section, a victim is an individual who  
65 has suffered physical, psychological, or economic harm as a direct result of the commission of a crime; a  
66 spouse, child, parent, or legal guardian of a minor or incapacitated victim; or a spouse, child, parent, or legal  
67 guardian of a victim of a homicide. Nothing in this subsection shall confer upon any person a right to appeal  
68 or modify any decision in a criminal, appellate, or habeas corpus proceeding; abridge any right guaranteed by  
69 law; or create any cause of action for damages against the Commonwealth or any of its political subdivisions,  
70 the Attorney General or any of his employees or agents, any other officer, employee, or agent of the  
71 Commonwealth or any of its political subdivisions, or any officer of the court.

72 **§ 2.2-3711. (Effective until July 1, 2026) Closed meetings authorized for certain limited purposes.**

73 A. Public bodies may hold closed meetings only for the following purposes:

74 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,  
75 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public  
76 officers, appointees, or employees of any public body; and evaluation of performance of departments or  
77 schools of public institutions of higher education where such evaluation will necessarily involve discussion of  
78 the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting  
79 in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some  
80 student and the student involved in the matter is present, provided that the teacher makes a written request to  
81 be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be  
82 construed to authorize a closed meeting by a local governing body or an elected school board to discuss  
83 compensation matters that affect the membership of such body or board collectively.

84 2. Discussion or consideration of admission or disciplinary matters or any other matters that would  
85 involve the disclosure of information contained in a scholastic record concerning any student of any public  
86 institution of higher education in the Commonwealth or any state school system. However, any such student,  
87 legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be  
88 present during the taking of testimony or presentation of evidence at a closed meeting, if such student,  
89 parents, or guardians so request in writing and such request is submitted to the presiding officer of the  
90 appropriate board.

91 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition  
92 of publicly held real property, where discussion in an open meeting would adversely affect the bargaining  
93 position or negotiating strategy of the public body.

94 4. The protection of the privacy of individuals in personal matters not related to public business.

95 5. Discussion concerning a prospective business or industry or the expansion of an existing business or  
96 industry where no previous announcement has been made of the business' or industry's interest in locating or  
97 expanding its facilities in the community.

98 6. Discussion or consideration of the investment of public funds where competition or bargaining is  
99 involved, where, if made public initially, the financial interest of the governmental unit would be adversely  
100 affected.

101 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or  
102 probable litigation, where such consultation or briefing in open meeting would adversely affect the  
103 negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation"  
104 means litigation that has been specifically threatened or on which the public body or its legal counsel has a  
105 reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall  
106 be construed to permit the closure of a meeting merely because an attorney representing the public body is in  
107 attendance or is consulted on a matter.

108 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters  
109 requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to  
110 permit the closure of a meeting merely because an attorney representing the public body is in attendance or is  
111 consulted on a matter.

112 9. Discussion or consideration by governing boards of public institutions of higher education of matters  
113 relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be  
114 performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and  
115 contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public  
116 institution of higher education in the Commonwealth shall be subject to public disclosure upon written  
117 request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government"  
118 means any government other than the United States government or the government of a state or a political  
119 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United  
120 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by  
121 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of

122 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)  
 123 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory  
 124 or protectorate thereof.

125 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the  
 126 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and  
 127 The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private  
 128 sources.

129 11. Discussion or consideration of honorary degrees or special awards.

130 12. Discussion or consideration of tests, examinations, or other information used, administered, or  
 131 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

132 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible  
 133 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed  
 134 by the member, provided that the member may request in writing that the committee meeting not be  
 135 conducted in a closed meeting.

136 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to  
 137 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in  
 138 open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the  
 139 governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both.  
 140 All discussions with the applicant or its representatives may be conducted in a closed meeting.

141 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic  
 142 activity and estimating general and nongeneral fund revenues.

143 16. Discussion or consideration of medical and mental health records subject to the exclusion in  
 144 subdivision 1 of § 2.2-3705.5.

145 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to  
 146 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and  
 147 discussion, consideration, or review of Virginia Lottery matters related to proprietary lottery game  
 148 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and  
 149 subdivision 11 of § 2.2-3705.7.

150 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses  
 151 the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or  
 152 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension  
 153 of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary  
 154 services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

155 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity  
 156 threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency  
 157 service officials concerning actions taken to respond to such matters or a related threat to public safety;  
 158 discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in  
 159 an open meeting would jeopardize the safety of any person or the security of any facility, building, structure,  
 160 information technology system, or software program; or discussion of reports or plans related to the security  
 161 of any governmental facility, building, or structure, or the safety of persons using such facility, building, or  
 162 structure.

163 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of  
 164 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of  
 165 a trust established by one or more local public bodies to invest funds for postemployment benefits other than  
 166 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of  
 167 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth  
 168 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding, or disposition of a security or  
 169 other ownership interest in an entity, where such security or ownership interest is not traded on a  
 170 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential  
 171 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or  
 172 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement  
 173 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of  
 174 confidentiality, of the future value of such ownership interest or the future financial performance of the  
 175 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed  
 176 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University  
 177 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the  
 178 disclosure of information relating to the identity of any investment held, the amount invested, or the present  
 179 value of such investment.

180 21. Those portions of meetings in which individual child death cases are discussed by the State Child  
 181 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual  
 182 child death cases are discussed by a regional or local child fatality review team established pursuant to  
 183 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence

184 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual  
185 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,  
186 those portions of meetings in which individual adult death cases are discussed by a local or regional adult  
187 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual  
188 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those  
189 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality  
190 Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of  
191 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review  
192 Committee established pursuant to § 37.2-314.1.

193 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion  
194 University, as the case may be, and those portions of meetings of any persons to whom management  
195 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
196 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,  
197 business-related information pertaining to the operations of the University of Virginia Medical Center or the  
198 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business  
199 development or marketing strategies and activities with existing or future joint venturers, partners, or other  
200 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
201 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of  
202 health care, if disclosure of such information would adversely affect the competitive position of the  
203 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion  
204 University, as the case may be.

205 23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or  
206 the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or  
207 disposition by the Authority of real property, equipment, or technology software or hardware and related  
208 goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of  
209 the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and  
210 contracts for services or work to be performed by the Authority; marketing or operational strategies plans of  
211 the Authority where disclosure of such strategies or plans would adversely affect the competitive position of  
212 the Authority; and members of the Authority's medical and teaching staffs and qualifications for  
213 appointments thereto.

214 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the  
215 Department of Health Professions to the extent such discussions identify any practitioner who may be, or who  
216 actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

217 25. Meetings or portions of meetings of the Board of the Commonwealth Savers Plan wherein personal  
218 information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf  
219 of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or  
220 savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

221 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee  
222 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in  
223 § 56-484.12, related to the provision of wireless E-911 service.

224 27. Those portions of disciplinary proceedings by any regulatory board within the Department of  
225 Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy  
226 conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or  
227 meetings of health regulatory boards or conference committees of such boards to consider settlement  
228 proposals in pending disciplinary actions or modifications to previously issued board orders as requested by  
229 either of the parties.

230 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6  
231 by a responsible public entity or an affected locality or public entity, as those terms are defined in  
232 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible  
233 public entity concerning such records.

234 29. Discussion of the award of a public contract involving the expenditure of public funds, including  
235 interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in  
236 an open session would adversely affect the bargaining position or negotiating strategy of the public body.

237 30. Discussion or consideration of grant or loan application information subject to the exclusion in  
238 subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

239 31. Discussion or consideration by the Commitment Review Committee of information subject to the  
240 exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent  
241 predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

242 32. Discussion or consideration of confidential proprietary information and trade secrets developed and  
243 held by a local public body providing certain telecommunication services or cable television services and  
244 subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this  
245 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

246 33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless  
 247 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets  
 248 subject to the exclusion in subdivision 19 of § 2.2-3705.6.

249 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security  
 250 matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

251 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee  
 252 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

253 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of  
 254 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings  
 255 of the Committee to deliberate concerning the annual maximum scholarship award, review and consider  
 256 scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover  
 257 scholarship awards.

258 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in  
 259 subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port  
 260 Authority.

261 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting  
 262 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by  
 263 any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan  
 264 acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee  
 265 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

266 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6  
 267 related to economic development.

268 40. Discussion or consideration by the Board of Education of information relating to the denial,  
 269 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

270 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by  
 271 executive order for the purpose of studying and making recommendations regarding preventing closure or  
 272 realignment of federal military and national security installations and facilities located in Virginia and  
 273 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a  
 274 local governing body, during which there is discussion of information subject to the exclusion in subdivision  
 275 8 of § 2.2-3705.2.

276 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of  
 277 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable  
 278 information of donors.

279 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of  
 280 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained  
 281 in grant applications.

282 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of  
 283 information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for  
 284 the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary  
 285 information of a private entity provided to the Authority.

286 45. Discussion or consideration of personal and proprietary information related to the resource  
 287 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection  
 288 E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain  
 289 information that has been certified for release by the person who is the subject of the information or  
 290 transformed into a statistical or aggregate form that does not allow identification of the person who supplied,  
 291 or is the subject of, the information.

292 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control  
 293 Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of  
 294 applicants for licenses and permits and of licensees and permittees.

295 47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion  
 296 in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.)  
 297 of Chapter 22.

298 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26  
 299 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity  
 300 Board.

301 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team  
 302 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a  
 303 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases  
 304 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and  
 305 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established  
 306 pursuant to § 15.2-1627.6.

307 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership

308 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions  
 309 of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33  
 310 of § 2.2-3705.7.

311 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development  
 312 Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information  
 313 received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the  
 314 Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

315 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the  
 316 Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of  
 317 information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

318 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or  
 319 revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of  
 320 any license or permit related to casino gaming, and discussion, consideration, or review of matters related to  
 321 investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

322 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding  
 323 the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting  
 324 and any discussion, consideration, or review of matters related to investigations excluded from mandatory  
 325 disclosure under subdivision 1 of § 2.2-3705.3.

326 55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of  
 327 Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

328 56. *Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007*  
 329 *regarding the denial of, revocation of, suspension of, or refusal to renew any license related to electronic*  
 330 *gaming devices and any discussion, consideration, or review of matters related to investigations excluded*  
 331 *from mandatory disclosure under subdivision 1 of § 2.2-3705.3.*

332 B. No resolution, ordinance, rule, contract, regulation, or motion adopted, passed, or agreed to in a closed  
 333 meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting  
 334 and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that  
 335 shall have its substance reasonably identified in the open meeting.

336 C. Public officers improperly selected due to the failure of the public body to comply with the other  
 337 provisions of this section shall be de facto officers and, as such, their official actions are valid until they  
 338 obtain notice of the legal defect in their election.

339 D. Nothing in this section shall be construed to prevent the holding of conferences between two or more  
 340 public bodies, or their representatives, but these conferences shall be subject to the same procedures for  
 341 holding closed meetings as are applicable to any other public body.

342 E. This section shall not be construed to (i) require the disclosure of any contract between the Department  
 343 of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.)  
 344 of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial  
 345 Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial  
 346 revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies.  
 347 However, such business or industry shall be identified as a matter of public record at least 30 days prior to the  
 348 actual date of the board's authorization of the sale or issuance of such bonds.

349 **§ 2.2-3711. (Effective July 1, 2026) Closed meetings authorized for certain limited purposes.**

350 A. Public bodies may hold closed meetings only for the following purposes:

351 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,  
 352 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public  
 353 officers, appointees, or employees of any public body; and evaluation of performance of departments or  
 354 schools of public institutions of higher education where such evaluation will necessarily involve discussion of  
 355 the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting  
 356 in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some  
 357 student and the student involved in the matter is present, provided that the teacher makes a written request to  
 358 be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be  
 359 construed to authorize a closed meeting by a local governing body or an elected school board to discuss  
 360 compensation matters that affect the membership of such body or board collectively.

361 2. Discussion or consideration of admission or disciplinary matters or any other matters that would  
 362 involve the disclosure of information contained in a scholastic record concerning any student of any public  
 363 institution of higher education in the Commonwealth or any state school system. However, any such student,  
 364 legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be  
 365 present during the taking of testimony or presentation of evidence at a closed meeting, if such student,  
 366 parents, or guardians so request in writing and such request is submitted to the presiding officer of the  
 367 appropriate board.

368 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition  
 369 of publicly held real property, where discussion in an open meeting would adversely affect the bargaining

370 position or negotiating strategy of the public body.

371 4. The protection of the privacy of individuals in personal matters not related to public business.

372 5. Discussion concerning a prospective business or industry or the expansion of an existing business or  
373 industry where no previous announcement has been made of the business' or industry's interest in locating or  
374 expanding its facilities in the community.

375 6. Discussion or consideration of the investment of public funds where competition or bargaining is  
376 involved, where, if made public initially, the financial interest of the governmental unit would be adversely  
377 affected.

378 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or  
379 probable litigation, where such consultation or briefing in open meeting would adversely affect the  
380 negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation"  
381 means litigation that has been specifically threatened or on which the public body or its legal counsel has a  
382 reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall  
383 be construed to permit the closure of a meeting merely because an attorney representing the public body is in  
384 attendance or is consulted on a matter.

385 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters  
386 requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to  
387 permit the closure of a meeting merely because an attorney representing the public body is in attendance or is  
388 consulted on a matter.

389 9. Discussion or consideration by governing boards of public institutions of higher education of matters  
390 relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be  
391 performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and  
392 contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public  
393 institution of higher education in the Commonwealth shall be subject to public disclosure upon written  
394 request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government"  
395 means any government other than the United States government or the government of a state or a political  
396 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United  
397 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by  
398 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of  
399 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)  
400 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory  
401 or protectorate thereof.

402 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the  
403 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and  
404 The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private  
405 sources.

406 11. Discussion or consideration of honorary degrees or special awards.

407 12. Discussion or consideration of tests, examinations, or other information used, administered, or  
408 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

409 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible  
410 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed  
411 by the member, provided that the member may request in writing that the committee meeting not be  
412 conducted in a closed meeting.

413 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to  
414 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in  
415 open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the  
416 governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both.  
417 All discussions with the applicant or its representatives may be conducted in a closed meeting.

418 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic  
419 activity and estimating general and nongeneral fund revenues.

420 16. Discussion or consideration of medical and mental health records subject to the exclusion in  
421 subdivision 1 of § 2.2-3705.5.

422 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to  
423 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and  
424 discussion, consideration, or review of Virginia Lottery matters related to proprietary lottery game  
425 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and  
426 subdivision 11 of § 2.2-3705.7.

427 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses  
428 the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or  
429 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension  
430 of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary  
431 services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

432 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity  
433 threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency  
434 service officials concerning actions taken to respond to such matters or a related threat to public safety;  
435 discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in  
436 an open meeting would jeopardize the safety of any person or the security of any facility, building, structure,  
437 information technology system, or software program; or discussion of reports or plans related to the security  
438 of any governmental facility, building, or structure, or the safety of persons using such facility, building, or  
439 structure.

440 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of  
441 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of  
442 a trust established by one or more local public bodies to invest funds for postemployment benefits other than  
443 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of  
444 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth  
445 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding, or disposition of a security or  
446 other ownership interest in an entity, where such security or ownership interest is not traded on a  
447 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential  
448 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or  
449 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement  
450 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of  
451 confidentiality, of the future value of such ownership interest or the future financial performance of the  
452 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed  
453 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University  
454 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the  
455 disclosure of information relating to the identity of any investment held, the amount invested, or the present  
456 value of such investment.

457 21. Those portions of meetings in which individual child death cases are discussed by the State Child  
458 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual  
459 child death cases are discussed by a regional or local child fatality review team established pursuant to  
460 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence  
461 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual  
462 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,  
463 those portions of meetings in which individual adult death cases are discussed by a local or regional adult  
464 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual  
465 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those  
466 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality  
467 Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of  
468 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review  
469 Committee established pursuant to § 37.2-314.1.

470 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion  
471 University, as the case may be, and those portions of meetings of any persons to whom management  
472 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
473 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,  
474 business-related information pertaining to the operations of the University of Virginia Medical Center or the  
475 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business  
476 development or marketing strategies and activities with existing or future joint venturers, partners, or other  
477 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
478 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of  
479 health care, if disclosure of such information would adversely affect the competitive position of the  
480 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion  
481 University, as the case may be.

482 23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or  
483 the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or  
484 disposition by the Authority of real property, equipment, or technology software or hardware and related  
485 goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of  
486 the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and  
487 contracts for services or work to be performed by the Authority; marketing or operational strategies plans of  
488 the Authority where disclosure of such strategies or plans would adversely affect the competitive position of  
489 the Authority; and members of the Authority's medical and teaching staffs and qualifications for  
490 appointments thereto.

491 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the  
492 Department of Health Professions to the extent such discussions identify any practitioner who may be, or who  
493 actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

494 25. Meetings or portions of meetings of the Board of the Commonwealth Savers Plan wherein personal  
495 information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf  
496 of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or  
497 savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

498 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee  
499 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in  
500 § 56-484.12, related to the provision of wireless E-911 service.

501 27. Those portions of disciplinary proceedings by any regulatory board within the Department of  
502 Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy  
503 conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or  
504 meetings of health regulatory boards or conference committees of such boards to consider settlement  
505 proposals in pending disciplinary actions or modifications to previously issued board orders as requested by  
506 either of the parties.

507 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6  
508 by a responsible public entity or an affected locality or public entity, as those terms are defined in  
509 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible  
510 public entity concerning such records.

511 29. Discussion of the award of a public contract involving the expenditure of public funds, including  
512 interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in  
513 an open session would adversely affect the bargaining position or negotiating strategy of the public body.

514 30. Discussion or consideration of grant or loan application information subject to the exclusion in  
515 subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

516 31. Discussion or consideration by the Commitment Review Committee of information subject to the  
517 exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent  
518 predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

519 32. Discussion or consideration of confidential proprietary information and trade secrets developed and  
520 held by a local public body providing certain telecommunication services or cable television services and  
521 subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this  
522 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

523 33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless  
524 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets  
525 subject to the exclusion in subdivision 19 of § 2.2-3705.6.

526 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security  
527 matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1 and review by the State Board of Elections  
528 of complaints related to the personal use of campaign funds pursuant to § 24.2-948.7.

529 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee  
530 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

531 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of  
532 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings  
533 of the Committee to deliberate concerning the annual maximum scholarship award, review and consider  
534 scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover  
535 scholarship awards.

536 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in  
537 subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port  
538 Authority.

539 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting  
540 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by  
541 any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan  
542 acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee  
543 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

544 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6  
545 related to economic development.

546 40. Discussion or consideration by the Board of Education of information relating to the denial,  
547 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

548 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by  
549 executive order for the purpose of studying and making recommendations regarding preventing closure or  
550 realignment of federal military and national security installations and facilities located in Virginia and  
551 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a  
552 local governing body, during which there is discussion of information subject to the exclusion in subdivision  
553 8 of § 2.2-3705.2.

554 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of  
555 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable

556 information of donors.

557 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of  
558 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained  
559 in grant applications.

560 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of  
561 information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for  
562 the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary  
563 information of a private entity provided to the Authority.

564 45. Discussion or consideration of personal and proprietary information related to the resource  
565 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection  
566 E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain  
567 information that has been certified for release by the person who is the subject of the information or  
568 transformed into a statistical or aggregate form that does not allow identification of the person who supplied,  
569 or is the subject of, the information.

570 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control  
571 Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of  
572 applicants for licenses and permits and of licensees and permittees.

573 47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion  
574 in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.)  
575 of Chapter 22.

576 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26  
577 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity  
578 Board.

579 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team  
580 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a  
581 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases  
582 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and  
583 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established  
584 pursuant to § 15.2-1627.6.

585 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership  
586 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions  
587 of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33  
588 of § 2.2-3705.7.

589 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development  
590 Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information  
591 received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the  
592 Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

593 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the  
594 Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of  
595 information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

596 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or  
597 revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of  
598 any license or permit related to casino gaming, and discussion, consideration, or review of matters related to  
599 investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

600 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding  
601 the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting  
602 and any discussion, consideration, or review of matters related to investigations excluded from mandatory  
603 disclosure under subdivision 1 of § 2.2-3705.3.

604 55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of  
605 Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

606 56. *Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007*  
607 *regarding the denial of, revocation of, suspension of, or refusal to renew any license related to electronic*  
608 *gaming devices and any discussion, consideration, or review of matters related to investigations excluded*  
609 *from mandatory disclosure under subdivision 1 of § 2.2-3705.3.*

610 B. No resolution, ordinance, rule, contract, regulation, or motion adopted, passed, or agreed to in a closed  
611 meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting  
612 and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that  
613 shall have its substance reasonably identified in the open meeting.

614 C. Public officers improperly selected due to the failure of the public body to comply with the other  
615 provisions of this section shall be de facto officers and, as such, their official actions are valid until they  
616 obtain notice of the legal defect in their election.

617 D. Nothing in this section shall be construed to prevent the holding of conferences between two or more

618 public bodies, or their representatives, but these conferences shall be subject to the same procedures for  
619 holding closed meetings as are applicable to any other public body.

620 E. This section shall not be construed to (i) require the disclosure of any contract between the Department  
621 of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.)  
622 of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial  
623 Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial  
624 revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies.  
625 However, such business or industry shall be identified as a matter of public record at least 30 days prior to the  
626 actual date of the board's authorization of the sale or issuance of such bonds.

627 **§ 11-16.3. Exemption; play of authorized electronic gaming devices.**

628 *This chapter shall not apply to the play of electronic gaming devices or related activity that is lawful*  
629 *under Chapter 42 (§ 58.1-4200 et seq.) of Title 58.1 or to any contract, conduct, or transaction arising from*  
630 *conduct lawful thereunder.*

631 **§ 18.2-325. Definitions.**

632 ~~1.~~ As used in this article, unless the context requires a different meaning:

633 "Gambling device" means:

634 1. Any device, machine, paraphernalia, equipment, or other thing, including books, records, and other  
635 papers, which are actually used in an illegal gambling operation or activity;

636 2. Any machine, apparatus, implement, instrument, contrivance, board, or other thing, or electronic or  
637 video versions thereof, including those dependent upon the insertion of a coin or other object for their  
638 operation, which operates, either completely automatically or with the aid of some physical act by the player  
639 or operator, in such a manner that, depending upon elements of chance, it may eject something of value or  
640 determine the prize or other thing of value to which the player is entitled, provided, however, that the return  
641 to the user of nothing more than additional chances or the right to use such machine is not deemed something  
642 of value within the meaning of this subdivision, and provided further, that machines that only sell, or entitle  
643 the user to, items of merchandise of equivalent value that may differ from each other in composition, size,  
644 shape, or color shall not be deemed gambling devices within the meaning of this subdivision; and

645 3. Any electronic gaming devices, as defined in § 58.1-4200, not authorized pursuant to Chapter 42  
646 (§ 58.1-4200 et seq.) of Title 58.1.

647 Such devices are no less gambling devices if they indicate beforehand the definite result of one or more  
648 operations but not all of the operations. Nor are they any less a gambling device because, apart from their  
649 use or adaptability as such, they may also sell or deliver something of value on a basis other than chance.

650 "Gambling device" does not include an electronic gaming device authorized pursuant to the provisions of  
651 Chapter 42 (§ 58.1-4200 et seq.) of Title 58.1.

652 "Illegal gambling" means the making, placing, or receipt of any bet or wager in the Commonwealth of  
653 money or other consideration or thing of value, made in exchange for a chance to win a prize, stake, or other  
654 consideration or thing of value, dependent upon the result of any game, contest, or any other event the  
655 outcome of which is uncertain or a matter of chance, whether such game, contest, or event occurs or is to  
656 occur inside or outside the limits of the Commonwealth.

657 For the purposes of this subdivision definition and notwithstanding any provision in this section to the  
658 contrary, the making, placing, or receipt of any bet or wager of money or other consideration or thing of  
659 value shall include the purchase of a product, Internet access, or other thing made in exchange for a chance to  
660 win a prize, stake, or other consideration or thing of value by means of the operation of a gambling device as  
661 described in subdivision ~~3~~ ~~b~~, 2 of the definition of "gambling device," regardless of whether the chance to win  
662 such prize, stake, or other consideration or thing of value may be offered in the absence of a purchase.

663 "Illegal gambling" also means the playing or offering for play of any skill game does not include the  
664 playing or offering for play of any electronic gaming device authorized pursuant to the provisions of Chapter  
665 42 (§ 58.1-4200 et seq.) of Title 58.1.

666 ~~2.~~ "Interstate gambling" means the conduct of an enterprise for profit that engages in the purchase or sale  
667 within the Commonwealth of any interest in a lottery of another state or country whether or not such interest  
668 is an actual lottery ticket, receipt, contingent promise to pay, order to purchase, or other record of such  
669 interest.

670 ~~3.~~ "Gambling device" includes:

671 a. Any device, machine, paraphernalia, equipment, or other thing, including books, records, and other  
672 papers, which are actually used in an illegal gambling operation or activity;

673 b. Any machine, apparatus, implement, instrument, contrivance, board, or other thing, or electronic or  
674 video versions thereof, including but not limited to those dependent upon the insertion of a coin or other  
675 object for their operation, which operates, either completely automatically or with the aid of some physical  
676 act by the player or operator, in such a manner that, depending upon elements of chance, it may eject  
677 something of value or determine the prize or other thing of value to which the player is entitled, provided,  
678 however, that the return to the user of nothing more than additional chances or the right to use such machine  
679 is not deemed something of value within the meaning of this subsection; and provided further, that machines

680 that only sell, or entitle the user to, items of merchandise of equivalent value that may differ from each other  
 681 in composition, size, shape, or color, shall not be deemed gambling devices within the meaning of this  
 682 subsection; and

683 e. Skill games.

684 Such devices are no less gambling devices if they indicate beforehand the definite result of one or more  
 685 operations but not all the operations. Nor are they any less a gambling device because, apart from their use or  
 686 adaptability as such, they may also sell or deliver something of value on a basis other than chance.

687 4. "Operator" includes any person, firm, or association of persons, who conducts, finances, manages,  
 688 supervises, directs, or owns all or part of an illegal gambling enterprise, activity, or operation.

689 5. "Skill" means the knowledge, dexterity, or any other ability or expertise of a natural person.

690 6. "Skill game" means an electronic, computerized, or mechanical contrivance, terminal, machine, or  
 691 other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate,  
 692 or play a game, the outcome of which is determined by any element of skill of the player and that may deliver  
 693 or entitle the person playing or operating the device to receive cash or cash equivalents, gift cards, vouchers,  
 694 billets, tickets, tokens, or electronic credits to be exchanged for cash or cash equivalents whether the payoff is  
 695 made automatically from the device or manually. "Skill game" includes (i) a device that contains a meter or  
 696 measurement device that records the number of free games or portions of games that are rewarded and (ii) a  
 697 device designed or adapted to enable a person using the device to increase the chances of winning free games  
 698 or portions of games by paying more than the amount that is ordinarily required to play the game. "Skill  
 699 game" does not include any amusement device, as defined in § 18.2-334.6.

700 7. "Unregulated location" means any location that is not regulated or operated by the Virginia Lottery or  
 701 the Virginia Lottery Board, the Department of Agriculture and Consumer Services, the Virginia Alcoholic  
 702 Beverage Control Authority, or the Virginia Racing Commission.

703 **§ 18.2-334. Exception to article; private residences.**

704 Nothing in this article shall be construed to make it illegal to participate in a game of chance conducted in  
 705 a private residence, provided such private residence is not commonly used for such games of chance and  
 706 there is no operator as defined in subsection 4 of § 18.2-325.

707 **§ 18.2-334.7. Exemptions to article; electronic gaming devices.**

708 *Nothing in this article shall be construed to make it illegal to play any electronic gaming device or*  
 709 *conduct any related activity that is lawful under Chapter 42 (§ 58.1-4200 et seq.) of Title 58.1.*

710 **§ 19.2-389. (Effective until July 1, 2026) Dissemination of criminal history record information.**

711 A. Criminal history record information shall be disseminated, whether directly or through an intermediary,  
 712 only to:

713 1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of  
 714 the administration of criminal justice and the screening of an employment application or review of  
 715 employment by a criminal justice agency with respect to its own employees or applicants, and dissemination  
 716 to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible  
 717 inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of  
 718 § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this  
 719 subdivision, criminal history record information includes information sent to the Central Criminal Records  
 720 Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee  
 721 of the State Police, a police department or sheriff's office that is a part of or administered by the  
 722 Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection  
 723 of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth for the purposes of  
 724 the administration of criminal justice;

725 2. Such other individuals and agencies that require criminal history record information to implement a  
 726 state or federal statute or executive order of the President of the United States or Governor that expressly  
 727 refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except  
 728 that information concerning the arrest of an individual may not be disseminated to a noncriminal justice  
 729 agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the  
 730 charge has been recorded and no active prosecution of the charge is pending;

731 3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide  
 732 services required for the administration of criminal justice pursuant to that agreement which shall specifically  
 733 authorize access to data, limit the use of data to purposes for which given, and ensure the security and  
 734 confidentiality of the data;

735 4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant  
 736 to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of  
 737 data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

738 5. Agencies of state or federal government that are authorized by state or federal statute or executive order  
 739 of the President of the United States or Governor to conduct investigations determining employment  
 740 suitability or eligibility for security clearances allowing access to classified information;

741 6. Individuals and agencies where authorized by court order or court rule;

742 7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned,  
 743 operated, or controlled by any political subdivision, and any public service corporation that operates a public  
 744 transit system owned by a local government for the conduct of investigations of applicants for employment,  
 745 permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a  
 746 duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible  
 747 with the nature of the employment, permit, or license under consideration;

748 7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title  
 749 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position  
 750 of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation  
 751 District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction  
 752 record would be compatible with the nature of the employment under consideration;

753 8. Public or private agencies when authorized or required by federal or state law or interstate compact to  
 754 investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of  
 755 that individual's household, with whom the agency is considering placing a child or from whom the agency is  
 756 considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis  
 757 pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further  
 758 disseminated to any party other than a federal or state authority or court as may be required to comply with an  
 759 express requirement of law;

760 9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for  
 761 the conduct of investigations of applicants for employment when such employment involves personal contact  
 762 with the public or when past criminal conduct of an applicant would be incompatible with the nature of the  
 763 employment under consideration;

764 10. The appropriate authority for purposes of granting citizenship and for purposes of international travel,  
 765 including, ~~but not limited to,~~ issuing visas and passports;

766 11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at  
 767 his cost, except that criminal history record information shall be supplied at no charge to a person who has  
 768 applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer  
 769 fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse,  
 770 Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been  
 771 offered membership on the board of a Crime Stoppers, Crime Solvers, or Crime Line program as defined in  
 772 § 15.2-1713.1;

773 12. Administrators and board presidents of and applicants for licensure or registration as a child welfare  
 774 agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative  
 775 pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such  
 776 facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to  
 777 §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further  
 778 disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social  
 779 Services' representative or a federal or state authority or court as may be required to comply with an express  
 780 requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to  
 781 prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the  
 782 results of a background check that was conducted before July 1, 2021, in accordance with subsection J of  
 783 § 22.1-289.035 or § 22.1-289.039;

784 13. The Department of Social Services for the purpose of screening individuals as a condition of licensure,  
 785 employment, volunteering, or providing services on a regular basis in a licensed child welfare agency  
 786 pursuant to §§ 63.2-1721 and 63.2-1726 or foster or adoptive home approved by a child-placing agency  
 787 pursuant to § 63.2-901.1;

788 14. The school boards of the Commonwealth for the purpose of screening individuals who are offered or  
 789 who accept public school employment and those current school board employees for whom a report of arrest  
 790 has been made pursuant to § 19.2-83.1;

791 15. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law  
 792 (§ 58.1-4000 et seq.) ~~and~~, casino gaming as set forth in Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, *and*  
 793 *electronic gaming devices as set forth in Chapter 42 (§ 58.1-4200 et seq.) of Title 58.1*, and the Department  
 794 of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1  
 795 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

796 16. Licensed nursing homes, hospitals, and home care organizations for the conduct of investigations of  
 797 applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital  
 798 pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the  
 799 limitations set out in subsection E;

800 17. Licensed assisted living facilities and licensed adult day centers for the conduct of investigations of  
 801 applicants for compensated employment in licensed assisted living facilities and licensed adult day centers  
 802 pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

803 18. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in

804 § 4.1-103.1;

805 19. The State Board of Elections and authorized officers and employees thereof and general registrars  
806 appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter  
807 registration, limited to any record of felony convictions;

808 20. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his  
809 designees for individuals who are committed to the custody of or being evaluated by the Commissioner  
810 pursuant to §§ 19.2-168.1, 19.2-169.1, 19.2-169.2, 19.2-169.5, 19.2-169.6, 19.2-182.2, 19.2-182.3,  
811 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement,  
812 evaluation, treatment, or discharge planning;

813 21. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action  
814 Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under  
815 § 18.2-51.4, 18.2-266, or 18.2-266.1;

816 22. Residential facilities for juveniles regulated or operated by the Department of Social Services, the  
817 Department of Education, or the Department of Behavioral Health and Developmental Services for the  
818 purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

819 23. The Department of Behavioral Health and Developmental Services and facilities operated by the  
820 Department for the purpose of determining an individual's fitness for employment pursuant to departmental  
821 instructions;

822 24. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary  
823 schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records  
824 information on behalf of such governing boards or administrators pursuant to a written agreement with the  
825 Department of State Police;

826 25. Public institutions of higher education and nonprofit private institutions of higher education for the  
827 purpose of screening individuals who are offered or accept employment;

828 26. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a  
829 public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher  
830 education, for the purpose of assessing or intervening with an individual whose behavior may present a threat  
831 to safety; however, no member of a threat assessment team shall redisclose any criminal history record  
832 information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose  
833 that such disclosure was made to the threat assessment team;

834 27. Executive directors of community services boards or the personnel director serving the community  
835 services board for the purpose of determining an individual's fitness for employment, approval as a sponsored  
836 residential service provider, permission to enter into a shared living arrangement with a person receiving  
837 medical assistance services pursuant to a waiver, or permission for any person under contract with the  
838 community services board to serve in a direct care position on behalf of the community services board  
839 pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

840 28. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of  
841 determining an individual's fitness for employment, approval as a sponsored residential service provider,  
842 permission to enter into a shared living arrangement with a person receiving medical assistance services  
843 pursuant to a waiver, or permission for any person under contract with the behavioral health authority to  
844 serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506,  
845 37.2-506.1, and 37.2-607;

846 29. The Commissioner of Social Services for the purpose of locating persons who owe child support or  
847 who are alleged in a pending paternity proceeding to be a putative father, provided that only the name,  
848 address, demographics, and social security number of the data subject shall be released;

849 30. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of  
850 Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose  
851 of determining if any applicant who accepts employment in any direct care position or requests approval as a  
852 sponsored residential service provider, permission to enter into a shared living arrangement with a person  
853 receiving medical assistance services pursuant to a waiver, or permission for any person under contract with  
854 the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have  
855 responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or  
856 substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

857 31. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for  
858 and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et  
859 seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

860 32. The Chairman of the Senate Committee for Courts of Justice or the Chairman of the House Committee  
861 for Courts of Justice for the purpose of determining if any person being considered for election to any  
862 judgeship has been convicted of a crime;

863 33. Heads of state agencies in which positions have been identified as sensitive for the purpose of  
864 determining an individual's fitness for employment in positions designated as sensitive under Department of  
865 Human Resource Management policies developed pursuant to § 2.2-1201.1;

866 34. The Office of the Attorney General, for all criminal justice activities otherwise permitted under  
 867 subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent  
 868 Predators Act (§ 37.2-900 et seq.);

869 35. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction,  
 870 overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for  
 871 the conduct of investigations of applications for employment or for access to facilities, by contractors, leased  
 872 laborers, and other visitors;

873 36. Any employer of individuals whose employment requires that they enter the homes of others, for the  
 874 purpose of screening individuals who apply for, are offered, or have accepted such employment;

875 37. Public agencies when and as required by federal or state law to investigate (i) applicants as providers  
 876 of adult foster care and home-based services or (ii) any individual with whom the agency is considering  
 877 placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the  
 878 restriction that the data shall not be further disseminated by the agency to any party other than a federal or  
 879 state authority or court as may be required to comply with an express requirement of law for such further  
 880 dissemination, subject to limitations set out in subsection G;

881 38. The Department of Medical Assistance Services, or its designee, for the purpose of screening  
 882 individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or  
 883 have accepted a position related to the provision of transportation services to enrollees in the Medicaid  
 884 Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program  
 885 administered by the Department of Medical Assistance Services;

886 39. The State Corporation Commission for the purpose of investigating individuals who are current or  
 887 proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter  
 888 16 (§ 6.2-1600 et seq.), Chapter 19 (§ 6.2-1900 et seq.), or Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2.  
 889 Notwithstanding any other provision of law, if an application is denied based in whole or in part on  
 890 information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title  
 891 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant  
 892 or its designee;

893 40. The Department of Professional and Occupational Regulation for the purpose of investigating  
 894 individuals for initial licensure pursuant to § 54.1-2106.1;

895 41. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision  
 896 Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the  
 897 purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et  
 898 seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

899 42. Bail bondsmen, in accordance with the provisions of § 19.2-120;

900 43. The State Treasurer for the purpose of determining whether a person receiving compensation for  
 901 wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

902 44. The Department of Education or its agents or designees for the purpose of screening individuals  
 903 seeking to enter into a contract with the Department of Education or its agents or designees for the provision  
 904 of child care services for which child care subsidy payments may be provided;

905 45. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a  
 906 juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or  
 907 a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

908 46. The State Corporation Commission, for the purpose of screening applicants for insurance licensure  
 909 under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;

910 47. Administrators and board presidents of and applicants for licensure or registration as a child day  
 911 program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the  
 912 Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of  
 913 investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034  
 914 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility  
 915 or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or  
 916 a federal or state authority or court as may be required to comply with an express requirement of law for such  
 917 further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent  
 918 of Public Instruction's representative from issuing written certifications regarding the results of prior  
 919 background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

920 48. The National Center for Missing and Exploited Children for the purpose of screening individuals who  
 921 are offered or accept employment or will be providing volunteer or contractual services with the National  
 922 Center for Missing and Exploited Children;

923 49. The Executive Director or investigators of the Board of Accountancy for the purpose of the  
 924 enforcement of laws relating to the Board of Accountancy in accordance with § 54.1-4407; and

925 50. Other entities as otherwise provided by law.

926 Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested  
 927 may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange

928 to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on  
929 whom a report has been made under the provisions of this chapter.

930 Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to  
931 before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the  
932 criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy  
933 of conviction data covering the person named in the request to the person making the request; however, such  
934 person on whom the data is being obtained shall consent in writing, under oath, to the making of such  
935 request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as  
936 he deems appropriate. In the event no conviction data is maintained on the data subject, the person making  
937 the request shall be furnished at his cost a certification to that effect.

938 B. Use of criminal history record information disseminated to noncriminal justice agencies under this  
939 section shall be limited to the purposes for which it was given and may not be disseminated further, except as  
940 otherwise provided in subdivision A 47.

941 C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history  
942 record information for employment or licensing inquiries except as provided by law.

943 D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange  
944 prior to dissemination of any criminal history record information on offenses required to be reported to the  
945 Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used.  
946 Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the  
947 essence and the normal response time of the Exchange would exceed the necessary time period. A criminal  
948 justice agency to whom a request has been made for the dissemination of criminal history record information  
949 that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the  
950 Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses  
951 not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the  
952 record as required by § 15.2-1722.

953 E. Criminal history information provided to licensed nursing homes, hospitals and to home care  
954 organizations pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for  
955 any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

956 F. Criminal history information provided to licensed assisted living facilities and licensed adult day  
957 centers pursuant to subdivision A 17 shall be limited to the convictions on file with the Exchange for any  
958 offense specified in § 63.2-1720.

959 G. Criminal history information provided to public agencies pursuant to subdivision A 37 shall be limited  
960 to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier  
961 crime in § 19.2-392.02.

962 H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal  
963 Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the  
964 Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the  
965 request to the employer or prospective employer making the request, provided that the person on whom the  
966 data is being obtained has consented in writing to the making of such request and has presented a photo-  
967 identification to the employer or prospective employer. In the event no conviction data is maintained on the  
968 person named in the request, the requesting employer or prospective employer shall be furnished at his cost a  
969 certification to that effect. The criminal history record search shall be conducted on forms provided by the  
970 Exchange.

971 I. The attorney for the Commonwealth shall provide a physical or electronic copy of a person's criminal  
972 history record information, including criminal history record information maintained in the National Crime  
973 Information Center (NCIC) and the Interstate Identification Index System (III System) that is in his  
974 possession, pursuant to the rules of court for obtaining discovery or for review by the court. No criminal  
975 history record information provided under this subsection shall be disseminated further.

976 **§ 19.2-389. (Effective July 1, 2026) Dissemination of criminal history record information.**

977 A. Criminal history record information shall be disseminated, whether directly or through an intermediary,  
978 only to:

979 1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of  
980 the administration of criminal justice and the screening of an employment application or review of  
981 employment by a criminal justice agency with respect to its own employees or applicants, and dissemination  
982 to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible  
983 inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of  
984 § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this  
985 subdivision, criminal history record information includes information sent to the Central Criminal Records  
986 Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee  
987 of the State Police, a police department or sheriff's office that is a part of or administered by the  
988 Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection  
989 of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth for the purposes of

990 the administration of criminal justice;

991 2. Such other individuals and agencies that require criminal history record information to implement a  
 992 state or federal statute or executive order of the President of the United States or Governor that expressly  
 993 refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except  
 994 that information concerning the arrest of an individual may not be disseminated to a noncriminal justice  
 995 agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the  
 996 charge has been recorded and no active prosecution of the charge is pending;

997 3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide  
 998 services required for the administration of criminal justice pursuant to that agreement which shall specifically  
 999 authorize access to data, limit the use of data to purposes for which given, and ensure the security and  
 1000 confidentiality of the data;

1001 4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant  
 1002 to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of  
 1003 data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

1004 5. Agencies of state or federal government that are authorized by state or federal statute or executive order  
 1005 of the President of the United States or Governor to conduct investigations determining employment  
 1006 suitability or eligibility for security clearances allowing access to classified information;

1007 6. Individuals and agencies where authorized by court order or court rule;

1008 7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned,  
 1009 operated, or controlled by any political subdivision, and any public service corporation that operates a public  
 1010 transit system owned by a local government for the conduct of investigations of applicants for employment,  
 1011 permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a  
 1012 duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible  
 1013 with the nature of the employment, permit, or license under consideration;

1014 7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title  
 1015 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position  
 1016 of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation  
 1017 District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction  
 1018 record would be compatible with the nature of the employment under consideration;

1019 8. Public or private agencies when authorized or required by federal or state law or interstate compact to  
 1020 investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of  
 1021 that individual's household, with whom the agency is considering placing a child or from whom the agency is  
 1022 considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis  
 1023 pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further  
 1024 disseminated to any party other than a federal or state authority or court as may be required to comply with an  
 1025 express requirement of law;

1026 9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for  
 1027 the conduct of investigations of applicants for employment when such employment involves personal contact  
 1028 with the public or when past criminal conduct of an applicant would be incompatible with the nature of the  
 1029 employment under consideration;

1030 10. The appropriate authority for purposes of granting citizenship and for purposes of international travel,  
 1031 including, but not limited to, issuing visas and passports;

1032 11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at  
 1033 his cost, except that criminal history record information shall be supplied at no charge to a person who has  
 1034 applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer  
 1035 fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse,  
 1036 Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been  
 1037 offered membership on the board of a Crime Stoppers, Crime Solvers, or Crime Line program as defined in  
 1038 § 15.2-1713.1;

1039 12. Administrators and board presidents of and applicants for licensure or registration as a child welfare  
 1040 agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative  
 1041 pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such  
 1042 facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to  
 1043 §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further  
 1044 disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social  
 1045 Services' representative or a federal or state authority or court as may be required to comply with an express  
 1046 requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to  
 1047 prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the  
 1048 results of a background check that was conducted before July 1, 2021, in accordance with subsection J of  
 1049 § 22.1-289.035 or § 22.1-289.039;

1050 13. Administrators and board presidents of and applicants for licensure as a prescribed pediatric extended  
 1051 care center for dissemination to the State Health Commissioner's representative pursuant to

1052 §§ 32.1-162.15:1.5 and 32.1-162.15:1.10 for the conduct of investigations with respect to employees of and  
1053 volunteers at such centers, pursuant to § 32.1-162.15:1.17, subject to the restriction that the data shall not be  
1054 further disseminated by the center to any party other than the data subject, the State Health Commissioner's  
1055 representative, or a federal or state authority or court as may be required to comply with an express  
1056 requirement of law;

1057 14. The Department of Social Services for the purpose of screening individuals as a condition of licensure,  
1058 employment, volunteering, or providing services on a regular basis in a licensed child welfare agency  
1059 pursuant to §§ 63.2-1721 and 63.2-1726 or foster or adoptive home approved by a child-placing agency  
1060 pursuant to § 63.2-901.1;

1061 15. The school boards of the Commonwealth for the purpose of screening individuals who are offered or  
1062 who accept public school employment and those current school board employees for whom a report of arrest  
1063 has been made pursuant to § 19.2-83.1;

1064 16. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law  
1065 (§ 58.1-4000 et seq.) and, casino gaming as set forth in Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, and  
1066 *electronic gaming devices as set forth in Chapter 42 (§ 58.1-4200 et seq.) of Title 58.1*, and the Department  
1067 of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1  
1068 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

1069 17. Licensed prescribed pediatric extended care centers for the conduct of investigations of applicants for  
1070 compensated employment and volunteers in licensed prescribed pediatric extended care centers pursuant to  
1071 § 32.1-162.15:1.17;

1072 18. Licensed nursing homes, hospitals, and home care organizations for the conduct of investigations of  
1073 applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital  
1074 pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the  
1075 limitations set out in subsection E;

1076 19. Licensed assisted living facilities and licensed adult day centers for the conduct of investigations of  
1077 applicants for compensated employment in licensed assisted living facilities and licensed adult day centers  
1078 pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

1079 20. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in  
1080 § 4.1-103.1;

1081 21. The State Board of Elections and authorized officers and employees thereof and general registrars  
1082 appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter  
1083 registration, limited to any record of felony convictions;

1084 22. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his  
1085 designees for individuals who are committed to the custody of or being evaluated by the Commissioner  
1086 pursuant to §§ 19.2-168.1, 19.2-169.1, 19.2-169.2, 19.2-169.5, 19.2-169.6, 19.2-182.2, 19.2-182.3,  
1087 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement,  
1088 evaluation, treatment, or discharge planning;

1089 23. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action  
1090 Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under  
1091 § 18.2-51.4, 18.2-266, or 18.2-266.1;

1092 24. Residential facilities for juveniles regulated or operated by the Department of Social Services, the  
1093 Department of Education, or the Department of Behavioral Health and Developmental Services for the  
1094 purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

1095 25. The Department of Behavioral Health and Developmental Services and facilities operated by the  
1096 Department for the purpose of determining an individual's fitness for employment pursuant to departmental  
1097 instructions;

1098 26. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary  
1099 schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records  
1100 information on behalf of such governing boards or administrators pursuant to a written agreement with the  
1101 Department of State Police;

1102 27. Public institutions of higher education and nonprofit private institutions of higher education for the  
1103 purpose of screening individuals who are offered or accept employment;

1104 28. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a  
1105 public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher  
1106 education, for the purpose of assessing or intervening with an individual whose behavior may present a threat  
1107 to safety; however, no member of a threat assessment team shall redisclose any criminal history record  
1108 information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose  
1109 that such disclosure was made to the threat assessment team;

1110 29. Executive directors of community services boards or the personnel director serving the community  
1111 services board for the purpose of determining an individual's fitness for employment, approval as a sponsored  
1112 residential service provider, permission to enter into a shared living arrangement with a person receiving  
1113 medical assistance services pursuant to a waiver, or permission for any person under contract with the

1114 community services board to serve in a direct care position on behalf of the community services board  
 1115 pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

1116 30. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of  
 1117 determining an individual's fitness for employment, approval as a sponsored residential service provider,  
 1118 permission to enter into a shared living arrangement with a person receiving medical assistance services  
 1119 pursuant to a waiver, or permission for any person under contract with the behavioral health authority to  
 1120 serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506,  
 1121 37.2-506.1, and 37.2-607;

1122 31. The Commissioner of Social Services for the purpose of locating persons who owe child support or  
 1123 who are alleged in a pending paternity proceeding to be a putative father, provided that only the name,  
 1124 address, demographics, and social security number of the data subject shall be released;

1125 32. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of  
 1126 Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose  
 1127 of determining if any applicant who accepts employment in any direct care position or requests approval as a  
 1128 sponsored residential service provider, permission to enter into a shared living arrangement with a person  
 1129 receiving medical assistance services pursuant to a waiver, or permission for any person under contract with  
 1130 the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have  
 1131 responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or  
 1132 substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

1133 33. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for  
 1134 and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et  
 1135 seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

1136 34. The Chairman of the Senate Committee for Courts of Justice or the Chairman of the House Committee  
 1137 for Courts of Justice for the purpose of determining if any person being considered for election to any  
 1138 judgeship has been convicted of a crime;

1139 35. Heads of state agencies in which positions have been identified as sensitive for the purpose of  
 1140 determining an individual's fitness for employment in positions designated as sensitive under Department of  
 1141 Human Resource Management policies developed pursuant to § 2.2-1201.1;

1142 36. The Office of the Attorney General, for all criminal justice activities otherwise permitted under  
 1143 subdivision 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent  
 1144 Predators Act (§ 37.2-900 et seq.);

1145 37. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction,  
 1146 overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for  
 1147 the conduct of investigations of applications for employment or for access to facilities, by contractors, leased  
 1148 laborers, and other visitors;

1149 38. Any employer of individuals whose employment requires that they enter the homes of others, for the  
 1150 purpose of screening individuals who apply for, are offered, or have accepted such employment;

1151 39. Public agencies when and as required by federal or state law to investigate (i) applicants as providers  
 1152 of adult foster care and home-based services or (ii) any individual with whom the agency is considering  
 1153 placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the  
 1154 restriction that the data shall not be further disseminated by the agency to any party other than a federal or  
 1155 state authority or court as may be required to comply with an express requirement of law for such further  
 1156 dissemination, subject to limitations set out in subsection G;

1157 40. The Department of Medical Assistance Services, or its designee, for the purpose of screening  
 1158 individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or  
 1159 have accepted a position related to the provision of transportation services to enrollees in the Medicaid  
 1160 Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program  
 1161 administered by the Department of Medical Assistance Services;

1162 41. The State Corporation Commission for the purpose of investigating individuals who are current or  
 1163 proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter  
 1164 16 (§ 6.2-1600 et seq.), Chapter 19.1 (§ 6.2-1922 et seq.), or Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2.  
 1165 Notwithstanding any other provision of law, if an application is denied based in whole or in part on  
 1166 information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title  
 1167 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant  
 1168 or its designee;

1169 42. The Department of Professional and Occupational Regulation for the purpose of investigating  
 1170 individuals for initial licensure pursuant to § 54.1-2106.1;

1171 43. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision  
 1172 Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the  
 1173 purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et  
 1174 seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

1175 44. Bail bondsmen, in accordance with the provisions of § 19.2-120;

1176 45. The State Treasurer for the purpose of determining whether a person receiving compensation for  
1177 wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

1178 46. The Department of Education or its agents or designees for the purpose of screening individuals  
1179 seeking to enter into a contract with the Department of Education or its agents or designees for the provision  
1180 of child care services for which child care subsidy payments may be provided;

1181 47. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a  
1182 juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or  
1183 a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

1184 48. The State Corporation Commission, for the purpose of screening applicants for insurance licensure  
1185 under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;

1186 49. Administrators and board presidents of and applicants for licensure or registration as a child day  
1187 program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the  
1188 Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of  
1189 investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034  
1190 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility  
1191 or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or  
1192 a federal or state authority or court as may be required to comply with an express requirement of law for such  
1193 further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent  
1194 of Public Instruction's representative from issuing written certifications regarding the results of prior  
1195 background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

1196 50. The National Center for Missing and Exploited Children for the purpose of screening individuals who  
1197 are offered or accept employment or will be providing volunteer or contractual services with the National  
1198 Center for Missing and Exploited Children;

1199 51. The Executive Director or investigators of the Board of Accountancy for the purpose of the  
1200 enforcement of laws relating to the Board of Accountancy in accordance with § 54.1-4407; and

1201 52. Other entities as otherwise provided by law.

1202 Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested  
1203 may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange  
1204 to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on  
1205 whom a report has been made under the provisions of this chapter.

1206 Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to  
1207 before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the  
1208 criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy  
1209 of conviction data covering the person named in the request to the person making the request; however, such  
1210 person on whom the data is being obtained shall consent in writing, under oath, to the making of such  
1211 request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as  
1212 he deems appropriate. In the event no conviction data is maintained on the data subject, the person making  
1213 the request shall be furnished at his cost a certification to that effect.

1214 B. Use of criminal history record information disseminated to noncriminal justice agencies under this  
1215 section shall be limited to the purposes for which it was given and may not be disseminated further, except as  
1216 otherwise provided in subdivision A 49.

1217 C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history  
1218 record information for employment or licensing inquiries except as provided by law.

1219 D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange  
1220 prior to dissemination of any criminal history record information on offenses required to be reported to the  
1221 Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used.  
1222 Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the  
1223 essence and the normal response time of the Exchange would exceed the necessary time period. A criminal  
1224 justice agency to whom a request has been made for the dissemination of criminal history record information  
1225 that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the  
1226 Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses  
1227 not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the  
1228 record as required by § 15.2-1722.

1229 E. Criminal history information provided to licensed nursing homes, hospitals and to home care  
1230 organizations pursuant to subdivision A 18 shall be limited to the convictions on file with the Exchange for  
1231 any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

1232 F. Criminal history information provided to licensed assisted living facilities and licensed adult day  
1233 centers pursuant to subdivision A 19 shall be limited to the convictions on file with the Exchange for any  
1234 offense specified in § 63.2-1720.

1235 G. Criminal history information provided to public agencies pursuant to subdivision A 39 shall be limited  
1236 to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier  
1237 crime in § 19.2-392.02.

1238 H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal  
 1239 Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the  
 1240 Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the  
 1241 request to the employer or prospective employer making the request, provided that the person on whom the  
 1242 data is being obtained has consented in writing to the making of such request and has presented a photo-  
 1243 identification to the employer or prospective employer. In the event no conviction data is maintained on the  
 1244 person named in the request, the requesting employer or prospective employer shall be furnished at his cost a  
 1245 certification to that effect. The criminal history record search shall be conducted on forms provided by the  
 1246 Exchange.

1247 I. The attorney for the Commonwealth shall provide a physical or electronic copy of a person's criminal  
 1248 history record information, including criminal history record information maintained in the National Crime  
 1249 Information Center (NCIC) and the Interstate Identification Index System (III System) that is in his  
 1250 possession, pursuant to the rules of court for obtaining discovery or for review by the court. No criminal  
 1251 history record information provided under this subsection shall be disseminated further.

1252 **§ 37.2-314.2. Problem Gambling Treatment and Support Fund.**

1253 A. As used in this section:

1254 "Compulsive gambling" means persistent and recurrent problem gambling behavior leading to clinically  
 1255 significant impairment or distress, as indicated by an individual exhibiting four or more of the criteria as  
 1256 defined by the Diagnostic Statistical Manual of Mental Disorders in a 12-month period and where the  
 1257 behavior is not better explained by a manic episode.

1258 "Problem gambling" means a gambling behavior that causes disruptions in any major area of life,  
 1259 including the psychological, social, or vocational areas of life, but does not fulfill the criteria for diagnosis as  
 1260 a gambling disorder.

1261 B. There is hereby created in the state treasury a special nonreverting fund to be known as the Problem  
 1262 Gambling Treatment and Support Fund, referred to in this section as "the Fund." The Fund shall be  
 1263 established on the books of the Comptroller. All revenue accruing to the Fund pursuant to subsection A of  
 1264 § 58.1-4038, *moneys required to be deposited into the Fund pursuant to subsection B of § 58.1-4218*, and  
 1265 moneys required to be deposited into the Fund pursuant to Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1 shall  
 1266 be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in  
 1267 the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of  
 1268 each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be  
 1269 used solely for the purposes of (i) providing counseling and other support services for compulsive and  
 1270 problem gamblers, (ii) developing and implementing compulsive and problem gambling treatment and  
 1271 prevention programs, and (iii) providing grants to support organizations that provide assistance to compulsive  
 1272 and problem gamblers. Expenditures and disbursements from the Fund shall be made by the State Treasurer  
 1273 on warrants issued by the Comptroller upon written request signed by the Commissioner.

1274 **§ 52-54. Office of the Gaming Enforcement Coordinator established; purpose; duties.**

1275 A. The Superintendent shall designate a Department employee to serve as the Gaming Enforcement  
 1276 Coordinator. The purpose of the office of the Coordinator shall be to synchronize the enforcement of gaming  
 1277 laws by state and local law enforcement, and to serve as a liaison between such agencies and federal law  
 1278 enforcement.

1279 B. The Coordinator shall have the following duties:

1280 1. Coordinating enforcement of the Commonwealth's gaming laws by the Department, the Department of  
 1281 Agriculture and Consumer Services, *the Virginia Lottery*, and all other state agencies; attorneys for the  
 1282 Commonwealth; and local law enforcement;

1283 2. *Coordinating with local law enforcement to enforce the provisions of § 19.2-386.30 regarding the*  
 1284 *seizure and forfeiture of money, gambling devices, office equipment, and other personal property used in*  
 1285 *connection with an illegal gambling enterprise or activity;*

1286 3. Acting as a liaison between the federal government and the agencies identified in subdivision 1 for  
 1287 purposes of any federal investigation into gaming activities;

1288 ~~3-~~ 4. Establishing, advertising, and administering a tip line, which may be accessed by phone and by  
 1289 Internet, for members of the public to report concerns about, or suspected instances of, gaming activities; and

1290 ~~4-~~ 5. Performing any other duties as are necessary to promote and enable the equitable enforcement of  
 1291 gaming laws in the Commonwealth.

1292 **§ 58.1-4002. Definitions.**

1293 As used in this chapter, unless the context requires a different meaning:

1294 "Board" means the Virginia Lottery Board established by this chapter.

1295 "Casino gaming" or "game" means baccarat, blackjack, twenty-one, poker, craps, dice, slot machines,  
 1296 roulette wheels, Klondike tables, punchboards, faro layouts, numbers tickets, push cards, jar tickets, or pull  
 1297 tabs and any other activity that is authorized by the Board as a wagering game or device under Chapter 41  
 1298 (§ 58.1-4100 et seq.). "Casino gaming" or "game" includes on-premises mobile casino gaming.

1299 "Department" means the independent agency responsible for the administration of the Virginia Lottery

1300 pursuant to this article ~~and, the regulation of sports betting pursuant to Article 2 (§ 58.1-4030 et seq.), casino~~  
 1301 ~~gaming pursuant to Chapter 41 (§ 58.1-4100 et seq.), and electronic gaming devices pursuant to Chapter 42~~  
 1302 ~~(§ 58.1-4200 et seq.).~~

1303 "Director" means the Director of the Virginia Lottery.

1304 "Lottery" or "state lottery" means the lottery or lotteries established and operated pursuant to this ~~chapter~~  
 1305 ~~article.~~

1306 "On-premises mobile casino gaming" means casino gaming offered by a casino gaming operator at a  
 1307 casino gaming establishment using a computer network of both federal and nonfederal interoperable packet-  
 1308 switched data networks through which the casino gaming operator may offer casino gaming to individuals  
 1309 who have established an on-premises mobile casino gaming account with the casino gaming operator and  
 1310 who are physically present on the premises of the casino gaming establishment, as authorized by regulations  
 1311 promulgated by the Board.

1312 "Sports betting" means placing wagers on sporting events as such activity is regulated by the Board.

1313 "Ticket courier service" means a service operated for the purpose of purchasing Virginia Lottery tickets  
 1314 on behalf of individuals located within or outside of the Commonwealth and delivering or transmitting such  
 1315 tickets, or electronic images thereof, to such individuals as a business-for-profit delivery service.

1316 "Voluntary exclusion program" means a program established by the Board pursuant to § 58.1-4015.1 that  
 1317 allows individuals to voluntarily exclude themselves from engaging in the activities described in subdivision  
 1318 B 1 of § 58.1-4015.1 by placing their name on a voluntary exclusion list and following the procedures set  
 1319 forth by the Board.

1320 **§ 58.1-4003. Virginia Lottery established.**

1321 Notwithstanding the provisions of Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2 or any other  
 1322 provision of law, there is hereby established as an independent agency of the Commonwealth, exclusive of  
 1323 the legislative, executive or judicial branches of government, the Virginia Lottery, which shall include a  
 1324 Director and ~~a~~ the Virginia Lottery Board for the ~~purpose~~ *purposes* of operating a state lottery *and regulating*  
 1325 *sports betting pursuant to Article 2 (§ 58.1-4030 et seq.), casino gaming pursuant to Chapter 41 (§ 58.1-4100*  
 1326 *et seq.), and electronic gaming devices pursuant to Chapter 42 (§ 58.1-4200 et seq.).*

1327 **§ 58.1-4006. Powers of the Director.**

1328 A. The Director shall supervise and administer:

1329 1. The operation of the lottery in accordance with the provisions of this chapter and with the rules and  
 1330 regulations promulgated ~~hereunder; and pursuant to this chapter;~~

1331 2. *The regulation of sports betting in accordance with Article 2 (§ 58.1-4030 et seq.) and with the rules*  
 1332 *and regulations promulgated pursuant to this chapter;*

1333 3. The regulation of casino gaming in accordance with Chapter 41 (§ 58.1-4100 et seq.) *and with the rules*  
 1334 *and regulations promulgated pursuant to that chapter; and*

1335 4. *The regulation of electronic gaming devices in accordance with Chapter 42 (§ 58.1-4200 et seq.) and*  
 1336 *with the rules and regulations promulgated pursuant to that chapter.*

1337 B. The Director shall also:

1338 1. Employ such deputy directors, professional, technical and clerical assistants, and other employees as  
 1339 may be required to carry out the functions and duties of the Department.

1340 2. Act as secretary and executive officer of the Board.

1341 3. Require bond or other surety satisfactory to the Director from licensed agents as provided in subsection  
 1342 E of § 58.1-4009 and Department employees with access to Department funds or lottery funds, in such  
 1343 amount as provided in the rules and regulations of the Board. The Director may also require bond from other  
 1344 employees as he deems necessary.

1345 4. Confer regularly, but not less than four times each year, with the Board on the operation and  
 1346 administration of the lottery, and the regulation of *sports betting, casino gaming, and electronic gaming*  
 1347 *devices; make available for inspection by the Board, upon request, all books, records, files, and other*  
 1348 *information and documents of the Department; and advise the Board and recommend such matters as he*  
 1349 *deems necessary and advisable to improve the operation and administration of the lottery and the regulation*  
 1350 *of sports betting, casino gaming, and electronic gaming devices.*

1351 5. Suspend, revoke, or refuse to renew any license issued pursuant to this chapter or the rules and  
 1352 regulations adopted hereunder.

1353 6. Suspend, revoke, or refuse to renew any license or permit issued pursuant to Chapter 41 (§ 58.1-4100 et  
 1354 seq.).

1355 7. Eject or exclude from a casino gaming establishment any person, whether or not he possesses a license  
 1356 or permit, whose conduct or reputation is such that his presence may, in the opinion of the Director, reflect  
 1357 negatively on the honesty and integrity of casino gaming or interfere with the orderly gaming operations.

1358 8. Immediately upon the receipt of a credible complaint of an alleged criminal violation of Chapter 41  
 1359 (§ 58.1-4100 et seq.), report the complaint to the Attorney General and the State Police for appropriate action.

1360 9. Inspect and investigate, and have free access to, the offices, facilities, or other places of business of any  
 1361 licensee or permit holder and may compel the production of any of the books, documents, records, or

1362 memoranda of any licensee or permit holder for the purpose of ensuring compliance with Chapter 41  
1363 (§ 58.1-4100 et seq.) and Department regulations.

1364 10. Compel any person holding a license or permit pursuant to Chapter 41 (§ 58.1-4100 et seq.) to file  
1365 with the Department such information as shall appear to the Director to be necessary for the performance of  
1366 the Department's functions, including financial statements and information relative to principals and all others  
1367 with any pecuniary interest in such person.

1368 11. Impose a fine or penalty not to exceed \$1 million upon any person determined, in proceedings  
1369 commenced pursuant to § 58.1-4105, to have violated any of the provisions of Chapter 41 (§ 58.1-4100 et  
1370 seq.) or regulations promulgated by the Board.

1371 12. Enter into arrangements with any foreign or domestic governmental agency for the purposes of  
1372 exchanging information or performing any other act to better ensure the proper conduct of casino gaming  
1373 operations or the efficient conduct of the Director's duties.

1374 13. Enter into contracts for the operation of the lottery, or any part thereof, for the promotion of the lottery  
1375 and into interstate lottery contracts with other states. A contract awarded or entered into by the Director shall  
1376 not be assigned by the holder thereof except by specific approval of the Director.

1377 14. Certify monthly to the State Comptroller and the Board a full and complete statement of lottery  
1378 revenues, prize disbursements and other expenses for the preceding month.

1379 15. Report monthly to the Governor, the Secretary of Finance, and the Chairmen of the Senate Committee  
1380 on Finance and Appropriations, House Committee on Finance, and House Committee on Appropriations the  
1381 total lottery revenues, prize disbursements, and other expenses for the preceding month and make an annual  
1382 report, which shall include a full and complete statement of lottery revenues, prize disbursements, and other  
1383 expenses, as well as a separate financial statement of the expenses incurred in the regulation of casino gaming  
1384 operations as defined in § 58.1-4100, to the Governor and the General Assembly. Such annual report shall  
1385 also include such recommendations for changes in this chapter and Chapter 41 (§ 58.1-4100 et seq.) as the  
1386 Director and Board deem necessary or desirable.

1387 16. Report immediately to the Governor and the General Assembly any matters that require immediate  
1388 changes in the laws of the Commonwealth in order to prevent abuses and evasions of this chapter ~~and~~,  
1389 Chapter 41 (§ 58.1-4100 et seq.), *and Chapter 42 (§ 58.1-4200 et seq.)*, or the rules and regulations adopted  
1390 ~~hereunder pursuant to this chapter~~, or to rectify undesirable conditions in connection with the administration  
1391 or operation of the lottery.

1392 17. Notify prize winners and appropriate state and federal agencies of the payment of prizes in excess of  
1393 \$600 in the manner required by the lottery rules and regulations.

1394 18. Provide for the withholding of the applicable amount of state and federal income tax of persons  
1395 claiming a prize for a winning ticket in excess of \$5,001.

1396 19. Participate in the Problem Gambling Treatment and Support Advisory Committee established  
1397 pursuant to § 37.2-304 by the Department of Behavioral Health and Developmental Services to enable  
1398 collaboration among prevention and treatment providers and operators of legal gaming in the Commonwealth  
1399 on efforts to reduce the negative effects of problem gambling.

1400 C. The Director and the director of security or investigators appointed by the Director shall be vested with  
1401 the powers of sheriff and sworn to enforce the statutes and regulations pertaining to the Department and to  
1402 investigate violations of the statutes and regulations that the Director is required to enforce.

1403 D. The Director may authorize temporary bonus or incentive programs for payments to licensed sales  
1404 agents that he determines will be cost effective and support increased sales of lottery products.

1405 **§ 58.1-4007. Powers of the Board.**

1406 A. The Board shall have the power to adopt regulations governing the establishment and operation of a  
1407 lottery pursuant to this article ~~and~~, sports betting pursuant to Article 2 (§ 58.1-4030 et seq.), *casino gaming*  
1408 *pursuant to Chapter 41 (§ 58.1-4100 et seq.)*, *and electronic gaming devices pursuant to Chapter 42*  
1409 *(§ 58.1-4200 et seq.)*. The regulations governing the establishment and operation of the lottery ~~and~~, sports  
1410 betting, *casino gaming*, *and electronic gaming devices* shall be promulgated by the Board after consultation  
1411 with the Director. Such regulations shall be in accordance with the Administrative Process Act (§ 2.2-4000 et  
1412 seq.). The regulations shall provide for all matters necessary or desirable for the efficient, honest, and  
1413 economical operation and administration of the lottery ~~and~~, sports betting, *casino gaming*, *and electronic*  
1414 *gaming devices* and for the convenience of the purchasers of tickets or shares, the holders of winning tickets  
1415 or shares, ~~and~~ sports bettors, *casino gaming patrons*, *and the players of electronic gaming devices*. The  
1416 regulations, which may be amended, repealed, or supplemented as necessary, shall include the following:

1417 1. The type or types of lottery or game to be conducted in accordance with § 58.1-4001.

1418 2. The price or prices of tickets or shares in the lottery.

1419 3. The numbers and sizes of the prizes on the winning tickets or shares, including informing the public of  
1420 the approximate odds of winning and the proportion of lottery revenues (i) disbursed as prizes and (ii)  
1421 returned to the Commonwealth as net revenues.

1422 4. The manner of selecting the winning tickets or shares.

1423 5. The manner of payment of prizes to the holders of winning tickets or shares.

- 1424 6. The frequency of the drawings or selections of winning tickets or shares without limitation.
- 1425 7. Without limitation as to number, the type or types of locations at which tickets or shares may be sold.
- 1426 8. The method to be used in selling tickets or shares, including the sale of tickets or shares over the  
1427 Internet.
- 1428 9. The advertisement of the lottery in accordance with the provisions of subsection E of § 58.1-4022.
- 1429 10. The licensing of agents to sell tickets or shares who will best serve the public convenience and  
1430 promote the sale of tickets or shares. No person under the age of 18 shall be licensed as an agent. A licensed  
1431 agent may employ a person who is 16 years of age or older to sell or otherwise vend tickets at the agent's  
1432 place of business so long as the employee is supervised in the selling or vending of tickets by the manager or  
1433 supervisor in charge at the location where the tickets are being sold. Employment of such person shall be in  
1434 compliance with Chapter 5 (§ 40.1-78 et seq.) of Title 40.1.
- 1435 11. The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide  
1436 for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public.  
1437 Notwithstanding the provisions of this subdivision, the Board shall not be required to approve temporary  
1438 bonus or incentive programs for payments to licensed sales agents.
- 1439 12. Apportionment of the total revenues accruing from the sale of tickets or shares and from all other  
1440 sources and establishment of the amount of the special reserve fund as provided in § 58.1-4022.
- 1441 13. Such other matters necessary or desirable for the efficient and economical operation and  
1442 administration of the lottery.
- 1443 14. The operation of sports betting pursuant to Article 2 (§ 58.1-4030 et seq.). In adopting such  
1444 regulations, the Board shall establish a consumer protection program and publish a consumer protection bill  
1445 of rights. Such program and bill of rights shall include measures to protect sports bettors, as defined in  
1446 § 58.1-4030, with respect to identity, funds and accounts, consumer complaints, self-exclusion, and any other  
1447 consumer protection measure the Board determines to be reasonable.
- 1448 15. The administration of a voluntary exclusion program as provided in § 58.1-4015.1.
- 1449 The Department shall not be subject to the provisions of ~~Chapter 43~~ *the Virginia Public Procurement Act*  
1450 ~~(§ 2.2-4300 et seq.) of Title 2.2;~~ however, the Board shall promulgate regulations, after consultation with the  
1451 Director, relative to departmental procurement which include standards of ethics for procurement consistent  
1452 with the provisions of Article 6 (§ 2.2-4367 et seq.) of ~~Chapter 43 of Title 2.2~~ *the Virginia Public*  
1453 *Procurement Act* and which ensure that departmental procurement will be based on competitive principles.
- 1454 The Board shall have the power to advise and recommend; but shall have no power to veto or modify  
1455 administrative decisions of the Director. However, the Board shall have the power to accept, modify, or reject  
1456 any revenue projections before such projections are forwarded to the Governor.
- 1457 B. The Board shall carry on a continuous study and investigation of the lottery ~~and~~, sports betting, *casino*  
1458 *gaming, and electronic gaming devices* throughout the Commonwealth to:
- 1459 1. Ascertain any defects of this chapter or the regulations issued ~~hereunder~~ *which pursuant to this chapter*  
1460 *that cause abuses in the administration and operation of the lottery and, sports betting and, casino gaming, or*  
1461 *electronic gaming devices or any evasions of such provisions.*
- 1462 2. Formulate, with the Director, recommendations for changes in this chapter and the regulations  
1463 promulgated ~~hereunder~~ *pursuant to this chapter* to prevent such abuses and evasions.
- 1464 3. Guard against the use of this chapter and the regulations promulgated ~~hereunder~~ *pursuant to this*  
1465 *chapter* as a subterfuge for organized crime and illegal gambling.
- 1466 4. Ensure that this law and the regulations of the Board are in such form and are so administered as to  
1467 serve the true purpose of this chapter.
- 1468 C. The Board shall make a continuous study and investigation of (i) the operation and the administration  
1469 of similar laws that may be in effect in other states or countries; (ii) any literature on the subject that may be  
1470 published or available; (iii) any federal laws that may affect the operation of the lottery ~~and~~, sports betting,  
1471 *casino gaming, and electronic gaming devices*; and (iv) the reaction of Virginia citizens to the potential  
1472 features of the lottery ~~and~~, sports betting, *casino gaming, and electronic gaming devices* with a view to  
1473 recommending or effecting changes that will serve the purpose of this chapter.
- 1474 D. The Board shall hear and decide an appeal of any ~~denial~~:
- 1475 1. *Denial* by the Director of the licensing or revocation of a license of a lottery agent pursuant to  
1476 subdivision A 10 of this section and subdivision B 5 of § 58.1-4006. ~~The Board shall hear and decide an~~  
1477 ~~appeal of any penalty;~~
- 1478 2. *Penalty, denial* of a permit or renewal, or suspension or revocation of a permit imposed by the Director  
1479 pursuant to Article 2 (§ 58.1-4030 et seq.);
- 1480 3. *Penalty, denial of a permit or license, or renewal, or suspension or revocation of a permit or license*  
1481 *imposed by the Director pursuant to Chapter 41 (§ 58.1-4100 et seq.); and*
- 1482 4. *Penalty, denial by the Director of a license or renewal, or suspension or revocation of a license*  
1483 *imposed by the Director pursuant to Chapter 42 (§ 58.1-4200 et seq.).*
- 1484 E. The Board shall have the authority to initiate procedures for the planning, acquisition, and construction  
1485 of capital projects as set forth in Article 4 (§ 2.2-1129 et seq.) of Chapter 11 and Article 3 (§ 2.2-1819 et seq.)

1486 of Chapter 18 of Title 2.2.

1487 F. The Board may adjust the percentage of uncollectible gaming receivables allowed to be subtracted from  
1488 adjusted gross revenue, as defined in § 58.1-4030, if it determines that a different percentage is reasonable  
1489 and customary in the sports betting industry.

1490 **§ 58.1-4015.1. Voluntary exclusion program.**

1491 A. The Board shall adopt regulations to establish and implement a voluntary exclusion program.

1492 B. The regulations shall include the following provisions:

1493 1. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion  
1494 program agrees to refrain from (i) playing any account-based lottery game authorized under the provisions of  
1495 this article; (ii) participating in sports betting, as defined in § 58.1-4030; (iii) engaging in any form of casino  
1496 gaming that may be allowed under the laws of the Commonwealth; (iv) *playing any electronic gaming device*  
1497 *authorized pursuant to Chapter 42 (§ 58.1-4200 et seq.);* (v) participating in charitable gaming, as defined in  
1498 § 18.2-340.16; ~~(vi)~~ (vi) participating in fantasy contests, as defined in § 59.1-556; or ~~(vii)~~ (vii) wagering on  
1499 horse racing, as defined in § 59.1-365. Any state agency, at the request of the Department, shall assist in  
1500 administering the voluntary exclusion program pursuant to the provisions of this section.

1501 2. A person who participates in the voluntary exclusion program may choose an exclusion period of two  
1502 years, five years, or lifetime.

1503 3. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion  
1504 program may not petition the Board for removal from the program for the duration of his exclusion period.

1505 4. The name of a person participating in the program shall be included on a list of excluded persons. The  
1506 list of persons entering the voluntary exclusion program and the personal information of the participants shall  
1507 be confidential, with dissemination by the Department limited to sales agents and permit holders, as defined  
1508 in § 58.1-4030, and any other parties the Department deems necessary for purposes of enforcement. The list  
1509 and the personal information of participants in the voluntary exclusion program shall not be subject to  
1510 disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). In addition, the Board may  
1511 disseminate the list to other parties upon request by the participant and agreement by the Board.

1512 5. Sales agents and permit holders shall make all reasonable attempts as determined by the Board to cease  
1513 all direct marketing efforts to a person participating in the program. The voluntary exclusion program shall  
1514 not preclude sales agents and permit holders from seeking the payment of a debt incurred by a person before  
1515 entering the program. In addition, a permit holder may share the names of individuals who self-exclude  
1516 across its corporate enterprise, including sharing such information with any of its affiliates.

1517 **§ 58.1-4048. Gaming Regulatory Fund.**

1518 There is hereby created in the state treasury a special nonreverting fund to be known as the Gaming  
1519 Regulatory Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the  
1520 Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other  
1521 funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on  
1522 moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund,  
1523 including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in  
1524 the Fund. Moneys in the Fund shall be used solely to offset the Department's costs associated with (i) the  
1525 conduct of investigations required by § 58.1-4032, 58.1-4043, 58.1-4104, 58.1-4109, 58.1-4116, 58.1-4120,  
1526 or 58.1-4121 or any other provision of this article ~~or~~, Chapter 41 (§ 58.1-4100 et seq.), *or Chapter 42*  
1527 *(§ 58.1-4200 et seq.)* and (ii) the enforcement of regulations promulgated by the Virginia Lottery Board  
1528 pursuant to subdivisions A 14 and 15 of § 58.1-4007, subdivision 2 of § 58.1-4102, and § §§ 58.1-4103,  
1529 *58.1-4202, and 58.1-4204.* Expenditures and disbursements from the Fund shall be made by the State  
1530 Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

1531 **§ 58.1-4103. Voluntary exclusion program.**

1532 A. The Board shall adopt regulations to establish and implement a voluntary exclusion program.

1533 B. The regulations shall include the following provisions:

1534 1. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion  
1535 program agrees to refrain from (i) playing any account-based lottery game authorized under the provisions of  
1536 this chapter or Chapter 40 (§ 58.1-4000 et seq.); (ii) participating in sports betting as such activity is regulated  
1537 by the Board; (iii) engaging in any form of casino gaming authorized under the provisions of this chapter; (iv)  
1538 *playing any electronic gaming device authorized pursuant to Chapter 42 (§ 58.1-4200 et seq.);* (v)  
1539 participating in charitable gaming, as defined in § 18.2-340.16; ~~(vi)~~ (vi) participating in fantasy contests, as  
1540 defined in § 59.1-556; or ~~(vii)~~ (vii) wagering on horse racing, as defined in § 59.1-365. Any state agency, at  
1541 the request of the Department, shall assist in administering the voluntary exclusion program pursuant to the  
1542 provisions of this section.

1543 2. A person who participates in the voluntary exclusion program may choose an exclusion period of two  
1544 years, five years, or lifetime.

1545 3. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion  
1546 program may not petition the Board for removal from the program for the duration of his exclusion period.

1547 4. The name of a person participating in the program shall be included on a list of excluded persons. The

1548 list of persons entering the voluntary exclusion program and the personal information of the participants shall  
 1549 be confidential, with dissemination by the Department limited to lottery sales agents licensed under Chapter  
 1550 40 (§ 58.1-4000 et seq.), owners and operators of casino gaming establishments, and any other parties the  
 1551 Department deems necessary for purposes of enforcement. The list and the personal information of  
 1552 participants in the voluntary exclusion program shall not be subject to disclosure under the Virginia Freedom  
 1553 of Information Act (§ 2.2-3700 et seq.). In addition, the Board may disseminate the list to other parties upon  
 1554 request by the participant and agreement by the Board.

1555 5. Lottery sales agents and owners and operators of casino gaming establishments shall make all  
 1556 reasonable attempts as determined by the Board to cease all direct marketing efforts to a person participating  
 1557 in the program. The voluntary exclusion program shall not preclude lottery sales agents and owners and  
 1558 operators of casino gaming establishments from seeking the payment of a debt incurred by a person before  
 1559 entering the program. In addition, the owner or operator of a casino gaming establishment may share the  
 1560 names of individuals who self-exclude across its corporate enterprise, including sharing such information  
 1561 with any of its affiliates.

## 1562 CHAPTER 42.

### 1563 ELECTRONIC GAMING DEVICES.

#### 1564 Article 1.

#### 1565 General Provisions.

#### 1566 § 58.1-4200. Definitions.

1567 *As used in this chapter, unless the context requires a different meaning:*

1568 "*Distributor*" means any person that leases or purchases electronic gaming devices from a manufacturer  
 1569 and operates, maintains, and places such devices at host locations.

1570 "*Electronic gaming device*" means a physical terminal, machine, or other device, including electronic or  
 1571 computerized devices, that requires the exchange of any form of consideration, including the insertion of a  
 1572 coin, currency, ticket, token, or similar object or transmission of a digital signal to operate, activate, or play  
 1573 a game, the outcome of which shall be determined by the skill of the player, and that may deliver or entitle  
 1574 the person playing or operating the device to receive cash in excess of the cost of operating, activating, or  
 1575 playing the game. "*Electronic gaming device*" does not include any mobile telephone device, charitable  
 1576 games authorized pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, sports betting  
 1577 authorized under Article 2 (§ 58.1-4030 et seq.) of Chapter 40, casino gaming authorized under Chapter 41  
 1578 (§ 58.1-4100 et seq.), or historical horse racing authorized pursuant to Chapter 29 (§ 59.1-364 et seq.) of  
 1579 Title 59.1.

1580 "*Gaming area*" means the area of the host location identified by the distributor licensee and approved by  
 1581 the Director in accordance with regulations promulgated by the Board for the placement and operation of  
 1582 electronic gaming devices.

1583 "*Gaming tax*" means the tax imposed on gross profits.

1584 "*Gross profits*" means all revenue generated from the play of electronic gaming devices minus prizes or  
 1585 cash winnings paid out to successful players.

1586 "*Host location*" means a business establishment at which electronic gaming devices are placed, operated,  
 1587 and offered to the public for play in the gaming area by a distributor licensee.

1588 "*Independent testing laboratory*" means a laboratory selected by the Director with a national reputation  
 1589 for honesty, independence, and timeliness that is demonstrably competent and qualified to scientifically test  
 1590 and evaluate electronic gaming devices for compliance with this chapter and to otherwise perform the  
 1591 functions assigned to it by this chapter. No manufacturer, distributor, or host location licensee shall own any  
 1592 interest in any independent testing laboratory whose services are engaged pursuant to this chapter.

1593 "*Individual*" means a natural person.

1594 "*Inducement*" means anything of value offered, given, transferred, or paid, directly or indirectly, by a  
 1595 manufacturer, distributor, procurement agent, or any employee, agent, contractor, or other person acting on  
 1596 behalf of any manufacturer, distributor, or procurement agent to any host location licensee or any applicant  
 1597 for a host location license pursuant to this chapter, or to any employee, investor, owner, or officer of a host  
 1598 location licensee or applicant for a host location license, as an enticement to solicit, enter into, grant,  
 1599 execute, renew, extend, or maintain a use agreement by and between a host location licensee and a  
 1600 distributor licensee, including any cash, incentive, marketing or advertising cost, gift, food, beverage, loan,  
 1601 financing arrangement, prepayment of gross revenue, or any other contribution payment that offsets a host  
 1602 location licensee's capital or operational costs, or as otherwise determined by the Board.

1603 "*Inducement*" does not include costs paid by a distributor licensee related to:

1604 1. Costs for structural changes or modular materials or equipment used to meet minimum standards for  
 1605 the gaming area as required by the Board or to maintain the security of the gaming area, the electronic  
 1606 gaming devices, and ticket redemption terminals, provided, however, that any changes costing in excess of  
 1607 \$5,000 may be shared equally between the distributor licensee and the host location licensee or the applicant  
 1608 for a host location license.

1609 2. Surveillance equipment, alarm systems, and similar equipment or systems intended to monitor and

1610 *secure the electronic gaming devices, the ticket redemption terminals, and the gaming area and the perimeter*  
 1611 *of the host location licensee's establishment, and any means of ingress and egress thereto.*

1612 3. *Any wiring or rewiring of the gaming area necessary to operate electronic gaming devices, ticket*  
 1613 *redemption terminals, or ancillary equipment.*

1614 4. *Any software updates to the electronic gaming devices or ticket redemption terminals or ongoing*  
 1615 *maintenance of electronic gaming devices, ticket redemption terminals, network connections, site controllers,*  
 1616 *chairs, tables, supports, or other ancillary equipment necessary to operate the electronic gaming devices and*  
 1617 *the ticket redemption terminals in the gaming area.*

1618 5. *Any requirement established by the Board regarding minimum standards for the operation of electronic*  
 1619 *gaming devices, ticket redemption terminals, or the gaming area that the Board determines may be paid for,*  
 1620 *in whole or in part, by the distributor licensee.*

1621 "*Licensee*" or "*license holder*" means any person holding a manufacturer, distributor, or host location  
 1622 license pursuant to Article 2 (§ 58.1-4205 et seq.).

1623 "*Manufacturer*" means any person that manufactures and sells or leases major components or parts,  
 1624 including software and hardware, for electronic gaming devices to distributors.

1625 "*Person*" means any individual, group of individuals, firm, company, corporation, partnership, business,  
 1626 trust, association, or other legal entity.

1627 "*Player*" means an individual who plays an electronic gaming device.

1628 "*Procurement agent*" means a person licensed by the Board that acts as an agent, either as an employee  
 1629 or as an independent contractor of a distributor or distributors and shares in the gross profits, is paid a  
 1630 commission, or is otherwise compensated for the purpose of soliciting or procuring a use agreement between  
 1631 a host location licensee and a distributor licensee for the placement of an electronic gaming device by the  
 1632 distributor at the host location.

1633 "*Single play*" means the period beginning when a player activates and pays for the interactive gameplay  
 1634 function of an electronic gaming device and ending at the time when the gameplay function or series of free  
 1635 subgames thereunder will not continue without payment by the player of additional consideration.

1636 "*Successful player*" means an individual who wins on one or more plays of an electronic gaming device.

1637 "*Ticket redemption terminal*" means a terminal where a voucher dispensed by an electronic gaming  
 1638 device may be redeemed for cash or a cash equivalent.

1639 "*Truck stop*" means an establishment that (i) is equipped with fuel islands or electrical recharging  
 1640 stations used for the operation of commercial motor vehicles, (ii) has a convenience store, and (iii) is situated  
 1641 on not less than two acres of land that the establishment owns or leases.

1642 "*Use agreement*" means a written agreement conforming to the regulations established by the Board and  
 1643 those minimum requirements set forth in this chapter between the host location and the distributor of the  
 1644 placement, operation, and maintenance of electronic gaming devices at the host location.

1645 "*Voluntary exclusion program*" means a program established by the Board pursuant to § 58.1-4204 that  
 1646 allows individuals to voluntarily exclude themselves from engaging in the activities described in subdivision  
 1647 B 1 of § 58.1-4204 by placing their names on a voluntary exclusion list and following the procedures set forth  
 1648 by the Board.

1649 **§ 58.1-4201. Powers and duties of the Director related to electronic gaming devices; reporting.**

1650 A. *The Director shall have the following powers and duties related to the regulation of electronic gaming*  
 1651 *devices:*

1652 1. *Issue licenses under Article 2 (§ 58.1-4205 et seq.) and supervise all activities licensed under the*  
 1653 *provisions of this chapter, including the manufacture, distribution, operation, hosting, and playing of*  
 1654 *electronic gaming devices;*

1655 2. *Suspend, revoke, or refuse to renew any license issued pursuant to Article 2 (§ 58.1-4205 et seq.) or the*  
 1656 *rules and regulations adopted pursuant to this chapter;*

1657 3. *Inspect, investigate, and have free access to the offices, facilities, or other places of business of any*  
 1658 *licensee and compel the production of any books, documents, records, or memoranda of any licensee for the*  
 1659 *purpose of satisfying himself that this chapter and Board regulations are strictly complied with;*

1660 4. *Order such audits as deemed necessary;*

1661 5. *Certify monthly to the State Comptroller and the Board a full and complete statement of electronic*  
 1662 *gaming device revenues for the previous month;*

1663 6. *Assess and collect civil penalties for violations of this chapter and Board regulations;*

1664 7. *Report monthly to the Governor, the Secretary of Finance, and the Chairs of the Senate Committee on*  
 1665 *Finance and Appropriations, House Committee on Finance, and House Committee on Appropriations the*  
 1666 *total electronic gaming device revenues and expenses for the previous month and make an annual report,*  
 1667 *which shall include a full and complete statement of electronic gaming device revenues and expenses, to the*  
 1668 *Governor and the General Assembly, including recommendations for changes in this chapter as the Director*  
 1669 *and Board deem prudent;*

1670 8. *Partner with law enforcement, including the Office of the Attorney General pursuant to § 2.2-511 and*  
 1671 *the Department of State Police, to identify and address instances of illegal gambling activities in the*

1672 Commonwealth; and

1673 9. Do all acts necessary and advisable to carry out the purposes of this chapter.

1674 B. Upon request by the assessing official of a locality, the Director shall provide to such assessing official  
1675 of such locality a statement of the amount of the gaming tax collected in such locality pursuant to Article 4  
1676 (§ 58.1-4217 et seq.) from each electronic gaming device, from each host location, and from all electronic  
1677 gaming devices and host locations in the aggregate.

1678 **§ 58.1-4202. Powers and duties of the Board related to electronic gaming devices.**

1679 In addition to the regulations adopted pursuant to § 58.1-4007, the Board shall promulgate regulations  
1680 related to electronic gaming devices that:

1681 1. Develop such forms, licenses, identification cards, and applications as are necessary or convenient for  
1682 the administration of this chapter;

1683 2. Establish requirements for all licensees under this chapter for the form, content, and retention of all  
1684 records and accounts;

1685 3. Establish procedures for the collection of all fees levied pursuant to this chapter and set due dates for  
1686 the payment of such fees;

1687 4. Establish a process for the approval or disapproval of electronic gaming devices and games offered on  
1688 such devices;

1689 5. Establish cash handling procedures for distributor and host location licensees that require such  
1690 licensees to keep separate accounts for gaming and nongaming transactions;

1691 6. Require inspections of all licensees at a frequency determined by the Board;

1692 7. Require adequate surveillance equipment, alarm systems, or similar equipment or systems intended to  
1693 monitor and secure the gaming area and electronic gaming devices, ticket redemption terminals, electronic  
1694 identification terminals, and the perimeter of the host location licensee's establishment, and any means of  
1695 ingress and egress thereto;

1696 8. Establish a program of periodic testing and inspection for all electronic gaming devices;

1697 9. Prohibit licensees and their affiliates from advertising or marketing their products and services related  
1698 to electronic gaming devices. However, (i) licensees shall be allowed to describe their products and services  
1699 on a website operated and maintained by the licensee and (ii) host location licensees shall be allowed to  
1700 advertise on one sign located at the host location, provided such sign is no larger than three feet in height by  
1701 three feet in width; and

1702 10. Require host location licensees to post at least one sign in a conspicuous location at the entrance of  
1703 any gaming area on the premises of its establishment. Such sign shall include (i) language that makes it clear  
1704 that only individuals 21 years of age or older may play an electronic gaming device, (ii) a toll-free telephone  
1705 number for problem gambling assistance that has been approved by the Virginia Council on Problem  
1706 Gambling or another organization that provides assistance to problem gamblers, and (iii) the toll-free  
1707 telephone number and website for the illegal gaming tip line established by the Office of the Gaming  
1708 Enforcement Coordinator in the Department of State Police for members of the public to report concerns  
1709 about, or suspected instances of, illegal gaming activities.

1710 **§ 58.1-4203. Adoption of local referendum required.**

1711 A. The Director shall not grant any license to a host location authorizing the host location to allow the  
1712 placement and offering for play by the public of electronic gaming devices at the host location's business  
1713 establishment in a locality until a referendum on the question of whether electronic gaming devices shall be  
1714 permitted in such locality is approved by the voters of such locality.

1715 B. The governing body of a locality that seeks to hold a referendum pursuant to subsection A shall petition  
1716 the court, by resolution, asking that a referendum be held on the question of whether electronic gaming  
1717 devices shall be permitted within the locality. The court, by order entered of record in accordance with  
1718 Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2, shall require the regular election officials of the  
1719 locality to open the polls and take the sense of the voters on the question as herein provided.

1720 The clerk of such court of record of such locality shall publish notice of such election in a newspaper of  
1721 general circulation in such locality once a week for three consecutive weeks prior to such election.

1722 The regular election officers of such locality shall open the polls at the various voting places in such  
1723 locality on the date specified in such order and conduct such election in the manner provided by law. The  
1724 election shall be by ballot, which shall be prepared by the electoral board of the locality and on which shall  
1725 be printed the following question:

1726 "Shall electronic gaming devices be permitted at establishments licensed to sell alcoholic beverages and  
1727 truck stops in \_\_\_\_\_ (name of locality) as may be approved by the Virginia Lottery Board?"

1728 [ ] Yes

1729 [ ] No"

1730 In the blank shall be inserted the name of the locality in which such election is held. Any voter desiring to  
1731 vote "Yes" shall mark in the square provided for such purpose immediately preceding the word "Yes," leaving  
1732 the square immediately preceding the word "No" unmarked. Any voter desired to vote "No" shall mark in the  
1733 square provided such purpose immediately preceding the word "No," leaving the square immediately

1734 preceding the word "Yes" unmarked.

1735 The ballots shall be counted, the returns made and canvassed as in other elections, and the results  
1736 certified by the electoral board to the court ordering such election. Thereupon, such court shall enter an  
1737 order proclaiming the results of such election and a duly certified copy of such order shall be transmitted to  
1738 the Department and to the governing body of such locality.

1739 C. No such referendum held pursuant to subsection B shall be held more often than once every three years  
1740 in the same locality.

1741 D. No license requirement, license fee, permit fee, sticker fee, or tax shall be imposed by any locality upon  
1742 an electronic gaming device manufacturer, distributor, or host location relating to the ownership, placement,  
1743 use, or operation of electronic gaming devices or associated equipment.

1744 **§ 58.1-4204. Voluntary exclusion program.**

1745 A. The Board shall adopt regulations to establish and implement a voluntary exclusion program.

1746 B. The regulations shall include the following provisions:

1747 1. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion  
1748 program agrees to refrain from (i) playing any account-based lottery game authorized under the provisions  
1749 of Chapter 40 (§ 58.1-4000 et seq.) or 41 (§ 58.1-4100 et seq.); (ii) participating in sports betting, as defined  
1750 in § 58.1-4030; (iii) engaging in any form of casino gaming authorized under the provisions of Chapter 41  
1751 (§ 58.1-4100 et seq.); (iv) playing any electronic gaming device authorized under the provisions of this  
1752 chapter; (v) participating in charitable gaming, as defined in § 18.2-340.16; (vi) participating in fantasy  
1753 contests, as defined in § 59.1-556; or (vii) wagering on horse racing, as defined in § 59.1-365. Any state  
1754 agency, at the request of the Department, shall assist in administering the voluntary exclusion program  
1755 pursuant to the provisions of this section.

1756 2. A person who participates in the voluntary exclusion program may choose an exclusion period of two  
1757 years, five years, or lifetime.

1758 3. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion  
1759 program may not petition the Board for removal from the program for the duration of his exclusion period.

1760 4. The name of a person participating in the voluntary exclusion program shall be included on a list of  
1761 excluded persons. The list of persons entering the voluntary exclusion program and the personal information  
1762 of the participants shall be confidential, except that dissemination of such information by the Department to  
1763 the entity that manages its central monitoring system established pursuant to § 58.1-4216 and any other  
1764 parties the Department deems necessary for purposes of enforcement shall be allowed. The list and the  
1765 personal information of participants in the voluntary exclusion program shall not be subject to disclosure  
1766 under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). In addition, the Board may disseminate  
1767 the list to other parties upon request by the participant and agreement by the Board.

1768 Article 2.

1769 Licenses and Requirements of Licensees.

1770 **§ 58.1-4205. Licenses that may be granted by the Director; fees.**

1771 A. The Director may grant the following licenses:

1772 1. Manufacturer license, which shall authorize the licensee to manufacture and sell or lease to  
1773 distributors major components or parts, including software and hardware, for electronic gaming devices.

1774 2. Distributor license, which shall authorize the licensee to (i) buy or lease electronic gaming devices  
1775 from a manufacturer, (ii) supply such devices to host locations, and (iii) maintain and service such devices.

1776 3. Host location license, which shall authorize the licensee to allow the placement and offering for play by  
1777 the public of electronic gaming devices at such licensee's establishment.

1778 B. An applicant for a manufacturer, distributor, or host location license shall submit an application to the  
1779 Director on forms provided by the Director. An applicant for a host location license shall be required to  
1780 submit a copy of a valid use agreement entered into between such applicant and a distributor licensee, as a  
1781 condition of licensure.

1782 C. A nonrefundable fee of \$1 million shall be paid by an applicant for a manufacturer license to the  
1783 Department upon issuance of such license, and annually thereafter as a condition of licensure renewal or  
1784 continued licensure.

1785 A nonrefundable fee of \$250,000 shall be paid by an applicant for a distributor license to the Department  
1786 upon issuance of such license, and annually thereafter as a condition of licensure renewal or continued  
1787 licensure.

1788 A nonrefundable fee of \$3,000 per electronic gaming device offered for play by an applicant for a host  
1789 location license shall be paid by such applicant to the Department upon issuance of such license. Each such  
1790 host location licensee shall thereafter pay to the Department an annual fee of \$125 per electronic gaming  
1791 device offered for play by the licensee.

1792 All fees collected by the Department pursuant to this subsection shall be deposited into the Gaming  
1793 Regulatory Fund established pursuant to § 58.1-4048.

1794 **§ 58.1-4206. General licensing requirements; penalty.**

1795 A. The Department, in conjunction with an accredited law-enforcement agency, shall conduct a

1796 background investigation, including a criminal history records check and fingerprinting, of the following  
1797 individuals: (i) every individual applying for a license pursuant to this article; (ii) every individual who is an  
1798 officer, director, or principal of a licensee or applicant for a license and any employee of the licensee, as  
1799 determined by the Director, who is directly involved in the manufacture, distribution, operation, or hosting of  
1800 any electronic gaming device; and (iii) all security personnel of any licensee. Each such individual shall  
1801 submit his fingerprints and personal descriptive information to the Central Criminal Records Exchange to be  
1802 forwarded to the Federal Bureau of Investigation for a national criminal records search and to the  
1803 Department of State Police for a Virginia criminal history records check. The results of the background  
1804 check and national and state criminal records check shall be returned to the Department.

1805 B. The Director shall refuse to grant a license or shall suspend, revoke, or refuse to renew a license  
1806 issued pursuant to this chapter to any person who has been (i) convicted of a crime involving moral  
1807 turpitude, (ii) convicted of bookmaking or other forms of illegal gambling, (iii) found guilty of any fraud or  
1808 misrepresentation in any connection, (iv) convicted of a felony, or (v) found to have engaged in conduct  
1809 prejudicial to public confidence in electronic gaming devices.

1810 C. The Director shall refuse to grant a license or shall suspend, revoke, or refuse to renew a license  
1811 issued pursuant to this article to a partnership or corporation if he determines that any general or limited  
1812 partner, or officer or director of such partnership or corporation, has been (i) convicted of a crime involving  
1813 moral turpitude, (ii) convicted of bookmaking or other forms of illegal gambling, (iii) found guilty of any  
1814 fraud or misrepresentation in any connection, (iv) convicted of a felony, or (v) found to have engaged in  
1815 conduct prejudicial to public confidence in electronic gaming devices.

1816 D. The Director may also refuse to grant a license pursuant to this article if:

1817 1. The Director reasonably believes that the applicant or any general or limited partner, or officer or  
1818 director of such applicant lacks good character, honesty, or integrity;

1819 2. The Director reasonably believes that the applicant's prior activities, criminal record, reputation, or  
1820 associations are likely to either (i) pose a threat to the public interest, (ii) impede the regulation of electronic  
1821 gaming devices, or (iii) promote unfair or illegal activities in the conduct of electronic gaming devices;

1822 3. The applicant or any general or limited partner or any officer or director of such applicant knowingly  
1823 makes a false statement of material fact or deliberately fails to disclose information requested by the  
1824 Director;

1825 4. The applicant or any general or limited partner or any officer or director of such applicant knowingly  
1826 fails to comply with the provisions of this chapter or any requirements of the Director;

1827 5. The applicant's license to manufacture, distribute, operate, or offer to the public for play an electronic  
1828 gaming device issued by any other jurisdiction has been suspended or revoked; or

1829 6. The applicant's application is incomplete.

1830 E. Any person who knowingly and willfully falsifies, conceals, or misrepresents a material fact or  
1831 knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in any application  
1832 pursuant to this article is guilty of a Class 1 misdemeanor. The Director shall revoke the license of a licensee  
1833 if, subsequent to the issuance of the license, the Director determines that the licensee knowingly or recklessly  
1834 made a false statement of material fact to the Director in applying for the license.

1835 **§ 58.1-4207. Distributor licensees.**

1836 A. No distributor licensee shall own, place, or operate an electronic gaming device unless such device (i)  
1837 is approved by the Director, (ii) has been manufactured by a manufacturer licensee, and (iii) is purchased or  
1838 leased from a manufacturer licensee or distributor licensee. No contract between a distributor licensee and a  
1839 manufacturer licensee shall grant the distributor licensee exclusive rights to own, maintain, or place a type,  
1840 model, or brand of electronic gaming device or ticket redemption terminal in the Commonwealth.

1841 B. No distributor licensee shall place or maintain an electronic gaming device at any establishment where  
1842 it is offered to the public for play for a charge, directly or indirectly, unless such establishment is a host  
1843 location licensee.

1844 C. No distributor licensee shall place or maintain any electronic gaming device upon the premises of any  
1845 host location licensee whose establishment is located within 1,000 feet of any public, private, or parochial  
1846 school offering instruction to children in kindergarten through grade 12 or any child day center, as defined  
1847 in § 22.1-289.02.

1848 D. No distributor licensee shall place or maintain more than 20 percent of the electronic gaming devices  
1849 owned by such distributor licensee in a low-income geographic area, as that term is defined in § 56-576.

1850 E. Any distributor licensee that places an electronic gaming device at any host location licensee  
1851 establishment shall also install in the gaming area on such host location licensee's premises an electronic  
1852 terminal that allows for the verification of the identity of any individual who seeks to play any such electronic  
1853 gaming device on the premises. The electronic identification terminal shall require any such individual to  
1854 scan a valid driver's license or state-issued photo identification card for the purpose of verifying the  
1855 individual's identity and identifying the individual's legal age and that the player is not a participant in the  
1856 voluntary exclusion program established pursuant to § 58.1-4204. Upon successfully verifying that such  
1857 individual is 21 years of age or older, the electronic terminal shall issue such individual a player's card with

1858 a barcode or other similar feature. A player's card shall contain data specific to the individual it was issued  
 1859 to, but in no case shall contain any personally identifiable information, and shall be nontransferable. A  
 1860 properly issued player's card shall be necessary for a player to play an electronic gaming device on the  
 1861 premises of the host location licensee. The Board may promulgate additional regulations in regard to the  
 1862 requirements for electronic terminals and players' cards.

1863 **§ 58.1-4208. Host location licensees; civil penalty.**

1864 A. The following locations are eligible to receive a host location license:

1865 1. Establishments licensed to sell alcoholic beverages pursuant to Chapter 2 (§ 4.1-200 et seq.) of Title  
 1866 4.1; and

1867 2. Truck stops.

1868 B. No more than two electronic gaming devices may be located in an establishment listed in subdivision A

1869 1. No more than five electronic gaming devices may be located in an establishment listed in subdivision A 2.

1870 C. No host location licensee shall allow an electronic gaming device to be placed upon the premises of  
 1871 such licensee's establishment unless such device is owned, placed, and maintained by a distributor licensee.  
 1872 The primary business of a host location licensee shall not be the offering for play of electronic gaming  
 1873 devices.

1874 D. No host location licensee shall use the term "casino" in its entity name, in any advertisement in  
 1875 association with its product or service, or in any manner prohibited by Board regulation. Any host location  
 1876 licensee that violates the provisions of this subsection shall be subject to a civil penalty of not more than  
 1877 \$50,000. The Director shall enforce the provisions of this subsection. All penalties collected pursuant to this  
 1878 subsection shall accrue to the general fund.

1879 E. In an effort to promote responsible gaming by players, host location licensees shall:

1880 1. Affix to a clearly visible and conspicuous location on each electronic gaming device a label that bears  
 1881 a toll-free number for problem gambling assistance that has been approved by the Virginia Council on  
 1882 Problem Gambling or other organizations that provide assistance to problem gamblers;

1883 2. Provide informational leaflets or other similar materials in the gaming area on the dangers associated  
 1884 with problem gambling;

1885 3. If the licensee holds a license from the Virginia Alcoholic Beverage Control Authority to sell alcoholic  
 1886 beverages pursuant to Chapter 2 (§ 4.1-200 et seq.) of Title 4.1, train its employees to identify patrons who  
 1887 have consumed excessive amounts of alcohol to prevent such patrons from continuing to engage in wagering  
 1888 activity while impaired; and

1889 4. Comply with any Board regulations regarding player voluntary exclusion programs.

1890 Nothing contained in this subsection shall be construed to create any cause of action against the Board or  
 1891 Department for the failure of a host location licensee to comply with the requirements of this section.

1892 F. All host location licensees shall comply with the provisions of this chapter and regulations adopted by  
 1893 the Board.

1894 **§ 58.1-4209. License posting; expiration.**

1895 A. Each license granted by the Director shall designate the place where the business of the licensee will  
 1896 be carried out.

1897 B. Each license shall be posted in a location conspicuous to the public at the place where the licensee  
 1898 carries out the business for which the license is granted.

1899 C. The privileges conferred by any license granted by the Director shall continue until the last day of the  
 1900 twelfth month next ensuing or the last day of the designated month and year of expiration, except that the  
 1901 license may be sooner terminated for any cause for which the Director would be entitled to refuse to grant a  
 1902 license or by operation of law, voluntary surrender, or order of the Director.

1903 D. The Director may grant licenses for one year or for multiple years, not to exceed five years.  
 1904 Qualifications for a multiyear license shall be determined on the basis of criteria established by the Director.  
 1905 Fees for multiyear licenses shall not be refundable.

1906 E. Sixty days before the expiration of a license, the license holder may submit a renewal application on  
 1907 forms prescribed by the Director. The Director may deny a license renewal if he finds grounds for denial as  
 1908 described in § 58.1-4206.

1909 **§ 58.1-4210. Prohibition against the issuance of multiple licenses to one person.**

1910 A. For purposes of this section, "interest" means the direct or indirect ownership of any equity ownership  
 1911 interest or a partial equity ownership interest or any other type of financial interest, including being an  
 1912 investor, shareholder, member, lender, or employee.

1913 B. No licensee that has been issued a manufacturer license or a distributor license shall be issued a host  
 1914 location license or have any interest in a host location license.

1915 C. A licensee that has been issued a manufacturer license may also be issued a distributor license or have  
 1916 an interest in a distributor licensee. A licensee that has been issued a distributor license may also be issued a  
 1917 manufacturer license or have an interest in a manufacturer licensee.

1918 D. No licensee that has been issued a host location license shall be issued a manufacturer license or  
 1919 distributor license or have any interest in a manufacturer licensee or distributor licensee.

1920 **§ 58.1-4211. Prohibition against transferring licenses or interests.**

1921 *No licensee shall transfer its license or assign responsibility for compliance with the conditions of its*  
 1922 *license to any party, including a transfer of effective control of the licensee. No distributor licensee shall*  
 1923 *transfer any electronic gaming device or any interest in a use agreement.*

1924 **§ 58.1-4212. Suspension and revocation of licenses; civil penalties; hearing and appeal.**

1925 *A. If the Director determines that any provision of this chapter or any regulation or condition of the*  
 1926 *Board has not been complied with or has been violated by a licensee, he may, with at least 15 days' notice*  
 1927 *and a hearing, (i) assess a civil penalty against the holder thereof in a sum not to exceed \$100,000 and (ii)*  
 1928 *suspend or revoke the license holder's license. If any license is suspended or revoked, the Director shall state*  
 1929 *his reasons for doing so, which shall be entered of record. Any civil penalties collected pursuant to this*  
 1930 *section shall be paid into the state treasury and credited to the Literary Fund.*

1931 *B. Any person aggrieved by a refusal of the Director to issue any license, the suspension or revocation of*  
 1932 *a license, the imposition of a fine, or any other action of the Director may seek review of such action in*  
 1933 *accordance with Department regulations and Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act*  
 1934 *in the Circuit Court of the City of Richmond. Further appeals shall also be in accordance with Article 5*  
 1935 *(§ 2.2-4025 et seq.) of the Administrative Process Act.*

1936 *C. Suspension or revocation of a license by the Director for any violation shall not preclude criminal*  
 1937 *liability for such violation.*

1938 **§ 58.1-4213. Minimum requirements for use agreements between host location licensee and distributor**  
 1939 **licensee; division of revenue.**

1940 *A. No distributor licensee may place, operate, or maintain an electronic gaming device on the premises of*  
 1941 *a host location licensee unless the distributor licensee and the host location licensee have entered into a use*  
 1942 *agreement that sets forth the terms and conditions for the placement, operation, and maintenance of such*  
 1943 *devices in compliance with this chapter and the regulations adopted by the Board.*

1944 *B. A copy of the use agreement shall be maintained in the business office of both the distributor licensee*  
 1945 *and the host location licensee and shall be available at all times for inspection by the Director. A distributor*  
 1946 *licensee shall file a copy of any such use agreement with the Director within 30 days after the execution of*  
 1947 *such agreement.*

1948 *C. The use agreement shall be exclusive between one host location licensee and one distributor licensee.*

1949 *D. The use agreement shall be valid for a term of not less than three years, and not more than five years,*  
 1950 *and shall not contain an automatic renewal clause or any clause requiring the host location licensee to*  
 1951 *provide notice of such host location licensee's intent to renew or not renew such use agreement. The use*  
 1952 *agreement shall not contain any provision restricting the host location from entering into an agreement with*  
 1953 *any distributor licensee following the termination of the use agreement.*

1954 *E. The use agreement shall provide that of the amount of gross profit remaining after remittance of the*  
 1955 *gaming tax to the Department by the distributor, at least half shall be distributed to the host location*  
 1956 *licensee.*

1957 *F. No person shall receive any portion of gross profits generated from a host location licensee's premises*  
 1958 *except for the distributor licensee and host location licensee that are parties to the use agreement, except as*  
 1959 *approved by the Director in compliance with applicable regulations adopted by the Board.*

1960 *G. Pursuant to a written commission agreement approved by the Board in accordance with regulations*  
 1961 *adopted by the Board, a procurement agent may be paid a commission, the maximum amount of which may*  
 1962 *be set by regulations adopted by the Board, for the solicitation and procurement of a use agreement for each*  
 1963 *year that the use agreement is in place between the host location licensee and the distributor licensee. The*  
 1964 *Director is authorized to increase or decrease the amount of such commission by regulation adopted by the*  
 1965 *Board.*

1966 *H. No use agreement or any other agreement, contract, or similar instrument regarding the placement,*  
 1967 *operation, or maintenance of an electronic gaming device that was entered into or executed by the distributor*  
 1968 *licensee or the host location licensee prior to January 1, 2027, or more than one year before the issuance of*  
 1969 *a license to the host location shall be valid for the purposes of meeting the requirements of this chapter.*

1970 *I. Any provision in a rental agreement between a distributor licensee and host location licensee for the*  
 1971 *placement and operation of electronic gaming devices that directly or indirectly links the rental amount to*  
 1972 *the amount of gross profit generated by a device or to the play of or amount of revenue generated from a*  
 1973 *device shall be void and unenforceable.*

1974 *J. No distributor or any affiliate of any distributor shall lease real property to a host location licensee.*

1975 *Article 3.*

1976 *Authorization of Electronic Gaming Devices.*

1977 **§ 58.1-4214. Approval of electronic gaming devices by the Director; minimum requirements.**

1978 *A. No electronic gaming device shall be offered for play by the public in the Commonwealth unless such*  
 1979 *electronic gaming device has first been approved by the Director. No more than 15,000 electronic gaming*  
 1980 *devices shall be approved for operation at any one time in the Commonwealth. No electronic gaming device*  
 1981 *shall be approved for operation at a host location within 15 miles of a casino gaming establishment licensed*

1982 to operate in the eligible host cities described in subdivision A 2, 3, or 5 of § 58.1-4107.

1983 B. Before selling, leasing, or otherwise providing an electronic gaming device to a distributor, a  
 1984 manufacturer shall provide a prototype or production sample of such electronic gaming device to an  
 1985 independent testing laboratory that has been approved by the Director, which shall evaluate and certify  
 1986 whether such electronic gaming device meets the definition of electronic gaming device under § 58.1-4200,  
 1987 the requirements of § 58.1-4215, and any other requirements established in Board regulations.

1988 A prototype or production sample of each type, version, or model of electronic gaming device being  
 1989 operated in the Commonwealth shall be tested by an independent testing laboratory approved by the Director  
 1990 to ensure its integrity and proper working order. This evaluation shall include a review of installed software  
 1991 periodically within a timeframe established by the Director.

1992 The independent testing laboratory's software may be embedded within the game software, utilize an  
 1993 interface port to communicate with the device, or require the removal of device media for external  
 1994 verification.

1995 C. Along with the prototype or production sample of the electronic gaming device, the manufacturer shall  
 1996 provide the following information concerning the electronic gaming device to the independent testing  
 1997 laboratory:

- 1998 1. The method of determining the game outcome;
- 1999 2. The available wagering denominations;
- 2000 3. The minimum wager amount;
- 2001 4. The maximum wager amount per play, which shall not exceed \$1;
- 2002 5. The amount of payout for each wager;
- 2003 6. The method of calculating winning payouts;
- 2004 7. Payout calculations set forth in sufficient detail to audit a payout through manual calculation;
- 2005 8. The minimum payouts, which shall be at least 84 percent, and the method of guaranteeing minimum  
 2006 payouts; and
- 2007 9. Any other information requested by the independent testing laboratory or required by the Board for use  
 2008 in the testing of the electronic gaming device.

2009 D. The report of the independent testing laboratory shall be submitted by the manufacturer to the  
 2010 Director. The Director shall use the report in evaluating whether the electronic gaming device shall be  
 2011 approved under this chapter.

2012 E. If at any time a manufacturer makes a substantive change to any electronic gaming device that has  
 2013 previously been approved by the Director, such manufacturer shall resubmit the electronic gaming device to  
 2014 the Director in a manner prescribed by Board regulation.

2015 F. The manufacturer shall pay the cost of the independent testing laboratory's review and testing, and the  
 2016 reports of the same shall be delivered to the licensee and the Director.

2017 **§ 58.1-4215. Minimum requirements of electronic gaming devices.**

2018 In addition to meeting the definition of electronic gaming device established in § 58.1-4200, electronic  
 2019 gaming devices shall:

- 2020 1. Show the rules of play for each game in a way that adequately describes or displays such information  
 2021 so that a reasonable person could understand the game prior to placing a wager;
- 2022 2. Accept only cash wagers or tickets generated from electronic gaming devices that may be redeemed for  
 2023 play at another electronic gaming device located on the same premises;
- 2024 3. Prohibit the modification of the rules of play for a game, including the probability and award of a game  
 2025 outcome, once a game is initiated;
- 2026 4. Prohibit the remote modification or manipulation of games, except as required or approved by the  
 2027 Director pursuant to the provisions of this chapter;
- 2028 5. Pay out no more than \$500 in winnings for a single play of a game;
- 2029 6. Have a power switch that is located inside of the device to prevent power from being switched off from  
 2030 outside of the device;
- 2031 7. Be designed such that power and data cables into and out of the device are routed so that they are not  
 2032 accessible by the general public;
- 2033 8. Have an identification badge affixed to the exterior of the device by the manufacturer that is not  
 2034 removable without leaving evidence of tampering. Such badge shall include the following information:  
 2035 a. The name of the manufacturer;
- 2036 b. A unique serial number;
- 2037 c. The device model number; and
- 2038 d. The date of manufacture;
- 2039 9. Be constructed of materials that are designed to allow only authorized access to the interior of the  
 2040 device. Such materials shall be designed to show evidence of tampering if unauthorized access occurs;
- 2041 10. Have seals between the device and the doors of a locked area that are designed to resist the use of  
 2042 tools or other objects used to breach the locked area by physical force;
- 2043 11. Have external doors that are locked and monitored by door access sensors;

- 2044 12. Have a currency storage area that is secured by two locks before the currency can be removed and  
 2045 that is only accessible by the distributor licensee;  
 2046 13. Make payments to successful players by issuing a voucher that can be redeemed for cash at the host  
 2047 location's ticket redemption terminal;  
 2048 14. Have the ability to allow for an independent integrity check by an independent testing laboratory  
 2049 approved by the Director of all software that may affect the integrity of the game;  
 2050 15. Be connected to the central monitoring system established and operated by the Department under the  
 2051 provisions of § 58.1-4216;  
 2052 16. Conform to all requirements of federal law and regulations, including the Federal Communications  
 2053 Commission's Class A emissions standards;  
 2054 17. Have the ability to detect and display the device's complete play history and winnings for the previous  
 2055 10 games;  
 2056 18. Contain a non-resettable meter, which shall be located in a locked area of the device that is accessible  
 2057 only by a key;  
 2058 19. Have the capability of storing the meter information for a minimum of 180 days after a power loss to  
 2059 the device; and  
 2060 20. Comply with such other requirements as adopted by the Board.

2061 **§ 58.1-4216. Requirement for central monitoring system.**

2062 Each electronic gaming device and ticket redemption terminal being operated in the Commonwealth shall  
 2063 be connected to a central monitoring system established and operated by the Department. All electronic  
 2064 gaming devices shall automatically disable upon being disconnected from the central monitoring system.

2065 The central monitoring system shall, at a minimum, collect the following information from each device: (i)  
 2066 cash in; (ii) payouts; (iii) points, credits, or amounts played; (iv) points, credits, or amounts won; (v) gross  
 2067 profit; (vi) the number of plays of the game; (vii) the amounts paid to play the game; (viii) the amount of  
 2068 gaming tax accrued; (ix) door openings; (x) power failures, disconnections from the central monitoring  
 2069 system, and malfunctions; (xi) remote activations and disabling; and (xii) any other information required by  
 2070 Board regulations.

2071 The central monitoring system shall not provide for the monitoring or reading of personal or financial  
 2072 information concerning players of electronic gaming devices.

2073 Article 4.  
 2074 Taxation.

2075 **§ 58.1-4217. Gaming tax on gross profits.**

2076 A. 1. A gaming tax equal to 40 percent shall be imposed upon all gross profits generated from the play of  
 2077 electronic gaming devices.

2078 2. The gaming tax imposed pursuant to this section shall not apply to any activity regulated under Article  
 2079 2 (§ 58.1-4030 et seq.) of Chapter 40 or Chapter 41 (§ 58.1-4100 et seq.).

2080 B. The gaming tax imposed pursuant to this section shall be collected by the Department at a frequency  
 2081 established by Board regulations.

2082 C. The gaming taxes collected by the Department pursuant to this section shall be distributed pursuant to  
 2083 § 58.1-4218.

2084 D. After the remittance of the gaming tax by the distributor licensee, at least half of the remaining gross  
 2085 profit shall be distributed to the host location licensee.

2086 **§ 58.1-4218. Distribution of gross profits and gaming tax revenue.**

2087 A. An amount equal to 10 percent of the gross profits generated from the play of electronic gaming  
 2088 devices shall be deposited in the Gaming Regulatory Fund established pursuant to § 58.1-4048 to cover the  
 2089 costs of administration and oversight of electronic gaming devices in accordance with the provisions of this  
 2090 chapter.

2091 B. The remainder of the gaming tax revenue collected pursuant to § 58.1-4217 shall be distributed as  
 2092 follows:

2093 1. Twenty-five percent to the Department of Taxation for distribution to the locality in which the host  
 2094 location operates;

2095 2. Five percent to the Problem Gambling Treatment and Support Fund established pursuant to  
 2096 § 37.2-314.2;

2097 3. Ten percent to the Department of Conservation and Recreation for state parks deferred maintenance;

2098 4. Ten percent to provide additional basic aid funding for public schools, which shall be apportioned to  
 2099 local school boards pursuant to Article 1 (§ 22.1-88 et seq.) of Chapter 8 of Title 22.1;

2100 5. Fifteen percent to pre-kindergarten programs for at-risk three-year-olds and four-year-olds;

2101 6. Five percent to the Virginia Indigenous People's Trust Fund established pursuant to subsection C of  
 2102 § 2.2-401.01;

2103 7. Ten percent to the Department of State Police to be used by the Office of the Gaming Enforcement  
 2104 Coordinator established pursuant to § 52-54; and

2105 8. The remainder to the general fund.

2106 C. Allocation of funds by the Department pursuant to this section shall occur no later than 60 days after  
2107 such funds are collected, and only after the Department has verified the accuracy of the collected balances.

2108 Article 5.

2109 Prohibited Acts; Penalties, Etc.

2110 § 58.1-4219. **Illegal manufacture, distribution, or hosting; penalty.**

2111 A. No person shall:

2112 1. Manufacture, sell, or lease to any person electronic gaming devices or major components or parts,  
2113 including software and hardware, for electronic gaming devices without a manufacturer license issued by the  
2114 Director.

2115 2. Distribute, sell, or lease to any person electronic gaming devices or major components or parts,  
2116 including software or hardware, for electronic gaming devices, or purchase, own, operate, possess, or place  
2117 in the Commonwealth electronic gaming devices, or maintain and service such devices without a distributor  
2118 license issued by the Director.

2119 3. Operate an establishment where one or more electronic gaming devices are made available for play by  
2120 the public without a host location license issued by the Director.

2121 4. Solicit, offer, or enter into any contract or agreement for the placement of an electronic gaming device  
2122 until the distributor, host location, and procurement agent, if applicable, are all issued a license by the  
2123 Director pursuant to this chapter.

2124 B. A violation of this section is a Class 6 felony.

2125 § 58.1-4220. **Underage play prohibited; penalty.**

2126 A. No person shall play any electronic gaming device unless such person is 21 years of age or older.

2127 B. No person shall redeem any evidence of winnings from any person who is not 21 years of age or older.

2128 C. A violation of this section is a Class 1 misdemeanor.

2129 § 58.1-4221. **Prohibited acts by host location licensees; penalty.**

2130 A. No host location licensee shall:

2131 1. Permit any person who is not 21 years of age or older to play any electronic gaming device;

2132 2. Give any reward for the play of an electronic gaming device that is not authorized by this chapter;

2133 3. Give any reward for the play of an electronic gaming device that is redeemable at a location other than  
2134 the host location's ticket redemption terminal;

2135 4. Accept any inducement from a distributor licensee; or

2136 5. Extend credit to any person for the purpose of playing any electronic gaming device.

2137 B. A violation of this section is a Class 1 misdemeanor.

2138 § 58.1-4222. **Illegal tampering with electronic gaming devices; penalty.**

2139 No person other than a distributor licensee shall possess or use any key or device designed for the  
2140 purpose of opening, entering, or affecting the operation of an electronic gaming device or otherwise tamper  
2141 with an electronic gaming device. A violation of this section is a Class 6 felony.

2142 § 58.1-4223. **Conspiracies and attempts to commit violations; penalty.**

2143 A. Any person who conspires, confederates, or combines with another, either within or outside of the  
2144 Commonwealth, to commit a felony prohibited by this chapter is guilty of a Class 6 felony.

2145 B. Any person who attempts to commit any act prohibited by this chapter is guilty of a criminal offense  
2146 and shall be punished as provided in § 18.2-26, 18.2-27, or 18.2-28, as appropriate.

2147 § 58.1-4224. **Exclusion from the applicability of this chapter.**

2148 This chapter shall not apply to sports betting authorized under Article 2 (§ 58.1-4030 et seq.) of Chapter  
2149 40 or casino gaming authorized under Chapter 41 (§ 58.1-4100 et seq.).

2150 § 58.1-4225. **Certain provisions in Article 1 (§ 58.1-4000 et seq.) of Chapter 40 to apply mutatis  
2151 mutandis.**

2152 Except as provided in this chapter, the provisions of Article 1 (§ 58.1-4000 et seq.) of Chapter 40 shall  
2153 apply mutatis mutandis to electronic gaming devices under this chapter. The Board shall promulgate  
2154 regulations to interpret and clarify the applicability of Article 1 of Chapter 40 to this chapter.

2155 2. That, to the extent practicable, the Board of Directors of the Virginia Alcoholic Beverage Control  
2156 Authority shall provide assistance to the Virginia Lottery Board (the Board) in identifying any  
2157 potential regulatory modifications necessary to assist the Board in promulgating regulations necessary  
2158 to implement the provisions of this act.

2159 3. That the initial adoption by the Virginia Lottery Board (the Board) of regulations necessary to  
2160 implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et  
2161 seq. of the Code of Virginia), provided that, prior to the final adoption of such regulations, the Board  
2162 publishes in the Virginia Register of Regulations and posts on the Virginia Regulatory Town Hall an  
2163 action that provides (i) a 30-day comment period; (ii) a summary of the proposed regulations, the text  
2164 of the proposed regulations, and the name, address, email address, and telephone number of the agency  
2165 contact person responsible for receiving public comments; and (iii) the statutory authority to  
2166 promulgate the regulations.

2167 4. That the initial procurement by the Virginia Lottery of the central monitoring system required by

2168 § 58.1-4216 of the Code of Virginia, as created by this act, shall be exempt from the departmental  
2169 procurement regulations promulgated by the Virginia Lottery Board pursuant to § 58.1-4007 of the  
2170 Code of Virginia, as amended by this act.

2171 5. That any contract, or portion of a contract, entered into prior to January 1, 2027, that does not  
2172 comply with the provisions of this act shall not be given consideration in connection with the  
2173 submission of any application for a license pursuant to Chapter 42 (§ 58.1-4200 et seq.) of Title 58.1 of  
2174 the Code of Virginia, as created by this act.

2175 6. That the provisions of the first and fifth enactments of this act shall become effective on January 1,  
2176 2027.

2177 7. That the provisions of this act shall expire on January 1, 2030. At such time, the Virginia Lottery  
2178 Board, in consultation with relevant law-enforcement agencies, shall report to the Governor and the  
2179 General Assembly on the general compliance with the provisions of this act, including how many illegal  
2180 electronic gaming devices were seized between January 1, 2027, and January 1, 2030.

2181 8. That the provisions of this act may result in a net increase in periods of imprisonment or  
2182 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary  
2183 appropriation is \_\_\_\_\_ for periods of imprisonment in state adult correctional facilities; therefore,  
2184 Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing Commission to  
2185 assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the  
2186 estimated amount of the necessary appropriation is \_\_\_\_\_ for periods of commitment to the custody  
2187 of the Department of Juvenile Justice.