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HOUSE BILL NO. 1394

Offered January 22, 2026

*A BILL to amend and reenact § 15.2-926 of the Code of Virginia, relating to loitering; unhoused persons.*Patron—Cole, J.G.

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-926 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-926. Prohibiting loitering; frequenting amusements and curfew for minors; penalty.**

A. Any locality may by ordinance prohibit loitering in, upon, or around any public place, whether on public or private property. Any locality may by ordinance also prohibit minors who are not attended by their parents from frequenting or being in public places, whether on public or private property, at such times, between 10:00 p.m. and 6:00 a.m., as the governing body deems proper.

A violation of such ordinances by a minor shall be disposed of as provided in §§ 16.1-278.4 and 16.1-278.5.

B. A locality may by ordinance regulate the frequenting, playing in, or loitering in public places of amusement by minors, and may prescribe punishment for violations of such ordinances not to exceed that prescribed for a Class 3 misdemeanor.

C. Without limiting or restricting the general powers created by this section, the term "public place" shall also include public libraries.

D. Notwithstanding any other provision of law, general or special, a locality shall not discriminate against any person on the basis of actual or perceived unhoused status by imposing a civil or criminal penalty against any unhoused person of any age for engaging in life-sustaining activities, including sleeping, resting, sitting, standing, lying down, or protecting oneself from the elements, in or upon any public place, including in a legally parked car in a public place, provided that such activities do not obstruct the movement of pedestrian or vehicular traffic in a manner that creates a hazard to others.

For the purposes of this subsection, "unhoused person" means an individual lacking a fixed, regular, or adequate nighttime residence. "Unhoused person" includes any person meeting the definition of "homeless" as that term is defined in 42 U.S.C. § 11302(a).

INTRODUCED

HB1394