

16102863D

HOUSE BILL NO. 376

Offered January 13, 2016

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A *BILL to amend and reenact §§ 15.2-1706, 18.2-250, 18.2-250.1, 18.2-460, 18.2-461, 18.2-479, 19.2-71, 19.2-72, 19.2-389, 46.2-817, 46.2-920, and 46.2-1022 of the Code of Virginia, relating to definition of law-enforcement officer; municipal park rangers.*

Patron—Pogge

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1706, 18.2-250, 18.2-250.1, 18.2-460, 18.2-461, 18.2-479, 19.2-71, 19.2-72, 19.2-389, 46.2-817, 46.2-920, and 46.2-1022 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1706. Certification through training required for all law-enforcement officers; waiver of requirements.

A. All law-enforcement officers as defined in § 9.1-101 and, all jail officers as defined in § 53.1-1, and all sworn municipal park rangers appointed pursuant to § 19.2-12 must be certified through the successful completion of training at an approved criminal justice training academy in order to remain eligible for appointment or employment. In order to obtain such certification, all entry level law-enforcement officers seeking certification on or after July 1, 2003, shall successfully complete statewide certification examinations developed and administered by the Department of Criminal Justice Services. The Department may delegate administration of the examinations to an approved criminal justice training academy and may revoke such delegation at its discretion. The appointee's or employee's hiring agency must provide the Department of Criminal Justice Services with verification that law-enforcement officers, jail officers, or sworn municipal park rangers first hired after July 1, 1994, have met the minimum standards set forth in § 15.2-1705.

B. The requirement for the successful completion of the law-enforcement certification examination may be waived by the Department of Criminal Justice Services based upon previous law-enforcement experience and training. To be eligible for such waiver, the individual must have applied for and been granted an exemption or partial exemption in accordance with § 9.1-116.

§ 18.2-250. Possession of controlled substances unlawful.

A. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.).

Upon the prosecution of a person for a violation of this section, ownership or occupancy of premises or vehicle upon or in which a controlled substance was found shall not create a presumption that such person either knowingly or intentionally possessed such controlled substance.

(a) Any person who violates this section with respect to any controlled substance classified in Schedule I or II of the Drug Control Act shall be guilty of a Class 5 felony, except that any person other than an inmate of a penal institution as defined in § 53.1-1 or in the custody of an employee thereof who violates this section with respect to a cannabimimetic agent is guilty of a Class 1 misdemeanor.

(b) Any person other than an inmate of a penal institution as defined in § 53.1-1 or in the custody of an employee thereof, who violates this section with respect to a controlled substance classified in Schedule III shall be guilty of a Class 1 misdemeanor.

(b1) Violation of this section with respect to a controlled substance classified in Schedule IV shall be punishable as a Class 2 misdemeanor.

(b2) Violation of this section with respect to a controlled substance classified in Schedule V shall be punishable as a Class 3 misdemeanor.

(c) Violation of this section with respect to a controlled substance classified in Schedule VI shall be punishable as a Class 4 misdemeanor.

B. The provisions of this section shall not apply to members of state, federal, county, city or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of a controlled substance or substances is necessary in the performance of their duties. *For the purposes of this section, any sworn municipal park ranger who is a conservator of the peace pursuant to § 19.2-12 shall be considered a member of a law-enforcement agency.*

INTRODUCED

HB376

§ 18.2-250.1. Possession of marijuana unlawful.

A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.).

Upon the prosecution of a person for violation of this section, ownership or occupancy of the premises or vehicle upon or in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section is guilty of a misdemeanor and shall be confined in jail not more than 30 days and fined not more than \$500, either or both; any person, upon a second or subsequent conviction of a violation of this section, is guilty of a Class 1 misdemeanor.

B. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties. *For the purposes of this section, any sworn municipal park ranger who is a conservator of the peace pursuant to § 19.2-12 shall be considered a member of a law-enforcement agency.*

C. In any prosecution under this section involving marijuana in the form of cannabidiol oil or THC-A oil as those terms are defined in § 54.1-3408.3, it shall be an affirmative defense that the individual possessed such oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the individual's intractable epilepsy or (ii) if such individual is the parent or legal guardian of a minor, such minor's intractable epilepsy. If the individual files the valid written certification with the court at least 10 days prior to trial and causes a copy of such written certification to be delivered to the attorney for the Commonwealth, such written certification shall be prima facie evidence that such oil was possessed pursuant to a valid written certification.

§ 18.2-460. Obstructing justice; penalty.

A. If any person without just cause knowingly obstructs a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any law-enforcement officer, or animal control officer employed pursuant to § 3.2-6555 in the performance of his duties as such or fails or refuses without just cause to cease such obstruction when requested to do so by such judge, magistrate, justice, juror, attorney for the Commonwealth, witness, law-enforcement officer, or animal control officer employed pursuant to § 3.2-6555, he shall be guilty of a Class 1 misdemeanor.

B. Except as provided in subsection C, any person who, by threats or force, knowingly attempts to intimidate or impede a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any law-enforcement officer, or an animal control officer employed pursuant to § 3.2-6555 lawfully engaged in his duties as such, or to obstruct or impede the administration of justice in any court, is guilty of a Class 1 misdemeanor.

C. If any person by threats of bodily harm or force knowingly attempts to intimidate or impede a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any law-enforcement officer, lawfully engaged in the discharge of his duty, or to obstruct or impede the administration of justice in any court relating to a violation of or conspiracy to violate § 18.2-248 or subdivision (a) (3), (b) or (c) of § 18.2-248.1, or § 18.2-46.2 or § 18.2-46.3, or relating to the violation of or conspiracy to violate any violent felony offense listed in subsection C of § 17.1-805, he shall be guilty of a Class 5 felony.

D. Any person who knowingly and willfully makes any materially false statement or representation to a law-enforcement officer or an animal control officer employed pursuant to § 3.2-6555 who is in the course of conducting an investigation of a crime by another is guilty of a Class 1 misdemeanor.

E. For the purposes of this section, "law-enforcement officer" shall include any sworn municipal park ranger who is a conservator of the peace pursuant to § 19.2-12.

§ 18.2-461. Falsely summoning or giving false reports to law-enforcement officials.

It shall be unlawful for any person (i) to knowingly give a false report as to the commission of any crime to any law-enforcement official with intent to mislead, or (ii) without just cause and with intent to interfere with the operations of any law-enforcement official, to call or summon any law-enforcement official by telephone or other means, including engagement or activation of an automatic emergency alarm. *For the purposes of this section, "law-enforcement officer" shall include any sworn municipal park ranger who is a conservator of the peace pursuant to § 19.2-12.* Violation of the provisions of this section shall be punishable as a Class 1 misdemeanor.

§ 18.2-479. Escape without force or violence or setting fire to jail.

A. Except as provided in subsection B, any person lawfully confined in jail or lawfully in the custody of any court, officer of the court, or of any law-enforcement officer for violation of his probation or parole or on a charge or conviction of a misdemeanor, who escapes, other than by force or violence or by setting fire to the jail, is guilty of a Class 1 misdemeanor.

B. Any person, lawfully confined in jail or lawfully in the custody of any court, officer of the court, or of any law-enforcement officer on a charge or conviction of a felony, who escapes, other than by force or violence or by setting fire to the jail, is guilty of a Class 6 felony.

C. *For the purposes of this section, "law-enforcement officer" shall include any sworn municipal park ranger who is a conservator of the peace pursuant to § 19.2-12.*

§ 19.2-71. Who may issue process of arrest.

A. Process for the arrest of a person charged with a criminal offense may be issued by the judge, or clerk of any circuit court, any general district court, any juvenile and domestic relations district court, or any magistrate as provided for in Chapter 3 (§ 19.2-26 et seq.) of this title. However, no magistrate may issue an arrest warrant for a felony offense upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization by the attorney for the Commonwealth or by a law-enforcement agency having jurisdiction over the alleged offense.

B. No law-enforcement officer shall seek issuance of process by any judicial officer, for the arrest of a person for the offense of capital murder as defined in § 18.2-31, without prior authorization by the attorney for the Commonwealth. Failure to comply with the provisions of this subsection shall not be (i) a basis upon which a warrant may be quashed or deemed invalid, (ii) deemed error upon which a conviction or sentence may be reversed or vacated, or (iii) a basis upon which a court may prevent or delay execution of sentence.

C. *For the purposes of this section, "law-enforcement officer" shall include any sworn municipal park ranger who is a conservator of the peace pursuant to § 19.2-12.*

§ 19.2-72. When it may issue; what to recite and require.

A. On complaint of a criminal offense to any officer authorized to issue criminal warrants he shall examine on oath the complainant and any other witnesses, or when such officer shall suspect that an offense punishable otherwise than by a fine has been committed he may, without formal complaint, issue a summons for witnesses and shall examine such witnesses. A written complaint shall be required if the complainant is not a law-enforcement officer. If upon such examination such officer finds that there is probable cause to believe the accused has committed an offense, such officer shall issue a warrant for his arrest, except that no magistrate may issue an arrest warrant for a felony offense upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization by the attorney for the Commonwealth or by a law-enforcement agency having jurisdiction over the alleged offense.

B. *For the purposes of this section, "law-enforcement officer" shall include any sworn municipal park ranger who is a conservator of the peace pursuant to § 19.2-12.*

C. The warrant shall (i) be directed to an appropriate officer or officers, (ii) name the accused or, if his name is unknown, set forth a description by which he can be identified with reasonable certainty, (iii) describe the offense charged with reasonable certainty, (iv) command that the accused be arrested and brought before a court of appropriate jurisdiction in the county, city or town in which the offense was allegedly committed, and (v) be signed by the issuing officer. The warrant shall require the officer to whom it is directed to summon such witnesses as shall be therein named to appear and give evidence on the examination. But in a city or town having a police force, the warrant shall be directed "To any policeman, sheriff or his deputy sheriff of such city (or town)," and shall be executed by the policeman, sheriff or his deputy sheriff into whose hands it shall come or be delivered. A sheriff or his deputy may execute an arrest warrant throughout the county in which he serves and in any city or town surrounded thereby and effect an arrest in any city or town surrounded thereby as a result of a criminal act committed during the execution of such warrant. A jail officer as defined in § 53.1-1 employed at a regional jail or jail farm is authorized to execute a warrant of arrest upon an accused in his jail. The venue for the prosecution of such criminal act shall be the jurisdiction in which the offense occurred.

§ 19.2-389. Dissemination of criminal history record information.

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

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the

182 Commonwealth for the purposes of the administration of criminal justice;

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

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

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

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

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

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

209 7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of
210 Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a
211 position of employment whenever, in the interest of public welfare or safety and as authorized in the
212 Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person
213 with a conviction record would be compatible with the nature of the employment under consideration;

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

221 9. To the extent permitted by federal law or regulation, public service companies as defined in
222 § 56-1, for the conduct of investigations of applicants for employment when such employment involves
223 personal contact with the public or when past criminal conduct of an applicant would be incompatible
224 with the nature of the employment under consideration;

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

227 11. A person requesting a copy of his own criminal history record information as defined in
228 § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a
229 person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of
230 America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any
231 affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board
232 member or any individual who has been offered membership on the board of a Crime Stoppers, Crime
233 Solvers or Crime Line program as defined in § 15.2-1713.1;

234 12. Administrators and board presidents of and applicants for licensure or registration as a child
235 welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services'
236 representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and
237 volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved
238 by family day systems, and foster and adoptive parent applicants of private child-placing agencies,
239 pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction
240 that the data shall not be further disseminated by the facility or agency to any party other than the data
241 subject, the Commissioner of Social Services' representative or a federal or state authority or court as
242 may be required to comply with an express requirement of law for such further dissemination;

243 13. The school boards of the Commonwealth for the purpose of screening individuals who are

offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

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

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

17. (Effective until July 1, 2018) The Alcoholic Beverage Control Board for the conduct of investigations as set forth in § 4.1-103.1;

17. (Effective July 1, 2018) The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

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

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

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

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

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private or religious elementary or secondary schools which are accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State Board of Education or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public and nonprofit private colleges and universities for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a public institution of higher education pursuant to § 23-9.2:10 or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

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

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20

305 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

306 31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates
307 for the purpose of determining if any person being considered for election to any judgeship has been
308 convicted of a crime;

309 32. Heads of state agencies in which positions have been identified as sensitive for the purpose of
310 determining an individual's fitness for employment in positions designated as sensitive under Department
311 of Human Resource Management policies developed pursuant to § 2.2-1201.1. Dissemination of criminal
312 history record information to the agencies shall be limited to those positions generally described as
313 directly responsible for the health, safety and welfare of the general populace or protection of critical
314 infrastructures;

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

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

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

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

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

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

342 39. The Department of Professional and Occupational Regulation for the purpose of investigating
343 individuals for initial licensure pursuant to § 54.1-2106.1;

344 40. The Department for Aging and Rehabilitative Services and the Department for the Blind and
345 Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment
346 and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11
347 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

348 41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

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

351 43. The Department of Social Services and directors of local departments of social services for the
352 purpose of screening individuals seeking to enter into a contract with the Department of Social Services
353 or a local department of social services for the provision of child care services for which child care
354 subsidy payments may be provided;

355 44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of
356 a juvenile's household when completing a predispositional or postdispositional report required by §
357 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233; and

358 45. *Sworn municipal park rangers who are conservators of the peace pursuant to § 19.2-12, for the*
359 *purposes of the administration of criminal justice and the screening of employment applications.*

360 ~~45.~~ 46. Other entities as otherwise provided by law.

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

365 Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to
366 before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the

criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

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

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

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1719.

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

§ 46.2-817. Disregarding signal by law-enforcement officer to stop; eluding police; penalties.

A. Any person who, having received a visible or audible signal from any law-enforcement officer to bring his motor vehicle to a stop, drives such motor vehicle in a willful and wanton disregard of such signal or who attempts to escape or elude such law-enforcement officer whether on foot, in the vehicle, or by any other means, is guilty of a Class 2 misdemeanor. It shall be an affirmative defense to a charge of a violation of this subsection if the defendant shows he reasonably believed he was being pursued by a person other than a law-enforcement officer.

B. Any person who, having received a visible or audible signal from any law-enforcement officer to bring his motor vehicle to a stop, drives such motor vehicle in a willful and wanton disregard of such signal so as to interfere with or endanger the operation of the law-enforcement vehicle or endanger a person is guilty of a Class 6 felony. It shall be an affirmative defense to a charge of a violation of this subsection if the defendant shows he reasonably believed he was being pursued by a person other than a law-enforcement officer.

C. If a law-enforcement officer pursues a person as a result of a violation of subsection B and the law-enforcement officer is killed as a direct and proximate result of the pursuit, the person who violated subsection B is guilty of a Class 4 felony.

D. For the purposes of this section, "law-enforcement officer" shall include any sworn municipal park ranger who is a conservator of the peace pursuant to § 19.2-12.

~~D.E.~~ E. When any person is convicted of an offense under this section, in addition to the other penalties provided in this section, the driver's license of such person shall be suspended by the court for a period of not less than thirty days nor more than one year. However, in any case where the speed of such person is determined to have exceeded the maximum allowed by twenty miles per hour, his driver's license shall be suspended by the court trying the case for a period of not less than ninety days. In case of conviction and suspension, the court or judge shall order the surrender of the license to the court,

428 which shall dispose of it in accordance with the provisions of § 46.2-398.

429 ~~E.F.~~ Violation of this section shall constitute a separate and distinct offense. If the acts or activities
430 violating this section also violate another provision of law, a prosecution under this section shall not
431 prohibit or bar any prosecution or proceeding under such other provision or the imposition of any
432 penalties provided for thereby.

433 **§ 46.2-920. Certain vehicles exempt from regulations in certain situations; exceptions and**
434 **additional requirements.**

435 A. The driver of any emergency vehicle, when such vehicle is being used in the performance of
436 public services, and when such vehicle is operated under emergency conditions, may, without subjecting
437 himself to criminal prosecution:

438 1. Disregard speed limits, while having due regard for safety of persons and property;

439 2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving
440 traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic
441 light, or device with due regard to the safety of persons and property;

442 3. Park or stop notwithstanding the other provisions of this chapter;

443 4. Disregard regulations governing a direction of movement of vehicles turning in specified directions
444 so long as the operator does not endanger life or property;

445 5. Pass or overtake, with due regard to the safety of persons and property, another vehicle at any
446 intersection;

447 6. Pass or overtake with due regard to the safety of persons and property, while en route to an
448 emergency, stopped or slow-moving vehicles, by going to the left of the stopped or slow-moving vehicle
449 either in a no-passing zone or by crossing the highway centerline; or

450 7. Pass or overtake with due regard to the safety of persons and property, while en route to an
451 emergency, stopped or slow-moving vehicles, by going off the paved or main traveled portion of the
452 roadway on the right. Notwithstanding other provisions of this section, vehicles exempted in this
453 instance will not be required to sound a siren or any device to give automatically intermittent signals.

454 B. The exemptions granted to emergency vehicles by subsection A in subdivisions A1, A3, A4, A5,
455 and A6 shall apply only when the operator of such vehicle displays a flashing, blinking, or alternating
456 emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and sounds a siren, exhaust
457 whistle, or air horn designed to give automatically intermittent signals, as may be reasonably necessary.
458 The exemption granted under subdivision A 2 shall apply only when the operator of such emergency
459 vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022
460 and 46.2-1023 and either (a) sounds a siren, exhaust whistle, or air horn designed to give automatically
461 intermittent signals or (b) slows the vehicle down to a speed reasonable for the existing conditions,
462 yields right-of-way to the driver of another vehicle approaching or entering the intersection from another
463 direction or, if required for safety, brings the vehicle to a complete stop before proceeding with due
464 regard for the safety of persons and property. In addition, the exemptions granted to emergency vehicles
465 by subsection A shall apply only when there is in force and effect for such vehicle either (i) standard
466 motor vehicle liability insurance covering injury or death to any person in the sum of at least \$100,000
467 because of bodily injury to or death of one person in any one accident and, subject to the limit for one
468 person, to a limit of \$300,000 because of bodily injury to or death of two or more persons in any one
469 accident, and to a limit of \$20,000 because of injury to or destruction of property of others in any one
470 accident or (ii) a certificate of self-insurance issued pursuant to § 46.2-368. Such exemptions shall not,
471 however, protect the operator of any such vehicle from criminal prosecution for conduct constituting
472 reckless disregard of the safety of persons and property. Nothing in this section shall release the operator
473 of any such vehicle from civil liability for failure to use reasonable care in such operation.

474 C. For the purposes of this section, the term "emergency vehicle" shall mean:

475 1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local
476 law-enforcement officer (i) in the chase or apprehension of violators of the law or persons charged with
477 or suspected of any such violation or (ii) in response to an emergency call;

478 2. Any regional detention center vehicle operated by or under the direction of a correctional officer
479 responding to an emergency call or operating in an emergency situation;

480 3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when
481 traveling in response to a fire alarm or emergency call;

482 4. Any emergency medical services vehicle designed or used for the principal purpose of providing
483 emergency medical services where human life is endangered;

484 5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services
485 vehicle, when responding to an emergency call or operating in an emergency situation;

486 6. Any Department of Corrections vehicle designated by the Director of the Department of
487 Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a
488 drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a
489 request for assistance from a law-enforcement officer;

7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights under the provisions of § 46.2-1029.2; and

8. Any Virginia National Guard Civil Support Team vehicle when responding to an emergency.

D. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer may disregard speed limits, while having due regard for safety of persons and property, (i) in testing the accuracy of speedometers of such vehicles, (ii) in testing the accuracy of speed measuring devices specified in § 46.2-882, or (iii) in following another vehicle for the purpose of determining its speed.

E. A Department of Environmental Quality vehicle, while en route to an emergency and with due regard to the safety of persons and property, may overtake and pass stopped or slow-moving vehicles by going off the paved or main traveled portion of the highway on the right or on the left. These Department of Environmental Quality vehicles shall not be required to sound a siren or any device to give automatically intermittent signals, but shall display red or red and white warning lights when performing such maneuvers.

F. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer while conducting a funeral escort, wide-load escort, dignitary escort, or any other escort necessary for the safe movement of vehicles and pedestrians may, without subjecting himself to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;
2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard for the safety of persons and property;

3. Park or stop notwithstanding the other provisions of this chapter;

4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property; or

5. Pass or overtake, with due regard for the safety of persons and property, another vehicle.

Notwithstanding other provisions of this section, vehicles exempted in this subsection may sound a siren or any device to give automatically intermittent signals.

G. For the purposes of this section, "law-enforcement officer" shall include any sworn municipal park ranger who is a conservator of the peace pursuant to § 19.2-12.

§ 46.2-1022. Flashing blue, red and blue, blue and white, or red, white and blue warning lights.

Certain Department of Military Affairs vehicles and certain Virginia National Guard vehicles designated by the Adjutant General, when used in state active duty to perform particular law-enforcement functions, Department of Corrections vehicles designated by the Director of the Department of Corrections, and law-enforcement vehicles may be equipped with flashing, blinking, or alternating blue, blue and red, blue and white, or red, white, and blue combination warning lights of types approved by the Superintendent. Such warning lights may be of types constructed within turn signal housings or motorcycle headlight housings, subject to approval by the Superintendent. *For the purposes of this section and notwithstanding the provisions of § 19.2-13, "law-enforcement vehicle" shall include a vehicle driven for official law-enforcement purposes by any sworn municipal park ranger who is a conservator of the peace pursuant to § 19.2-12.*

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 665 of the Acts of Assembly of 2015 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.