

George Mason American Inn Of Court

**AGENDA FOR THE NOVEMBER 19, 2025, MEETING OF THE
GEORGE MASON AMERICAN INN OF COURT:**

CRIMINAL LAW UPDATE

and

CRIMINAL JEOPARDY GAME (WITH PRIZES!)

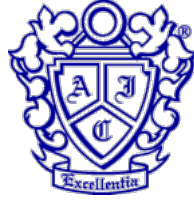
Presenters:

**Aaron Book
Webster Book LLP**

**Brian Goodman
Senior Assistant Commonwealth's Attorney
Fairfax County Office of the Commonwealth's Attorney**

AGENDA

- Charity Minute: 7:00 – 7:05
- Criminal Law Update, including discussion and Q and A: 7:05 – 7:30
- Criminal Jeopardy Game (with prizes!): 7:30 – 8:00
- Adjourn—8:00



GEORGE MASON UNIVERSITY AMERICAN INN OF COURT

CRIMINAL LAW UPDATE 2025

November 19, 2025

1. As of July 1, 2025, "exhibition driving" is reckless driving, which is a misdemeanor in Virginia. Exhibition driving is driving behavior such as spinning the wheels while using both the brakes and gas pedal (a/k/a burnouts), zigzagging or spinning around in a circular pattern (a/k/a donuts), or operating a vehicle to exhibit the speed or power of a vehicle from a designated starting point to a designated ending point (not sure what this is called) or drag racing. Penalties can include impoundment for 20 days and a license suspension of up to 6 months. In 2026, the Court will have the option of requiring a driver to enroll in the Intelligent Speed Assistance Program established pursuant to § 46.2-507 (discussed in further detail below).

Code of Virginia
Title 46.2. Motor Vehicles
Subtitle III. Operation
Chapter 8. Regulation of Traffic
Article 7. Reckless Driving and Improper Driving

§ 46.2-865. (Effective until July 1, 2026) Racing or exhibition driving; definitions; penalties

A. As used in this article, unless the context requires a different meaning:

"Exhibition driving" means the intentional performance of any of the following in close proximity

to a group of two or more people:

1. Maintaining a motor vehicle in a stationary position by using the brake pedal or parking brake of such vehicle while simultaneously engaging the gas pedal, causing one set of wheels to spin or lose contact with the pavement;

2. Operating a motor vehicle in an unnecessary manner that causes such vehicle to move in a manner inconsistent with the normal operation of such vehicle, such as zigzagging or spinning

around in a circular pattern. "Exhibition driving" does not include operating a motor vehicle in an otherwise lawful manner and engaging in such described conduct as necessary to avoid collision, damage, or injury;

3. Operating one or more motor vehicles, for the purpose of exhibiting the speed or power of such vehicle or vehicles, from a designated starting point to a designated ending point or over a common selected course, including drag racing; or

4. Transporting a passenger on the hood or roof of the motor vehicle.

B. Any person who engages in a race between two or more motor vehicles on the highways in the Commonwealth or on any driveway or premises of a church, school, recreational facility, or business property open to the public in the Commonwealth is guilty of reckless driving, unless authorized by the owner of the property or his agent.

C. Any person who engages in exhibition driving on the highways in the Commonwealth or on any driveway or premises of a church, school, recreational facility, or business property open to the public in the Commonwealth is guilty of reckless driving, unless authorized by the owner of the property or his agent.

D. Any person who purposefully rides as a passenger on the hood or roof during any race or exhibition driving in violation of subsection B or C is guilty of a Class 3 misdemeanor.

E. Any person who purposefully slows, stops, or impedes, or attempts to slow, stop, or impede, the movement of traffic, including pedestrian traffic, for the purpose of a race or exhibition driving in violation of subsection B or C is guilty of a Class 1 misdemeanor.

F. When any person is convicted of reckless driving under subsection B, in addition to any other penalties provided by law, the driver's license of such person shall be suspended by the court for a period of not less than six months nor more than two years. In the case of conviction, the court shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.2-398.

G. When any person is convicted of an offense of reckless driving under subsection C, in addition to any other penalties provided by law, the driver's license of such person shall be suspended by the court for a period of up to six months. In the case of conviction, the court shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.2-398.

§ 46.2-865. (Effective July 1, 2026) Racing or exhibition driving; definitions; penalties

A. As used in this article, unless the context requires a different meaning:

"Exhibition driving" means the intentional performance of any of the following in close proximity to a group of two or more people:

1. Maintaining a motor vehicle in a stationary position by using the brake pedal or parking brake

of such vehicle while simultaneously engaging the gas pedal, causing one set of wheels to spin or lose contact with the pavement;

2. Operating a motor vehicle in an unnecessary manner that causes such vehicle to move in a manner inconsistent with the normal operation of such vehicle, such as zigzagging or spinning around in a circular pattern. "Exhibition driving" does not include operating a motor vehicle in an otherwise lawful manner and engaging in such described conduct as necessary to avoid collision, damage, or injury;

3. Operating one or more motor vehicles, for the purpose of exhibiting the speed or power of such vehicle or vehicles, from a designated starting point to a designated ending point or over a common selected course, including drag racing; or

4. Transporting a passenger on the hood or roof of the motor vehicle.

B. Any person who engages in a race between two or more motor vehicles on the highways in the Commonwealth or on any driveway or premises of a church, school, recreational facility, or business property open to the public in the Commonwealth is guilty of reckless driving, unless authorized by the owner of the property or his agent.

C. Any person who engages in exhibition driving on the highways in the Commonwealth or on any driveway or premises of a church, school, recreational facility, or business property open to the public in the Commonwealth is guilty of reckless driving, unless authorized by the owner of the property or his agent.

D. Any person who purposefully rides as a passenger on the hood or roof during any race or exhibition driving in violation of subsection B or C is guilty of a Class 3 misdemeanor.

E. Any person who purposefully slows, stops, or impedes, or attempts to slow, stop, or impede, the movement of traffic, including pedestrian traffic, for the purpose of a race or exhibition driving in violation of subsection B or C is guilty of a Class 1 misdemeanor.

F. When any person is convicted of reckless driving under subsection B, in addition to any other penalties provided by law, the driver's license of such person shall be suspended by the court for a period of not less than six months nor more than two years or the court may, in its discretion and for good cause shown, require that such person enroll in the Intelligent Speed Assistance Program established pursuant to § 46.2-507 for a period of not less than six months nor more than two years. In the case of conviction, the court shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.2-398. No restricted license issued nor enrollment in the Intelligent Speed Assistance Program required pursuant to this section shall permit any person to operate a commercial motor vehicle, as that term is defined in § 46.2-341.4.

G. When any person is convicted of an offense of reckless driving under subsection C, in addition to any other penalties provided by law, the driver's license of such person shall be

suspended by the court for a period of up to six months. In the case of conviction, the court shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § [46.2-398](#).

2. As of July 1, 2025, courts are authorized to dismiss charges for driving without a license or driving on a suspended license (both of which are misdemeanors) where the license issue is cured.

Code of Virginia
Title 46.2. Motor Vehicles
Subtitle II. Titling, Registration and Licensure
Chapter 3. Licensure of Drivers
Article 1. Unlicensed Driving Prohibited

§ 46.2-300. Driving without license prohibited; penalties

No person, except those expressly exempted in §§ [46.2-303](#) through [46.2-308](#), shall drive any motor vehicle on any highway in the Commonwealth until such person has applied for a driver's license, as provided in this article, satisfactorily passed the examination required by § [46.2-325](#), and obtained a driver's license, nor unless the license is valid. A violation of this section is a Class 2 misdemeanor. A second or subsequent violation of this section is a Class 1 misdemeanor. Upon conviction under this section, the court may suspend the person's privilege to drive for a period not to exceed 90 days. The court may, in its discretion, dismiss the summons or warrant, where proof of compliance with this section is provided to the court on or before the court date, unless such person was operating a commercial motor vehicle as defined in § [46.2-341.4](#). Code 1950, § 46-347; 1958, c. 541, § 46.1-349; 1968, c. 494; 1970, c. 347; 1984, c. 780; 1989, c. 727; 2005, c. [245](#); 2007, c. [532](#); 2008, c. [684](#); 2025, c. [121](#).

3. As of July 1, 2025, pre-conviction interlock is available for first- or second-time DUI offenders. The length of time the interlock device is installed on their vehicle before trial is counted toward any ignition interlock requirements or restricted license sentences imposed by the court or DMV.

Code of Virginia
Title 18.2. Crimes and Offenses Generally
Chapter 7. Crimes Involving Health and Safety
Article 2. Driving Motor Vehicle, Etc., While Intoxicated

§ 18.2-271.1. Probation, education, and rehabilitation of person charged or convicted; person convicted under law of another state or federal law

A. Any person convicted of a first or second offense of § 18.2-266, or any ordinance of a county, city, or town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, shall be required by court order, as a condition of probation or otherwise, to enter into and successfully complete an alcohol safety action program in the judicial district in which such charge is brought or in any other judicial district upon such terms and conditions as the court may set forth. However, upon motion of a person convicted of any such offense following an assessment of the person conducted by an alcohol safety action program, the court, for good cause, may decline to order participation in such a program if the assessment by the alcohol safety action program indicates that intervention is not appropriate for such person. In no event shall such persons be permitted to enter any such program which is not certified as meeting minimum standards and criteria established by the Commission on the Virginia Alcohol Safety Action Program (VASAP) pursuant to this section and to § 18.2-271.2. However, any person charged with a violation of a first or second offense of § 18.2-266, or any ordinance of a county, city, or town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, may, at any time prior to trial, enter into an alcohol safety action program in the judicial district in which such charge is brought or in any other judicial district. Any person who enters into such program prior to trial may pre-qualify with the program to have an ignition interlock system installed on any motor vehicle owned or operated by him and may have such ignition interlock system installed. Any installation period of time accrued by such person prior to trial for the pending charge shall count toward any (i) ignition interlock or restricted license period of time ordered by a court or (ii) restricted license, suspension, or revocation issued by the Department of Motor Vehicles pursuant to § 46.2-389.

B. The court shall require the person entering such program under the provisions of this section to pay a fee of no less than \$250 but no more than \$300. A reasonable portion of such fee, as may be determined by the Commission on VASAP, but not to exceed 10 percent, shall be forwarded monthly to be deposited with the State Treasurer for expenditure by the Commission on VASAP, and the balance shall be held in a separate fund for local administration of driver alcohol rehabilitation programs. Upon a positive finding that the defendant is indigent, the court may reduce or waive the fee. In addition to the costs of the proceeding, fees as may reasonably be required of defendants referred for intervention under any such program may be charged.

C. Upon conviction of a violation of § 18.2-266 or any ordinance of a county, city or town similar to the provisions thereof, or subsection A of § 46.2-341.24, the court shall impose the sentence authorized by § 18.2-270 or 46.2-341.28 and the license revocation as authorized by § 18.2-271. In addition, if the conviction was for a second offense committed within less than 10 years after a first such offense, the court shall order that restoration of the person's license to drive be conditioned upon the installation of an ignition interlock system on each motor vehicle, as defined in § 46.2-100, owned by or registered to the person, in whole or in part, for a period of 12 consecutive months without alcohol-related violations of the interlock requirements beginning at the end of the three-year license revocation, unless such a system has already been installed for 12 consecutive months without alcohol-related violations of the interlock requirements prior to that time pursuant to a restricted license order under subsection E. Upon a finding that a person so convicted is required to participate in the program described herein, the court shall enter the conviction on the warrant, and shall note that the person so convicted has been referred to such program. The court may then proceed to issue an order in accordance with subsection E, if the court finds that the person so convicted is eligible for a restricted license. If

the court finds good cause for a person not to participate in such program or subsequently that such person has violated, without good cause, any of the conditions set forth by the court in entering the program, the court shall dispose of the case as if no program had been entered, in which event the revocation provisions of § 46.2-389 and subsection A of § 46.2-391 shall be applicable to the conviction. The court shall, upon final disposition of the case, send a copy of its order to the Commissioner of the Department of Motor Vehicles. If such order provides for the issuance of a restricted license, the Commissioner of the Department of Motor Vehicles, upon receipt thereof, shall issue a restricted license. The period of time during which the person (i) is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system, (ii) is required to have an ignition interlock system installed on each motor vehicle owned by or registered to the person, in whole or in part, or (iii) is required to use a remote alcohol monitoring device shall be calculated from the date the person is issued a restricted license by the court; however, such period of time shall be tolled upon the expiration of the restricted license issued by the court until such time as the person is issued a restricted license by the Department of Motor Vehicles. Appeals from any such disposition shall be allowed as provided by law. The time within which an appeal may be taken shall be calculated from the date of the final disposition of the case or any motion for rehearing, whichever is later.

D. Any person who has been convicted under the law of another state or the United States of an offense substantially similar to the provisions of § 18.2-266 or subsection A of § 46.2-341.24, and whose privilege to operate a motor vehicle in this Commonwealth is subject to revocation under the provisions of § 46.2-389 and subsection A of § 46.2-391, may petition the general district court of the county or city in which he resides that he be given probation and assigned to a

program as provided in subsection A and that, upon entry into such program, he be issued an order in accordance with subsection E. If the court finds that such person would have qualified therefor if he had been convicted in this Commonwealth of a violation of § 18.2-266 or subsection A of § 46.2-341.24, the court may grant the petition and may issue an order in accordance with subsection E as to the period of license suspension or revocation imposed pursuant to § 46.2-389 or subsection A of § 46.2-391. The court (i) shall, as a condition of a restricted license, prohibit such person from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for a period of time not to exceed the period of license suspension and restriction, not less than 12 consecutive months without alcohol-related violations of interlock requirements, and (ii) may, upon request of such person and as a condition of a restricted license, require such person to use a remote alcohol monitoring device in accordance with the provisions of subsection E of § 18.2-270.1. Such order shall be conditioned upon the successful completion of a program by the petitioner. If the court subsequently finds that such person has violated any of the conditions set forth by the court, the court shall dispose of the case as if no program had been entered and shall notify the Commissioner, who shall revoke the person's license in accordance with the provisions of § 46.2-389 or subsection A of § 46.2-391. A copy of the order granting the petition or subsequently revoking or suspending such person's license to operate a motor vehicle shall be forthwith sent to the Commissioner of the Department of Motor Vehicles. The period of time during which the person (a) is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system or (b) is required to use a remote alcohol monitoring device shall be calculated from the date the person is issued a restricted license by the court; however, such period of time shall be tolled upon the

expiration of the restricted license issued by the court until such time as the person is issued a restricted license by the Department of Motor Vehicles. No period of license suspension or revocation shall be imposed pursuant to this subsection which, when considered together with any period of license suspension or revocation previously imposed for the same offense under the law of another state or the United States, results in such person's license being suspended for a period in excess of the maximum periods specified in this subsection.

E. Except as otherwise provided herein, if a person enters a certified program pursuant to this section, and such person's license to operate a motor vehicle, engine, or train in the Commonwealth has been suspended or revoked, or a person's license to operate a motor vehicle, engine, or train in the Commonwealth has been suspended or revoked pursuant to former § 18.2-259.1 or 46.2-390.1, the court may, in its discretion and for good cause shown, provide that such person be issued a restricted permit to operate a motor vehicle for any of the following purposes: (i) travel to and from his place of employment; (ii) travel to and from an alcohol rehabilitation or safety action program; (iii) travel during the hours of such person's employment if the operation of a motor vehicle is a necessary incident of such employment; (iv) travel to and from school if such person is a student, upon proper written verification to the court that such person is enrolled in a continuing program of education; (v) travel for health care services, including medically necessary transportation of an elderly parent or, as designated by the court, any person residing in the person's household with a serious medical problem upon written verification of need by a licensed health professional; (vi) travel necessary to transport a minor child under the care of such person to and from school, day care, and facilities housing medical service providers; (vii) travel to and from court-ordered visitation with a child of such person; (viii) travel to a screening, evaluation, and education program entered pursuant to § 18.2-251 or subsection H of § 18.2-258.1; (ix) travel to and from court appearances in which he is a subpoenaed witness or a party and appointments with his probation officer and to and from any programs required by the court or as a condition of probation; (x) travel to and from a place of religious worship one day per week at a specified time and place; (xi) travel to and from appointments approved by the Division of Child Support Enforcement of the Department of Social Services as a requirement of participation in an administrative or court-ordered intensive case monitoring program for child support for which the participant maintains written proof of the appointment, including written proof of the date and time of the appointment, on his person; (xii) travel to and from jail to serve a sentence when such person has been convicted and sentenced to confinement in jail and pursuant to § 53.1-131.1 the time to be served is on weekends or nonconsecutive days; (xiii) travel to and from the facility that installed or monitors the ignition interlock in the person's vehicle; (xiv) travel to and from a job interview for which he maintains on his person written proof from the prospective employer of the date, time, and location of the job interview; or (xv) travel to and from the offices of the Virginia Employment Commission for the purpose of seeking employment. However, (a) any such person who is eligible to receive a restricted license as provided in subsection C of § 18.2-270.1 or (b) any such person ordered to use a remote alcohol monitoring device pursuant to subsection E of § 18.2-270.1 who has a functioning, certified ignition interlock system as required by law may be issued a restricted permit to operate a motor vehicle for any lawful purpose. No restricted license issued pursuant to this subsection shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall order the surrender of such person's license to operate a motor vehicle to be disposed of in

accordance with the provisions of § 46.2-398 and shall forward to the Commissioner of the Department of Motor Vehicles a copy of its order entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to the person so convicted who may operate a motor vehicle on the order until receipt from the Commissioner of the Department of Motor Vehicles of a restricted license, if the order provides for a restricted license for that time period. A copy of such order and, after receipt thereof, the restricted license shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section is guilty of a violation of § 18.2-272. Such restricted license shall be conditioned upon enrollment within 15 days in, and successful completion of, a program as described in subsection A. No restricted license shall be issued during the first four months of a revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391 for a second offense of the type described therein committed within 10 years of a first such offense. No restricted license shall be issued during the first year of a revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391 for a second offense of the type described therein committed within five years of a first such offense. No restricted license shall be issued during any revocation period imposed pursuant to subsection C of § 18.2-271 or subsection B of § 46.2-391. Notwithstanding the provisions of § 46.2-411, the fee charged pursuant to § 46.2-411 for reinstatement of the driver's license of any person whose privilege or license has been suspended or revoked as a result of a violation of § 18.2-266, subsection A of § 46.2-341.24 or of any ordinance of a county, city, or town, or of any federal law or the laws of any other state similar to the provisions of § 18.2-266 or subsection A of § 46.2-341.24 shall be \$105. Forty dollars of such reinstatement fee shall be retained by the Department of Motor Vehicles as provided in § 46.2-411, \$40 shall be transferred to the Commission on VASAP, and \$25 shall be transferred to the Commonwealth Neurotrauma Initiative Trust Fund. Any person who is otherwise eligible to receive a restricted license issued in accordance with this subsection or as otherwise provided by law shall not be required to pay in full his fines and costs, as defined in § 19.2-354.1, before being issued such restricted license.

F. The court shall have jurisdiction over any person entering such program under any provision of this section, or under any provision of § 46.2-392, until such time as the case has been disposed of by either successful completion of the program, or revocation due to ineligibility or violation of a condition or conditions imposed by the court, whichever shall first occur. Revocation proceedings shall be commenced by notice to show cause why the court should not revoke the privilege afforded by this section. Such notice shall be made by first-class mail to the last known address of such person, and shall direct such person to appear before the court in response thereto on a date contained in such notice, which shall not be less than 10 days from the date of mailing of the notice. Failure to appear in response to such notice shall of itself be grounds for revocation of such privilege. Notice of revocation under this subsection shall be sent forthwith to the Commissioner of the Department of Motor Vehicles.

G. For the purposes of this section, any court that has convicted a person of a violation of § 18.2-266, subsection A of § 46.2-341.24, any ordinance of a county, city, or town similar to the provisions of § 18.2-266, or any reckless driving violation under Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 and such person was initially charged with a violation of § 18.2-266,

subsection A of § 46.2-341.24, or any ordinance of a county, city, or town similar to the provisions of § 18.2-266 shall have continuing jurisdiction over such person during any period of license revocation related to that conviction, for the limited purposes of (i) referring such person to a certified alcohol safety action program, (ii) providing for a restricted permit for such person in accordance with the provisions of subsection E, and (iii) imposing terms, conditions and limitations for actions taken pursuant to clauses (i) and (ii), whether or not it took either such action at the time of the conviction. This continuing jurisdiction is subject to the limitations of subsection E that provide that no restricted license shall be issued during a revocation imposed pursuant to subsection C of § 18.2-271 or subsection B of § 46.2-391 or during the first four months or first year, whichever is applicable, of the revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391. The provisions of this subsection shall apply to a person convicted of a violation of § 18.2-266, subsection A of § 46.2-341.24, any ordinance of a county, city, or town similar to the provisions of § 18.2-266, or any reckless driving violation under Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 and such person was initially charged with a violation of § 18.2-266, subsection A of § 46.2-341.24, or any ordinance of a county, city, or town similar to the provisions of § 18.2-266 on, after and at any time prior to July 1, 2003.

H. The State Treasurer, the Commission on VASAP or any city or county is authorized to accept any gifts or bequests of money or property, and any grant, loan, service, payment or property from any source, including the federal government, for the purpose of driver alcohol education. Any such gifts, bequests, grants, loans or payments shall be deposited in the separate fund provided in subsection B.

I. The Commission on VASAP, or any county, city, or town, or any combination thereof, may establish and, if established, shall operate, in accordance with the standards and criteria required by this subsection, alcohol safety action programs in connection with highway safety. Each such program shall operate under the direction of a local independent policy board. Such local independent policy board shall be chosen in accordance with procedures approved and promulgated by the Commission on VASAP. Such procedures shall provide that the board shall endeavor to select one criminal defense attorney who has specialized knowledge in representing persons charged with driving while intoxicated offenses and one local attorney for the Commonwealth to sit on such local independent policy board. Local sitting or retired district court judges who regularly hear or heard cases involving driving under the influence and are familiar with their local alcohol safety action programs may serve on such boards. The Commission on VASAP shall establish minimum standards and criteria for the implementation and operation of such programs and shall establish procedures to certify all such programs to ensure that they meet the minimum standards and criteria stipulated by the Commission. The Commission shall also establish criteria for the administration of such programs for public information activities, for accounting procedures, for the auditing requirements of such programs and for the allocation of funds. Funds paid to the Commonwealth hereunder shall be utilized in the discretion of the Commission on VASAP to offset the costs of state programs and local programs run in conjunction with any county, city or town and costs incurred by the Commission. The Commission shall submit an annual report as to actions taken at the close of each calendar year to the Governor and the General Assembly.

J. Notwithstanding any other provisions of this section or of § 18.2-271, nothing in this section shall permit the court to suspend, reduce, limit, or otherwise modify any disqualification from operating a commercial motor vehicle imposed under the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

4. As of July 1, 2025, all vehicle occupants over 18 are required to wear seat belts.

Previously, the law only required those over 18 in the front seats of vehicles to wear seat belts. Now, the new law makes it a requirement for passengers who are over 18 in the back seat to wear seat belts as well. Failure to do so is considered an infraction.

This new legislation is known as the “Christopher King Seat Belt Law.” Christopher King a young man who was not wearing his seat belt and lost his life in 2020, right after graduating from high school, after being ejected from the back seat of a convertible. The other passengers were wearing seatbelts and all survived.

Violation of § 46.2-1094(A) results in a civil penalty of \$25.00. No DMV demerit points are assessed for this violation. This is a secondary offense, which means police cannot stop a vehicle for an occupant’s failure to wear a seat belt if that is the only offense observed by police. Section F details this as follows:

“F. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator’s consent, shall be admissible in any trial, hearing, or other proceeding.”

Code of Virginia
Title 46.2. Motor Vehicles
Subtitle III. Operation
Chapter 10. Motor Vehicle and Equipment Safety
Article 12. Safety Belts

§ 46.2-1094. Occupants of front seats of motor vehicles required to use safety lap belts and shoulder harnesses; penalty

A. Any driver, and any other person at least 18 years of age and occupying a seat, of a motor vehicle equipped or required by the provisions of this title to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices, shall wear the appropriate safety belt system at all times while the motor vehicle is in motion on any public highway. A passenger under the age of 18 years, however, shall be protected as required by the provisions of Article 13 (§ 46.2-1095 et seq.) of this chapter.

B. This section shall not apply to:

1. Any person for whom a licensed physician determines that the use of such safety belt system would be impractical by reason of such person's physical condition or other medical reason,

provided the person so exempted carries on his person or in the vehicle a signed written statement of the physician identifying the exempted person and stating the grounds for the exemption; or

2. Any law-enforcement officer transporting persons in custody or traveling in circumstances which render the wearing of such safety belt system impractical; or

3. Any person while driving a motor vehicle and performing the duties of a rural mail carrier for the United States Postal Service; or

4. Any person driving a motor vehicle and performing the duties of a rural newspaper route carrier, newspaper bundle hauler or newspaper rack carrier; or

5. Drivers of and passengers in taxicabs; or

6. Personnel of commercial or municipal vehicles while actually engaged in the collection or delivery of goods or services, including but not limited to solid waste, where such collection or delivery requires the personnel to exit and enter the cab of the vehicle with such frequency and regularity so as to render the use of safety belt systems impractical and the safety benefits derived therefrom insignificant. Such personnel shall resume the use of safety belt systems when actual collection or delivery has ceased or when the vehicle is in transit to or from a point of final disposition or disposal, including but not limited to solid waste facilities, terminals, or other location where the vehicle may be principally garaged; or

7. Any person driving a motor vehicle and performing the duties of a utility meter reader; or

8. Law-enforcement agency personnel driving motor vehicles to enforce laws governing motor vehicle parking.

C. Any person who violates this section shall be subject to a civil penalty of twenty-five dollars to be paid into the state treasury and credited to the Literary Fund. No assignment of demerit points shall be made under Article 19 of Chapter 3 (§ 46.2-489 et seq.) of this title and no court costs shall be assessed for violations of this section.

D. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action.

E. A violation of this section may be charged on the uniform traffic summons form.

F. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

G. The governing body of the City of Lynchburg may adopt an ordinance not inconsistent with the provisions of this section, requiring the use of safety belt systems. The penalty for violating any such ordinance shall not exceed a fine or civil penalty of twenty-five dollars.

5. As of July 1, 2025, new penalties are in place for permitting unauthorized individuals and minors to operate motor vehicles. If someone who cannot legally drive a car gets into an accident resulting in injury or death, the individual who allowed them to drive may be guilty of a class 1 criminal misdemeanor (subsection E below).

Code of Virginia

Title 46.2. Motor Vehicles

Subtitle II. Titling, Registration and Licensure

Chapter 3. Licensure of Drivers

Article 1. Unlicensed Driving Prohibited

§ 46.2-301.1. Administrative impoundment of motor vehicle for certain driving while license suspended or revoked offenses; judicial impoundment upon conviction; penalty for permitting violation with one's vehicle

A. The motor vehicle being driven by any person (i) whose driver's license, learner's permit or privilege to drive a motor vehicle has been suspended or revoked for a violation of § 18.2-51.4 or 18.2-272 or driving while under the influence in violation of § 18.2-266, 46.2-341.24 or a substantially similar ordinance or law in any other jurisdiction; (ii) where such person's license has been administratively suspended under the provisions of § 46.2-391.2; (iii) driving after such person's driver's license, learner's permit or privilege to drive a motor vehicle has been suspended or revoked for unreasonable refusal of tests in violation of § 18.2-268.3, 46.2-341.26:3 or a substantially similar ordinance or law in any other jurisdiction; or (iv) driving without an operator's license in violation of § 46.2-300 having been previously convicted of such offense or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction shall be impounded or immobilized by the arresting law-enforcement officer at the time the person is arrested for driving after his driver's license, learner's permit or privilege to drive has been so revoked or suspended or for driving without an operator's license in violation of § 46.2-300 having been previously convicted of such offense or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction. The impoundment or immobilization for a violation of clause (i), (ii), or (iii) shall be for a period of 30 days. The period of impoundment or immobilization for a violation of clause (iv) shall be until the offender obtains a valid operator's license pursuant to § 46.2-300 or three days, whichever is less. In the event that the offender obtains a valid operator's license at any time during the three-day impoundment period and presents such license to the court, the court shall authorize the release of the vehicle upon payment of all reasonable costs of impoundment or immobilization to the person holding the vehicle.

The provisions of this section as to the offense described in clause (iv) shall not apply to a person who drives a motor vehicle with no operator's license (a) whose license has been expired for less than one year prior to the offense or (b) who is under 18 years of age at the time of the offense.

The arresting officer, acting on behalf of the Commonwealth, shall serve notice of the impoundment upon the arrested person. The notice shall include information on the person's right to petition for review of the impoundment pursuant to subsection B. A copy of the notice of impoundment shall be delivered to the magistrate and thereafter promptly forwarded to the clerk of the general district court of the jurisdiction where the arrest was made. Transmission of the notice may be by electronic means.

At least five days prior to the expiration of the period of impoundment imposed pursuant to this section or § 46.2-301, the clerk shall provide the offender with information on the location of the motor vehicle and how and when the vehicle will be released; however, for a violation of clause (iv), such information shall be provided at the time of arrest.

All reasonable costs of impoundment or immobilization, including removal and storage expenses, shall be paid by the offender prior to the release of his motor vehicle. Notwithstanding the above, where the arresting law-enforcement officer discovers that the vehicle was being rented or leased from a vehicle renting or leasing company, the officer shall not impound the vehicle or continue the impoundment but shall notify the rental or leasing company that the vehicle is available for pickup and shall notify the clerk if the clerk has previously been notified of the impoundment.

B. Any driver who is the owner of the motor vehicle that is impounded or immobilized under subsection A may, during the period of the impoundment, petition the general district court of the jurisdiction in which the arrest was made to review that impoundment. The court shall review the impoundment within the same time period as the court hears an appeal from an order denying bail or fixing terms of bail or terms of recognizance, giving this matter precedence over all other matters on its docket. If the person proves to the court by a preponderance of the evidence that the arresting law-enforcement officer did not have probable cause for the arrest, or that the magistrate did not have probable cause to issue the warrant, the court shall rescind the impoundment. Upon rescission, the motor vehicle shall be released and the Commonwealth shall pay or reimburse the person for all reasonable costs of impoundment or immobilization, including removal or storage costs paid or incurred by him. Otherwise, the court shall affirm the impoundment. If the person requesting the review fails to appear without just cause, his right to review shall be waived.

The court's findings are without prejudice to the person contesting the impoundment or to any other potential party as to any proceedings, civil or criminal, and shall not be evidence in any proceedings, civil or criminal.

C. The owner or co-owner of any motor vehicle impounded or immobilized under subsection A who was not the driver at the time of the violation may petition the general district court in the jurisdiction where the violation occurred for the release of his motor vehicle. The motor vehicle shall be released if the owner or co-owner proves by a preponderance of the evidence that he (i) did not know that the offender's driver's license was suspended or revoked when he authorized

the offender to drive such motor vehicle; (ii) did not know that the offender had no operator's license and that the operator had been previously convicted of driving a motor vehicle without an operator's license in violation of § 46.2-300 or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction when he authorized the offender to drive such motor vehicle; or (iii) did not consent to the operation of the motor vehicle by the offender. If the owner proves by a preponderance of the evidence that his immediate family has only one motor vehicle and will suffer a substantial hardship if that motor vehicle is impounded or immobilized for the period of impoundment that otherwise would be imposed pursuant to this section, the court, in its discretion, may release the vehicle after some period of less than such impoundment period.

D. Notwithstanding any provision of this section, a subsequent dismissal or acquittal of the charge of driving without an operator's license or of driving on a suspended or revoked license shall result in an immediate rescission of the impoundment or immobilization provided in subsection A. Upon rescission, the motor vehicle shall be released and the Commonwealth shall pay or reimburse the person for all reasonable costs of impoundment or immobilization, including removal or storage costs, incurred or paid by him.

E. Any person who knowingly authorizes the operation of a motor vehicle by (i) a person he knows has had his driver's license, learner's permit, or privilege to drive a motor vehicle suspended or revoked for any of the reasons set forth in subsection A or (ii) a person who he knows has no operator's license and who he knows has been previously convicted of driving a motor vehicle without an operator's license in violation of § 46.2-300 or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction shall be guilty of a Class 1 misdemeanor. Any person who knowingly authorizes the operation of a motor vehicle by (a) any person who he knows has no legal right to do so or (b) a minor who he knows has no operator's license or learner's permit or who has a learner's permit but who he knows will operate such motor vehicle in violation of any provision of § 46.2-335 is guilty of Class 1 misdemeanor if such violation results in a motor vehicle accident that causes injury or death to any person, provided that such violation does not otherwise constitute a felony.

F. Notwithstanding the provisions of this section or § 46.2-301, nothing in this section shall impede or infringe upon a valid lienholder's rights to cure a default under an existing security agreement. Furthermore, such lienholder shall not be liable for any cost of impoundment or immobilization, including removal or storage expenses which may accrue pursuant to the provisions of this section or § 46.2-301. In the event a lienholder repossesses or removes a vehicle from storage pursuant to an existing security agreement, the Commonwealth shall pay all reasonable costs of impoundment or immobilization, including removal and storage expenses, to any person or entity providing such services to the Commonwealth, except to the extent such costs or expenses have already been paid by the offender to such person or entity. Such payment shall be made within seven calendar days after a request is made by such person or entity to the Commonwealth for payment. Nothing herein, however, shall relieve the offender from liability to the Commonwealth for reimbursement or payment of all such reasonable costs and expenses.

6. As of July 1, 2025, seriously injuring or killing a pedestrian who is lawfully crossing a street is a class 1 criminal misdemeanor. Prior to 2025, this was an infraction.

Code of Virginia

Title 46.2. Motor Vehicles
Subtitle III. Operation
Chapter 8. Regulation of Traffic
Article 1. General and Miscellaneous

§ 46.2-816.1. Careless driving and infliction of injury or death on vulnerable road users; penalty

A. As used in this section, "vulnerable road user" means a pedestrian; the operator of or passenger on a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, wheel chair or wheel chair conveyance, skateboard, roller skates, motorized skateboard or scooter, or animal-drawn vehicle or any attached device; or any person riding an animal.

B. It is a Class 1 misdemeanor to operate a motor vehicle in a careless or distracted manner such that the careless or distracted operation is the proximate cause of serious bodily injury as defined in § 18.2-51.4 to or the death of a vulnerable road user who is lawfully present on the highway at the time of injury or death.

C. A prosecution or proceeding under § 46.2-852 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-852 for the same act.

2020, c. 1259; 2022, cc. 506, 507.

7. Placing a Nazi symbol on private property or a highway with intent to intimidate is a felony.

Code of Virginia
Title 18.2. Crimes and Offenses Generally
Chapter 9. Crimes Against Peace and Order
Article 5. Activities Tending to Cause Violence

§ 18.2-423.1. Placing Nazi symbol or emblem on certain property with intent to intimidate; penalty; prima facie evidence of intent

A. It is unlawful for any person or persons, with the intent of intimidating another person or group of persons, to place or cause to be placed a Hakenkreuz, hooked cross, or Nazi symbol or emblem, sometimes referred to as the Nazi swastika, on (i) any church, synagogue, or other building or place used for religious worship; (ii) any school, educational facility, or community center owned or operated by a church or religious body; or (iii) the private property of another without permission.

B. It is unlawful for any person or persons, with the intent of intimidating another person or

group of persons, to place or cause to be placed a Hakenkreuz, hooked cross, or Nazi symbol or emblem, sometimes referred to as the Nazi swastika, on a highway or other public place in a manner having a direct tendency to place another person in reasonable fear or apprehension of death or bodily injury.

C. A violation of this section is punishable as a Class 6 felony.

D. For the purposes of this section, any such placing of a Hakenkreuz, hooked cross, or Nazi symbol or emblem, sometimes referred to as the Nazi swastika, shall be prima facie evidence of an intent to intimidate another person or group of persons. However, these terms do not include and are distinct from the sacred swastika word and symbol of peace and prosperity used by Hinduism, Buddhism, Jainism, Zoroastrianism, or Native American religions.

1983, c. 337; 2025, c. [673](#).

8. As of July 1, 2025, a new statute makes mail theft a felony (including porch pirating).

§ 18.2-110.1. Mail theft; penalty.

A. As used in this section:

"Delivery service" means the same as that term is defined in § 18.2-246.6. "Delivery service" does not include the United States Postal Service.

"Mail" means any letter, postal card, parcel, package, bag, or other material, along with its contents, that (i) has postage affixed by the postal customer or a postal service, (ii) has been accepted for delivery by a postal service, (iii) the postal customer leaves for collection by a postal service, or (iv) a postal service delivers to the postal customer, which has not been retrieved from the mail receptacle.

"Mail receptacle" means a mailbox, post office box, rural box, letter box, lock drawer, or any place or area intended or used by postal customers or a postal service for the collection, deposit, or delivery of mail.

"Postal service" means the United States Postal Service or a delivery service.

B. Any person who (i) knowingly, willfully, and with the intent to deprive, injure, damage, or defraud another (a) takes, destroys, hides, or embezzles mail or (b) obtains any mail by fraud or deception; (ii) buys, receives, conceals, or possesses (a) mail and knows or reasonably should know that the mail was unlawfully taken or obtained; (b) any key he knows or reasonably should know is suited to any lock adopted by the United States Postal Service that provides access to any mail receptacle located in a cluster mailbox unit or other mailbox panel used for the purpose of centralized mail in any neighborhood, including any condominium or apartment complex; or (c) a counterfeit device or key designed to provide access to any lock described in clause (b); or (iii) knowingly, willfully, and with the intent to steal any mail inside damages, opens, removes, injures, vandalizes, or destroys any mail receptacle is guilty of a Class 6 felony.

8. As of July 1, 2025, assaulting sports officials is a misdemeanor.

Code of Virginia

Title 18.2. Crimes and Offenses Generally

Chapter 4. Crimes Against the Person

Article 4. Assaults and Bodily Woundings

§ 18.2-57. Assault and battery; penalty

A. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor, and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or ethnic or national origin, the penalty upon conviction shall include a term of confinement of at least six months.

B. However, if a person intentionally selects the person against whom an assault and battery resulting in bodily injury is committed because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or ethnic or national origin, the person is guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least six months.

C. In addition, if any person commits an assault or an assault and battery against another knowing or having reason to know that such other person is a judge, a magistrate, a law enforcement officer as defined in subsection H, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under the supervision of the Department of Juvenile Justice, an employee or other individual who provides control, care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any emergency medical services personnel member who is employed by or is a volunteer of an emergency medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency medical services agency, regardless of whether a resolution has been adopted by the governing body of a political subdivision recognizing such firefighters or emergency medical services personnel as employees, engaged in the performance of his public duties anywhere in the Commonwealth, such person is guilty of a Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of confinement of six months. Nothing in this subsection shall be construed to affect the right of any person charged with a violation of this section from asserting and presenting evidence in support of any defenses to the charge that may be available under common law.

D. In addition, if any person commits a battery against another knowing or having reason to

know that such other person is a full-time or part-time employee of any public or private elementary or secondary school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and the sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory minimum sentence of confinement of six months.

E. In addition, any person who commits a battery against another knowing or having reason to know that such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his duties in a hospital or in an emergency room on the premises of any clinic or other facility rendering emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

F. In addition, any person who commits an assault or an assault and battery against another knowing or having reason to know that such individual is an operator of a vehicle operated by a public transportation service as defined in § 18.2-160.2 who is engaged in the performance of his duties is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall also prohibit such person from entering or riding in any vehicle operated by the public transportation service that employed such operator for a period of not less than six months as a term and condition of such sentence.

G. In addition, any person who commits a battery against another knowing or having reason to know that such individual is a sports official for an entity sponsoring an interscholastic or intercollegiate sports event or any person performing services as a sports official for a public entity or a private, nonprofit organization that sponsors an amateur sports event who (i) is engaged in the performance of his duties or (ii) is on the premises of such event prior to engaging in his duties or upon conclusion of his duties is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, may also prohibit such person from attending any such sports event operated by the entity or organization that employed such sports official for a period of not less than six months as a term and condition of such sentence.

H. As used in this section:

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities. "Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2. "Judge" means any justice or judge of a court of record of the Commonwealth including a judge designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district court. "Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, any conservation officer of the Department of Conservation and Recreation

commissioned pursuant to § 10.1-115, any special agent of the Virginia Alcoholic Beverage Control Authority, conservation police officers appointed pursuant to § 29.1-200, full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10, and such officer also includes jail officers in local and regional correctional facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan Washington Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30 when such fire marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1. "School security officer" means the same as that term is defined in § 9.1-101. "Sports official" includes an umpire, referee, judge, scorekeeper, timekeeper, or other person who is a neutral participant in a sports event.

I. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any school security officer or full-time or part-time employee of any public or private elementary or secondary school while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or associated paraphernalia that are upon the person of the student or within his control. In determining whether a person was acting within the exceptions provided in this subsection, due deference shall be given to reasonable judgments that were made by a school security officer or full-time or part-time employee of any public or private elementary or secondary school at the time of the event.

9. Custodial Interrogation of Minors: Notification requirements (2020); Consequences for failure to notify (2024); and Use of fake documents (2025).

In 2020, the General Assembly enacted § 16.1-247.1, which required officers who wanted to question a minor in custody to make "every reasonable effort" to notify a parent or guardian of the minor's arrest and to permit the child to speak with the parent or guardian prior to questioning (with some exceptions). In 2024, the law was amended to preclude statements by children if an officer knowingly violated the notification provision – the exception is that statements are admissible if the prosecutor proves by a preponderance of the evidence that the statement was made knowingly, intelligently, and voluntarily. And in 2025, the statute was again amended to prevent officers from making false statements or using fake documents when questioning a child.

§ 16.1-247.1. Custodial interrogation of a child; parental notification and contact; inadmissibility of statement

A. Prior to any custodial interrogation of a child by a law-enforcement officer who has arrested such child pursuant to subsection C, C1, or D of § 16.1-246, the child's parent, guardian, or legal custodian shall be notified of his arrest and the child shall have contact with his parent, guardian, or legal custodian. The notification and contact required by this subsection may be in person, electronically, by telephone, or by video conference.

B. Notwithstanding the provisions of subsection A, a custodial interrogation may be conducted (i) if the child's parent, guardian, or legal custodian is a codefendant in the alleged offense; (ii) if the child's parent, guardian, or legal custodian has been arrested for, has been charged with, or is being investigated for a crime against the child; (iii) if, after every reasonable effort has been made to comply with subsection A, the child's parent, guardian, or legal custodian cannot be located or refuses contact with the child; or (iv) if the law-enforcement officer conducting the custodial interrogation reasonably believes the information sought is necessary to protect life, limb, or property from an imminent danger and the law-enforcement officer's questions are limited to those that are reasonably necessary to obtain such information.

C. A law-enforcement officer shall be prohibited from knowingly and intentionally making false statements about any known material fact, including by use of inauthentic replica documents, prior to or during a custodial interrogation of a child in order to secure the cooperation, confession, or conviction of such child. As used in this subsection, "inauthentic replica documents" means any documents, including computer-generated documents, created by any means, including artificial intelligence, by a law-enforcement officer or his agent that (i) contain a false statement, signature, seal, letterhead, or contact information or (ii) materially misrepresent any fact.

D. Except as provided in subsection B, if a law-enforcement officer knowingly violates the provisions of subsection A or C, any statements made by such child shall be inadmissible in any delinquency proceeding or criminal proceeding against such child, unless the attorney for the Commonwealth proves by a preponderance of the evidence that the statement was made knowingly, intelligently, and voluntarily.

Coming July 1, 2026:

Intelligent Speed Assistance Program (ISAP) will be established for those convicted of Reckless Driving. It is monitored by Virginia ASAP and serves as an alternative to license

suspension for certain reckless driving convictions. Like the ignition interlock system for DUI convictions, the ISAP must be installed on all vehicles owned by or registered to the defendant.

46.2-865(E):

F. When any person is convicted of reckless driving under subsection B, in addition to any other penalties provided by law, the driver's license of such person shall be suspended by the court for a period of not less than six months nor more than two years or the court may, in its discretion and for good cause shown, require that such person enroll in the Intelligent Speed Assistance Program established pursuant to § 46.2-507 for a period of not less than six months nor more than two years. In the case of conviction, the court shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.2-398. No restricted license issued nor enrollment in the Intelligent Speed Assistance Program required pursuant to this section shall permit any person to operate a commercial motor vehicle, as that term is defined in § 46.2-341.4.

PROBATION REFORM 2025

Effective July 1, 2025, Post-Release Supervision (PRS) has been replaced with standard court-supervised probation. Probationers on PRS are being moved to court-supervised probation, which has an effect on prison time (i.e., less prison time) for technical violations of probation, ensures access to attorneys for probation violation hearings, and shifts revocation decisions to judges instead of the Virginia Parole Board.

VIRGINIA ACTS OF ASSEMBLY - 2025 RECONVENED SESSION

CHAPTER 716

An Act to amend and reenact §§ 18.2-10, 19.2-295.2, 19.2-390, 53.1-134, 53.1-134.1, 53.1-136, 53.1-145, 53.1-157, 53.1-161, 53.1-162, 53.1-164, and 53.1-165 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3707.02, relating to powers and duties of Virginia Parole Board; voting requirements; meetings.

[H 1589]

Approved May 2, 2025

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-10, 19.2-295.2, 19.2-390, 53.1-134, 53.1-134.1, 53.1-136, 53.1-145, 53.1-157, 53.1-161, 53.1-162, 53.1-164, and 53.1-165 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3707.02 as follows:

§ 2.2-3707.02. Meetings of Virginia Parole Board.

Except for a public meeting convened pursuant to subdivision 10 of § 53.1-136 for conducting the final deliberation and vote regarding whether the Virginia Parole Board will grant parole to a prisoner, a meeting of the Virginia Parole Board members, regardless of whether such members invite staff or other guests to participate in such meeting, shall not be deemed a meeting subject to the provisions of this chapter.

§ 18.2-10. Punishment for conviction of felony; penalty.

The authorized punishments for conviction of a felony are:

(a) For Class 1 felonies, imprisonment for life and, subject to subdivision (g), a fine of not more than \$100,000. Any person who was 18 years of age or older at the time of the offense and who is sentenced to imprisonment for life upon conviction of a Class 1 felony shall not be eligible for (i) parole, (ii) any good conduct allowance or any earned sentence credits under Chapter 6 (§ 53.1-186 et seq.) of Title 53.1, or (iii) conditional release pursuant to § 53.1-40.01 or 53.1-40.02.

(b) For Class 2 felonies, imprisonment for life or for any term not less than 20 years and, subject to subdivision (g), a fine of not more than \$100,000.

(c) For Class 3 felonies, a term of imprisonment of not less than five years nor more than 20 years and, subject to subdivision (g), a fine of not more than \$100,000.

(d) For Class 4 felonies, a term of imprisonment of not less than two years nor more than 10 years and, subject to subdivision (g), a fine of not more than \$100,000.

(e) For Class 5 felonies, a term of imprisonment of not less than one year nor more than 10 years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

(f) For Class 6 felonies, a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

(g) Except as specifically authorized in subdivision (e) or (f), the court shall impose either a sentence of imprisonment together with a fine, or imprisonment only. However, if the defendant is not a natural person, the court shall impose only a fine.

For any felony offense committed (i) on or after January 1, 1995, the court may, and (ii) on or after July 1, 2000, shall, except in cases in which the court orders a suspended term of confinement of at least six months, impose an additional term of incarceration of not less than six months nor more than three years, which shall be suspended conditioned upon successful completion of a period of ~~post-release supervision~~ probation pursuant to § 19.2-295.2 and compliance with such other terms as the sentencing court may require. However, such additional term may only be imposed when the sentence includes an active term of incarceration in a correctional facility.

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

§ 19.2-295.2. Probation of felons sentenced for offenses committed on and after January 1, 1995, and on and after July 1, 2000.

A. At the time the court imposes sentence upon a conviction for any felony offense committed (i) on or after January 1, 1995, the court may, and (ii) on or after July 1, 2000, shall, in addition to any other punishment imposed if such other punishment includes an active term of incarceration in a state or local correctional facility, except in cases in which the court orders a suspended term of confinement of at least six months, impose a term of incarceration, in addition to the active term, of not less than six months nor more than three years, as the court may determine. Such additional term shall be suspended and the defendant shall be ordered to be placed under ~~postrelease supervision~~ probation pursuant to § 19.2-303 upon release from the

active term of incarceration. The period of ~~supervision~~ *probation* shall be established by the court; however, such period shall not be less than six months nor more than three years. Periods of ~~postrelease supervision~~ *probation* imposed pursuant to this section upon more than one felony conviction may be ordered to run concurrently. ~~Periods of postrelease supervision imposed pursuant to this section may be ordered to run concurrently with any period of probation the defendant may also be subject to serve.~~

B. ~~The period of postrelease supervision shall be under the supervision and review of the Virginia Parole Board. The Board shall review each felon prior to release and establish conditions of postrelease supervision. Failure to successfully abide by such terms and conditions shall be grounds to terminate complete the period of postrelease supervision and recommit the defendant to the Department of Corrections or to the local correctional facility from which he was previously released. Procedures for any such termination and recommitment probation in accordance with this section shall be conducted in the same manner as procedures for the subject to revocation of parole such probation pursuant to §§ 19.2-306 and 19.2-306.1.~~

C. ~~Postrelease supervision programs shall be operated through the probation and parole districts established pursuant to § 53.1-141.~~

D. ~~Nothing in this section shall be construed to prohibit the court from exercising any authority otherwise granted by law.~~

§ 19.2-390. Reports to be made by local law-enforcement officers, conservators of the peace, clerks of court, Secretary of the Commonwealth and Corrections officials to State Police; material submitted by other agencies.

A. 1. Every state official or agency having the power to arrest, the sheriffs of counties, the police officials of cities and towns, and any other local law-enforcement officer or conservator of the peace having the power to arrest for a felony shall make a report to the Central Criminal Records Exchange, on forms provided by it, of any arrest, including those arrests involving the taking into custody of, or service of process upon, any person on charges resulting from an indictment, presentment or information, the arrest on *capias* or warrant for failure to appear, and the service of a warrant for another jurisdiction, for each charge when any person is arrested on any of the following charges:

- a. Treason;
- b. Any felony;
- c. Any offense punishable as a misdemeanor under Title 54.1;
- d. Any misdemeanor punishable by confinement in jail (i) under Title 18.2 or 19.2, or any similar ordinance of any county, city or town, (ii) under § 20-61, or (iii) under § 16.1-253.2; or
- e. Any offense in violation of § 3.2-6570, 4.1-309.1, 5.1-13, 15.2-1612, 22.1-289.041, 46.2-339, 46.2-341.21, 46.2-341.24, 46.2-341.26:3, 46.2-817, 58.1-3141, 58.1-4018.1, 60.2-632, or 63.2-1509.

The reports shall contain such information as is required by the Exchange and shall be accompanied by fingerprints of the individual arrested for each charge. Effective January 1, 2006, the corresponding photograph of the individual arrested shall accompany the report. Fingerprint cards prepared by a law-enforcement agency for inclusion in a national criminal justice file shall be forwarded to the Exchange for transmittal to the appropriate bureau. Nothing in this section shall preclude each local law-enforcement agency from maintaining its own separate photographic database. Fingerprints and photographs required to be taken pursuant to this subsection or subdivision A 3c of § 19.2-123 may be taken at the facility where the magistrate is located, including a regional jail, even if the accused is not committed to jail.

Law-enforcement agencies and clerks of court shall only submit reports to the Central Criminal Records Exchange only for those offenses enumerated in this subsection. Only reports received for those offenses enumerated in this subsection shall be included in the Central Criminal Records Exchange.

2. For persons arrested and released on summonses in accordance with subsection B of § 19.2-73 or § 19.2-74, such report shall not be required until (i) a conviction is entered and no appeal is noted or if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (ii) the court defers or dismisses the proceeding pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2; or (iii) an acquittal by reason of insanity pursuant to § 19.2-182.2 is entered. Upon such conviction or acquittal, the court shall remand the individual to the custody of the office of the chief law-enforcement officer of the county or city. It shall be the duty of the chief law-enforcement officer, or his designee who may be the arresting officer, to ensure that such report is completed for each charge after a determination of guilt or acquittal by reason of insanity. The court shall require the officer to complete the report immediately following the person's conviction or acquittal, and the individual shall be discharged from custody forthwith, unless the court has imposed a jail sentence to be served by him or ordered him committed to the custody of the Commissioner of Behavioral Health and Developmental Services.

3. For persons arrested on a *capias* for any allegation of a violation of the terms or conditions of a suspended sentence or probation for a felony offense pursuant to § 18.2-456, 19.2-306, or 53.1-165, a report shall be made to the Central Criminal Records Exchange pursuant to subdivision 1. Upon finding such person in violation of the terms or conditions of a suspended sentence or probation for such felony offense, the court shall order that the fingerprints and photograph of such person be taken by a law-enforcement officer for each such offense and submitted to the Central Criminal Records Exchange.

4. For any person served with a show cause for any allegation of a violation of the terms or conditions of a suspended sentence or probation for a felony offense pursuant to § 18.2-456, 19.2-306, or 53.1-165, such report to the Central Criminal Records Exchange shall not be required until such person is found to be in violation of the terms or conditions of a suspended sentence or probation for such felony offense. Upon finding such person in violation of the terms or conditions of a suspended sentence or probation for such felony offense, the court shall order that the fingerprints and photograph of such person be taken by a law-enforcement officer for each such offense and submitted to the Central Criminal Records Exchange.

5. If the accused is in custody when an indictment or presentment is found or made, or information is filed, and no process is awarded, the attorney for the Commonwealth shall so notify the court of such at the time of first appearance for each indictment, presentment, or information for which a report is required upon arrest pursuant to subdivision 1, and the court shall order that the fingerprints and photograph of the accused be taken for each offense by a law-enforcement officer or by the agency that has custody of the accused at the time of first appearance. The law-enforcement officer or agency taking the fingerprints and photograph shall submit a report to the Central Criminal Records Exchange for each offense.

B. Within 72 hours following the receipt of (i) a warrant or capias for the arrest of any person on a charge of a felony or (ii) a Governor's warrant of arrest of a person issued pursuant to § 19.2-92, the law-enforcement agency which received the warrant shall enter the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the National Crime Information Center (NCIC), maintained by the Federal Bureau of Investigation. The report shall include the person's name, date of birth, social security number and such other known information which the State Police or Federal Bureau of Investigation may require. Where feasible and practical, the magistrate or court issuing the warrant or capias may transfer information electronically into VCIN. When the information is electronically transferred to VCIN, the court or magistrate shall forthwith forward the warrant or capias to the local police department or sheriff's office. When criminal process has been ordered destroyed pursuant to § 19.2-76.1, the law-enforcement agency destroying such process shall ensure the removal of any information relating to the destroyed criminal process from the VCIN and NCIC.

B1. Within 72 hours following the receipt of a written statement issued by a parole officer pursuant to § 53.1-149 or ~~53.1-162~~ authorizing the arrest of a person who has violated the provisions of his ~~post-release supervision or probation~~, the law-enforcement agency that received the written statement shall enter, or cause to be entered, the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52.

C. For offenses not charged on a summons in accordance with subsection B of § 19.2-73 or § 19.2-74, the clerk of each circuit court and district court shall make an electronic report to the Central Criminal Records Exchange of (i) any dismissal, including a dismissal pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2, indefinite postponement or continuance, charge still pending due to mental incompetency or incapacity, deferral, nolle prosequi, acquittal, or conviction of, including any sentence imposed, or failure of a grand jury to return a true bill as to, any person charged with an offense listed in subsection A, including any action that may have resulted from an indictment, presentment or information, or any finding that the person is in violation of the terms or conditions of a suspended sentence or probation for a felony offense and (ii) any adjudication of delinquency based upon an act that, if committed by an adult, would require fingerprints to be filed pursuant to subsection A. For offenses listed in subsection A and charged on a summons in accordance with subsection B of § 19.2-73 or § 19.2-74, such electronic report by the clerk of each circuit court and district court to the Central Criminal Records Exchange may be submitted but shall not be required until (a) a conviction is entered and no appeal is noted or, if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (b) the court defers or dismisses the proceeding pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2; or (c) an acquittal by reason of insanity pursuant to § 19.2-182.2 is entered. The clerk of each circuit court shall make an electronic report to the Central Criminal Records Exchange of any finding that a person charged on a summons is in violation of the terms or conditions of a suspended sentence or probation for a felony offense. Upon conviction of any person, including juveniles tried and convicted in the circuit courts pursuant to § 16.1-269.1, whether sentenced as adults or juveniles, for an offense for which registration is required as defined in § 9.1-902, the clerk shall within seven days of sentencing submit a report to the Sex Offender and Crimes Against Minors Registry. The report to the Registry shall include the name of the person convicted and all aliases that he is known to have used, the date and locality of the conviction for which registration is required, his date of birth, social security number, and last known address, and specific reference to the offense for which he was convicted. No report of conviction or adjudication in a district court shall be filed unless the period allowed for an appeal has elapsed and no appeal has been perfected. In the event that the records in the office of any clerk show that any conviction or adjudication has been nullified in any manner, he shall also make a report of that fact to the Exchange and, if appropriate, to the Registry. In addition, each clerk of a circuit court, upon receipt of certification thereof

from the Supreme Court, shall report to the Exchange or the Registry, or to the law-enforcement agency making the arrest in the case of offenses not required to be reported to the Exchange, on forms provided by the Exchange or Registry, as the case may be, any reversal or other amendment to a prior sentence or disposition previously reported. When criminal process is ordered destroyed pursuant to § 19.2-76.1, the clerk shall report such action to the law-enforcement agency that entered the warrant or capias into the VCIN.

D. In addition to those offenses enumerated in subsection A, the Central Criminal Records Exchange may receive, classify, and file any other fingerprints, photographs, and records of confinement submitted to it by any correctional institution or the Department of Corrections. Unless otherwise prohibited by law, any such fingerprints, photographs, and records received by the Central Criminal Records Exchange from any correctional institution or the Department of Corrections may be classified and filed as criminal history record information.

E. Corrections officials, sheriffs, and jail superintendents of regional jails, responsible for maintaining correctional status information, as required by the regulations of the Department of Criminal Justice Services, with respect to individuals about whom reports have been made under the provisions of this chapter shall make reports of changes in correctional status information to the Central Criminal Records Exchange. The reports to the Exchange shall include any commitment to or release or escape from a state or local correctional facility, including commitment to or release from a parole or probation agency.

F. Any pardon, reprieve or executive commutation of sentence by the Governor shall be reported to the Exchange by the office of the Secretary of the Commonwealth.

G. Officials responsible for reporting disposition of charges, and correctional changes of status of individuals under this section, including those reports made to the Registry, shall adopt procedures reasonably designed at a minimum (i) to ensure that such reports are accurately made as soon as feasible by the most expeditious means and in no instance later than 30 days after occurrence of the disposition or correctional change of status and (ii) to report promptly any correction, deletion, or revision of the information.

H. Upon receiving a correction, deletion, or revision of information, the Central Criminal Records Exchange shall notify all criminal justice agencies known to have previously received the information.

I. As used in this section:

"Chief law-enforcement officer" means the chief of police of cities and towns and sheriffs of counties, unless a political subdivision has otherwise designated its chief law-enforcement officer by appropriate resolution or ordinance, in which case the local designation shall be controlling.

"Electronic report" means a report transmitted to, or otherwise forwarded to, the Central Criminal Records Exchange in an electronic format approved by the Exchange. The report shall contain the name of the person convicted and all aliases which he is known to have used, the date and locality of the conviction, his date of birth, social security number, last known address, and specific reference to the offense including the Virginia Code section and any subsection, the Virginia crime code for the offense, and the offense tracking number for the offense for which he was convicted.

§ 53.1-134. Virginia Parole Board; appointment of members.

There shall be a Virginia Parole Board ~~which~~ *(the Board)* that shall consist of up to five members appointed by the Governor and subject to confirmation by the General Assembly, if in session when such appointment is made, and if not in session, then at its next succeeding session. At least one member of the Parole Board shall be a representative of a crime victims' organization or a victim of crime as defined in subsection B of § 19.2-11.01. *The term of each member of the Board shall be four years. When a vacancy on the Board occurs, the Governor shall appoint a member to fill such vacancy within 60 days.*

The members of the Parole Board shall serve at the pleasure of the Governor.

§ 53.1-134.1. Board decisions; voting requirements.

~~Notwithstanding any other provision of law or regulation, if the Parole Board adopts a rule or regulation requiring the concurrence~~ *In the case of a person serving life imprisonment for murder of the first degree pursuant to § 18.2-32, the final deliberation and vote of whether to grant such person parole shall be attended by a panel of four or more members of the Parole Board to grant discretionary parole or conditional release, in the event that there are less than four members but at least. In all other cases, the final deliberation and vote shall be attended by a panel of no fewer than three members on of the Parole Board; then such requirement shall be satisfied upon a unanimous vote of all members on the Parole. The Board shall promulgate rules to ensure that such members are randomly assigned to panels and to serve on an equal number of panels, as is reasonably possible.*

A decision to grant discretionary parole shall require the concurrence of a majority of members present for the final deliberation and vote, except that in cases of a person serving life imprisonment for murder of the first degree pursuant to § 18.2-32, a decision to grant discretionary parole shall require the concurrence of four or more of the members present for the final deliberation and vote.

§ 53.1-136. Powers and duties of Board; notice of release of certain inmates; report.

In addition to the other powers and duties imposed upon the Board by this article, the Board shall:

1. Adopt, subject to approval by the Governor, general rules governing the granting of parole and

eligibility requirements, which shall be published and posted for public review. Such eligibility rules shall require consideration of the prisoner's demonstrated rehabilitation, economic and educational development, commitment to prosocial behavior, and community and family supports;

2. Adopt, subject to approval by the Governor, rules providing for the granting of parole to those prisoners who are eligible for parole pursuant to § 53.1-165.1 on the basis of demonstrated maturity and rehabilitation and the lesser culpability of juvenile offenders;

3. a. Release on parole for such time and upon such terms and conditions as the Board shall prescribe, persons convicted of felonies and confined under the laws of the Commonwealth in any correctional facility in Virginia when those persons become eligible and are found suitable for parole, according to those rules adopted pursuant to subdivisions 1 and 2;

b. ~~Establish the conditions of postrelease supervision authorized pursuant to § 18.2-10 and subsection A of § 19.2-295.2;~~

c. Notify the Department of Corrections of its decision to grant discretionary parole or conditional release to an inmate. The Department of Corrections shall set the release date for such inmate no sooner than 30 business days from the date that the Department of Corrections receives such notification from the Chairman of the Board, except that the Department of Corrections may set an earlier release date in the case of an inmate granted conditional release pursuant to § 53.1-40.02. In the case of an inmate granted parole who was convicted of a felony and sentenced to a term of 10 or more years, or an inmate granted conditional release, the Board shall notify the attorney for the Commonwealth in the jurisdiction where the inmate was sentenced (i) by electronic means at least 21 business days prior to such inmate's release that such inmate has been granted discretionary parole or conditional release pursuant to § 53.1-40.01 or 53.1-40.02 or (ii) by telephone or other electronic means prior to such inmate's release that such inmate has been granted conditional release pursuant to § 53.1-40.02 where death is imminent. Nothing in this section shall be construed to alter the obligations of the Board under § 53.1-155 for investigation prior to release on discretionary parole;

d. c. Provide that in any case where a person who is released on parole ~~or postrelease supervision~~ has been committed to the Department of Behavioral Health and Developmental Services under the provisions of Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 the conditions of his parole ~~or postrelease supervision~~ shall include the requirement that the person comply with all conditions given him by the Department of Behavioral Health and Developmental Services and that he follow all of the terms of his treatment plan;

4. Revoke parole ~~and any period of postrelease~~ and order the reincarceration of any parolee ~~or felon serving a period of postrelease supervision~~ or impose a condition of participation in any component of the Statewide Community-Based Corrections System for State-Responsible Offenders (§ 53.1-67.2 et seq.) on any eligible parolee, when, in the judgment of the Board, he has violated the conditions of his parole ~~or postrelease supervision~~ or is otherwise unfit to be on parole ~~or on postrelease supervision~~;

5. Issue final discharges to persons released by the Board on parole when the Board is of the opinion that the discharge of the parolee will not be incompatible with the welfare of such person or of society. Final discharges granted prior to the expiration of a period of parole shall be granted only upon approval by a majority of Board members. The Board shall publish an annual report regarding final discharges issued by the Board during the previous 12 months. The report shall include (i) the name of each prisoner granted final discharge, (ii) the offense of which the prisoner was convicted, (iii) the jurisdiction in which such offense was committed, (iv) the length of the prisoner's sentence and the date such sentence was imposed, (v) the amount of time the prisoner has been on parole ~~or postrelease supervision~~ in the community, (vi) the basis for the final discharge, and (vii) the vote of each Board member;

6. Make investigations and reports with respect to any commutation of sentence, pardon, reprieve or remission of fine, or penalty when requested by the Governor;

7. Publish a statement by the fifteenth day of each month regarding the actions taken by the Board on the parole of prisoners during the prior month. The statement shall list (i) the name of each prisoner considered for parole, (ii) the offense of which the prisoner was convicted, (iii) the jurisdiction in which such offense was committed, (iv) the length of the prisoner's sentence and the date such sentence was imposed, (v) the amount of time the prisoner has served, (vi) whether the prisoner was granted or denied parole, (vii) individualized reasons for the grant or denial of parole, and (viii) the final vote and the names of the Board members who voted in favor of granting parole and those who voted against. However, in the case of a prisoner granted parole, the information set forth in clauses (i) through (viii) regarding such prisoner shall be included in the statement published in the month immediately succeeding the month in which notification of the decision to grant parole was given to the attorney for the Commonwealth and any victims;

8. Publish an annual report regarding actions taken by the Board on the parole of prisoners during the prior year. Such report shall contain each monthly statement published by the Board pursuant to subdivision 7 and a summary that identifies (i) the total number of prisoners considered for parole, (ii) the number of persons granted parole, (iii) the number of persons denied parole, and (iv) the most common reasons for which parole was granted or denied;

9. Ensure that each person eligible for parole receives a timely and thorough review of his suitability for release on parole, including a review of any relevant post-sentencing information. If parole is denied, the

basis for the denial of parole shall be in writing and shall give specific, individualized reasons for such denial to such inmate; and

10. Convene a public meeting, either in person or via video conference, when conducting the final deliberation and vote regarding whether the Board will grant parole to a prisoner. The prisoner being considered for parole or his attorney shall be permitted to attend such meeting either, in the Board's discretion, in person or via video conference. The victim shall be permitted to attend and participate in such meeting either, in the Board's discretion, in person or via video or phone conference or to provide written or recorded testimony. No decision to grant discretionary parole shall be made by the Board unless such decision was discussed and debated at a meeting at which ~~a majority~~ *no fewer than three* of the Board members were present. Whether the Board grants or denies discretionary parole to an inmate, each Board member shall identify his reasoning for such decision at the time such member's vote is cast.

§ 53.1-145. Powers and duties of probation and parole officers.

In addition to other powers and duties prescribed by this article, each probation and parole officer shall:

1. Investigate and report on any case pending in any court or before any judge in his jurisdiction referred to him by the court or judge;

2. Supervise and assist all persons within his territory placed on probation, secure, as appropriate and when available resources permit, placement of such persons in a substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and furnish every such person with a written statement of the conditions of his probation and instruct him therein; if any such person has been committed to the Department of Behavioral Health and Developmental Services under the provisions of Chapter 9 (§ 37.2-900 et seq.) of Title 37.2, the conditions of probation shall include the requirement that the person comply with all conditions given him by the Department of Behavioral Health and Developmental Services, and that he follow all of the terms of his treatment plan;

3. Supervise and assist all persons within his territory released on parole ~~or postrelease supervision~~, secure, as appropriate and when available resources permit, placement of such persons in a substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and, in his discretion, assist any person within his territory who has completed his parole; ~~postrelease supervision~~, or has been mandatorily released from any correctional facility in the Commonwealth and requests assistance in finding a place to live, finding employment, or in otherwise becoming adjusted to the community;

4. Arrest and recommit to the place of confinement from which he was released, or in which he would have been confined but for the suspension of his sentence or of its imposition, for violation of the terms of probation; ~~post-release supervision pursuant to § 19.2-295.2~~ or parole, any probationer; ~~person subject to post-release supervision or parolee under his supervision~~, or as directed by the Chairman, Board member or the court, pending a hearing by the Board or the court, as the case may be;

5. Keep such records, make such reports, and perform other duties as may be required of him by the Director and the court or judge by whom he was authorized;

6. Order and conduct, in his discretion, drug and alcohol screening tests of any probationer; ~~person subject to post-release supervision pursuant to § 19.2-295.2~~ or parolee under his supervision who the officer has reason to believe is engaged in the illegal use of controlled substances or marijuana, or the abuse of alcohol. The cost of the test may be charged to the person under supervision. Regulations governing the officer's exercise of this authority shall be promulgated by the Director;

7. Have the power to carry a concealed weapon in accordance with regulations promulgated by the Director and upon the certification of appropriate training and specific authorization by a judge of a circuit court;

8. Provide services in accordance with any contract entered into between the Department of Corrections and the Department of Behavioral Health and Developmental Services pursuant to § 37.2-912;

9. Pursuant to any contract entered into between the Department of Corrections and the Department of Behavioral Health and Developmental Services, probation and parole officers shall have the power to provide intensive supervision services to persons placed on conditional release, regardless of whether the person has any time remaining to serve on any criminal sentence, pursuant to Chapter 9 (§ 37.2-900 et seq.);

10. Determine by reviewing the Department of Forensic Science DNA data bank sample tracking system upon intake and again prior to release whether a blood, saliva, or tissue sample is stored in the data bank for each person placed on probation or parole required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, if a person's sample is not stored in the data bank, require the person placed on probation or parole to submit a sample for DNA analysis;

11. For every offender accepted pursuant to the Interstate Compact for the Supervision of Adult Offenders (§ 53.1-176.1 et seq.) who has been convicted of an offense that, if committed in Virginia, would require the offender to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2, take a sample or verify that a sample has been taken and accepted into the data bank for DNA analysis in the Commonwealth;

12. Monitor the collection and payment of restitution to the victims of crime for offenders placed on supervised probation;

13. Prior to the release from supervision of any offender on probation as of July 1, 2019, review the criminal history record of the offender at least 60 days prior to release from supervision, or immediately if the offender is scheduled to be released from supervision within less than 60 days, to determine whether all offenses for which the offender is being supervised appear on such record and, if any such offense that is required to be reported to the Central Criminal Records Exchange pursuant to § 19.2-390 does not appear, (i) take and provide fingerprints and a photograph of the offender to the Central Criminal Records Exchange to be classified and filed as part of the criminal history record information pursuant to subsection D of § 19.2-390 and (ii) provide written or electronic notification to the Central Criminal Records Exchange within the Department of State Police that such offense does not appear on the offender's criminal history record; and

14. Upon intake of any offender on or after July 1, 2019, (i) take and provide fingerprints and a photograph of the offender to the Central Criminal Records Exchange to be classified and filed as part of the criminal history record information pursuant to subsection D of § 19.2-390, (ii) review the criminal history record of the offender to determine whether all offenses for which the offender is being supervised appear on such record, and (iii) if any such offense that is required to be reported to the Central Criminal Records Exchange pursuant to § 19.2-390 does not appear, provide written or electronic notification to the Central Criminal Records Exchange within the Department of State Police that such offense does not appear on the offender's criminal history record.

Nothing in this article shall require probation and parole officers to investigate or supervise cases before general district or juvenile and domestic relations district courts.

§ 53.1-157. Parolees to comply with terms; furnishing copies.

Each parolee or felon serving a period of postrelease supervision while on parole or period of postrelease supervision shall comply with such terms and conditions as may be prescribed by the Board. When any prisoner is released on parole or postrelease period of supervision, the Board shall furnish the parolee and the probation and parole officer having supervision of the parolee or felon serving a period of postrelease supervision a copy of the terms and conditions of the parole or postrelease period of supervision and any changes which that may from time to time be made therein.

§ 53.1-161. Arrest and return of parolee; warrant; release pending adjudication of violation.

A. The Chairman or any member of the Board may at any time upon information or a showing of a violation or a probable violation by any parolee of any of the terms or conditions upon which he was released on parole issue, or cause to be issued, a warrant for the arrest and return of the parolee to the institution from which he was paroled, or to any other correctional facility that may be designated by the Chairman or member. However, a determination of whether a parolee returned to a correctional facility pursuant to this subsection shall be returned to a state or local correctional facility shall be made based on the length of the parolee's original sentence as set forth in § 53.1-20. Each such warrant shall authorize all officers named therein to arrest and return the parolee to actual custody in the facility from which he was paroled, or to any other facility designated by the Chairman or member.

In any case in which the parolee is charged with the violation of any law, the violation of which caused the issuance of such warrant, upon request of the parolee or his attorney, the Chairman or member shall as soon as practicable consider all the circumstances surrounding the allegations of such violation, including the probability of conviction thereof, and may, after such consideration, release the parolee, pending adjudication of the violation charged.

B. Upon information or a showing of a violation or a probable violation by any felon serving a period of postrelease supervision of any of the terms or conditions upon which he was released on a postrelease period of supervision, the circuit court of the sentencing jurisdiction may issue, or cause to be issued, a warrant for the arrest and return of the felon serving a period of postrelease supervision to the institution from which he was released, or to any other correctional facility that may be designated by the circuit court. However, a determination of whether a felon serving a period of postrelease supervision returned to a correctional facility pursuant to this subsection shall be returned to a state or local correctional facility shall be made based on the length of the period of postrelease supervision as set at sentencing. Each such warrant shall authorize all officers named therein to arrest and return the felon to actual custody in the facility from which he was released, or to any other facility designated by the circuit court.

In any case in which the felon serving a period of postrelease supervision is charged with the violation of any law, the violation of which caused the issuance of such warrant, upon request of the felon or his attorney, the circuit court of the sentencing jurisdiction shall as soon as practicable consider all the circumstances surrounding the allegations of such violation, including the probability of conviction thereof, and may, after such consideration, release the felon, pending adjudication of the violation charged.

§ 53.1-162. Arrest of parolee without warrant; written statement.

Any probation and parole officer may arrest a parolee or felon serving a period of postrelease supervision without a warrant or may deputize any other officer with power of arrest to do so by a written statement setting forth that the parolee or felon serving a period of postrelease supervision has, in the judgment of the probation and parole officer, violated one or more of the terms or conditions of his parole or postrelease

~~period of supervision.~~ Such a written statement by a probation and parole officer delivered to the officer in charge of any state or local correctional facility shall be sufficient warrant for the detention of the parolee ~~or felon serving a period of postrelease supervision.~~ Any officer deputized upon receipt of the written statement shall, in accordance with § 19.2-390, enter, or cause to be entered, the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Such information shall be deemed a warrant authorizing the arrest of the person anywhere in the Commonwealth.

§ 53.1-164. Procedure for return of parolee.

When any parolee ~~or felon serving a period of postrelease supervision~~ is returned to any facility in accordance with the provisions of § 53.1-161, he shall be held in accordance with rules of the Director and subject to further action of the Parole Board. The officer in charge of the facility shall see that the Parole Board is notified promptly of each such parolee's ~~or felon's~~ return.

§ 53.1-165. Revocation of parole; hearing; procedure for parolee in another state; appointment of attorney.

A. Whenever any parolee ~~or felon serving a period of postrelease supervision~~ is arrested and recommitted as provided herein, a preliminary hearing to determine probable cause that such parolee has violated one or more of the terms or conditions upon which he was released on parole ~~or postrelease period of supervision~~ shall be held by any hearing officer who has been designated as such by the Director of the Department to conduct such hearings. However, if a nolle prosequi is to be entered in a case where a parole violation is alleged, no preliminary hearing shall be required.

Upon request of the hearing officer, the attorney for the Commonwealth of the jurisdiction within which such hearings are to be held shall request the circuit court of such jurisdiction to appoint one or more discreet attorneys-at-law to represent parolees in any proceedings held before him. Each attorney so appointed shall be available to serve upon request of the hearing officer. The term of each attorney's appointment shall continue until such time as a successor may be appointed. A hearing officer shall be authorized to issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before him and to administer oaths and to take testimony thereunder.

Upon a finding of probable cause by the hearing officer, the Board or its authorized representative shall conduct a hearing, consider the case and act with reference thereto within a reasonable time thereafter. Upon request of the Board, the attorney for the Commonwealth of the jurisdiction within which such hearings are to be held shall request the circuit court of that jurisdiction to appoint one or more discreet attorneys-at-law to represent parolees in proceedings held or to be held before the Board. Each attorney shall be available to serve upon request of the Board. The term of each attorney's appointment shall continue until such time as a successor may be appointed. The Board, in its discretion, may revoke the parole and order the reincarceration of the prisoner for the unserved portion of the term of imprisonment originally imposed upon him, or it may reinstate the parole either upon such terms and conditions as were originally prescribed, or as may be prescribed in addition thereto or in lieu thereof. When a parole violation is based on a new felony conviction for which the individual has been sentenced to two or more years, excluding any time of said sentence which has been suspended, any individual Board member, so authorized by the Board, may after such hearing revoke the individual's parole as otherwise provided herein.

Upon revocation of parole for any felony offense, the Board or its authorized representative shall order that the Department of Corrections take fingerprints and a photograph of the person for each offense and transmit such information to the Central Criminal Records Exchange pursuant to subsection D of § 19.2-390.

B. In cases in which a parolee ~~or felon serving a period of postrelease supervision~~ is in another state, any hearing officer who has been designated as such by the Director of the Department may be sent to that state to conduct a preliminary hearing to determine probable cause that the parolee has violated one or more of the terms and conditions upon which he was released upon parole.

C. Any attorney-at-law appointed pursuant to this section shall be paid as directed by the court making the appointment, from funds appropriated for court costs and expenses, reasonable compensation on an hourly basis and necessary expenses, based upon a report to be furnished to it by such attorney. In the event an attorney-at-law is appointed in another state, he shall be paid out of funds appropriated to the Department.

2. That the Virginia Parole Board (the Board) shall (i) notify any person serving a period of postrelease supervision under the Board's supervision as of July 1, 2025, that the duration of such person's postrelease supervision shall be moved to the supervision of probation and (ii) provide information on how such person should report to the appropriate probation officer. Any failure of such person serving a period of postrelease supervision to successfully complete the period of postrelease supervision shall be subject to revocation of a suspended sentence pursuant to §§ 19.2-306 and 19.2-306.1 of the Code of Virginia, and the procedures for such revocation shall be conducted in the same manner as the procedures for revocation of probation.

3. That any rules adopted by the Virginia Parole Board in accordance with the provisions of § 53.1-136 of the Code of Virginia, as amended by this act, shall be approved by the Governor by July 1, 2025.

PLEA OF GUILTY TO A FELONY

1. My name is "DEFENDANT NAME" , and my date of birth is "DATE OF BIRTH" . I am AGE years old.
2. I am represented by Counsel whose name is "DEFENSE ATTORNEY" and I am satisfied with the services of my attorney.
3. I have received a copy of the warrant or indictment before being called upon to plead and have read and discussed it with my attorney. I fully understand the charge against me. I am the person named in the indictment. I have discussed the charge and its elements with my attorney and I understand what the Commonwealth must prove before I may be found guilty. I have had enough time to discuss with my attorney any possible defenses that I may have had to this charge.
4. I have discussed with my attorney whether I should plead guilty or not guilty. After that discussion, I decided for myself that I should plead guilty. I am entering the plea of guilty freely and voluntarily. I am entering a plea of guilty because I am in fact guilty of the crime charged.
5. My attorney has advised me that the punishment which the law provides is as follows: A maximum of "MAXIMUM YEARS" year(s) imprisonment and a minimum of "MINIMUM YEARS" year(s) imprisonment or in the discretion of the Jury or the Judge sitting without a jury, up to 12 months in jail and/or a fine of not more than FINE or both, and also that probation may or may not be granted; and that if I plead guilty to more than one offense, the court may order the sentences to be consecutive, that is, one after another. I understand that there is a mandatory punishment of "MAND MIN OR DELETE LINE" for this crime.
 - 5(a). I understand that if the Court sentences me to a term of incarceration, it may impose an additional term of not less than six months nor more than three years, all of which shall be suspended, conditioned upon successful completion of a period of probation.
6. I understand that by pleading guilty, I am waiving the following rights at trial: (a) the right to a trial by jury; (b) the right not to incriminate myself; (c) the right to confront and cross-examine all witnesses against me; (d) the right to defend myself including the right to use the power of the court to obtain evidence and the attendance of witnesses on my behalf.
7. I understand that by pleading guilty I may waive my right to an appeal and that the only issue to be decided by the Court is punishment.
8. The following plea agreement is the full and complete agreement between me, my attorney, and the Commonwealth's Attorney: "TERMS OF AGREEMENT"
9. No one connected with my arrest and prosecution, such as the police, Commonwealth's Attorney, Sheriff, or any other person, has threatened me or forced me to plead guilty or made any promises concerning my plea of guilty, other than stated in paragraph 8.

10. I understand that the Court may accept or reject the agreement and may defer its decision as to the acceptance or rejection until there has been an opportunity to consider the presentence report and other evidence.

11. I understand that, if I am not a United States citizen, a plea of guilty may result in deportation, exclusion from admission to the United States, the denial of naturalization under federal law, or other adverse immigration consequences.

12. After having discussed the matter with my attorney, I do freely and voluntarily plead guilty to the offense of "CHARGE NAME AND CODE SECTION" , Criminal No. "CASE NUMBER AND COUNTS" and waive my right to a trial by jury and request the Court to hear all matters of law and fact.

13. I do not have any questions to ask the Court before the Court decides to accept my plea of guilty.

Signed by me in the presence of my attorney this _____ day of _____, 20____.

Defendant

CERTIFICATE OF DEFENDANT'S COUNSEL

The undersigned attorney for the above-named Defendant, after having made a thorough investigation of the facts relating to this case, do certify that I have explained to the Defendant the charges in this case and that the Defendant's plea of guilty is voluntarily and understandingly made.

Attorney for Defendant

CERTIFICATE OF COMMONWEALTH'S ATTORNEY

The above accords with my understanding of the facts in this case.

"YOUR NAME" Attorney for the Commonwealth

The Court, being of the opinion that the plea of guilty and waiver of jury are voluntarily made, understanding the nature of the charges and the consequences of said plea of guilty and waiver, does accept the plea and waiver.

Filed and made a part of the record this _____ day of _____, 20____.

Judge