

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 4.1-225, 9.1-176.1, 15.2-907, 16.1-260, 16.1-278.8:01, 18.2-251,*
 3 *18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-308, 18.2-308.1:5,*
 4 *18.2-308.4, 18.2-474.1, 19.2-83.1, 19.2-187, 19.2-386.22 through 19.2-386.25, 22.1-277.08,*
 5 *22.1-279.3:1, 24.2-233, 53.1-145, 53.1-203, and 54.1-3446 of the Code of Virginia and to amend the*
 6 *Code of Virginia by adding a section numbered 18.2-248.1:1, relating to penalties for transport,*
 7 *possession, sale or distribution, etc., of synthetic cannabinoids; controlled substances.*

8 [H 1434]
 9 Approved

10 **Be it enacted by the General Assembly of Virginia:**
 11 **1. That §§ 4.1-225, 9.1-176.1, 15.2-907, 16.1-260, 16.1-278.8:01, 18.2-251, 18.2-255, 18.2-255.1,**
 12 **18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-308, 18.2-308.1:5, 18.2-308.4, 18.2-474.1, 19.2-83.1,**
 13 **19.2-187, 19.2-386.22 through 19.2-386.25, 22.1-277.08, 22.1-279.3:1, 24.2-233, 53.1-145, 53.1-203,**
 14 **and 54.1-3446 of the Code of Virginia are amended and reenacted and that the Code of Virginia is**
 15 **amended by adding a section numbered 18.2-248.1:1 as follows:**

- 16 § 4.1-225. Grounds for which Board may suspend or revoke licenses.
 17 The Board may suspend or revoke any license other than a brewery license, in which case the Board
 18 may impose penalties as provided in § 4.1-227, if it has reasonable cause to believe that:
 19 1. The licensee, or if the licensee is a partnership, any general partner thereof, or if the licensee is an
 20 association, any member thereof, or a limited partner of 10 percent or more with voting rights, or if the
 21 licensee is a corporation, any officer, director, or shareholder owning 10 percent or more of its capital
 22 stock, or if the licensee is a limited liability company, any member-manager or any member owning 10
 23 percent or more of the membership interest of the limited liability company:
 24 a. Has misrepresented a material fact in applying to the Board for such license;
 25 b. Has defrauded or attempted to defraud the Board, or any federal, state or local government or
 26 governmental agency or authority, by making or filing any report, document or tax return required by
 27 statute or regulation which is fraudulent or contains a false representation of a material fact; or has
 28 willfully deceived or attempted to deceive the Board, or any federal, state or local government, or
 29 governmental agency or authority, by making or maintaining business records required by statute or
 30 regulation which are false or fraudulent;
 31 c. Within the five years immediately preceding the date of the hearing held in accordance with
 32 § 4.1-227, has (i) been convicted of a violation of any law, ordinance or regulation of the
 33 Commonwealth, of any county, city or town in the Commonwealth, of any state, or of the United States,
 34 applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages; (ii) violated
 35 any provision of Chapter 3 (§ 4.1-300 et seq.) of this title; (iii) committed a violation of the Wine
 36 Franchise Act (§ 4.1-400 et seq.) or the Beer Franchise Act (§ 4.1-500 et seq.) in bad faith; (iv) violated
 37 or failed or refused to comply with any regulation, rule or order of the Board; or (v) failed or refused to
 38 comply with any of the conditions or restrictions of the license granted by the Board;
 39 d. Has been convicted in any court of a felony or of any crime or offense involving moral turpitude
 40 under the laws of any state, or of the United States;
 41 e. Is not the legitimate owner of the business conducted under the license granted by the Board, or
 42 other persons have ownership interests in the business which have not been disclosed;
 43 f. Cannot demonstrate financial responsibility sufficient to meet the requirements of the business
 44 conducted under the license granted by the Board;
 45 g. Has been intoxicated or under the influence of some self-administered drug while upon the
 46 licensed premises;
 47 h. Has maintained the licensed premises in an unsanitary condition, or allowed such premises to
 48 become a meeting place or rendezvous for members of a criminal street gang as defined in § 18.2-46.1
 49 or persons of ill repute, or has allowed any form of illegal gambling to take place upon such premises;
 50 i. Knowingly employs in the business conducted under such license, as agent, servant, or employee,
 51 other than a busboy, cook or other kitchen help, any person who has been convicted in any court of a
 52 felony or of any crime or offense involving moral turpitude, or who has violated the laws of the
 53 Commonwealth, of any other state, or of the United States, applicable to the manufacture, transportation,
 54 possession, use or sale of alcoholic beverages;
 55 j. Subsequent to the granting of his original license, has demonstrated by his police record a lack of
 56 respect for law and order;

57 k. Has allowed the consumption of alcoholic beverages upon the licensed premises by any person
 58 whom he knew or had reason to believe was (i) less than 21 years of age, (ii) interdicted, or (iii)
 59 intoxicated, or has allowed any person whom he knew or had reason to believe was intoxicated to loiter
 60 upon such licensed premises;

61 l. Has allowed any person to consume upon the licensed premises any alcoholic beverages except as
 62 provided under this title;

63 m. Is physically unable to carry on the business conducted under such license or has been
 64 adjudicated incapacitated;

65 n. Has allowed any obscene literature, pictures or materials upon the licensed premises;

66 o. Has possessed any illegal gambling apparatus, machine or device upon the licensed premises;

67 p. Has upon the licensed premises (i) illegally possessed, distributed, sold or used, or has knowingly
 68 allowed any employee or agent, or any other person, to illegally possess, distribute, sell or use
 69 marijuana, controlled substances, imitation controlled substances, drug paraphernalia or controlled
 70 paraphernalia as those terms are defined in Articles 1 and 1.1 (§ 18.2-247 et seq.) of Chapter 7 of Title
 71 18.2 and the Drug Control Act (§ 54.1-3400 et seq.) or *synthetic cannabinoids as defined in*
 72 *§ 18.2-248.1:1*; (ii) laundered money in violation of § 18.2-246.3; or (iii) conspired to commit any
 73 drug-related offense in violation of Articles 1 and 1.1 of Chapter 7 (§ 18.2-247 et seq.) of Title 18.2 or
 74 the Drug Control Act (§ 54.1-3400 et seq.). The provisions of this subdivision shall also apply to any
 75 conduct related to the operation of the licensed business which facilitates the commission of any of the
 76 offenses set forth herein; or

77 q. Has failed to take reasonable measures to prevent (i) the licensed premises, (ii) any premises
 78 immediately adjacent to the licensed premises that are owned or leased by the licensee, or (iii) any
 79 portion of public property immediately adjacent to the licensed premises from becoming a place where
 80 patrons of the establishment commit criminal violations of Article 1 (§ 18.2-30 et seq.), 2 (§ 18.2-38 et
 81 seq.), 2.1 (§ 18.2-46.1 et seq.), 2.2 (§ 18.2-46.4 et seq.), 3 (§ 18.2-47 et seq.), 4 (§ 18.2-51 et seq.), 5
 82 (§ 18.2-58 et seq.), 6 (§ 18.2-59 et seq.), or 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2; Article 2
 83 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2; Article 3 (§ 18.2-344 et seq.) or 5 (§ 18.2-372 et seq.) of
 84 Chapter 8 of Title 18.2; or Article 1 (§ 18.2-404 et seq.), 2 (§ 18.2-415), or 3 (§ 18.2-416 et seq.) of
 85 Chapter 9 of Title 18.2 and such violations lead to arrests that are so frequent and serious as to
 86 reasonably be deemed a continuing threat to the public safety.

87 2. The place occupied by the licensee:

88 a. Does not conform to the requirements of the governing body of the county, city or town in which
 89 such establishment is located, with respect to sanitation, health, construction or equipment, or to any
 90 similar requirements established by the laws of the Commonwealth or by Board regulations;

91 b. Has been adjudicated a common nuisance under the provisions of this title or § 18.2-258; or

92 c. Has become a meeting place or rendezvous for illegal gambling, illegal users of narcotics, drunks,
 93 prostitutes, pimps, panderers or habitual law violators or has become a place where illegal drugs are
 94 regularly used or distributed. The Board may consider the general reputation in the community of such
 95 establishment in addition to any other competent evidence in making such determination.

96 3. The licensee or any employee of the licensee discriminated against any member of the armed
 97 forces of the United States by prices charged or otherwise.

98 4. The licensee, his employees, or any entertainer performing on the licensed premises has been
 99 convicted of a violation of a local public nudity ordinance for conduct occurring on the licensed
 100 premises and the licensee allowed such conduct to occur.

101 5. Any cause exists for which the Board would have been entitled to refuse to grant such license had
 102 the facts been known.

103 6. Any other cause authorized by this title.

104 § 9.1-176.1. Duties and responsibilities of local community-based probation officers.

105 A. Each local community-based probation officer, for the localities served, shall:

106 1. Supervise and assist all local-responsible adult offenders, residing within the localities served and
 107 placed on local community-based probation by any judge of any court within the localities served;

108 2. Ensure offender compliance with all orders of the court, including the requirement to perform
 109 community service;

110 3. Conduct, when ordered by a court, substance abuse screenings, or conduct or facilitate the
 111 preparation of assessments pursuant to state approved protocols;

112 4. Conduct, at his discretion, random drug and alcohol tests on any offender whom the officer has
 113 reason to believe is engaged in the illegal use of controlled substances $\text{\textcircled{X}}$, marijuana, or *synthetic*
 114 *cannabinoids* or the abuse of alcohol or prescribed medication;

115 5. Facilitate placement of offenders in substance abuse education or treatment programs and services
 116 or other education or treatment programs and services based on the needs of the offender;

117 6. Seek a *capias* from any judicial officer in the event of failure to comply with conditions of local

118 community-based probation or supervision on the part of any offender provided that noncompliance
119 resulting from intractable behavior presents a risk of flight, or a risk to public safety or to the offender;

120 7. Seek a motion to show cause for offenders requiring a subsequent hearing before the court;

121 8. Provide information to assist any law-enforcement officer with the return to custody of defendants
122 placed on supervision for which a *capias* has been sought;

123 9. Keep such records and make such reports as required by the Department of Criminal Justice
124 Services; and

125 10. Determine by reviewing the Local Inmate Data System upon intake and again prior to discharge
126 whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to
127 submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, if no
128 sample has been taken, require an offender to submit a sample for DNA analysis.

129 B. Each local probation officer may provide the following optional services, as appropriate and when
130 available resources permit:

131 1. Supervise local-responsible adult offenders placed on home incarceration with or without home
132 electronic monitoring as a condition of local community-based probation;

133 2. Investigate and report on any local-responsible adult offender and prepare or facilitate the
134 preparation of any other screening, assessment, evaluation, testing or treatment required as a condition of
135 probation;

136 3. Monitor placements of local-responsible adults who are required to perform court-ordered
137 community service at approved work sites;

138 4. Assist the courts, when requested, by monitoring the collection of court costs, fines and restitution
139 to the victims of crime for offenders placed on local probation; and

140 5. Collect supervision and intervention fees pursuant to § 9.1-182 subject to local approval and the
141 approval of the Department of Criminal Justice Services.

142 § 15.2-907. Authority to require removal, repair, etc., of buildings and other structures harboring
143 illegal drug use.

144 A. As used in this section:

145 "Affidavit" means the affidavit prepared by a locality in accordance with subdivision B 1 a hereof.

146 "Controlled substance" means illegally obtained controlled substances or marijuana, as defined in
147 § 54.1-3401, or *synthetic cannabinoids as defined in § 18.2-248.1:1*.

148 "Corrective action" means the taking of steps which are reasonably expected to be effective to abate
149 drug blight on real property, such as removal, repair or securing of any building, wall or other structure.

150 "Drug blight" means a condition existing on real property which tends to endanger the public health
151 or safety of residents of a locality and is caused by the regular presence on the property of persons
152 under the influence of controlled substances or the regular use of the property for the purpose of
153 illegally possessing, manufacturing or distributing controlled substances.

154 "Owner" means the record owner of real property.

155 "Property" means real property.

156 B. Any locality may, by ordinance, provide that:

157 1. The locality may undertake corrective action with respect to property in accordance with the
158 procedures described herein:

159 a. The locality shall execute an affidavit, citing this section, to the effect that (i) drug blight exists on
160 the property and in the manner described therein; (ii) the locality has used diligence without effect to
161 abate the drug blight; and (iii) the drug blight constitutes a present threat to the public's health, safety or
162 welfare.

163 b. The locality shall then send a notice to the owner of the property, to be sent by regular mail to
164 the last address listed for the owner on the locality's assessment records for the property, together with a
165 copy of such affidavit, advising that (i) the owner has up to ~~thirty~~ 30 days from the date thereof to
166 undertake corrective action to abate the drug blight described in such affidavit and (ii) the locality will,
167 if requested to do so, assist the owner in determining and coordinating the appropriate corrective action
168 to abate the drug blight described in such affidavit.

169 c. If no corrective action is undertaken during such ~~thirty~~ 30-day period, the locality shall send by
170 regular mail an additional notice to the owner of the property, at the address stated in the preceding
171 subdivision, stating the date on which the locality may commence corrective action to abate the drug
172 blight on the property, which date shall be no earlier than ~~fifteen~~ 15 days after the date of mailing of
173 the notice. Such additional notice shall also reasonably describe the corrective action contemplated to be
174 taken by the locality. Upon receipt of such notice, the owner shall have a right, upon reasonable notice
175 to the locality, to seek equitable relief, and the locality shall initiate no corrective action while a proper
176 petition for relief is pending before a court of competent jurisdiction.

177 2. If the locality undertakes corrective action with respect to the property after complying with the
178 provisions of subdivision B 1, the costs and expenses thereof shall be chargeable to and paid by the

179 owner of such property and may be collected by the locality as taxes are collected.

180 3. Every charge authorized by this section with which the owner of any such property has been
181 assessed and which remains unpaid shall constitute a lien against such property with the same priority as
182 liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940
183 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.

184 C. If the owner of such property takes timely corrective action pursuant to such ordinance, the
185 locality shall deem the drug blight abated, shall close the proceeding without any charge or cost to the
186 owner and shall promptly provide written notice to the owner that the proceeding has been terminated
187 satisfactorily. The closing of a proceeding shall not bar the locality from initiating a subsequent
188 proceeding if the drug blight recurs.

189 D. Nothing in this section shall be construed to abridge or waive any rights or remedies of an owner
190 of property at law or in equity.

191 § 16.1-260. Intake; petition; investigation.

192 A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of
193 a petition, except as provided in subsection H of this section and in § 16.1-259. The form and content of
194 the petition shall be as provided in § 16.1-262. No individual shall be required to obtain support services
195 from the Department of Social Services prior to filing a petition seeking support for a child. Complaints,
196 requests and the processing of petitions to initiate a case shall be the responsibility of the intake officer.
197 However, (i) the attorney for the Commonwealth of the city or county may file a petition on his own
198 motion with the clerk, (ii) designated nonattorney employees of the Department of Social Services may
199 complete, sign and file petitions and motions relating to the establishment, modification, or enforcement
200 of support on forms approved by the Supreme Court of Virginia with the clerk, and (iii) any attorney
201 may file petitions on behalf of his client with the clerk except petitions alleging that the subject of the
202 petition is a child alleged to be in need of services, in need of supervision or delinquent. Complaints
203 alleging abuse or neglect of a child shall be referred initially to the local department of social services
204 in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. Motions and other
205 subsequent pleadings in a case shall be filed directly with the clerk. The intake officer or clerk with
206 whom the petition or motion is filed shall inquire whether the petitioner is receiving child support
207 services or public assistance. No individual who is receiving support services or public assistance shall
208 be denied the right to file a petition or motion to establish, modify or enforce an order for support of a
209 child. If the petitioner is seeking or receiving child support services or public assistance, the clerk, upon
210 issuance of process, shall forward a copy of the petition or motion, together with notice of the court
211 date, to the Division of Child Support Enforcement.

212 B. The appearance of a child before an intake officer may be by (i) personal appearance before the
213 intake officer or (ii) use of two-way electronic video and audio communication. If two-way electronic
214 video and audio communication is used, an intake officer may exercise all powers conferred by law. All
215 communications and proceedings shall be conducted in the same manner as if the appearance were in
216 person, and any documents filed may be transmitted by facsimile process. The facsimile may be served
217 or executed by the officer or person to whom sent, and returned in the same manner, and with the same
218 force, effect, authority, and liability as an original document. All signatures thereon shall be treated as
219 original signatures. Any two-way electronic video and audio communication system used for an
220 appearance shall meet the standards as set forth in subsection B of § 19.2-3.1.

221 When the court service unit of any court receives a complaint alleging facts which may be sufficient
222 to invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake officer, may
223 proceed informally to make such adjustment as is practicable without the filing of a petition or may
224 authorize a petition to be filed by any complainant having sufficient knowledge of the matter to
225 establish probable cause for the issuance of the petition.

226 An intake officer may proceed informally on a complaint alleging a child is in need of services, in
227 need of supervision or delinquent only if the juvenile (i) is not alleged to have committed a violent
228 juvenile felony or (ii) has not previously been proceeded against informally or adjudicated delinquent for
229 an offense that would be a felony if committed by an adult. A petition alleging that a juvenile
230 committed a violent juvenile felony shall be filed with the court. A petition alleging that a juvenile is
231 delinquent for an offense that would be a felony if committed by an adult shall be filed with the court if
232 the juvenile had previously been proceeded against informally by intake or had been adjudicated
233 delinquent for an offense that would be a felony if committed by an adult.

234 If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and
235 the attendance officer has provided documentation to the intake officer that the relevant school division
236 has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the
237 court. The intake officer may defer filing the complaint for 90 days and proceed informally by
238 developing a truancy plan. The intake officer may proceed informally only if the juvenile has not
239 previously been proceeded against informally or adjudicated in need of supervision for failure to comply

240 with compulsory school attendance as provided in § 22.1-254. The juvenile and his parent or parents,
 241 guardian or other person standing in loco parentis must agree, in writing, for the development of a
 242 truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents,
 243 guardian or other person standing in loco parentis participate in such programs, cooperate in such
 244 treatment or be subject to such conditions and limitations as necessary to ensure the juvenile's
 245 compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer
 246 the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an
 247 interagency interdisciplinary team approach. The team may include qualified personnel who are
 248 reasonably available from the appropriate department of social services, community services board, local
 249 school division, court service unit and other appropriate and available public and private agencies and
 250 may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the
 251 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then
 252 the intake officer shall file the petition.

253 Whenever informal action is taken as provided in this subsection on a complaint alleging that a child
 254 is in need of services, in need of supervision or delinquent, the intake officer shall (i) develop a plan for
 255 the juvenile, which may include restitution and the performance of community service, based upon
 256 community resources and the circumstances which resulted in the complaint, (ii) create an official record
 257 of the action taken by the intake officer and file such record in the juvenile's case file, and (iii) advise
 258 the juvenile and the juvenile's parent, guardian or other person standing in loco parentis and the
 259 complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent
 260 based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241
 261 will result in the filing of a petition with the court.

262 C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody,
 263 visitation or support of a child is the subject of controversy or requires determination, (ii) a person has
 264 deserted, abandoned or failed to provide support for any person in violation of law, (iii) a child or such
 265 child's parent, guardian, legal custodian or other person standing in loco parentis is entitled to treatment,
 266 rehabilitation or other services which are required by law, or (iv) family abuse has occurred and a
 267 protective order is being sought pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If any such
 268 complainant does not file a petition, the intake officer may file it. In cases in which a child is alleged to
 269 be abused, neglected, in need of services, in need of supervision or delinquent, if the intake officer
 270 believes that probable cause does not exist, or that the authorization of a petition will not be in the best
 271 interest of the family or juvenile or that the matter may be effectively dealt with by some agency other
 272 than the court, he may refuse to authorize the filing of a petition. The intake officer shall provide to a
 273 person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1 a written
 274 explanation of the conditions, procedures and time limits applicable to the issuance of protective orders
 275 pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1.

276 D. Prior to the filing of any petition alleging that a child is in need of supervision, the matter shall
 277 be reviewed by an intake officer who shall determine whether the petitioner and the child alleged to be
 278 in need of supervision have utilized or attempted to utilize treatment and services available in the
 279 community and have exhausted all appropriate nonjudicial remedies which are available to them. When
 280 the intake officer determines that the parties have not attempted to utilize available treatment or services
 281 or have not exhausted all appropriate nonjudicial remedies which are available, he shall refer the
 282 petitioner and the child alleged to be in need of supervision to the appropriate agency, treatment facility
 283 or individual to receive treatment or services, and a petition shall not be filed. Only after the intake
 284 officer determines that the parties have made a reasonable effort to utilize available community
 285 treatment or services may he permit the petition to be filed.

286 E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an
 287 adult would be punishable as a Class 1 misdemeanor or as a felony, the complainant shall be notified in
 288 writing at that time of the complainant's right to apply to a magistrate for a warrant. If a magistrate
 289 determines that probable cause exists, he shall issue a warrant returnable to the juvenile and domestic
 290 relations district court. The warrant shall be delivered forthwith to the juvenile court, and the intake
 291 officer shall accept and file a petition founded upon the warrant. If the court is closed and the magistrate
 292 finds that the criteria for detention or shelter care set forth in § 16.1-248.1 have been satisfied, the
 293 juvenile may be detained pursuant to the warrant issued in accordance with this subsection. If the intake
 294 officer refuses to authorize a petition relating to a child in need of services or in need of supervision, a
 295 status offense, or a misdemeanor other than Class 1, his decision is final.

296 Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the
 297 intake officer shall accept and file a petition founded upon the warrant.

298 F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition
 299 which alleges facts of an offense which would be a felony if committed by an adult.

300 G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of this chapter, the intake officer

301 shall file a report with the division superintendent of the school division in which any student who is
 302 the subject of a petition alleging that such student who is a juvenile has committed an act, wherever
 303 committed, which would be a crime if committed by an adult, or that such student who is an adult has
 304 committed a crime and is alleged to be within the jurisdiction of the court. The report shall notify the
 305 division superintendent of the filing of the petition and the nature of the offense, if the violation
 306 involves:

- 307 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299
 308 et seq.), or 7 (§ 18.2-308 et seq.) of Chapter 7 of Title 18.2;
- 309 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
- 310 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of
 311 Title 18.2;
- 312 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
- 313 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances,
 314 pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
- 315 6. Manufacture, sale or distribution of marijuana or *synthetic cannabinoids* pursuant to Article 1
 316 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
- 317 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
- 318 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
- 319 9. Robbery pursuant to § 18.2-58;
- 320 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;
- 321 11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3; or
- 322 12. An act of violence by a mob pursuant to § 18.2-42.1.

323 The failure to provide information regarding the school in which the student who is the subject of
 324 the petition may be enrolled shall not be grounds for refusing to file a petition.

325 The information provided to a division superintendent pursuant to this section may be disclosed only
 326 as provided in § 16.1-305.2.

327 H. The filing of a petition shall not be necessary:

328 1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and
 329 other pedestrian offenses, game and fish laws or a violation of the ordinance of any city regulating
 330 surfing or any ordinance establishing curfew violations, animal control violations or littering violations.
 331 In such cases the court may proceed on a summons issued by the officer investigating the violation in
 332 the same manner as provided by law for adults. Additionally, an officer investigating a motor vehicle
 333 accident may, at the scene of the accident or at any other location where a juvenile who is involved in
 334 such an accident may be located, proceed on a summons in lieu of filing a petition.

335 2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H
 336 of § 16.1-241.

337 3. In the case of a violation of § 18.2-266 or 29.1-738, or the commission of any other
 338 alcohol-related offense, provided the juvenile is released to the custody of a parent or legal guardian
 339 pending the initial court date. The officer releasing a juvenile to the custody of a parent or legal
 340 guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or
 341 legal guardian to appear before the court with the juvenile. Disposition of the charge shall be in the
 342 manner provided in § 16.1-278.8 or 16.1-278.9. If the juvenile so charged with a violation of
 343 § 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-272, or 29.1-738 refuses to provide a sample of blood or breath
 344 or samples of both blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through
 345 18.2-268.12 or 29.1-738.2, the provisions of these sections shall be followed except that the magistrate
 346 shall authorize execution of the warrant as a summons. The summons shall be served on a parent or
 347 legal guardian and the juvenile, and a copy of the summons shall be forwarded to the court in which the
 348 violation is to be tried.

349 4. In the case of offenses which, if committed by an adult, would be punishable as a Class 3 or
 350 Class 4 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in
 351 § 16.1-237 on a summons issued by the officer investigating the violation in the same manner as
 352 provided by law for adults provided that notice of the summons to appear is mailed by the investigating
 353 officer within five days of the issuance of the summons to a parent or legal guardian of the juvenile.

354 I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of
 355 the jurisdiction granted it in § 16.1-241.

356 § 16.1-278.8:01. Juveniles found delinquent of first drug offense; screening; assessment; drug tests;
 357 costs and fees; education or treatment programs.

358 Whenever any juvenile who has not previously been found delinquent of any offense under Article 1
 359 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or under any statute of the United States or of any state
 360 relating to narcotic drugs, marijuana, *synthetic cannabinoids*, or stimulant, depressant or hallucinogenic
 361 drugs, or has not previously had a proceeding against him for a violation of such an offense dismissed

362 as provided in § 18.2-251, is found delinquent of any offense concerning the use, in any manner, of
 363 drugs, controlled substances, narcotics, marijuana, *synthetic cannabinoids*, noxious chemical substances
 364 and like substances, the juvenile court or the circuit court shall require such juvenile to undergo a
 365 substance abuse screening pursuant to § 16.1-273 and to submit to such periodic substance abuse testing,
 366 to include alcohol testing, as may be directed by the court. Such testing shall be conducted by a court
 367 services unit of the Department of Juvenile Justice, or by a locally operated court services unit or by
 368 personnel of any program or agency approved by the Department. The cost of such testing ordered by
 369 the court shall be paid by the Commonwealth from funds appropriated to the Department for this
 370 purpose. The court shall also order the juvenile to undergo such treatment or education program for
 371 substance abuse, if available, as the court deems appropriate based upon consideration of the substance
 372 abuse assessment. The treatment or education shall be provided by a program licensed by the
 373 Department of Behavioral Health and Developmental Services or by a similar program available through
 374 a facility or program operated by or under contract to the Department of Juvenile Justice or a locally
 375 operated court services unit or a program funded through the Virginia Juvenile Community Crime
 376 Control Act (§ 16.1-309.2 et seq.).

377 § 18.2-248.1:1. *Penalties for possession, sale, gift, or distribution of or possession with intent to sell,*
 378 *give, or distribute synthetic cannabinoids; manufacturing.*

379 A. *For the purposes of this title, synthetic cannabinoids means any substance that contains one or*
 380 *more of the following and any preparation, mixture, or substance containing, or mixed or infused with,*
 381 *any detectable amount of one or more of the following:*

382 *5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);*

383 *5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);*

384 *5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);*

385 *5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);*

386 *1-pentyl-3-(1-naphthoyl)indole (other name: JWH-018);*

387 *1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);*

388 *1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);*

389 *1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);*

390 *1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);*

391 *(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chr-*
 392 *omen-1-ol (other name: HU-210).*

393 B. *It is unlawful for any person to knowingly or intentionally possess synthetic cannabinoids. Any*
 394 *person who violates this subsection is guilty of a Class 1 misdemeanor.*

395 C. *It is unlawful for any person to sell, give, distribute, or possess with intent to sell, give, or*
 396 *distribute synthetic cannabinoids. Any person who violates this subsection is guilty of a Class 6 felony.*

397 D. *If a person proves that he gave, distributed or possessed with intent to give or distribute synthetic*
 398 *cannabinoids only as an accommodation to another individual and not with intent to profit thereby from*
 399 *any consideration received or expected nor to induce the recipient or intended recipient of the synthetic*
 400 *cannabinoids to use or become addicted to or dependent upon such synthetic cannabinoids, he is guilty*
 401 *of a Class 1 misdemeanor. Any person who gives, distributes or possesses synthetic cannabinoids as an*
 402 *accommodation and not with intent to profit thereby, to an inmate of a state or local correctional*
 403 *facility as defined in § 53.1-1, or in the custody of an employee thereof is guilty of a Class 4 felony.*

404 E. *Any person who manufactures synthetic cannabinoids or possesses synthetic cannabinoids with*
 405 *intent to manufacture such substance is guilty of a felony punishable by imprisonment of not less than*
 406 *five nor more than 30 years and a fine not to exceed \$10,000.*

407 F. *Any drug not listed in this section or the Drug Control Act (§ 54.1-3400 et seq.), which is*
 408 *privately compounded, with the specific intent to circumvent the criminal penalties for synthetic*
 409 *cannabinoids, to emulate or simulate the effects of synthetic cannabinoids through chemical changes*
 410 *such as the addition, subtraction or rearranging of a radical or the addition, subtraction or rearranging*
 411 *of a substituent, shall be subject to the same criminal penalties as for synthetic cannabinoids.*

412 G. *Upon conviction, in addition to any other punishment, a person found guilty of a violation of this*
 413 *section shall be ordered by the court to make restitution, as the court deems appropriate, to any*
 414 *innocent property owner whose property is damaged, destroyed, or otherwise rendered unusable as a*
 415 *result of such synthetic cannabinoid production. This restitution may include the person's or his estate's*
 416 *estimated or actual expenses associated with cleanup, removal, or repair of the affected property.*

417 § 18.2-251. *Persons charged with first offense may be placed on probation; conditions; substance*
 418 *abuse screening, assessment treatment and education programs or services; drug tests; costs and fees;*
 419 *violations; discharge.*

420 *Whenever any person who has not previously been convicted of any offense under this article or*
 421 *under any statute of the United States or of any state relating to narcotic drugs, marijuana, synthetic*
 422 *cannabinoids, or stimulant, depressant, or hallucinogenic drugs, or has not previously had a proceeding*

423 against him for violation of such an offense dismissed as provided in this section, pleads guilty to or
 424 enters a plea of not guilty to possession of a controlled substance under § 18.2-250 or to possession of
 425 marijuana under § 18.2-250.1, *or to possession of synthetic cannabinoids under subsection B of*
 426 *§ 18.2-248.1:1*, the court, upon such plea if the facts found by the court would justify a finding of guilt,
 427 without entering a judgment of guilt and with the consent of the accused, may defer further proceedings
 428 and place him on probation upon terms and conditions.

429 As a term or condition, the court shall require the accused to undergo a substance abuse assessment
 430 pursuant to § 18.2-251.01 or 19.2-299.2, as appropriate, and enter treatment and/or education program or
 431 services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused
 432 based upon consideration of the substance abuse assessment. The program or services may be located in
 433 the judicial district in which the charge is brought or in any other judicial district as the court may
 434 provide. The services shall be provided by (i) a program licensed by the Department of Behavioral
 435 Health and Developmental Services, by a similar program which is made available through the
 436 Department of Corrections, (ii) a local community-based probation services agency established pursuant
 437 to § 9.1-174, or (iii) an ASAP program certified by the Commission on VASAP.

438 The court shall require the person entering such program under the provisions of this section to pay
 439 all or part of the costs of the program, including the costs of the screening, assessment, testing, and
 440 treatment, based upon the accused's ability to pay unless the person is determined by the court to be
 441 indigent.

442 As a condition of probation, the court shall require the accused (i) to successfully complete treatment
 443 or education program or services, (ii) to remain drug and alcohol free during the period of probation and
 444 submit to such tests during that period as may be necessary and appropriate to determine if the accused
 445 is drug and alcohol free, (iii) to make reasonable efforts to secure and maintain employment, and (iv) to
 446 comply with a plan of at least 100 hours of community service for a felony and up to 24 hours of
 447 community service for a misdemeanor. Such testing shall be conducted by personnel of the supervising
 448 probation agency or personnel of any program or agency approved by the supervising probation agency.

449 The court shall, unless done at arrest, order the accused to report to the original arresting
 450 law-enforcement agency to submit to fingerprinting.

451 Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as
 452 otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person
 453 and dismiss the proceedings against him. Discharge and dismissal under this section shall be without
 454 adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent
 455 proceedings.

456 Notwithstanding any other provision of this section, whenever a court places an individual on
 457 probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction
 458 for purposes of §§ 18.2-259.1, 22.1-315 and 46.2-390.1, and the driver's license forfeiture provisions of
 459 those sections shall be imposed. The provisions of this paragraph shall not be applicable to any offense
 460 for which a juvenile has had his license suspended or denied pursuant to § 16.1-278.9 for the same
 461 offense.

462 § 18.2-255. Distribution of certain drugs to persons under 18 prohibited; penalty.

463 A. Except as authorized in the Drug Control Act, Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1, it
 464 shall be unlawful for any person who is at least 18 years of age to knowingly or intentionally (i)
 465 distribute any drug classified in Schedule I, II, III or IV ~~or~~, marijuana *or synthetic cannabinoids* to any
 466 person under 18 years of age who is at least three years his junior or (ii) cause any person under 18
 467 years of age to assist in such distribution of any drug classified in Schedule I, II, III or IV ~~or~~, marijuana
 468 *or synthetic cannabinoids*. Any person violating this provision shall upon conviction be imprisoned in a
 469 state correctional facility for a period not less than 10 nor more than 50 years, and fined not more than
 470 \$100,000. Five years of the sentence imposed for a conviction under this section involving a Schedule I
 471 or II controlled substance or one ounce or more of marijuana shall be a mandatory minimum sentence.
 472 Two years of the sentence imposed for a conviction under this section involving *synthetic cannabinoids*
 473 *or involving* less than one ounce of marijuana shall be a mandatory minimum sentence.

474 B. It shall be unlawful for any person who is at least 18 years of age to knowingly or intentionally
 475 (i) distribute any imitation controlled substance to a person under 18 years of age who is at least three
 476 years his junior or (ii) cause any person under 18 years of age to assist in such distribution of any
 477 imitation controlled substance. Any person violating this provision shall be guilty of a Class 6 felony.

478 § 18.2-255.1. Distribution, sale or display of printed material advertising instruments for use in
 479 administering marijuana, synthetic cannabinoids, or controlled substances to minors; penalty.

480 It shall be a Class 1 misdemeanor for any person knowingly to sell, distribute, or display for sale to
 481 a minor any book, pamphlet, periodical or other printed matter which he knows advertises for sale any
 482 instrument, device, article, or contrivance for advertised use in unlawfully ingesting, smoking,
 483 administering, preparing or growing marijuana, *synthetic cannabinoids*, or a controlled substance.

484 § 18.2-255.2. Prohibiting the sale or manufacture of drugs on or near certain properties; penalty.

485 A. It shall be unlawful for any person to manufacture, sell or distribute or possess with intent to sell,
486 give or distribute any controlled substance, imitation controlled substance ~~or~~, marijuana *or synthetic*
487 *cannabinoids* while:

488 (i) ~~upon~~ 1. Upon the property, including buildings and grounds, of any public or private elementary,
489 secondary, or post secondary school, or any public or private two-year or four-year institution of higher
490 education, or any clearly marked licensed child day center as defined in § 63.2-100;

491 (ii) ~~upon~~ 2. Upon public property or any property open to public use within 1,000 feet of the
492 property described in ~~clause~~ (i) *subdivision 1*;

493 (iii) ~~on~~ 3. On any school bus as defined in § 46.2-100;

494 (iv) ~~upon~~ 4. Upon a designated school bus stop, or upon either public property or any property open
495 to public use which is within 1,000 feet of such school bus stop, during the time when school children
496 are waiting to be picked up and transported to or are being dropped off from school or a
497 school-sponsored activity;

498 (v) ~~upon~~ 5. Upon the property, including buildings and grounds, of any publicly owned or publicly
499 operated recreation or community center facility or any public library; or

500 (vi) ~~upon~~ 6. Upon the property of any state facility as defined in § 37.2-100 or upon public property
501 or property open to public use within 1,000 feet of such an institution. It is a violation of the provisions
502 of this section if the person possessed the controlled substance, imitation controlled substance ~~or~~,
503 marijuana *or synthetic cannabinoids* on the property described in ~~clauses~~ (i) *subdivisions 1* through (vi)
504 of ~~this subsection~~ 6, regardless of where the person intended to sell, give or distribute the controlled
505 substance, imitation controlled substance ~~or~~, marijuana, *or synthetic cannabinoids*. Nothing in this
506 section shall prohibit the authorized distribution of controlled substances.

507 B. Violation of this section shall constitute a separate and distinct felony. Any person violating the
508 provisions of this section shall, upon conviction, be imprisoned for a term of not less than one year nor
509 more than five years and fined not more than \$100,000. A second or subsequent conviction hereunder
510 for an offense involving a controlled substance classified in Schedule I, II, or III of the Drug Control
511 Act (§ 54.1-3400 et seq.) *or synthetic cannabinoids* or more than one-half ounce of marijuana shall be
512 punished by a mandatory minimum term of imprisonment of one year to be served consecutively with
513 any other sentence. However, if such person proves that he sold such controlled substance ~~or~~, marijuana,
514 *or synthetic cannabinoids* only as an accommodation to another individual and not with intent to profit
515 thereby from any consideration received or expected nor to induce the recipient or intended recipient of
516 the controlled substance ~~or~~, marijuana, *or synthetic cannabinoids* to use or become addicted to or
517 dependent upon such controlled substance ~~or~~, marijuana, *or synthetic cannabinoids*, he shall be guilty of
518 a Class 1 misdemeanor.

519 C. If a person commits an act violating the provisions of this section, and the same act also violates
520 another provision of law that provides for penalties greater than those provided for by this section, then
521 nothing in this section shall prohibit or bar any prosecution or proceeding under that other provision of
522 law or the imposition of any penalties provided for thereby.

523 § 18.2-258. Certain premises deemed common nuisance; penalty.

524 Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse,
525 dwelling house, apartment, building of any kind, vehicle, vessel, boat, or aircraft, which with the
526 knowledge of the owner, lessor, agent of any such lessor, manager, chief executive officer, operator, or
527 tenant thereof, is frequented by persons under the influence of illegally obtained controlled substances or
528 marijuana, as defined in § 54.1-3401, *or synthetic cannabinoids*, or for the purpose of illegally obtaining
529 possession of, manufacturing or distributing controlled substances ~~or~~, marijuana, *or synthetic*
530 *cannabinoids*, or is used for the illegal possession, manufacture or distribution of controlled substances
531 ~~or~~, marijuana, *or synthetic cannabinoids* shall be deemed a common nuisance. Any such owner, lessor,
532 agent of any such lessor, manager, chief executive officer, operator, or tenant who knowingly permits,
533 establishes, keeps or maintains such a common nuisance is guilty of a Class 1 misdemeanor and, for a
534 second or subsequent offense, a Class 6 felony.

535 § 18.2-258.02. Maintaining a fortified drug house; penalty.

536 Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse,
537 dwelling house, apartment or building or structure of any kind which is (i) substantially altered from its
538 original status by means of reinforcement with the intent to impede, deter or delay lawful entry by a
539 law-enforcement officer into such structure, (ii) being used for the purpose of manufacturing or
540 distributing controlled substances ~~or~~, marijuana, *or synthetic cannabinoids*, and (iii) the object of a valid
541 search warrant, shall be considered a fortified drug house. Any person who maintains or operates a
542 fortified drug house is guilty of a Class 5 felony.

543 § 18.2-258.1. Obtaining drugs, procuring administration of controlled substances, etc., by fraud, deceit
544 or forgery.

545 A. It shall be unlawful for any person to obtain or attempt to obtain any drug or procure or attempt
 546 to procure the administration of any controlled substance $\text{\textcircled{e}}$, marijuana, *or synthetic cannabinoids*: (i) by
 547 fraud, deceit, misrepresentation, embezzlement, or subterfuge; or (ii) by the forgery or alteration of a
 548 prescription or of any written order; or (iii) by the concealment of a material fact; or (iv) by the use of
 549 a false name or the giving of a false address.

550 B. It shall be unlawful for any person to furnish false or fraudulent information in or omit any
 551 information from, or willfully make a false statement in, any prescription, order, report, record, or other
 552 document required by Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1.

553 C. It shall be unlawful for any person to use in the course of the manufacture or distribution of a
 554 controlled substance $\text{\textcircled{e}}$, marijuana, *or synthetic cannabinoids* a license number which is fictitious,
 555 revoked, suspended, or issued to another person.

556 D. It shall be unlawful for any person, for the purpose of obtaining any controlled substance $\text{\textcircled{e}}$,
 557 marijuana, *or synthetic cannabinoids* to falsely assume the title of, or represent himself to be, a
 558 manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian or other authorized person.

559 E. It shall be unlawful for any person to make or utter any false or forged prescription or false or
 560 forged written order.

561 F. It shall be unlawful for any person to affix any false or forged label to a package or receptacle
 562 containing any controlled substance.

563 G. This section shall not apply to officers and employees of the United States, of this
 564 Commonwealth or of a political subdivision of this Commonwealth acting in the course of their
 565 employment, who obtain such drugs for investigative, research or analytical purposes, or to the agents or
 566 duly authorized representatives of any pharmaceutical manufacturer who obtain such drugs for
 567 investigative, research or analytical purposes and who are acting in the course of their employment;
 568 provided that such manufacturer is licensed under the provisions of the Federal Food, Drug and
 569 Cosmetic Act; and provided further, that such pharmaceutical manufacturer, its agents and duly
 570 authorized representatives file with the Board such information as the Board may deem appropriate.

571 H. Except as otherwise provided in this subsection, any person who shall violate any provision herein
 572 shall be guilty of a Class 6 felony.

573 Whenever any person who has not previously been convicted of any offense under this article or
 574 under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant,
 575 depressant, or hallucinogenic drugs, or has not previously had a proceeding against him for violation of
 576 such an offense dismissed, or reduced as provided in this section, pleads guilty to or enters a plea of not
 577 guilty to the court for violating this section, upon such plea if the facts found by the court would justify
 578 a finding of guilt, the court may place him on probation upon terms and conditions.

579 As a term or condition, the court shall require the accused to be evaluated and enter a treatment
 580 and/or education program, if available, such as, in the opinion of the court, may be best suited to the
 581 needs of the accused. This program may be located in the judicial circuit in which the charge is brought
 582 or in any other judicial circuit as the court may provide. The services shall be provided by a program
 583 certified or licensed by the Department of Behavioral Health and Developmental Services. The court
 584 shall require the person entering such program under the provisions of this section to pay all or part of
 585 the costs of the program, including the costs of the screening, evaluation, testing and education, based
 586 upon the person's ability to pay unless the person is determined by the court to be indigent.

587 As a condition of supervised probation, the court shall require the accused to remain drug free during
 588 the period of probation and submit to such tests during that period as may be necessary and appropriate
 589 to determine if the accused is drug free. Such testing may be conducted by the personnel of any
 590 screening, evaluation, and education program to which the person is referred or by the supervising
 591 agency.

592 Unless the accused was fingerprinted at the time of arrest, the court shall order the accused to report
 593 to the original arresting law-enforcement agency to submit to fingerprinting.

594 Upon violation of a term or condition, the court may enter an adjudication of guilt upon the felony
 595 and proceed as otherwise provided. Upon fulfillment of the terms and conditions of probation, the court
 596 shall find the defendant guilty of a Class 1 misdemeanor.

597 § 18.2-308. Personal protection; carrying concealed weapons; when lawful to carry.

598 A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver,
 599 or other weapon designed or intended to propel a missile of any kind by action of an explosion of any
 600 combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor,
 601 slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more
 602 rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun
 603 chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration,
 604 having at least two points or pointed blades which is designed to be thrown or propelled and which may
 605 be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this

606 subsection, he shall be guilty of a Class 1 misdemeanor. A second violation of this section or a
 607 conviction under this section subsequent to any conviction under any substantially similar ordinance of
 608 any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such
 609 violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be
 610 deemed to be hidden from common observation when it is observable but is of such deceptive
 611 appearance as to disguise the weapon's true nature.

612 B. This section shall not apply to any person while in his own place of abode or the curtilage
 613 thereof.

614 Except as provided in subsection J1, this section shall not apply to:

615 1. Any person while in his own place of business;

616 2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the
 617 Commonwealth;

618 3. Any regularly enrolled member of a target shooting organization who is at, or going to or from,
 619 an established shooting range, provided that the weapons are unloaded and securely wrapped while being
 620 transported;

621 4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or
 622 from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped
 623 while being transported;

624 5. Any person carrying such weapons between his place of abode and a place of purchase or repair,
 625 provided the weapons are unloaded and securely wrapped while being transported;

626 6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland
 627 Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from
 628 those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be
 629 construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

630 7. Any State Police officer retired from the Department of State Police, any officer retired from the
 631 Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control
 632 officer retired from a police department or sheriff's office within the Commonwealth, any special agent
 633 retired from the State Corporation Commission or the Alcoholic Beverage Control Board, any
 634 conservation police officer retired from the Department of Game and Inland Fisheries, and any Virginia
 635 Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources
 636 Commission, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii)
 637 following at least 15 years of service with any such law-enforcement agency, board or any combination
 638 thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such
 639 law-enforcement agency or board due to a service-related injury, provided such officer carries with him
 640 written proof of consultation with and favorable review of the need to carry a concealed handgun issued
 641 by the chief law-enforcement officer of the last such agency from which the officer retired or the agency
 642 that employs the officer or, in the case of special agents, issued by the State Corporation Commission or
 643 the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall
 644 be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia
 645 Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such
 646 written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An
 647 officer set forth in clause (iv) of this subdivision who receives written proof of consultation to carry a
 648 concealed handgun shall surrender such proof of consultation upon return to work or upon termination
 649 of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the
 650 Department of State Police for entry into the Virginia Criminal Information Network. However, if such
 651 officer retires on disability because of the service-related injury, and would be eligible under clause (i)
 652 of this subdivision for written proof of consultation to carry a concealed handgun, he may retain the
 653 previously issued written proof of consultation. A retired law-enforcement officer who receives proof of
 654 consultation and favorable review pursuant to this subdivision is authorized to carry a concealed
 655 handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun
 656 pursuant to subdivision 2 of this subsection.

657 7a. Any person who is eligible for retirement with at least 20 years of service with a
 658 law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from
 659 such law-enforcement agency or board to accept a position covered by a retirement system that is
 660 authorized under Title 51.1, provided such person carries with him written proof of consultation with
 661 and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement
 662 officer of the agency from which he resigned or, in the case of special agents, issued by the State
 663 Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation
 664 and favorable review shall be forwarded by the chief, Board or Commission to the Department of State
 665 Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall
 666 not without cause withhold such written proof if the law-enforcement officer otherwise meets the

667 requirements of this section.

668 For purposes of applying the reciprocity provisions of subsection P, any person granted the privilege
 669 to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of
 670 consultation and favorable review required, shall be deemed to have been issued a concealed handgun
 671 permit.

672 For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired
 673 or resigned law-enforcement officer who receives proof of consultation and review pursuant to
 674 subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or
 675 resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is
 676 required of active law-enforcement officers in the Commonwealth. If such retired or resigned
 677 law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer
 678 shall issue the retired or resigned officer certification, valid one year from the date of issuance,
 679 indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

680 8. Any State Police officer who is a member of the organized reserve forces of any of the armed
 681 services of the United States, national guard, or naval militia, while such officer is called to active
 682 military duty, provided such officer carries with him written proof of consultation with and favorable
 683 review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof
 684 of consultation and favorable review shall be valid as long as the officer is on active military duty and
 685 shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of
 686 consultation and favorable review shall be entered into the Virginia Criminal Information Network. The
 687 Superintendent of State Police shall not without cause withhold such written proof if the officer is in
 688 good standing and is qualified to carry a weapon while on active law-enforcement duty.

689 For purposes of applying the reciprocity provisions of subsection P, any person granted the privilege
 690 to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and
 691 favorable review required, shall be deemed to have been issued a concealed handgun permit;

692 9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such
 693 attorney may travel in the Commonwealth; and

694 10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal,
 695 private motor vehicle or vessel and such handgun is secured in a container or compartment in the
 696 vehicle or vessel.

697 C. This section shall also not apply to any of the following individuals while in the discharge of
 698 their official duties, or while in transit to or from such duties:

- 699 1. Carriers of the United States mail;
- 700 2. Officers or guards of any state correctional institution;
- 701 3. [Repealed.]

702 4. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for
 703 the Commonwealth may carry a concealed handgun pursuant to subdivision B 9. However, the following
 704 conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a
 705 permit as provided in subsection D hereof: (a) notaries public; (b) registrars; (c) drivers, operators or
 706 other persons in charge of any motor vehicle carrier of passengers for hire; or (d) commissioners in
 707 chancery;

708 5. Noncustodial employees of the Department of Corrections designated to carry weapons by the
 709 Director of the Department of Corrections pursuant to § 53.1-29; and

710 6. Harbormaster of the City of Hopewell.

711 D. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the
 712 county or city in which he resides, or if he is a member of the United States Armed Forces, the county
 713 or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no
 714 requirement regarding the length of time an applicant has been a resident or domiciliary of the county or
 715 city. The application shall be made under oath before a notary or other person qualified to take oaths
 716 and shall be made only on a form prescribed by the Department of State Police, in consultation with the
 717 Supreme Court, requiring only that information necessary to determine eligibility for the permit. The
 718 clerk shall enter on the application the date on which the application and all other information required
 719 to be submitted by the applicant is received. The court shall consult with either the sheriff or police
 720 department of the county or city and receive a report from the Central Criminal Records Exchange. As a
 721 condition for issuance of a concealed handgun permit, the applicant shall submit to fingerprinting if
 722 required by local ordinance in the county or city where the applicant resides and provide personal
 723 descriptive information to be forwarded with the fingerprints through the Central Criminal Records
 724 Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record
 725 information regarding the applicant, and obtaining fingerprint identification information from federal
 726 records pursuant to criminal investigations by state and local law-enforcement agencies. However, no
 727 local ordinance shall require an applicant to submit to fingerprinting if the applicant has an existing

728 concealed handgun permit issued pursuant to this section and is applying for a new five-year permit
 729 pursuant to subsection I. Where feasible and practical, the local law-enforcement agency may transfer
 730 information electronically to the State Police instead of inked fingerprint cards. Upon completion of the
 731 criminal history records check, the State Police shall return the fingerprint cards to the submitting local
 732 agency or, in the case of scanned fingerprints, destroy the electronic record. The local agency shall then
 733 promptly notify the person that he has 21 days from the date of the notice to request return of the
 734 fingerprint cards, if any. All fingerprint cards not claimed by the applicant within 21 days of notification
 735 by the local agency shall be destroyed. All optically scanned fingerprints shall be destroyed upon
 736 completion of the criminal history records check without requiring that the applicant be notified.
 737 Fingerprints taken for the purposes described in this section shall not be copied, held or used for any
 738 other purposes. The court shall issue the permit and notify the State Police of the issuance of the permit
 739 within 45 days of receipt of the completed application unless it is determined that the applicant is
 740 disqualified. A court may authorize the clerk to issue concealed handgun permits, without judicial
 741 review, to applicants who have submitted complete applications, for whom the criminal history records
 742 check does not indicate a disqualification and, after consulting with either the sheriff or police
 743 department of the county or city, about which there are no outstanding questions or issues concerning
 744 the application. The court clerk shall be immune from suit arising from any acts or omissions relating to
 745 the issuance of concealed handgun permits without judicial review pursuant to this section unless the
 746 clerk was grossly negligent or engaged in willful misconduct. This subsection shall not be construed to
 747 limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to
 748 affect any cause of action accruing prior to July 1, 2010. Upon denial of the application, the clerk shall
 749 provide the person with notice, in writing, of his right to an ore tenus hearing. Upon request of the
 750 applicant made within 21 days, the court shall place the matter on the docket for an ore tenus hearing.
 751 The applicant may be represented by counsel, but counsel shall not be appointed, and the rules of
 752 evidence shall apply. The final order of the court shall include the court's findings of fact and
 753 conclusions of law. Any order denying issuance of the permit shall state the basis for the denial of the
 754 permit and the applicant's right to and the requirements for perfecting an appeal of such order pursuant
 755 to subsection L. Only a circuit court judge may deny issuance of a permit. An application is deemed
 756 complete when all information required to be furnished by the applicant is delivered to and received by
 757 the clerk of court before or concomitant with the conduct of a state or national criminal history records
 758 check. If the court has not issued the permit or determined that the applicant is disqualified within 45
 759 days of the date of receipt noted on the application, the clerk shall certify on the application that the
 760 45-day period has expired, and send a copy of the certified application to the applicant. The certified
 761 application shall serve as a de facto permit, which shall expire 90 days after issuance, and shall be
 762 recognized as a valid concealed handgun permit when presented with a valid government-issued photo
 763 identification pursuant to subsection H, until the court issues a five-year permit or finds the applicant to
 764 be disqualified. If the applicant is found to be disqualified after the de facto permit is issued, the
 765 applicant shall surrender the de facto permit to the court and the disqualification shall be deemed a
 766 denial of the permit and a revocation of the de facto permit. If the applicant is later found by the court
 767 to be disqualified after a five-year permit has been issued, the permit shall be revoked. The clerk of
 768 court may withhold from public disclosure the social security number contained in a permit application
 769 in response to a request to inspect or copy any such permit application, except that such social security
 770 number shall not be withheld from any law-enforcement officer acting in the performance of his official
 771 duties.

772 E. The following persons shall be deemed disqualified from obtaining a permit:

773 1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2 or
 774 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

775 2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was
 776 discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before
 777 the date of his application for a concealed handgun permit.

778 3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose
 779 competency or capacity was restored pursuant to § 37.2-1012 less than five years before the date of his
 780 application for a concealed handgun permit.

781 4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released
 782 from commitment less than five years before the date of this application for a concealed handgun
 783 permit.

784 5. An individual who is subject to a restraining order, or to a protective order and prohibited by
 785 § 18.2-308.1:4 from purchasing or transporting a firearm.

786 6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except
 787 that a permit may be obtained in accordance with subsection C of that section.

788 7. An individual who has been convicted of two or more misdemeanors within the five-year period

789 immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the
 790 judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1.
 791 Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this
 792 disqualification.

793 8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, *synthetic*
 794 *cannabinoids*, or any controlled substance.

795 9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local
 796 ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other
 797 state, the District of Columbia, the United States, or its territories within the three-year period
 798 immediately preceding the application, or who is a habitual drunkard as determined pursuant to
 799 § 4.1-333.

800 10. An alien other than an alien lawfully admitted for permanent residence in the United States.

801 11. An individual who has been discharged from the Armed Forces of the United States under
 802 dishonorable conditions.

803 12. An individual who is a fugitive from justice.

804 13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by
 805 the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief
 806 of police, or attorney for the Commonwealth may submit to the court a sworn written statement
 807 indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based
 808 upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is
 809 likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief
 810 of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such
 811 individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the
 812 specific acts, or upon a written statement made under oath before a notary public of a competent person
 813 having personal knowledge of the specific acts.

814 14. An individual who has been convicted of any assault, assault and battery, sexual battery,
 815 discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in violation
 816 of § 18.2-282 within the three-year period immediately preceding the application.

817 15. An individual who has been convicted of stalking.

818 16. An individual whose previous convictions or adjudications of delinquency were based on an
 819 offense which would have been at the time of conviction a felony if committed by an adult under the
 820 laws of any state, the District of Columbia, the United States or its territories. For purposes of this
 821 disqualifier, only convictions occurring within 16 years following the later of the date of (i) the
 822 conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or
 823 adjudication shall be deemed to be "previous convictions."

824 17. An individual who has a felony charge pending or a charge pending for an offense listed in
 825 subdivision 14 or 15.

826 18. An individual who has received mental health treatment or substance abuse treatment in a
 827 residential setting within five years prior to the date of his application for a concealed handgun permit.

828 19. An individual not otherwise ineligible pursuant to this section, who, within the three-year period
 829 immediately preceding the application for the permit, was found guilty of any criminal offense set forth
 830 in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of this title or of a criminal offense of illegal possession
 831 or distribution of marijuana, *synthetic cannabinoids*, or any controlled substance, under the laws of any
 832 state, the District of Columbia, or the United States or its territories.

833 20. An individual, not otherwise ineligible pursuant to this section, with respect to whom, within the
 834 three-year period immediately preceding the application, upon a charge of any criminal offense set forth
 835 in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of this title or upon a charge of illegal possession or
 836 distribution of marijuana, *synthetic cannabinoids*, or any controlled substance under the laws of any
 837 state, the District of Columbia, or the United States or its territories, the trial court found that the facts
 838 of the case were sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the
 839 substantially similar law of any other state, the District of Columbia, or the United States or its
 840 territories.

841 F. The making of a materially false statement in an application under this section shall constitute
 842 perjury, punishable as provided in § 18.2-434.

843 G. The court shall require proof that the applicant has demonstrated competence with a handgun and
 844 the applicant may demonstrate such competence by one of the following, but no applicant shall be
 845 required to submit to any additional demonstration of competence, nor shall any proof of demonstrated
 846 competence expire:

847 1. Completing any hunter education or hunter safety course approved by the Department of Game
 848 and Inland Fisheries or a similar agency of another state;

849 2. Completing any National Rifle Association firearms safety or training course;

850 3. Completing any firearms safety or training course or class available to the general public offered
 851 by a law-enforcement agency, junior college, college, or private or public institution or organization or
 852 firearms training school utilizing instructors certified by the National Rifle Association or the
 853 Department of Criminal Justice Services;

854 4. Completing any law-enforcement firearms safety or training course or class offered for security
 855 guards, investigators, special deputies, or any division or subdivision of law enforcement or security
 856 enforcement;

857 5. Presenting evidence of equivalent experience with a firearm through participation in organized
 858 shooting competition or current military service or proof of an honorable discharge from any branch of
 859 the armed services;

860 6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a
 861 locality thereof, unless such license has been revoked for cause;

862 7. Completing any firearms training or safety course or class, including an electronic, video, or
 863 on-line course, conducted by a state-certified or National Rifle Association-certified firearms instructor;

864 8. Completing any governmental police agency firearms training course and qualifying to carry a
 865 firearm in the course of normal police duties; or

866 9. Completing any other firearms training which the court deems adequate.

867 A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the
 868 instructor, school, club, organization, or group that conducted or taught such course or class attesting to
 869 the completion of the course or class by the applicant; or a copy of any document which shows
 870 completion of the course or class or evidences participation in firearms competition shall constitute
 871 evidence of qualification under this subsection.

872 H. The permit to carry a concealed handgun shall specify only the following information: name,
 873 address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permittee;
 874 the signature of the judge issuing the permit, of the clerk of court who has been authorized to sign such
 875 permits by the issuing judge, or of the clerk of court who has been authorized to issue such permits
 876 pursuant to subsection D; the date of issuance; and the expiration date. The permit to carry a concealed
 877 handgun shall be no larger than two inches wide by three and one-fourth inches long and shall be of a
 878 uniform style prescribed by the Department of State Police. The person issued the permit shall have
 879 such permit on his person at all times during which he is carrying a concealed handgun and shall
 880 display the permit and a photo-identification issued by a government agency of the Commonwealth or
 881 by the United States Department of Defense or United States State Department (passport) upon demand
 882 by a law-enforcement officer.

883 H1. If a permit holder is a member of the Virginia National Guard, Armed Forces of the United
 884 States, or the Armed Forces reserves of the United States, and his five-year permit expires during an
 885 active-duty military deployment outside of the permittee's county or city of residence, such permit shall
 886 remain valid for 90 days after the end date of the deployment. In order to establish proof of continued
 887 validity of the permit, such a permittee shall carry with him and display, upon request of a
 888 law-enforcement officer, a copy of the permittee's deployment orders or other documentation from the
 889 permittee's commanding officer that order the permittee to travel outside of his county or city of
 890 residence and that indicate the start and end date of such deployment.

891 I. Persons who previously have held a concealed handgun permit shall be issued, upon application as
 892 provided in subsection D, and upon receipt by the circuit court of criminal history record information as
 893 provided in subsection D, a new five-year permit unless it is found that the applicant is subject to any
 894 of the disqualifications set forth in subsection E. Persons who previously have been issued a concealed
 895 handgun permit pursuant to subsection D shall not be required to appear in person to apply for a new
 896 five-year permit pursuant to this subsection, and the application for the new permit may be submitted
 897 via the United States mail. The circuit court that receives the application shall promptly notify an
 898 applicant if the application is incomplete or if the fee submitted for the permit pursuant to subsection K
 899 is incorrect. If the new five-year permit is issued while an existing permit remains valid, the new
 900 five-year permit shall become effective upon the expiration date of the existing permit, provided that the
 901 application is received by the court at least 90 days but no more than 180 days prior to the expiration of
 902 the existing permit. If the circuit court denies the permit, the specific reasons for the denial shall be
 903 stated in the order of the court denying the permit. Upon denial of the application, the clerk shall
 904 provide the person with notice, in writing, of his right to an ore tenus hearing. Upon request of the
 905 applicant made within 21 days, the court shall place the matter on the docket for an ore tenus hearing.
 906 The applicant may be represented by counsel, but counsel shall not be appointed, and the rules of
 907 evidence shall apply. The final order of the court shall include the court's findings of fact and
 908 conclusions of law.

909 J. Any person convicted of an offense that would disqualify that person from obtaining a permit
 910 under subsection E or who violates subsection F shall forfeit his permit for a concealed handgun and

911 surrender it to the court. Upon receipt by the Central Criminal Records Exchange of a record of the
912 arrest, conviction or occurrence of any other event that would disqualify a person from obtaining a
913 concealed handgun permit under subsection E, the Central Criminal Records Exchange shall notify the
914 court having issued the permit of such disqualifying arrest, conviction or other event. Upon receipt of
915 such notice of a conviction, the court shall revoke the permit of a person disqualified pursuant to this
916 subsection, and shall promptly notify the State Police and the person whose permit was revoked of the
917 revocation.

918 J1. Any person permitted to carry a concealed handgun, who is under the influence of alcohol or
919 illegal drugs while carrying such handgun in a public place, shall be guilty of a Class 1 misdemeanor.
920 Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the
921 person is "under the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1,
922 maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public
923 intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon
924 such conviction that court shall revoke the person's permit for a concealed handgun and promptly notify
925 the issuing circuit court. A person convicted of a violation of this subsection shall be ineligible to apply
926 for a concealed handgun permit for a period of five years.

927 J2. An individual who has a felony charge pending or a charge pending for an offense listed in
928 subdivision E 14 or E 15, holding a permit for a concealed handgun, may have the permit suspended by
929 the court before which such charge is pending or by the court that issued the permit.

930 J3. No person who carries a concealed handgun onto the premises of any restaurant or club as
931 defined in § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises
932 consumption has been granted by the Virginia Alcoholic Beverage Control Board under Title 4.1 of the
933 Code of Virginia may consume an alcoholic beverage while on the premises. A person who carries a
934 concealed handgun onto the premises of such a restaurant or club and consumes alcoholic beverages is
935 guilty of a Class 2 misdemeanor. However, nothing in this subsection shall apply to a federal, state, or
936 local law-enforcement officer.

937 J4. The court shall revoke the permit of any individual for whom it would be unlawful to purchase,
938 possess or transport a firearm under § 18.2-308.1:2 or 18.2-308.1:3, and shall promptly notify the State
939 Police and the person whose permit was revoked of the revocation.

940 K. No fee shall be charged for the issuance of such permit to a person who has retired from service
941 (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Alcoholic Beverage Control
942 Board or as a law-enforcement officer with the Department of State Police, the Department of Game and
943 Inland Fisheries, or a sheriff or police department, bureau or force of any political subdivision of the
944 Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement
945 officer with the United States Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and
946 Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and
947 Immigration Services, Customs Service, Department of State Diplomatic Security Service, U.S. Marshals
948 Service or Naval Criminal Investigative Service, after completing 15 years of service or after reaching
949 age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United
950 States, the District of Columbia or any of the territories of the United States, after completing 15 years
951 of service; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii)
952 through (iv), after completing 15 years of service; or (vi) as a designated boarding team member or
953 boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching
954 age 55. The clerk shall charge a fee of \$10 for the processing of an application or issuing of a permit,
955 including his costs associated with the consultation with law-enforcement agencies. The local
956 law-enforcement agency conducting the background investigation may charge a fee not to exceed \$35 to
957 cover the cost of conducting an investigation pursuant to this section. The \$35 fee shall include any
958 amount assessed by the Federal Bureau of Investigation for providing criminal history record
959 information, and the local law-enforcement agency shall forward the amount assessed by the Federal
960 Bureau of Investigation to the State Police with the fingerprints taken from the applicant. The State
961 Police may charge a fee not to exceed \$5 to cover their costs associated with processing the application.
962 The total amount assessed for processing an application for a permit shall not exceed \$50, with such
963 fees to be paid in one sum to the person who accepts the application. Payment may be made by any
964 method accepted by that court for payment of other fees or penalties. No payment shall be required until
965 the application is accepted by the court as a complete application. The order issuing such permit, or the
966 copy of the permit application certified by the clerk as a de facto permit pursuant to subsection D, shall
967 be provided to the State Police and the law-enforcement agencies of the county or city. The State Police
968 shall enter the permittee's name and description in the Virginia Criminal Information Network so that
969 the permit's existence and current status will be made known to law-enforcement personnel accessing the
970 Network for investigative purposes. The State Police shall withhold from public disclosure permittee
971 information submitted to the State Police for purposes of entry into the Virginia Criminal Information

972 Network, except that such information shall not be withheld from any law-enforcement agency, officer,
 973 or authorized agent thereof acting in the performance of official law-enforcement duties, nor shall such
 974 information be withheld from an entity that has a valid contract with any local, state, or federal
 975 law-enforcement agency for the purpose of performing official duties of the law-enforcement agency.
 976 However, nothing in this subsection shall be construed to prohibit the release of (a) records by the State
 977 Police concerning permits issued to nonresidents of the Commonwealth pursuant to subsection P1, or (b)
 978 statistical summaries, abstracts, or other records containing information in an aggregate form that does
 979 not identify any individual permittees.

980 K1. The clerk of a circuit court that issued a valid concealed handgun permit shall, upon presentation
 981 of the valid permit and proof of a new address of residence by the permit holder, issue a replacement
 982 permit specifying the permit holder's new address. The clerk of court shall forward the permit holder's
 983 new address of residence to the State Police. The State Police may charge a fee not to exceed \$5, and
 984 the clerk of court issuing the replacement permit may charge a fee not to exceed \$5. The total amount
 985 assessed for processing a replacement permit pursuant to this subsection shall not exceed \$10, with such
 986 fees to be paid in one sum to the person who accepts the information for the replacement permit.

987 L. Any person denied a permit to carry a concealed handgun under the provisions of this section
 988 may present a petition for review to the Court of Appeals. The petition for review shall be filed within
 989 60 days of the expiration of the time for requesting an ore tenus hearing pursuant to subsection I, or if
 990 an ore tenus hearing is requested, within 60 days of the entry of the final order of the circuit court
 991 following the hearing. The petition shall be accompanied by a copy of the original papers filed in the
 992 circuit court, including a copy of the order of the circuit court denying the permit. Subject to the
 993 provisions of subsection B of § 17.1-410, the decision of the Court of Appeals or judge shall be final.
 994 Notwithstanding any other provision of law, if the decision to deny the permit is reversed upon appeal,
 995 taxable costs incurred by the person shall be paid by the Commonwealth.

996 M. For purposes of this section:

997 "Handgun" means any pistol or revolver or other firearm, except a machine gun, originally designed,
 998 made and intended to fire a projectile by means of an explosion of a combustible material from one or
 999 more barrels when held in one hand.

1000 "Law-enforcement officer" means those individuals defined as a law-enforcement officer in § 9.1-101,
 1001 campus police officers appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, law-enforcement
 1002 agents of the Armed Forces of the United States, the Naval Criminal Investigative Service, and federal
 1003 agents who are otherwise authorized to carry weapons by federal law. "Law-enforcement officer" shall
 1004 also mean any sworn full-time law-enforcement officer employed by a law-enforcement agency of the
 1005 United States or any state or political subdivision thereof, whose duties are substantially similar to those
 1006 set forth in § 9.1-101.

1007 "Lawfully admitted for permanent residence" means the status of having been lawfully accorded the
 1008 privilege of residing permanently in the United States as an immigrant in accordance with the
 1009 immigration laws, such status not having changed.

1010 "Personal knowledge" means knowledge of a fact that a person has himself gained through his own
 1011 senses, or knowledge that was gained by a law-enforcement officer or prosecutor through the
 1012 performance of his official duties.

1013 N. As used in this article:

1014 "Ballistic knife" means any knife with a detachable blade that is propelled by a spring-operated
 1015 mechanism.

1016 "Spring stick" means a spring-loaded metal stick activated by pushing a button which rapidly and
 1017 forcefully telescopes the weapon to several times its original length.

1018 O. The granting of a concealed handgun permit shall not thereby authorize the possession of any
 1019 handgun or other weapon on property or in places where such possession is otherwise prohibited by law
 1020 or is prohibited by the owner of private property.

1021 P. A valid concealed handgun or concealed weapon permit or license issued by another state shall
 1022 authorize the holder of such permit or license who is at least 21 years of age to carry a concealed
 1023 handgun in the Commonwealth, provided (i) the issuing authority provides the means for instantaneous
 1024 verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a
 1025 day, and (ii) except for the age of the permit or license holder and the type of weapon authorized to be
 1026 carried, the requirements and qualifications of that state's law are adequate to prevent possession of a
 1027 permit or license by persons who would be denied a permit in the Commonwealth under this section.
 1028 The Superintendent of State Police shall (a) in consultation with the Office of the Attorney General
 1029 determine whether states meet the requirements and qualifications of this section, (b) maintain a registry
 1030 of such states on the Virginia Criminal Information Network (VCIN), and (c) make the registry available
 1031 to law-enforcement officers for investigative purposes. The Superintendent of the State Police, in
 1032 consultation with the Attorney General, may also enter into agreements for reciprocal recognition with

1033 any state qualifying for recognition under this subsection.

1034 P1. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the
 1035 Virginia Department of State Police for a five-year permit to carry a concealed handgun. Every applicant
 1036 for a nonresident concealed handgun permit shall submit two photographs of a type and kind specified
 1037 by the Department of State Police for inclusion on the permit and shall submit fingerprints on a card
 1038 provided by the Department of State Police for the purpose of obtaining the applicant's state or national
 1039 criminal history record. As a condition for issuance of a concealed handgun permit, the applicant shall
 1040 submit to fingerprinting by his local or state law-enforcement agency and provide personal descriptive
 1041 information to be forwarded with the fingerprints through the Central Criminal Records Exchange to the
 1042 Federal Bureau of Investigation for the purpose of obtaining criminal history record information
 1043 regarding the applicant and obtaining fingerprint identification information from federal records pursuant
 1044 to criminal investigations by state and local law-enforcement agencies. The application shall be made
 1045 under oath before a notary or other person qualified to take oaths on a form provided by the Department
 1046 of State Police, requiring only that information necessary to determine eligibility for the permit. If the
 1047 permittee is later found by the Department of State Police to be disqualified, the permit shall be revoked
 1048 and the person shall return the permit after being so notified by the Department of State Police. The
 1049 permit requirement and restriction provisions of subsections E and F shall apply, mutatis mutandis, to
 1050 the provisions of this subsection.

1051 The applicant shall demonstrate competence with a handgun by one of the following:

1052 1. Completing a hunter education or hunter safety course approved by the Virginia Department of
 1053 Game and Inland Fisheries or a similar agency of another state;

1054 2. Completing any National Rifle Association firearms safety or training course;

1055 3. Completing any firearms safety or training course or class available to the general public offered
 1056 by a law-enforcement agency, junior college, college, or private or public institution or organization or
 1057 firearms training school utilizing instructors certified by the National Rifle Association or the
 1058 Department of Criminal Justice Services or a similar agency of another state;

1059 4. Completing any law-enforcement firearms safety or training course or class offered for security
 1060 guards, investigators, special deputies, or any division or subdivision of law enforcement or security
 1061 enforcement;

1062 5. Presenting evidence of equivalent experience with a firearm through participation in organized
 1063 shooting competition approved by the Department of State Police or current military service or proof of
 1064 an honorable discharge from any branch of the armed services;

1065 6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a
 1066 locality thereof, unless such license has been revoked for cause;

1067 7. Completing any firearms training or safety course or class, including an electronic, video, or
 1068 on-line course, conducted by a state-certified or National Rifle Association-certified firearms instructor;

1069 8. Completing any governmental police agency firearms training course and qualifying to carry a
 1070 firearm in the course of normal police duties; or

1071 9. Completing any other firearms training that the Virginia Department of State Police deems
 1072 adequate.

1073 A photocopy of a certificate of completion of any such course or class, an affidavit from the
 1074 instructor, school, club, organization, or group that conducted or taught such course or class attesting to
 1075 the completion of the course or class by the applicant, or a copy of any document which shows
 1076 completion of the course or class or evidences participation in firearms competition shall satisfy the
 1077 requirement for demonstration of competence with a handgun.

1078 The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the
 1079 background check and issuance of the permit. Any fees collected shall be deposited in a special account
 1080 to be used to offset the costs of administering the nonresident concealed handgun permit program. The
 1081 Department of State Police shall enter the permittee's name and description in the Virginia Criminal
 1082 Information Network so that the permit's existence and current status are known to law-enforcement
 1083 personnel accessing the Network for investigative purposes.

1084 The permit to carry a concealed handgun shall contain only the following information: name,
 1085 address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the
 1086 permittee; the signature of the Superintendent of the Virginia Department of State Police or his designee;
 1087 the date of issuance; and the expiration date. The person to whom the permit is issued shall have such
 1088 permit on his person at all times when he is carrying a concealed handgun in the Commonwealth and
 1089 shall display the permit on demand by a law-enforcement officer.

1090 The Superintendent of the State Police shall promulgate regulations, pursuant to the Administrative
 1091 Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for obtaining a
 1092 nonresident concealed handgun permit.

1093 Q. A valid concealed handgun permit issued by the State of Maryland shall be valid in the

1094 Commonwealth provided, (i) the holder of the permit is licensed in the State of Maryland to perform
 1095 duties substantially similar to those performed by Virginia branch pilots licensed pursuant to Chapter 9
 1096 (§ 54.1-900 et seq.) of Title 54.1 and is performing such duties while in the Commonwealth, and (ii) the
 1097 holder of the permit is 21 years of age or older.

1098 R. For the purposes of participation in concealed handgun reciprocity agreements with other
 1099 jurisdictions, the official government-issued law-enforcement identification card issued to an active-duty
 1100 law-enforcement officer in the Commonwealth who is exempt from obtaining a concealed handgun
 1101 permit under this section shall be deemed a concealed handgun permit.

1102 S. For the purposes of understanding the law relating to the use of deadly and lethal force, the
 1103 Department of State Police, in consultation with the Supreme Court on the development of the
 1104 application for a concealed handgun permit under this section, shall include a reference to the Virginia
 1105 Supreme Court website address or the Virginia Reports on the application.

1106 § 18.2-308.1:5. Purchase or transportation of firearm by persons convicted of certain drug offenses
 1107 prohibited.

1108 Any person who, within a thirty-six consecutive month period, has been convicted of two
 1109 misdemeanor offenses under § *subsection B of § 18.2-248.1:1*, § 18.2-250, or § 18.2-250.1 shall be
 1110 ineligible to purchase or transport a handgun. However, upon expiration of a period of five years from
 1111 the date of the second conviction and provided the person has not been convicted of any such offense
 1112 within that period, the ineligibility shall be removed.

1113 § 18.2-308.4. Possession of firearms while in possession of certain substances.

1114 A. It shall be unlawful for any person unlawfully in possession of a controlled substance classified in
 1115 Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) of Title 54.1 to simultaneously with
 1116 knowledge and intent possess any firearm. A violation of this subsection is a Class 6 felony and
 1117 constitutes a separate and distinct felony.

1118 B. It shall be unlawful for any person unlawfully in possession of a controlled substance classified in
 1119 Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) to simultaneously with knowledge and
 1120 intent possess any firearm on or about his person. A violation of this subsection is a Class 6 felony and
 1121 constitutes a separate and distinct felony and any person convicted hereunder shall be sentenced to a
 1122 mandatory minimum term of imprisonment of two years. Such punishment shall be separate and apart
 1123 from, and shall be made to run consecutively with, any punishment received for the commission of the
 1124 primary felony.

1125 C. It shall be unlawful for any person to possess, use, or attempt to use any pistol, shotgun, rifle, or
 1126 other firearm or display such weapon in a threatening manner while committing or attempting to commit
 1127 the illegal manufacture, sale, distribution, or the possession with the intent to manufacture, sell, or
 1128 distribute a controlled substance classified in Schedule I or Schedule II of the Drug Control Act
 1129 (§ 54.1-3400 et seq.) of Title 54.1, *synthetic cannabinoids* or more than one pound of marijuana. A
 1130 violation of this subsection is a Class 6 felony, and constitutes a separate and distinct felony and any
 1131 person convicted hereunder shall be sentenced to a mandatory minimum term of imprisonment of five
 1132 years. Such punishment shall be separate and apart from, and shall be made to run consecutively with,
 1133 any punishment received for the commission of the primary felony.

1134 § 18.2-474.1. Delivery of drugs, firearms, explosives, etc., to prisoners.

1135 Notwithstanding the provisions of § 18.2-474, any person who shall willfully in any manner deliver,
 1136 attempt to deliver, or conspire with another to deliver to any prisoner confined under authority of the
 1137 Commonwealth of Virginia, or of any political subdivision thereof, any drug which is a controlled
 1138 substance regulated by the Drug Control Act in Chapter 34 of Title 54.1, *synthetic cannabinoids* or
 1139 marijuana, shall be guilty of a Class 5 felony. Any person who shall willfully in any manner so deliver
 1140 or attempt to deliver or conspire to deliver to any such prisoner, firearms, ammunitions, or explosives of
 1141 any nature shall be guilty of a Class 3 felony.

1142 Nothing herein contained shall be construed to repeal or amend § 18.2-473.

1143 § 19.2-83.1. Report of arrest of school employees and adult students for certain offenses.

1144 A. Every state official or agency and every sheriff, police officer, or other local law-enforcement
 1145 officer or conservator of the peace having the power to arrest for a felony, upon arresting a person who
 1146 is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary
 1147 teacher or other employee in any public school division in this Commonwealth for a felony or a Class 1
 1148 misdemeanor or an equivalent offense in another state shall file a report of such arrest with the division
 1149 superintendent of the employing division as soon as practicable. The contents of the report required
 1150 pursuant to this section shall be utilized by the local school division solely to implement the provisions
 1151 of subsection B of § 22.1-296.2 and § 22.1-315.

1152 B. Every state official or agency and every sheriff, police officer, or other local law-enforcement
 1153 officer or conservator of the peace having the power to arrest for a felony, shall file a report, as soon as
 1154 practicable, with the division superintendent of the school division in which the student is enrolled upon

1155 arresting a person who is known or discovered by the arresting official to be a student age 18 or older
 1156 in any public school division in this Commonwealth for:

- 1157 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299
 1158 et seq.), or 7 (§ 18.2-308 et seq.) of Chapter 7 of Title 18.2;
 1159 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
 1160 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of
 1161 Title 18.2;
 1162 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
 1163 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances,
 1164 pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
 1165 6. Manufacture, sale or distribution of marijuana *or synthetic cannabinoids* pursuant to Article 1
 1166 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
 1167 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
 1168 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
 1169 9. Robbery pursuant to § 18.2-58;
 1170 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2; or
 1171 11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3.

1172 § 19.2-187. Admission into evidence of certain certificates of analysis.

1173 In any hearing or trial of any criminal offense or in any proceeding brought pursuant to Chapter 22.1
 1174 (§ 19.2-386.1 et seq.) of this title, a certificate of analysis of a person performing an analysis or
 1175 examination, duly attested by such person, shall be admissible in evidence as evidence of the facts
 1176 therein stated and the results of the analysis or examination referred to therein, provided (i) the
 1177 certificate of analysis is filed with the clerk of the court hearing the case at least seven days prior to the
 1178 proceeding if the attorney for the Commonwealth intends to offer it into evidence in a preliminary
 1179 hearing or the accused intends to offer it into evidence in any hearing or trial, or (ii) the requirements of
 1180 subsection A of § 19.2-187.1 have been satisfied and the accused has not objected to the admission of
 1181 the certificate pursuant to subsection B of § 19.2-187.1, when any such analysis or examination is
 1182 performed in any laboratory operated by the Division of Consolidated Laboratory Services or the
 1183 Department of Forensic Science or authorized by such Department to conduct such analysis or
 1184 examination, or performed by a person licensed by the Department of Forensic Science pursuant to
 1185 § 18.2-268.9 or 46.2-341.26:9 to conduct such analysis or examination, or performed by the Federal
 1186 Bureau of Investigation, the federal Postal Inspection Service, the federal Bureau of Alcohol, Tobacco
 1187 and Firearms, the Naval Criminal Investigative Service, the National Fish and Wildlife Forensics
 1188 Laboratory, the federal Drug Enforcement Administration, or the United States Secret Service
 1189 Laboratory.

1190 In a hearing or trial in which the provisions of subsection A of § 19.2-187.1 do not apply, a copy of
 1191 such certificate shall be mailed or delivered by the clerk or attorney for the Commonwealth to counsel
 1192 of record for the accused at no charge at least seven days prior to the hearing or trial upon request made
 1193 by such counsel to the clerk with notice of the request to the attorney for the Commonwealth. The
 1194 request to the clerk shall be on a form prescribed by the Supreme Court and filed with the clerk at least
 1195 10 days prior to the hearing or trial. In the event that a request for a copy of a certificate is filed with
 1196 the clerk with respect to a case that is not yet before the court, the clerk shall advise the requester that
 1197 he must resubmit the request at such time as the case is properly before the court in order for such
 1198 request to be effective. If, upon proper request made by counsel of record for the accused, a copy of
 1199 such certificate is not mailed or delivered by the clerk or attorney for the Commonwealth to counsel of
 1200 record for the accused in a timely manner in accordance with this section, the accused shall be entitled
 1201 to continue the hearing or trial.

1202 The certificate of analysis of any examination conducted by the Department of Forensic Science
 1203 relating to a controlled substance ~~or~~, marijuana, *or synthetic cannabinoids as defined in § 18.2-248.1:1*
 1204 shall be mailed or forwarded by personnel of the Department of Forensic Science to the attorney for the
 1205 Commonwealth of the jurisdiction where such offense may be heard. The attorney for the
 1206 Commonwealth shall acknowledge receipt of the certificate on forms provided by the laboratory.

1207 Any such certificate of analysis purporting to be signed by any such person shall be admissible as
 1208 evidence in such hearing or trial without any proof of the seal or signature or of the official character of
 1209 the person whose name is signed to it.

1210 For the purposes of this section and §§ 19.2-187.01, 19.2-187.1, and 19.2-187.2, the term "certificate
 1211 of analysis" includes reports of analysis and results of laboratory examination.

1212 § 19.2-386.22. Seizure of property used in connection with or derived from illegal drug transactions.

1213 A. The following property shall be subject to lawful seizure by any officer charged with enforcing
 1214 the provisions of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2: (i) all money, medical
 1215 equipment, office equipment, laboratory equipment, motor vehicles, and all other personal and real

1216 property of any kind or character, used in substantial connection with (a) the illegal manufacture, sale or
 1217 distribution of controlled substances or possession with intent to sell or distribute controlled substances
 1218 in violation of § 18.2-248, (b) the sale or distribution of marijuana or possession with intent to distribute
 1219 marijuana in violation of subdivisions (a) (2), (a) (3) and (c) of § 18.2-248.1, ~~or~~ (c) *the sale or*
 1220 *distribution of synthetic cannabinoids or possession with intent to distribute or manufacture synthetic*
 1221 *cannabinoids in violation of subsections C and E of § 18.2-248.1:1, or (d) a drug-related offense in*
 1222 *violation of § 18.2-474.1; (ii) everything of value furnished, or intended to be furnished, in exchange for*
 1223 *a controlled substance in violation of § 18.2-248 or for marijuana in violation of § 18.2-248.1 or for*
 1224 *synthetic cannabinoids in violation of § 18.2-248.1:1 or for a controlled substance ~~or~~, marijuana, or*
 1225 *synthetic cannabinoids in violation of § 18.2-474.1; and (iii) all moneys or other property, real or*
 1226 *personal, traceable to such an exchange, together with any interest or profits derived from the investment*
 1227 *of such money or other property. Under the provisions of clause (i), real property shall not be subject to*
 1228 *lawful seizure unless the minimum prescribed punishment for the violation is a term of not less than*
 1229 *five years.*

1230 B. All seizures and forfeitures under this section shall be governed by the procedures contained in
 1231 Chapter 22.1 (§ 19.2-386.1 et seq.) of this title.

1232 § 19.2-386.23. Disposal of seized controlled substances, marijuana, synthetic cannabinoids, and
 1233 paraphernalia.

1234 A. All controlled substances, imitation controlled substances, marijuana, *synthetic cannabinoids as*
 1235 *defined in § 18.2-248.1:1, or paraphernalia, the lawful possession of which is not established or the title*
 1236 *to which cannot be ascertained, which have come into the custody of a peace officer or have been*
 1237 *seized in connection with violations of Chapter 7 (§ 18.2-247 et seq.) of Title 18.2, shall be forfeited*
 1238 *and disposed of as follows:*

1239 1. Upon written application by the Department of Forensic Science the court may order the forfeiture
 1240 of any such substance or paraphernalia to the Department for research and training purposes and for
 1241 destruction pursuant to regulations of the United States Department of Justice Drug Enforcement
 1242 Administration and of the Board of Pharmacy once these purposes have been fulfilled.

1243 2. In the event no application is made under subdivision 1 of this subsection, the court shall order
 1244 the destruction of all such substances or paraphernalia, which order shall state the existence and nature
 1245 of the substance or paraphernalia, the quantity thereof, the location where seized, the person or persons
 1246 from whom the substance or paraphernalia was seized, if known, and the manner whereby such item
 1247 shall be destroyed. However, the court may order that paraphernalia identified in subdivision 5 of
 1248 § 18.2-265.1 not be destroyed and that it be given to a person or entity that makes a showing to the
 1249 court of sufficient need for the property and an ability to put the property to a lawful and publicly
 1250 beneficial use. A return under oath, reporting the time, place and manner of destruction shall be made to
 1251 the court and to the Board of Pharmacy by the officer to whom the order is directed. A copy of the
 1252 order and affidavit shall be made a part of the record of any criminal prosecution in which the substance
 1253 or paraphernalia was used as evidence and shall, thereafter, be prima facie evidence of its contents. In
 1254 the event a law-enforcement agency recovers, seizes, finds, is given or otherwise comes into possession
 1255 of any such substances or paraphernalia that are not evidence in a trial in the Commonwealth, the chief
 1256 law-enforcement officer of the agency or his designee may, with the written consent of the appropriate
 1257 attorney for the Commonwealth, order destruction of same; provided that, a statement under oath,
 1258 reporting a description of the substances and paraphernalia destroyed, and the time, place and manner of
 1259 destruction is made to the chief law-enforcement officer and to the Board of Pharmacy by the officer to
 1260 whom the order is directed.

1261 B. No such substance or paraphernalia used or to be used in a criminal prosecution under Chapter 7
 1262 (§ 18.2-247 et seq.) of Title 18.2 shall be disposed of as provided by this section until all rights of
 1263 appeal have been exhausted, except as provided in § 19.2-386.24.

1264 § 19.2-386.24. Destruction of seized controlled substances, marijuana, or synthetic cannabinoids prior
 1265 to trial.

1266 Where seizures of controlled substances ~~or~~, marijuana, *or synthetic cannabinoids* are made in excess
 1267 of 10 pounds in connection with any prosecution or investigation under Chapter 7 (§ 18.2-247 et seq.) of
 1268 Title 18.2, the appropriate law-enforcement agency may retain 10 pounds of the substance randomly
 1269 selected from the seized substance for representative purposes as evidence and destroy the remainder of
 1270 the seized substance.

1271 Before any destruction is carried out under this section, the law-enforcement agency shall cause the
 1272 material seized to be photographed with identification case numbers or other means of identification and
 1273 shall prepare a report identifying the seized material. It shall also notify the accused, or other interested
 1274 party, if known, or his attorney, at least five days in advance that the photography will take place and
 1275 that they may be present. Prior to any destruction under this section, the law-enforcement agency shall
 1276 also notify the accused or other interested party, if known, and his attorney at least seven days prior to

1277 the destruction of the time and place the destruction will occur. Any notice required under the
 1278 provisions of this section shall be by first-class mail to the last known address of the person required to
 1279 be notified. In addition to the substance retained for representative purposes as evidence, all photographs
 1280 and records made under this section and properly identified shall be admissible in any court proceeding
 1281 for any purposes for which the seized substance itself would have been admissible.

1282 § 19.2-386.25. Judge may order law-enforcement agency to maintain custody of controlled
 1283 substances, etc.

1284 Upon request of the clerk of any court, a judge of the court may order a law-enforcement agency to
 1285 take into its custody or to maintain custody of substantial quantities of any controlled substances,
 1286 imitation controlled substances, chemicals, marijuana, *synthetic cannabinoids* or paraphernalia used or to
 1287 be used in a criminal prosecution under Chapter 7 (§ 18.2-247 et seq.) of Title 18.2. The court in its
 1288 order may make provision for ensuring integrity of these items until further order of the court.

1289 § 22.1-277.08. Expulsion of students for certain drug offenses.

1290 A. School boards shall expel from school attendance any student whom such school board has
 1291 determined, in accordance with the procedures set forth in this article, to have brought a controlled
 1292 substance, imitation controlled substance, ~~or~~ marijuana as defined in § 18.2-247, *or synthetic*
 1293 *cannabinoids as defined in § 18.2-248.1:1* onto school property or to a school-sponsored activity. A
 1294 school board may, however, determine, based on the facts of the particular case, that special
 1295 circumstances exist and another disciplinary action is appropriate. In addition, a school board may, by
 1296 regulation, authorize the division superintendent or his designee to conduct a preliminary review of such
 1297 cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations
 1298 shall ensure that, if a determination is made that another disciplinary action is appropriate, any such
 1299 subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article.

1300 B. Each school board shall revise its standards of student conduct to incorporate the requirements of
 1301 this section no later than three months after the date on which this act becomes effective.

1302 § 22.1-279.3:1. Reports of certain acts to school authorities.

1303 A. Reports shall be made to the division superintendent and to the principal or his designee on all
 1304 incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a
 1305 school bus, on school property, or at a school-sponsored activity; (ii) the assault and battery that results
 1306 in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or
 1307 stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a
 1308 school-sponsored activity; (iii) any conduct involving alcohol, marijuana, *synthetic cannabinoids as*
 1309 *defined in § 18.2-248.1:1*, a controlled substance, imitation controlled substance, or an anabolic steroid
 1310 on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted
 1311 theft of student prescription medications; (iv) any threats against school personnel while on a school bus,
 1312 on school property or at a school-sponsored activity; (v) the illegal carrying of a firearm, as defined in
 1313 § 22.1-277.07, onto school property; (vi) any illegal conduct involving firebombs, explosive materials or
 1314 devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as
 1315 defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school
 1316 property, or at a school-sponsored activity; (vii) any threats or false threats to bomb, as described in
 1317 § 18.2-83, made against school personnel or involving school property or school buses; or (viii) the
 1318 arrest of any student for an incident occurring on a school bus, on school property, or at a
 1319 school-sponsored activity, including the charge therefor.

1320 B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1,
 1321 local law-enforcement authorities shall report, and the principal or his designee and the division
 1322 superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the
 1323 school if the offense would be a felony if committed by an adult or would be a violation of the Drug
 1324 Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a
 1325 school-sponsored activity, or would be an adult misdemeanor involving any incidents described in
 1326 clauses (i) through (viii) of subsection A, and whether the student is released to the custody of his
 1327 parent or, if 18 years of age or more, is released on bond. As part of any report concerning an offense
 1328 that would be an adult misdemeanor involving an incident described in clauses (i) through (viii) of
 1329 subsection A, local law-enforcement authorities and attorneys for the Commonwealth shall be authorized
 1330 to disclose information regarding terms of release from detention, court dates, and terms of any
 1331 disposition orders entered by the court, to the superintendent of such student's school division, upon
 1332 request by the superintendent, if, in the determination of the law-enforcement authority or attorney for
 1333 the Commonwealth, such disclosure would not jeopardize the investigation or prosecution of the case.
 1334 No disclosures shall be made pursuant to this section in violation of the confidentiality provisions of
 1335 subsection A of § 16.1-300 or the record retention and redisclosure provisions of § 22.1-288.2. Further,
 1336 any school superintendent who receives notification that a juvenile has committed an act that would be a
 1337 crime if committed by an adult pursuant to subsection G of § 16.1-260 shall report such information to

1338 the principal of the school in which the juvenile is enrolled.

1339 C. The principal or his designee shall submit a report of all incidents required to be reported
1340 pursuant to this section to the superintendent of the school division. The division superintendent shall
1341 annually report all such incidents to the Department of Education for the purpose of recording the
1342 frequency of such incidents on forms that shall be provided by the Department and shall make such
1343 information available to the public.

1344 In submitting reports of such incidents, principals and division superintendents shall accurately
1345 indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be
1346 reported by such authorities pursuant to subsection B.

1347 A division superintendent who knowingly fails to comply or secure compliance with the reporting
1348 requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who
1349 knowingly fails to comply or secure compliance with the reporting requirements of this section shall be
1350 subject to sanctions prescribed by the local school board, which may include, but need not be limited to,
1351 demotion or dismissal.

1352 The principal or his designee shall also notify the parent of any student involved in an incident
1353 required pursuant to this section to be reported, regardless of whether disciplinary action is taken against
1354 such student or the nature of the disciplinary action. Such notice shall relate to only the relevant
1355 student's involvement and shall not include information concerning other students.

1356 Whenever any student commits any reportable incident as set forth in this section, such student shall
1357 be required to participate in such prevention and intervention activities as deemed appropriate by the
1358 superintendent or his designee. Prevention and intervention activities shall be identified in the local
1359 school division's drug and violence prevention plans developed pursuant to the federal Improving
1360 America's Schools Act of 1994 (Title IV - Safe and Drug-Free Schools and Communities Act).

1361 D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal
1362 shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through
1363 (vii) of subsection A that may constitute a criminal offense and may report to the local law-enforcement
1364 agency any incident described in clause (i) of subsection A.

1365 Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall
1366 also immediately report any act enumerated in clauses (ii) through (v) of subsection A that may
1367 constitute a criminal offense to the parents of any minor student who is the specific object of such act.
1368 Further, the principal shall report that the incident has been reported to local law enforcement as
1369 required by law and that the parents may contact local law enforcement for further information, if they
1370 so desire.

1371 E. A statement providing a procedure and the purpose for the requirements of this section shall be
1372 included in school board policies required by § 22.1-253.13:7.

1373 The Board of Education shall promulgate regulations to implement this section, including, but not
1374 limited to, establishing reporting dates and report formats.

1375 F. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person
1376 having control or charge of a child.

1377 G. This section shall not be construed to diminish the authority of the Board of Education or to
1378 diminish the Governor's authority to coordinate and provide policy direction on official communications
1379 between the Commonwealth and the United States government.

1380 § 24.2-233. Removal of elected and certain appointed officers by courts.

1381 Upon petition, a circuit court may remove from office any elected officer or officer who has been
1382 appointed to fill an elective office, residing within the jurisdiction of the court:

1383 1. For neglect of duty, misuse of office, or incompetence in the performance of duties when that
1384 neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse
1385 effect upon the conduct of the office, or

1386 2. Upon conviction of a misdemeanor pursuant to Article 1 (§ 18.2-247 et seq.) or Article 1.1
1387 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and after all rights of appeal have terminated involving
1388 the:

1389 a. Manufacture, sale, gift, distribution, or possession with intent to manufacture, sell, give, or
1390 distribute a controlled substance $\text{\textcircled{X}}$, marijuana, *or synthetic cannabinoids as defined in § 18.2-248.1:1*, or

1391 b. Sale, possession with intent to sell, or placing an advertisement for the purpose of selling drug
1392 paraphernalia, or

1393 c. Possession of any controlled substance $\text{\textcircled{X}}$, marijuana, *or synthetic cannabinoids as defined in*
1394 *§ 18.2-248.1:1*, and such conviction under a, b, or c has a material adverse effect upon the conduct of
1395 such office, or

1396 3. Upon conviction, and after all rights of appeal have terminated, of a misdemeanor involving a
1397 "hate crime" as that term is defined in § 52-8.5 when the conviction has a material adverse effect upon
1398 the conduct of such office.

1399 The petition must be signed by a number of registered voters who reside within the jurisdiction of
 1400 the officer equal to ten percent of the total number of votes cast at the last election for the office that
 1401 the officer holds.

1402 Any person removed from office under the provisions of subdivision 2 or 3 may not be subsequently
 1403 subject to the provisions of this section for the same criminal offense.

1404 § 53.1-145. Powers and duties of probation and parole officers.

1405 In addition to other powers and duties prescribed by this article, each probation and parole officer
 1406 shall:

1407 1. Investigate and report on any case pending in any court or before any judge in his jurisdiction
 1408 referred to him by the court or judge;

1409 2. Supervise and assist all persons within his territory placed on probation, secure, as appropriate and
 1410 when available resources permit, placement of such persons in a substance abuse treatment program
 1411 which may include utilization of acupuncture and other treatment modalities, and furnish every such
 1412 person with a written statement of the conditions of his probation and instruct him therein; if any such
 1413 person has been committed to the Department of Behavioral Health and Developmental Services under
 1414 the provisions of Chapter 9 (§ 37.2-900 et seq.) of Title 37.2, the conditions of probation shall include
 1415 the requirement that the person comply with all conditions given him by the Department of Behavioral
 1416 Health and Developmental Services, and that he follow all of the terms of his treatment plan;

1417 3. Supervise and assist all persons within his territory released on parole or postrelease supervision,
 1418 secure, as appropriate and when available resources permit, placement of such persons in a substance
 1419 abuse treatment program which may include utilization of acupuncture and other treatment modalities,
 1420 and, in his discretion, assist any person within his territory who has completed his parole, postrelease
 1421 supervision, or has been mandatorily released from any correctional facility in the Commonwealth and
 1422 requests assistance in finding a place to live, finding employment, or in otherwise becoming adjusted to
 1423 the community;

1424 4. Arrest and recommit to the place of confinement from which he was released, or in which he
 1425 would have been confined but for the suspension of his sentence or of its imposition, for violation of
 1426 the terms of probation, post-release supervision pursuant to § 19.2-295.2 or parole, any probationer,
 1427 person subject to post-release supervision or parolee under his supervision, or as directed by the
 1428 Chairman, Board member or the court, pending a hearing by the Board or the court, as the case may be;

1429 5. Keep such records, make such reports, and perform other duties as may be required of him by the
 1430 Director or by regulations prescribed by the Board of Corrections, and the court or judge by whom he
 1431 was authorized;

1432 6. Order and conduct, in his discretion, drug and alcohol screening tests of any probationer, person
 1433 subject to post-release supervision pursuant to § 19.2-295.2 or parolee under his supervision who the
 1434 officer has reason to believe is engaged in the illegal use of controlled substances ~~or~~, marijuana, *or*
 1435 *synthetic cannabinoids* or the abuse of alcohol. The cost of the test may be charged to the person under
 1436 supervision. Regulations governing the officer's exercise of this authority shall be promulgated by the
 1437 Board;

1438 7. Have the power to carry a concealed weapon in accordance with regulations promulgated by the
 1439 Board and upon the certification of appropriate training and specific authorization by a judge of a circuit
 1440 court;

1441 8. Provide services in accordance with any contract entered into between the Department of
 1442 Corrections and the Department of Behavioral Health and Developmental Services pursuant to
 1443 § 37.2-912;

1444 9. Pursuant to any contract entered into between the Department of Corrections and the Department
 1445 of Behavioral Health and Developmental Services, probation and parole officers shall have the power to
 1446 provide intensive supervision services to persons placed on conditional release, regardless of whether the
 1447 person has any time remaining to serve on any criminal sentence, pursuant to Chapter 9 (§ 37.2-900 et
 1448 seq.);

1449 10. Determine by reviewing the Local Inmate Data System upon intake and again prior to release
 1450 whether a blood, saliva, or tissue sample has been taken for DNA analysis for each person placed on
 1451 probation or parole required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter
 1452 18 of Title 19.2 and, if no sample has been taken, require a person placed on probation or parole to
 1453 submit a sample for DNA analysis; and

1454 11. For every offender accepted pursuant to the Interstate Compact for the Supervision of Adult
 1455 Offenders (§ 53.1-176.1 et seq.) who has been convicted of an offense that, if committed in Virginia,
 1456 would be considered a felony, take a sample or verify that a sample has been taken and accepted into
 1457 the data bank for DNA analysis in the Commonwealth.

1458 Nothing in this article shall require probation and parole officers to investigate or supervise cases
 1459 before general district or juvenile and domestic relations district courts.

1460 § 53.1-203. Felonies by prisoners; penalties.

1461 It shall be unlawful for a prisoner in a state, local or community correctional facility or in the
1462 custody of an employee thereof to:

1463 1. Escape from a correctional facility or from any person in charge of such prisoner;

1464 2. Willfully break, cut or damage any building, furniture, fixture or fastening of such facility or any
1465 part thereof for the purpose of escaping, aiding any other prisoner to escape therefrom or rendering such
1466 facility less secure as a place of confinement;

1467 3. Make, procure, secrete or have in his possession any instrument, tool or other thing for the
1468 purpose of escaping from or aiding another to escape from a correctional facility or employee thereof;

1469 4. Make, procure, secrete or have in his possession a knife, instrument, tool or other thing not
1470 authorized by the superintendent or sheriff which is capable of causing death or bodily injury;

1471 5. Procure, sell, secrete or have in his possession any chemical compound which he has not lawfully
1472 received;

1473 6. Procure, sell, secrete or have in his possession a controlled substance classified in Schedule III of
1474 the Drug Control Act (§ 54.1-3400 et seq.) ~~or~~, marijuana, *or synthetic cannabinoids as defined in*
1475 *§ 18.2-248.1:1*;

1476 7. Introduce into a correctional facility or have in his possession firearms or ammunition for
1477 firearms;

1478 8. Willfully burn or destroy by use of any explosive device or substance, in whole or in part, or
1479 cause to be so burned or destroyed, any personal property, within any correctional facility;

1480 9. Willfully tamper with, damage, destroy, or disable any fire protection or fire suppression system,
1481 equipment, or sprinklers within any correctional facility; or

1482 10. Conspire with another prisoner or other prisoners to commit any of the foregoing acts.

1483 For violation of any of the provisions of this section, except subdivision 6, the prisoner shall be
1484 guilty of a Class 6 felony. For a violation of subdivision 6, he shall be guilty of a Class 5 felony. If the
1485 violation is of subdivision 1 of this section and the escapee is a felon, he shall be sentenced to a
1486 mandatory minimum term of confinement of one year, which shall be served consecutively with any
1487 other sentence. The prisoner shall, upon conviction of escape, immediately commence to serve such
1488 escape sentence, and he shall not be eligible for parole during such period. Any prisoner sentenced to
1489 life imprisonment who escapes shall not be eligible for parole. No part of the time served for escape
1490 shall be credited for the purpose of parole toward the sentence or sentences, the service of which is
1491 interrupted for service of the escape sentence, nor shall it be credited for such purpose toward any other
1492 sentence.

1493 § 54.1-3446. Schedule I.

1494 The controlled substances listed in this section are included in Schedule I:

1495 1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers,
1496 esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers
1497 and salts is possible within the specific chemical designation:

1498 Acetylmethadol;

1499 Allylprodine;

1500 Alphacetylmethadol (except levo-alpha-cetylmethadol, also known as levo-alpha-acetylmethadol,
1501 levomethadyl acetate, or LAAM);

1502 Alphameprodine;

1503 Alphamethadol;

1504 Benzethidine;

1505 Betacetylmethadol;

1506 Betameprodine;

1507 Betamethadol;

1508 Betaprodine;

1509 Clonitazene;

1510 Dextromoramide;

1511 Diampromide;

1512 Diethylthiambutene;

1513 Difenoxin;

1514 Dimenoxadol;

1515 Dimepheptanol;

1516 Dimethylthiambutene;

1517 Dioxaphetylbutyrate;

1518 Dipipanone;

1519 Ethylmethylthiambutene;

1520 Etonitazene;

- 1521 Etoperidine;
- 1522 Furethidine;
- 1523 Hydroxypethidine;
- 1524 Ketobemidone;
- 1525 Levomoramide;
- 1526 Levophenacymorphan;
- 1527 Morpheridine;
- 1528 Noracymethadol;
- 1529 Norlevorphanol;
- 1530 Normethadone;
- 1531 Norpipanone;
- 1532 Phenadoxone;
- 1533 Phenampromide;
- 1534 Phenomorphan;
- 1535 Phenoperidine;
- 1536 Piritramide;
- 1537 Proheptazine;
- 1538 Properidine;
- 1539 Propiram;
- 1540 Racemoramide;
- 1541 Tilidine;
- 1542 Trimeperidine.
- 1543 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless
- 1544 specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible
- 1545 within the specific chemical designation:
- 1546 Acetorphine;
- 1547 Acetyldihydrocodeine;
- 1548 Benzylmorphine;
- 1549 Codeine methylbromide;
- 1550 Codeine-N-Oxide;
- 1551 Cyprenorphine;
- 1552 Desomorphine;
- 1553 Dihydromorphine;
- 1554 Drotebanol;
- 1555 Etorphine;
- 1556 Heroin;
- 1557 Hydromorphanol;
- 1558 Methyl-desorphine;
- 1559 Methyl-dihydromorphine;
- 1560 Morphine methylbromide;
- 1561 Morphine methylsulfonate;
- 1562 Morphine-N-Oxide;
- 1563 Myrophine;
- 1564 Nicocodeine;
- 1565 Nicomorphine;
- 1566 Normorphine;
- 1567 Pholcodine;
- 1568 Thebacon.
- 1569 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,
- 1570 or preparation, which contains any quantity of the following hallucinogenic substances, or which
- 1571 contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers,
- 1572 and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision
- 1573 only, the term "isomer" includes the optical, position, and geometric isomers):
- 1574 Alpha-ethyltryptamine (some trade or other names: Monase;a-ethyl-1H-indole-3-ethanamine;
- 1575 3-2-aminobutyl] indole; a-ET; AET);
- 1576 4 - Bromo - 2,5 - dimethoxyphenethylamine (some trade or other names:
- 1577 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB;2C-B; Nexus);
- 1578 3,4-methylenedioxy amphetamine;
- 1579 5-methoxy-3,4-methylenedioxy amphetamine;
- 1580 3,4,5-trimethoxy amphetamine;
- 1581 Alpha-methyltryptamine (other name: AMT);

- 1582 Bufotenine;
- 1583 Diethyltryptamine;
- 1584 Dimethyltryptamine;
- 1585 4-methyl-2,5-dimethoxyamphetamine;
- 1586 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 1587 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
- 1588 Ibogaine;
- 1589 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
- 1590 Lysergic acid diethylamide;
- 1591 Mescaline;
- 1592 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6,
- 1593 9-trimethyl-6H-dibenzo -b,d] pyran; Synhexyl);
- 1594 Peyote;
- 1595 N-ethyl-3-piperidyl benzilate;
- 1596 N-methyl-3-piperidyl benzilate;
- 1597 Psilocybin;
- 1598 Psilocyn;
- 1599 Salvinorin A;
- 1600 Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated
- 1601 in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;
- 1602 Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);
- 1603 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;
- 1604 2,5-DMA);
- 1605 3,4-methylenedioxy-methamphetamine (MDMA), its optical, positional and geometric isomers, salts
- 1606 and salts of isomers;
- 1607 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4
- 1608 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
- 1609 N-hydroxy-3,4-methylenedioxyamphetamine (some other names:
- 1610 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
- 1611 4-bromo-2,5-dimethoxyamphetamine (some trade or other names:
- 1612 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
- 1613 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;
- 1614 paramethoxyamphetamine; PMA);
- 1615 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine,
- 1616 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
- 1617 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy,
- 1618 PHP);
- 1619 Thiophene analog of phencyclidine (some other names: 1-1-(2-thienyl) -cyclohexyl]-piperidine,
- 1620 2-thienyl analog of phencyclidine, TPCP, TCP);
- 1621 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);;
- 1622 3,4-methylenedioxypropylvalerone (other name: MDPV);
- 1623 4-methylmethcathinone (other names: mephedrone, 4-MMC).
- 1624 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
- 1625 or preparation which contains any quantity of the following substances having a depressant effect on the
- 1626 central nervous system, including its salts, isomers and salts of isomers whenever the existence of such
- 1627 salts, isomers and salts of isomers is possible within the specific chemical designation:
- 1628 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate;
- 1629 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
- 1630 Mecloqualone;
- 1631 Methaqualone.
- 1632 5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
- 1633 or preparation which contains any quantity of the following substances having a stimulant effect on the
- 1634 central nervous system, including its salts, isomers and salts of isomers:
- 1635 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,
- 1636 5-dihydro-5-phenyl-2-oxazolamine);
- 1637 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);
- 1638 Fenethylamine;
- 1639 Ethylamphetamine;
- 1640 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,
- 1641 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;
- 1642 Methcathinone (some other names: 2-(methylamino)-propiofenone; alpha-(methylamino)

- 1643 propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone;
 1644 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR
 1645 1432);
 1646 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
 1647 N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine,
 1648 N,N-alpha-trimethylphenethylamine).
 1649 6. Any material, compound, mixture or preparation containing any quantity of the following
 1650 substances:
 1651 N-3-methyl-1-(2-phenethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl), its
 1652 optical and geometric isomers, salts, and salts of isomers;
 1653 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP), its optical isomers, salts and salts of
 1654 isomers;
 1655 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP), its optical isomers, salts and
 1656 salts of isomers;
 1657 N-1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide (other names:
 1658 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine), alpha-methylfentanyl);
 1659 N-1-(1-methyl-2-phenethyl)-4-piperidyl]-N-phenylacetamide (other name:
 1660 acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers;
 1661 N-1-(1-methyl-2-2-thienyl)ethyl-4 piperidyl]-N-phenylpropanamide (other name:
 1662 alpha-methylthiofentanyl), its optical isomers, salts and salts of isomers;
 1663 N-1-benzyl-4-piperidyl]N-phenylpropanamide (other name: benzylfentanyl), its optical isomers, salts
 1664 and salts of isomers;
 1665 N-1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl]-N-phenylpropanamide (other name:
 1666 beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers;
 1667 N-3-methyl-1-(2-hydroxy-2-phenethyl)4-piperidyl]Nphenylpropanamide (other name:
 1668 beta-hydroxy3methylfentanyl), its optical and geometric isomers, salts and salts of isomers;
 1669 N-(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (other name:
 1670 3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers;
 1671 N-1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (other name: thenylfentanyl), its optical
 1672 isomers, salts and salts of isomers;
 1673 N-phenyl-N-1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl), its optical
 1674 isomers, salts and salts of isomers;
 1675 N-(4-fluorophenyl)-N-1-(2-phenethyl)-4-piperidinyl] propanamide (other name: para-fluorofentanyl),
 1676 its optical isomers, salts and salts of isomers.
 1677 **2. That an emergency exists and this act is in force from its passage.**
 1678 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**
 1679 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
 1680 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
 1681 **874 of the Acts of Assembly of 2010 requires the Virginia Criminal Sentencing Commission to**
 1682 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**
 1683 **necessary appropriation cannot be determined for periods of commitment to the custody of the**
 1684 **Department of Juvenile Justice.**