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HOUSE BILL NO. 1434

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee on February 26, 2011)

(Patron Prior to Substitute—Delegate Garrett)

A BILL 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, 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, 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, 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 Code of Virginia by adding a section numbered 18.2-248.1:1, relating to penalties for transport, possession, sale or distribution, etc., of synthetic cannabinoids; controlled substances.

Be it enacted by the General Assembly of Virginia:

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, 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, 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, and 54.1-3446 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-248.1:1 as follows:

§ 4.1-225. Grounds for which Board may suspend or revoke licenses.

The Board may suspend or revoke any license other than a brewery license, in which case the Board may impose penalties as provided in § 4.1-227, if it has reasonable cause to believe that:

1. The licensee, or if the licensee is a partnership, any general partner thereof, or if the licensee is an association, any member thereof, or a limited partner of 10 percent or more with voting rights, or if the licensee is a corporation, any officer, director, or shareholder owning 10 percent or more of its capital stock, or if the licensee is a limited liability company, any member-manager or any member owning 10 percent or more of the membership interest of the limited liability company:

a. Has misrepresented a material fact in applying to the Board for such license;

b. Has defrauded or attempted to defraud the Board, or any federal, state or local government or governmental agency or authority, by making or filing any report, document or tax return required by statute or regulation which is fraudulent or contains a false representation of a material fact; or has willfully deceived or attempted to deceive the Board, or any federal, state or local government, or governmental agency or authority, by making or maintaining business records required by statute or regulation which are false or fraudulent;

c. Within the five years immediately preceding the date of the hearing held in accordance with § 4.1-227, has (i) been convicted of a violation of any law, ordinance or regulation of the Commonwealth, of any county, city or town in the Commonwealth, of any state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages; (ii) violated any provision of Chapter 3 (§ 4.1-300 et seq.) of this title; (iii) committed a violation of the Wine Franchise Act (§ 4.1-400 et seq.) or the Beer Franchise Act (§ 4.1-500 et seq.) in bad faith; (iv) violated or failed or refused to comply with any regulation, rule or order of the Board; or (v) failed or refused to comply with any of the conditions or restrictions of the license granted by the Board;

d. Has been convicted in any court of a felony or of any crime or offense involving moral turpitude under the laws of any state, or of the United States;

e. Is not the legitimate owner of the business conducted under the license granted by the Board, or other persons have ownership interests in the business which have not been disclosed;

f. Cannot demonstrate financial responsibility sufficient to meet the requirements of the business conducted under the license granted by the Board;

g. Has been intoxicated or under the influence of some self-administered drug while upon the licensed premises;

h. Has maintained the licensed premises in an unsanitary condition, or allowed such premises to become a meeting place or rendezvous for members of a criminal street gang as defined in § 18.2-46.1 or persons of ill repute, or has allowed any form of illegal gambling to take place upon such premises;

i. Knowingly employs in the business conducted under such license, as agent, servant, or employee, other than a busboy, cook or other kitchen help, any person who has been convicted in any court of a felony or of any crime or offense involving moral turpitude, or who has violated the laws of the Commonwealth, of any other state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages;

j. Subsequent to the granting of his original license, has demonstrated by his police record a lack of respect for law and order;

k. Has allowed the consumption of alcoholic beverages upon the licensed premises by any person

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60 whom he knew or had reason to believe was (i) less than 21 years of age, (ii) interdicted, or (iii)  
61 intoxicated, or has allowed any person whom he knew or had reason to believe was intoxicated to loiter  
62 upon such licensed premises;

63 1. Has allowed any person to consume upon the licensed premises any alcoholic beverages except as  
64 provided under this title;

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

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

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

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

79 q. Has failed to take reasonable measures to prevent (i) the licensed premises, (ii) any premises  
80 immediately adjacent to the licensed premises that are owned or leased by the licensee, or (iii) any  
81 portion of public property immediately adjacent to the licensed premises from becoming a place where  
82 patrons of the establishment commit criminal violations of Article 1 (§ 18.2-30 et seq.), 2 (§ 18.2-38 et  
83 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  
84 (§ 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  
85 (§ 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  
86 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  
87 Chapter 9 of Title 18.2 and such violations lead to arrests that are so frequent and serious as to  
88 reasonably be deemed a continuing threat to the public safety.

89 2. The place occupied by the licensee:

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

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

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

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

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

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

105 6. Any other cause authorized by this title.

106 § 9.1-176.1. Duties and responsibilities of local community-based probation officers.

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

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

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

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

114 4. Conduct, at his discretion, random drug and alcohol tests on any offender whom the officer has  
115 reason to believe is engaged in the illegal use of controlled substances ~~or~~, marijuana, or *synthetic*  
116 *cannabinoids* or the abuse of alcohol or prescribed medication;

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

119 6. Seek a *capias* from any judicial officer in the event of failure to comply with conditions of local  
120 community-based probation or supervision on the part of any offender provided that noncompliance  
121 resulting from intractable behavior presents a risk of flight, or a risk to public safety or to the offender;

122 7. Seek a motion to show cause for offenders requiring a subsequent hearing before the court;  
123 8. Provide information to assist any law-enforcement officer with the return to custody of defendants  
124 placed on supervision for which a *capias* has been sought;

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

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

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

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

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

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

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

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

144 § 15.2-907. Authority to require removal, repair, etc., of buildings and other structures harboring  
145 illegal drug use.

146 A. As used in this section:

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

148 "Controlled substance" means illegally obtained controlled substances or marijuana, as defined in  
149 § 54.1-3401, *or synthetic cannabinoids as defined in § 18.2-248.1:1*.

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

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

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

157 "Property" means real property.

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

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

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

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

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

179 2. If the locality undertakes corrective action with respect to the property after complying with the  
180 provisions of subdivision B 1, the costs and expenses thereof shall be chargeable to and paid by the  
181 owner of such property and may be collected by the locality as taxes are collected.

182 3. Every charge authorized by this section with which the owner of any such property has been

183 assessed and which remains unpaid shall constitute a lien against such property with the same priority as  
184 liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940  
185 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.

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

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

193 § 16.1-260. Intake; petition; investigation.

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

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

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

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

236 If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and  
237 the attendance officer has provided documentation to the intake officer that the relevant school division  
238 has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the  
239 court. The intake officer may defer filing the complaint for 90 days and proceed informally by  
240 developing a truancy plan. The intake officer may proceed informally only if the juvenile has not  
241 previously been proceeded against informally or adjudicated in need of supervision for failure to comply  
242 with compulsory school attendance as provided in § 22.1-254. The juvenile and his parent or parents,  
243 guardian or other person standing in loco parentis must agree, in writing, for the development of a  
244 truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents,

245 guardian or other person standing in loco parentis participate in such programs, cooperate in such  
 246 treatment or be subject to such conditions and limitations as necessary to ensure the juvenile's  
 247 compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer  
 248 the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an  
 249 interagency interdisciplinary team approach. The team may include qualified personnel who are  
 250 reasonably available from the appropriate department of social services, community services board, local  
 251 school division, court service unit and other appropriate and available public and private agencies and  
 252 may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the  
 253 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then  
 254 the intake officer shall file the petition.

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

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

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

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

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

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

302 G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of this chapter, the intake officer  
 303 shall file a report with the division superintendent of the school division in which any student who is  
 304 the subject of a petition alleging that such student who is a juvenile has committed an act, wherever  
 305 committed, which would be a crime if committed by an adult, or that such student who is an adult has

306 committed a crime and is alleged to be within the jurisdiction of the court. The report shall notify the  
 307 division superintendent of the filing of the petition and the nature of the offense, if the violation  
 308 involves:

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

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

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

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

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

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

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

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

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

358 § 16.1-278.8:01. Juveniles found delinquent of first drug offense; screening; assessment; drug tests;  
 359 costs and fees; education or treatment programs.

360 Whenever any juvenile who has not previously been found delinquent of any offense under Article 1  
 361 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or under any statute of the United States or of any state  
 362 relating to narcotic drugs, marijuana, *synthetic cannabinoids*, or stimulant, depressant or hallucinogenic  
 363 drugs, or has not previously had a proceeding against him for a violation of such an offense dismissed  
 364 as provided in § 18.2-251, is found delinquent of any offense concerning the use, in any manner, of  
 365 drugs, controlled substances, narcotics, marijuana, *synthetic cannabinoids*, noxious chemical substances  
 366 and like substances, the juvenile court or the circuit court shall require such juvenile to undergo a  
 367 substance abuse screening pursuant to § 16.1-273 and to submit to such periodic substance abuse testing,

368 to include alcohol testing, as may be directed by the court. Such testing shall be conducted by a court  
 369 services unit of the Department of Juvenile Justice, or by a locally operated court services unit or by  
 370 personnel of any program or agency approved by the Department. The cost of such testing ordered by  
 371 the court shall be paid by the Commonwealth from funds appropriated to the Department for this  
 372 purpose. The court shall also order the juvenile to undergo such treatment or education program for  
 373 substance abuse, if available, as the court deems appropriate based upon consideration of the substance  
 374 abuse assessment. The treatment or education shall be provided by a program licensed by the  
 375 Department of Behavioral Health and Developmental Services or by a similar program available through  
 376 a facility or program operated by or under contract to the Department of Juvenile Justice or a locally  
 377 operated court services unit or a program funded through the Virginia Juvenile Community Crime  
 378 Control Act (§ 16.1-309.2 et seq.).

379 § 18.2-248.1:1. *Penalties for possession, sale, gift, or distribution of or possession with intent to sell,*  
 380 *give, or distribute synthetic cannabinoids; manufacturing.*

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

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

385 *5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);*

386 *5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);*

387 *5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);*

388 *1-pentyl-3-(1-naphthoyl)indole (other name: JWH-018);*

389 *1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);*

390 *1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);*

391 *1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);*

392 *1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name JWH-200);*

393 *(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chr-*  
 394 *omen-1-ol (other name: HU-210).*

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

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

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

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

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

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

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

422 Whenever any person who has not previously been convicted of any offense under this article or  
 423 under any statute of the United States or of any state relating to narcotic drugs, marijuana, *synthetic*  
 424 *cannabinoids*, or stimulant, depressant, or hallucinogenic drugs, or has not previously had a proceeding  
 425 against him for violation of such an offense dismissed as provided in this section, pleads guilty to or  
 426 enters a plea of not guilty to possession of a controlled substance under § 18.2-250 or to possession of  
 427 marijuana under § 18.2-250.1, or to possession of synthetic cannabinoids under subsection B of  
 428 § 18.2-248.1:1, the court, upon such plea if the facts found by the court would justify a finding of guilt,

429 without entering a judgment of guilt and with the consent of the accused, may defer further proceedings  
430 and place him on probation upon terms and conditions.

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

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

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

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

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

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

464 § 18.2-255. Distribution of certain drugs to persons under 18 prohibited; penalty.

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

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

481 § 18.2-255.1. Distribution, sale or display of printed material advertising instruments for use in  
482 administering marijuana, synthetic cannabinoids, or controlled substances to minors; penalty.

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

487 § 18.2-255.2. Prohibiting the sale or manufacture of drugs on or near certain properties; penalty.

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



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

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

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

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

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

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

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

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

526 § 18.2-258. Certain premises deemed common nuisance; penalty.

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

538 § 18.2-258.02. Maintaining a fortified drug house; penalty.

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

546 § 18.2-258.1. Obtaining drugs, procuring administration of controlled substances, etc., by fraud, deceit  
 547 or forgery.

548 A. It shall be unlawful for any person to obtain or attempt to obtain any drug or procure or attempt  
 549 to procure the administration of any controlled substance ~~or~~, marijuana, *or synthetic cannabinoids*: (i) by  
 550 fraud, deceit, misrepresentation, embezzlement, or subterfuge; or (ii) by the forgery or alteration of a  
 551 prescription or of any written order; or (iii) by the concealment of a material fact; or (iv) by the use of

552 a false name or the giving of a false address.

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

556 C. It shall be unlawful for any person to use in the course of the manufacture or distribution of a  
557 controlled substance ~~or~~, marijuana, *or synthetic cannabinoids* a license number which is fictitious,  
558 revoked, suspended, or issued to another person.

559 D. It shall be unlawful for any person, for the purpose of obtaining any controlled substance ~~or~~,  
560 marijuana, *or synthetic cannabinoids* to falsely assume the title of, or represent himself to be, a  
561 manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian or other authorized person.

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

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

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

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

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

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

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

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

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

600 § 18.2-308. Personal protection; carrying concealed weapons; when lawful to carry.

601 A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver,  
602 or other weapon designed or intended to propel a missile of any kind by action of an explosion of any  
603 combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor,  
604 slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more  
605 rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun  
606 chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration,  
607 having at least two points or pointed blades which is designed to be thrown or propelled and which may  
608 be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this  
609 subsection, he shall be guilty of a Class 1 misdemeanor. A second violation of this section or a  
610 conviction under this section subsequent to any conviction under any substantially similar ordinance of  
611 any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such  
612 violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be  
613 deemed to be hidden from common observation when it is observable but is of such deceptive

614 appearance as to disguise the weapon's true nature.  
615 B. This section shall not apply to any person while in his own place of abode or the curtilage  
616 thereof.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 702 1. Carriers of the United States mail;
- 703 2. Officers or guards of any state correctional institution;
- 704 3. [Repealed.]

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

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

713 6. Harbormaster of the City of Hopewell.

714 D. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the  
715 county or city in which he resides, or if he is a member of the United States Armed Forces, the county  
716 or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no  
717 requirement regarding the length of time an applicant has been a resident or domiciliary of the county or  
718 city. The application shall be made under oath before a notary or other person qualified to take oaths  
719 and shall be made only on a form prescribed by the Department of State Police, in consultation with the  
720 Supreme Court, requiring only that information necessary to determine eligibility for the permit. The  
721 clerk shall enter on the application the date on which the application and all other information required  
722 to be submitted by the applicant is received. The court shall consult with either the sheriff or police  
723 department of the county or city and receive a report from the Central Criminal Records Exchange. As a  
724 condition for issuance of a concealed handgun permit, the applicant shall submit to fingerprinting if  
725 required by local ordinance in the county or city where the applicant resides and provide personal  
726 descriptive information to be forwarded with the fingerprints through the Central Criminal Records  
727 Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record  
728 information regarding the applicant, and obtaining fingerprint identification information from federal  
729 records pursuant to criminal investigations by state and local law-enforcement agencies. However, no  
730 local ordinance shall require an applicant to submit to fingerprinting if the applicant has an existing  
731 concealed handgun permit issued pursuant to this section and is applying for a new five-year permit  
732 pursuant to subsection I. Where feasible and practical, the local law-enforcement agency may transfer  
733 information electronically to the State Police instead of inked fingerprint cards. Upon completion of the  
734 criminal history records check, the State Police shall return the fingerprint cards to the submitting local  
735 agency or, in the case of scanned fingerprints, destroy the electronic record. The local agency shall then  
736 promptly notify the person that he has 21 days from the date of the notice to request return of the

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

- 775 E. The following persons shall be deemed disqualified from obtaining a permit:
- 776 1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2 or
  - 777 18.2-308.1:3 or the substantially similar law of any other state or of the United States.
  - 778 2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was
  - 779 discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before
  - 780 the date of his application for a concealed handgun permit.
  - 781 3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose
  - 782 competency or capacity was restored pursuant to § 37.2-1012 less than five years before the date of his
  - 783 application for a concealed handgun permit.
  - 784 4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released
  - 785 from commitment less than five years before the date of this application for a concealed handgun
  - 786 permit.
  - 787 5. An individual who is subject to a restraining order, or to a protective order and prohibited by
  - 788 § 18.2-308.1:4 from purchasing or transporting a firearm.
  - 789 6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except
  - 790 that a permit may be obtained in accordance with subsection C of that section.
  - 791 7. An individual who has been convicted of two or more misdemeanors within the five-year period
  - 792 immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the
  - 793 judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1.
  - 794 Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this
  - 795 disqualification.
  - 796 8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, *synthetic*
  - 797 *cannabinoids*, or any controlled substance.

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798 9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local  
799 ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other  
800 state, the District of Columbia, the United States, or its territories within the three-year period  
801 immediately preceding the application, or who is a habitual drunkard as determined pursuant to  
802 § 4.1-333.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

943 K. No fee shall be charged for the issuance of such permit to a person who has retired from service  
944 (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Alcoholic Beverage Control  
945 Board or as a law-enforcement officer with the Department of State Police, the Department of Game and  
946 Inland Fisheries, or a sheriff or police department, bureau or force of any political subdivision of the  
947 Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement  
948 officer with the United States Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and  
949 Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and  
950 Immigration Services, Customs Service, Department of State Diplomatic Security Service, U.S. Marshals  
951 Service or Naval Criminal Investigative Service, after completing 15 years of service or after reaching  
952 age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United  
953 States, the District of Columbia or any of the territories of the United States, after completing 15 years  
954 of service; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii)  
955 through (iv), after completing 15 years of service; or (vi) as a designated boarding team member or  
956 boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching  
957 age 55. The clerk shall charge a fee of \$10 for the processing of an application or issuing of a permit,  
958 including his costs associated with the consultation with law-enforcement agencies. The local  
959 law-enforcement agency conducting the background investigation may charge a fee not to exceed \$35 to  
960 cover the cost of conducting an investigation pursuant to this section. The \$35 fee shall include any  
961 amount assessed by the Federal Bureau of Investigation for providing criminal history record  
962 information, and the local law-enforcement agency shall forward the amount assessed by the Federal  
963 Bureau of Investigation to the State Police with the fingerprints taken from the applicant. The State  
964 Police may charge a fee not to exceed \$5 to cover their costs associated with processing the application.  
965 The total amount assessed for processing an application for a permit shall not exceed \$50, with such  
966 fees to be paid in one sum to the person who accepts the application. Payment may be made by any  
967 method accepted by that court for payment of other fees or penalties. No payment shall be required until  
968 the application is accepted by the court as a complete application. The order issuing such permit, or the  
969 copy of the permit application certified by the clerk as a de facto permit pursuant to subsection D, shall  
970 be provided to the State Police and the law-enforcement agencies of the county or city. The State Police  
971 shall enter the permittee's name and description in the Virginia Criminal Information Network so that  
972 the permit's existence and current status will be made known to law-enforcement personnel accessing the  
973 Network for investigative purposes. The State Police shall withhold from public disclosure permittee  
974 information submitted to the State Police for purposes of entry into the Virginia Criminal Information  
975 Network, except that such information shall not be withheld from any law-enforcement agency, officer,  
976 or authorized agent thereof acting in the performance of official law-enforcement duties, nor shall such  
977 information be withheld from an entity that has a valid contract with any local, state, or federal  
978 law-enforcement agency for the purpose of performing official duties of the law-enforcement agency.  
979 However, nothing in this subsection shall be construed to prohibit the release of (a) records by the State  
980 Police concerning permits issued to nonresidents of the Commonwealth pursuant to subsection P1, or (b)  
981 statistical summaries, abstracts, or other records containing information in an aggregate form that does  
982 not identify any individual permittees.



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

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

999 M. For purposes of this section:

1000 "Handgun" means any pistol or revolver or other firearm, except a machine gun, originally designed,  
 1001 made and intended to fire a projectile by means of an explosion of a combustible material from one or  
 1002 more barrels when held in one hand.

1003 "Law-enforcement officer" means those individuals defined as a law-enforcement officer in § 9.1-101,  
 1004 campus police officers appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, law-enforcement  
 1005 agents of the Armed Forces of the United States, the Naval Criminal Investigative Service, and federal  
 1006 agents who are otherwise authorized to carry weapons by federal law. "Law-enforcement officer" shall  
 1007 also mean any sworn full-time law-enforcement officer employed by a law-enforcement agency of the  
 1008 United States or any state or political subdivision thereof, whose duties are substantially similar to those  
 1009 set forth in § 9.1-101.

1010 "Lawfully admitted for permanent residence" means the status of having been lawfully accorded the  
 1011 privilege of residing permanently in the United States as an immigrant in accordance with the  
 1012 immigration laws, such status not having changed.

1013 "Personal knowledge" means knowledge of a fact that a person has himself gained through his own  
 1014 senses, or knowledge that was gained by a law-enforcement officer or prosecutor through the  
 1015 performance of his official duties.

1016 N. As used in this article:

1017 "Ballistic knife" means any knife with a detachable blade that is propelled by a spring-operated  
 1018 mechanism.

1019 "Spring stick" means a spring-loaded metal stick activated by pushing a button which rapidly and  
 1020 forcefully telescopes the weapon to several times its original length.

1021 O. The granting of a concealed handgun permit shall not thereby authorize the possession of any  
 1022 handgun or other weapon on property or in places where such possession is otherwise prohibited by law  
 1023 or is prohibited by the owner of private property.

1024 P. A valid concealed handgun or concealed weapon permit or license issued by another state shall  
 1025 authorize the holder of such permit or license who is at least 21 years of age to carry a concealed  
 1026 handgun in the Commonwealth, provided (i) the issuing authority provides the means for instantaneous  
 1027 verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a  
 1028 day, and (ii) except for the age of the permit or license holder and the type of weapon authorized to be  
 1029 carried, the requirements and qualifications of that state's law are adequate to prevent possession of a  
 1030 permit or license by persons who would be denied a permit in the Commonwealth under this section.  
 1031 The Superintendent of State Police shall (a) in consultation with the Office of the Attorney General  
 1032 determine whether states meet the requirements and qualifications of this section, (b) maintain a registry  
 1033 of such states on the Virginia Criminal Information Network (VCIN), and (c) make the registry available  
 1034 to law-enforcement officers for investigative purposes. The Superintendent of the State Police, in  
 1035 consultation with the Attorney General, may also enter into agreements for reciprocal recognition with  
 1036 any state qualifying for recognition under this subsection.

1037 P1. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the  
 1038 Virginia Department of State Police for a five-year permit to carry a concealed handgun. Every applicant  
 1039 for a nonresident concealed handgun permit shall submit two photographs of a type and kind specified  
 1040 by the Department of State Police for inclusion on the permit and shall submit fingerprints on a card  
 1041 provided by the Department of State Police for the purpose of obtaining the applicant's state or national  
 1042 criminal history record. As a condition for issuance of a concealed handgun permit, the applicant shall  
 1043 submit to fingerprinting by his local or state law-enforcement agency and provide personal descriptive

1044 information to be forwarded with the fingerprints through the Central Criminal Records Exchange to the  
1045 Federal Bureau of Investigation for the purpose of obtaining criminal history record information  
1046 regarding the applicant and obtaining fingerprint identification information from federal records pursuant  
1047 to criminal investigations by state and local law-enforcement agencies. The application shall be made  
1048 under oath before a notary or other person qualified to take oaths on a form provided by the Department  
1049 of State Police, requiring only that information necessary to determine eligibility for the permit. If the  
1050 permittee is later found by the Department of State Police to be disqualified, the permit shall be revoked  
1051 and the person shall return the permit after being so notified by the Department of State Police. The  
1052 permit requirement and restriction provisions of subsections E and F shall apply, mutatis mutandis, to  
1053 the provisions of this subsection.

1054 The applicant shall demonstrate competence with a handgun by one of the following:

1055 1. Completing a hunter education or hunter safety course approved by the Virginia Department of  
1056 Game and Inland Fisheries or a similar agency of another state;

1057 2. Completing any National Rifle Association firearms safety or training course;

1058 3. Completing any firearms safety or training course or class available to the general public offered  
1059 by a law-enforcement agency, junior college, college, or private or public institution or organization or  
1060 firearms training school utilizing instructors certified by the National Rifle Association or the  
1061 Department of Criminal Justice Services or a similar agency of another state;

1062 4. Completing any law-enforcement firearms safety or training course or class offered for security  
1063 guards, investigators, special deputies, or any division or subdivision of law enforcement or security  
1064 enforcement;

1065 5. Presenting evidence of equivalent experience with a firearm through participation in organized  
1066 shooting competition approved by the Department of State Police or current military service or proof of  
1067 an honorable discharge from any branch of the armed services;

1068 6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a  
1069 locality thereof, unless such license has been revoked for cause;

1070 7. Completing any firearms training or safety course or class, including an electronic, video, or  
1071 on-line course, conducted by a state-certified or National Rifle Association-certified firearms instructor;

1072 8. Completing any governmental police agency firearms training course and qualifying to carry a  
1073 firearm in the course of normal police duties; or

1074 9. Completing any other firearms training that the Virginia Department of State Police deems  
1075 adequate.

1076 A photocopy of a certificate of completion of any such course or class, an affidavit from the  
1077 instructor, school, club, organization, or group that conducted or taught such course or class attesting to  
1078 the completion of the course or class by the applicant, or a copy of any document which shows  
1079 completion of the course or class or evidences participation in firearms competition shall satisfy the  
1080 requirement for demonstration of competence with a handgun.

1081 The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the  
1082 background check and issuance of the permit. Any fees collected shall be deposited in a special account  
1083 to be used to offset the costs of administering the nonresident concealed handgun permit program. The  
1084 Department of State Police shall enter the permittee's name and description in the Virginia Criminal  
1085 Information Network so that the permit's existence and current status are known to law-enforcement  
1086 personnel accessing the Network for investigative purposes.

1087 The permit to carry a concealed handgun shall contain only the following information: name,  
1088 address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the  
1089 permittee; the signature of the Superintendent of the Virginia Department of State Police or his designee;  
1090 the date of issuance; and the expiration date. The person to whom the permit is issued shall have such  
1091 permit on his person at all times when he is carrying a concealed handgun in the Commonwealth and  
1092 shall display the permit on demand by a law-enforcement officer.

1093 The Superintendent of the State Police shall promulgate regulations, pursuant to the Administrative  
1094 Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for obtaining a  
1095 nonresident concealed handgun permit.

1096 Q. A valid concealed handgun permit issued by the State of Maryland shall be valid in the  
1097 Commonwealth provided, (i) the holder of the permit is licensed in the State of Maryland to perform  
1098 duties substantially similar to those performed by Virginia branch pilots licensed pursuant to Chapter 9  
1099 (§ 54.1-900 et seq.) of Title 54.1 and is performing such duties while in the Commonwealth, and (ii) the  
1100 holder of the permit is 21 years of age or older.

1101 R. For the purposes of participation in concealed handgun reciprocity agreements with other  
1102 jurisdictions, the official government-issued law-enforcement identification card issued to an active-duty  
1103 law-enforcement officer in the Commonwealth who is exempt from obtaining a concealed handgun  
1104 permit under this section shall be deemed a concealed handgun permit.

1105 S. For the purposes of understanding the law relating to the use of deadly and lethal force, the

1106 Department of State Police, in consultation with the Supreme Court on the development of the  
 1107 application for a concealed handgun permit under this section, shall include a reference to the Virginia  
 1108 Supreme Court website address or the Virginia Reports on the application.

1109 § 18.2-308.1:5. Purchase or transportation of firearm by persons convicted of certain drug offenses  
 1110 prohibited.

1111 Any person who, within a thirty-six consecutive month period, has been convicted of two  
 1112 misdemeanor offenses under § *subsection B of § 18.2-248.1:1*, §18.2-250, or §—18.2-250.1 shall be  
 1113 ineligible to purchase or transport a handgun. However, upon expiration of a period of five years from  
 1114 the date of the second conviction and provided the person has not been convicted of any such offense  
 1115 within that period, the ineligibility shall be removed.

1116 § 18.2-308.4. Possession of firearms while in possession of certain substances.

1117 A. It shall be unlawful for any person unlawfully in possession of a controlled substance classified in  
 1118 Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) of Title 54.1 to simultaneously with  
 1119 knowledge and intent possess any firearm. A violation of this subsection is a Class 6 felony and  
 1120 constitutes a separate and distinct felony.

1121 B. It shall be unlawful for any person unlawfully in possession of a controlled substance classified in  
 1122 Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) to simultaneously with knowledge and  
 1123 intent possess any firearm on or about his person. A violation of this subsection is a Class 6 felony and  
 1124 constitutes a separate and distinct felony and any person convicted hereunder shall be sentenced to a  
 1125 mandatory minimum term of imprisonment of two years. Such punishment shall be separate and apart  
 1126 from, and shall be made to run consecutively with, any punishment received for the commission of the  
 1127 primary felony.

1128 C. It shall be unlawful for any person to possess, use, or attempt to use any pistol, shotgun, rifle, or  
 1129 other firearm or display such weapon in a threatening manner while committing or attempting to commit  
 1130 the illegal manufacture, sale, distribution, or the possession with the intent to manufacture, sell, or  
 1131 distribute a controlled substance classified in Schedule I or Schedule II of the Drug Control Act  
 1132 (§ 54.1-3400 et seq.) of Title 54.1, *synthetic cannabinoids* or more than one pound of marijuana. A  
 1133 violation of this subsection is a Class 6 felony, and constitutes a separate and distinct felony and any  
 1134 person convicted hereunder shall be sentenced to a mandatory minimum term of imprisonment of five  
 1135 years. Such punishment shall be separate and apart from, and shall be made to run consecutively with,  
 1136 any punishment received for the commission of the primary felony.

1137 § 18.2-474.1. Delivery of drugs, firearms, explosives, etc., to prisoners.

1138 Notwithstanding the provisions of § 18.2-474, any person who shall willfully in any manner deliver,  
 1139 attempt to deliver, or conspire with another to deliver to any prisoner confined under authority of the  
 1140 Commonwealth of Virginia, or of any political subdivision thereof, any drug which is a controlled  
 1141 substance regulated by the Drug Control Act in Chapter 34 of Title 54.1, *synthetic cannabinoids* or  
 1142 marijuana, shall be guilty of a Class 5 felony. Any person who shall willfully in any manner so deliver  
 1143 or attempt to deliver or conspire to deliver to any such prisoner, firearms, ammunitions, or explosives of  
 1144 any nature shall be guilty of a Class 3 felony.

1145 Nothing herein contained shall be construed to repeal or amend § 18.2-473.

1146 § 19.2-83.1. Report of arrest of school employees and adult students for certain offenses.

1147 A. Every state official or agency and every sheriff, police officer, or other local law-enforcement  
 1148 officer or conservator of the peace having the power to arrest for a felony, upon arresting a person who  
 1149 is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary  
 1150 teacher or other employee in any public school division in this Commonwealth for a felony or a Class 1  
 1151 misdemeanor or an equivalent offense in another state shall file a report of such arrest with the division  
 1152 superintendent of the employing division as soon as practicable. The contents of the report required  
 1153 pursuant to this section shall be utilized by the local school division solely to implement the provisions  
 1154 of subsection B of § 22.1-296.2 and § 22.1-315.

1155 B. Every state official or agency and every sheriff, police officer, or other local law-enforcement  
 1156 officer or conservator of the peace having the power to arrest for a felony, shall file a report, as soon as  
 1157 practicable, with the division superintendent of the school division in which the student is enrolled upon  
 1158 arresting a person who is known or discovered by the arresting official to be a student age 18 or older  
 1159 in any public school division in this Commonwealth for:

1160 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299  
 1161 et seq.), or 7 (§ 18.2-308 et seq.) of Chapter 7 of Title 18.2;

1162 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

1163 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of  
 1164 Title 18.2;

1165 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

1166 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances,

**1167** pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;  
**1168** 6. Manufacture, sale or distribution of marijuana *or synthetic cannabinoids* pursuant to Article 1  
**1169** (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;  
**1170** 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;  
**1171** 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;  
**1172** 9. Robbery pursuant to § 18.2-58;  
**1173** 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2; or  
**1174** 11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3.  
**1175** § 19.2-187. Admission into evidence of certain certificates of analysis.  
**1176** In any hearing or trial of any criminal offense or in any proceeding brought pursuant to Chapter 22.1  
**1177** (§ 19.2-386.1 et seq.) ~~of this title~~, a certificate of analysis of a person performing an analysis or  
**1178** examination, duly attested by such person, shall be admissible in evidence as evidence of the facts  
**1179** therein stated and the results of the analysis or examination referred to therein, provided (i) the  
**1180** certificate of analysis is filed with the clerk of the court hearing the case at least seven days prior to the  
**1181** proceeding if the attorney for the Commonwealth intends to offer it into evidence in a preliminary  
**1182** hearing or the accused intends to offer it into evidence in any hearing or trial, or (ii) the requirements of  
**1183** subsection A of § 19.2-187.1 have been satisfied and the accused has not objected to the admission of  
**1184** the certificate pursuant to subsection B of § 19.2-187.1, when any such analysis or examination is  
**1185** performed in any laboratory operated by the Division of Consolidated Laboratory Services or the  
**1186** Department of Forensic Science or authorized by such Department to conduct such analysis or  
**1187** examination, or performed by a person licensed by the Department of Forensic Science pursuant to  
**1188** § 18.2-268.9 or 46.2-341.26:9 to conduct such analysis or examination, or performed by the Federal  
**1189** Bureau of Investigation, the federal Postal Inspection Service, the federal Bureau of Alcohol, Tobacco  
**1190** and Firearms, the Naval Criminal Investigative Service, the National Fish and Wildlife Forensics  
**1191** Laboratory, the federal Drug Enforcement Administration, or the United States Secret Service  
**1192** Laboratory.  
**1193** In a hearing or trial in which the provisions of subsection A of § 19.2-187.1 do not apply, a copy of  
**1194** such certificate shall be mailed or delivered by the clerk or attorney for the Commonwealth to counsel  
**1195** of record for the accused at no charge at least seven days prior to the hearing or trial upon request made  
**1196** by such counsel to the clerk with notice of the request to the attorney for the Commonwealth. The  
**1197** request to the clerk shall be on a form prescribed by the Supreme Court and filed with the clerk at least  
**1198** 10 days prior to the hearing or trial. In the event that a request for a copy of a certificate is filed with  
**1199** the clerk with respect to a case that is not yet before the court, the clerk shall advise the requester that  
**1200** he must resubmit the request at such time as the case is properly before the court in order for such  
**1201** request to be effective. If, upon proper request made by counsel of record for the accused, a copy of  
**1202** such certificate is not mailed or delivered by the clerk or attorney for the Commonwealth to counsel of  
**1203** record for the accused in a timely manner in accordance with this section, the accused shall be entitled  
**1204** to continue the hearing or trial.  
**1205** The certificate of analysis of any examination conducted by the Department of Forensic Science  
**1206** relating to a controlled substance ~~or~~, marijuana, *or synthetic cannabinoids as defined in § 18.2-248.1:1*  
**1207** shall be mailed or forwarded by personnel of the Department of Forensic Science to the attorney for the  
**1208** Commonwealth of the jurisdiction where such offense may be heard. The attorney for the  
**1209** Commonwealth shall acknowledge receipt of the certificate on forms provided by the laboratory.  
**1210** Any such certificate of analysis purporting to be signed by any such person shall be admissible as  
**1211** evidence in such hearing or trial without any proof of the seal or signature or of the official character of  
**1212** the person whose name is signed to it.  
**1213** For the purposes of this section and §§ 19.2-187.01, 19.2-187.1, and 19.2-187.2, the term "certificate  
**1214** of analysis" includes reports of analysis and results of laboratory examination.  
**1215** § 19.2-386.22. Seizure of property used in connection with or derived from illegal drug transactions.  
**1216** A. The following property shall be subject to lawful seizure by any officer charged with enforcing  
**1217** the provisions of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2: (i) all money, medical  
**1218** equipment, office equipment, laboratory equipment, motor vehicles, and all other personal and real  
**1219** property of any kind or character, used in substantial connection with (a) the illegal manufacture, sale or  
**1220** distribution of controlled substances or possession with intent to sell or distribute controlled substances  
**1221** in violation of § 18.2-248, (b) the sale or distribution of marijuana or possession with intent to distribute  
**1222** marijuana in violation of subdivisions (a) (2), (a) (3) and (c) of § 18.2-248.1, ~~or~~ (c) *the sale or*  
**1223** *distribution of synthetic cannabinoids or possession with intent to distribute or manufacture synthetic*  
**1224** *cannabinoids in violation of subsections C and E of § 18.2-248.1:1, or (d) a drug-related offense in*  
**1225** *violation of § 18.2-474.1; (ii) everything of value furnished, or intended to be furnished, in exchange for*  
**1226** *a controlled substance in violation of § 18.2-248 or for marijuana in violation of § 18.2-248.1 or for*  
**1227** *synthetic cannabinoids in violation of § 18.2-248.1:1 or for a controlled substance or , marijuana, or*  
**1228** *synthetic cannabinoids in violation of § 18.2-474.1; and (iii) all moneys or other property, real or*

1229 personal, traceable to such an exchange, together with any interest or profits derived from the investment  
 1230 of such money or other property. Under the provisions of clause (i), real property shall not be subject to  
 1231 lawful seizure unless the minimum prescribed punishment for the violation is a term of not less than  
 1232 five years.

1233 B. All seizures and forfeitures under this section shall be governed by the procedures contained in  
 1234 Chapter 22.1 (§ 19.2-386.1 et seq.) of this title.

1235 § 19.2-386.23. Disposal of seized controlled substances, marijuana, synthetic cannabinoids, and  
 1236 paraphernalia.

1237 A. All controlled substances, imitation controlled substances, marijuana, *synthetic cannabinoids as*  
 1238 *defined in § 18.2-248.1:1*, or paraphernalia, the lawful possession of which is not established or the title  
 1239 to which cannot be ascertained, which have come into the custody of a peace officer or have been  
 1240 seized in connection with violations of Chapter 7 (§ 18.2-247 et seq.) of Title 18.2, shall be forfeited  
 1241 and disposed of as follows:

1242 1. Upon written application by the Department of Forensic Science the court may order the forfeiture  
 1243 of any such substance or paraphernalia to the Department for research and training purposes and for  
 1244 destruction pursuant to regulations of the United States Department of Justice Drug Enforcement  
 1245 Administration and of the Board of Pharmacy once these purposes have been fulfilled.

1246 2. In the event no application is made under subdivision 1 of this subsection, the court shall order  
 1247 the destruction of all such substances or paraphernalia, which order shall state the existence and nature  
 1248 of the substance or paraphernalia, the quantity thereof, the location where seized, the person or persons  
 1249 from whom the substance or paraphernalia was seized, if known, and the manner whereby such item  
 1250 shall be destroyed. However, the court may order that paraphernalia identified in subdivision 5 of  
 1251 § 18.2-265.1 not be destroyed and that it be given to a person or entity that makes a showing to the  
 1252 court of sufficient need for the property and an ability to put the property to a lawful and publicly  
 1253 beneficial use. A return under oath, reporting the time, place and manner of destruction shall be made to  
 1254 the court and to the Board of Pharmacy by the officer to whom the order is directed. A copy of the  
 1255 order and affidavit shall be made a part of the record of any criminal prosecution in which the substance  
 1256 or paraphernalia was used as evidence and shall, thereafter, be prima facie evidence of its contents. In  
 1257 the event a law-enforcement agency recovers, seizes, finds, is given or otherwise comes into possession  
 1258 of any such substances or paraphernalia that are not evidence in a trial in the Commonwealth, the chief  
 1259 law-enforcement officer of the agency or his designee may, with the written consent of the appropriate  
 1260 attorney for the Commonwealth, order destruction of same; provided that, a statement under oath,  
 1261 reporting a description of the substances and paraphernalia destroyed, and the time, place and manner of  
 1262 destruction is made to the chief law-enforcement officer and to the Board of Pharmacy by the officer to  
 1263 whom the order is directed.

1264 B. No such substance or paraphernalia used or to be used in a criminal prosecution under Chapter 7  
 1265 (§ 18.2-247 et seq.) of Title 18.2 shall be disposed of as provided by this section until all rights of  
 1266 appeal have been exhausted, except as provided in § 19.2-386.24.

1267 § 19.2-386.24. Destruction of seized controlled substances, marijuana, or synthetic cannabinoids prior  
 1268 to trial.

1269 Where seizures of controlled substances or, marijuana, or *synthetic cannabinoids* are made in excess  
 1270 of 10 pounds in connection with any prosecution or investigation under Chapter 7 (§ 18.2-247 et seq.) of  
 1271 Title 18.2, the appropriate law-enforcement agency may retain 10 pounds of the substance randomly  
 1272 selected from the seized substance for representative purposes as evidence and destroy the remainder of  
 1273 the seized substance.

1274 Before any destruction is carried out under this section, the law-enforcement agency shall cause the  
 1275 material seized to be photographed with identification case numbers or other means of identification and  
 1276 shall prepare a report identifying the seized material. It shall also notify the accused, or other interested  
 1277 party, if known, or his attorney, at least five days in advance that the photography will take place and  
 1278 that they may be present. Prior to any destruction under this section, the law-enforcement agency shall  
 1279 also notify the accused or other interested party, if known, and his attorney at least seven days prior to  
 1280 the destruction of the time and place the destruction will occur. Any notice required under the  
 1281 provisions of this section shall be by first-class mail to the last known address of the person required to  
 1282 be notified. In addition to the substance retained for representative purposes as evidence, all photographs  
 1283 and records made under this section and properly identified shall be admissible in any court proceeding  
 1284 for any purposes for which the seized substance itself would have been admissible.

1285 § 19.2-386.25. Judge may order law-enforcement agency to maintain custody of controlled  
 1286 substances, etc.

1287 Upon request of the clerk of any court, a judge of the court may order a law-enforcement agency to  
 1288 take into its custody or to maintain custody of substantial quantities of any controlled substances,  
 1289 imitation controlled substances, chemicals, marijuana, *synthetic cannabinoids* or paraphernalia used or to

1290 be used in a criminal prosecution under Chapter 7 (§ 18.2-247 et seq.) of Title 18.2. The court in its  
1291 order may make provision for ensuring integrity of these items until further order of the court.

1292 § 22.1-277.08. Expulsion of students for certain drug offenses.

1293 A. School boards shall expel from school attendance any student whom such school board has  
1294 determined, in accordance with the procedures set forth in this article, to have brought a controlled  
1295 substance, imitation controlled substance, ~~or~~ marijuana as defined in § 18.2-247, or *synthetic*  
1296 *cannabinoids as defined in § 18.2-248.1:1* onto school property or to a school-sponsored activity. A  
1297 school board may, however, determine, based on the facts of the particular case, that special  
1298 circumstances exist and another disciplinary action is appropriate. In addition, a school board may, by  
1299 regulation, authorize the division superintendent or his designee to conduct a preliminary review of such  
1300 cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations  
1301 shall ensure that, if a determination is made that another disciplinary action is appropriate, any such  
1302 subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article.

1303 B. Each school board shall revise its standards of student conduct to incorporate the requirements of  
1304 this section no later than three months after the date on which this act becomes effective.

1305 § 22.1-279.3:1. Reports of certain acts to school authorities.

1306 A. Reports shall be made to the division superintendent and to the principal or his designee on all  
1307 incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a  
1308 school bus, on school property, or at a school-sponsored activity; (ii) the assault and battery that results  
1309 in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or  
1310 stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a  
1311 school-sponsored activity; (iii) any conduct involving alcohol, marijuana, *synthetic cannabinoids as*  
1312 *defined in § 18.2-248.1:1*, a controlled substance, imitation controlled substance, or an anabolic steroid  
1313 on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted  
1314 theft of student prescription medications; (iv) any threats against school personnel while on a school bus,  
1315 on school property or at a school-sponsored activity; (v) the illegal carrying of a firearm, as defined in  
1316 § 22.1-277.07, onto school property; (vi) any illegal conduct involving firebombs, explosive materials or  
1317 devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as  
1318 defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school  
1319 property, or at a school-sponsored activity; (vii) any threats or false threats to bomb, as described in  
1320 § 18.2-83, made against school personnel or involving school property or school buses; or (viii) the  
1321 arrest of any student for an incident occurring on a school bus, on school property, or at a  
1322 school-sponsored activity, including the charge therefor.

1323 B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1,  
1324 local law-enforcement authorities shall report, and the principal or his designee and the division  
1325 superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the  
1326 school if the offense would be a felony if committed by an adult or would be a violation of the Drug  
1327 Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a  
1328 school-sponsored activity, or would be an adult misdemeanor involving any incidents described in  
1329 clauses (i) through (viii) of subsection A, and whether the student is released to the custody of his  
1330 parent or, if 18 years of age or more, is released on bond. As part of any report concerning an offense  
1331 that would be an adult misdemeanor involving an incident described in clauses (i) through (viii) of  
1332 subsection A, local law-enforcement authorities and attorneys for the Commonwealth shall be authorized  
1333 to disclose information regarding terms of release from detention, court dates, and terms of any  
1334 disposition orders entered by the court, to the superintendent of such student's school division, upon  
1335 request by the superintendent, if, in the determination of the law-enforcement authority or attorney for  
1336 the Commonwealth, such disclosure would not jeopardize the investigation or prosecution of the case.  
1337 No disclosures shall be made pursuant to this section in violation of the confidentiality provisions of  
1338 subsection A of § 16.1-300 or the record retention and redisclosure provisions of § 22.1-288.2. Further,  
1339 any school superintendent who receives notification that a juvenile has committed an act that would be a  
1340 crime if committed by an adult pursuant to subsection G of § 16.1-260 shall report such information to  
1341 the principal of the school in which the juvenile is enrolled.

1342 C. The principal or his designee shall submit a report of all incidents required to be reported  
1343 pursuant to this section to the superintendent of the school division. The division superintendent shall  
1344 annually report all such incidents to the Department of Education for the purpose of recording the  
1345 frequency of such incidents on forms that shall be provided by the Department and shall make such  
1346 information available to the public.

1347 In submitting reports of such incidents, principals and division superintendents shall accurately  
1348 indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be  
1349 reported by such authorities pursuant to subsection B.

1350 A division superintendent who knowingly fails to comply or secure compliance with the reporting  
1351 requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who

1352 knowingly fails to comply or secure compliance with the reporting requirements of this section shall be  
 1353 subject to sanctions prescribed by the local school board, which may include, but need not be limited to,  
 1354 demotion or dismissal.

1355 The principal or his designee shall also notify the parent of any student involved in an incident  
 1356 required pursuant to this section to be reported, regardless of whether disciplinary action is taken against  
 1357 such student or the nature of the disciplinary action. Such notice shall relate to only the relevant  
 1358 student's involvement and shall not include information concerning other students.

1359 Whenever any student commits any reportable incident as set forth in this section, such student shall  
 1360 be required to participate in such prevention and intervention activities as deemed appropriate by the  
 1361 superintendent or his designee. Prevention and intervention activities shall be identified in the local  
 1362 school division's drug and violence prevention plans developed pursuant to the federal Improving  
 1363 America's Schools Act of 1994 (Title IV - Safe and Drug-Free Schools and Communities Act).

1364 D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal  
 1365 shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through  
 1366 (vii) of subsection A that may constitute a criminal offense and may report to the local law-enforcement  
 1367 agency any incident described in clause (i) of subsection A.

1368 Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall  
 1369 also immediately report any act enumerated in clauses (ii) through (v) of subsection A that may  
 1370 constitute a criminal offense to the parents of any minor student who is the specific object of such act.  
 1371 Further, the principal shall report that the incident has been reported to local law enforcement as  
 1372 required by law and that the parents may contact local law enforcement for further information, if they  
 1373 so desire.

1374 E. A statement providing a procedure and the purpose for the requirements of this section shall be  
 1375 included in school board policies required by § 22.1-253.13:7.

1376 The Board of Education shall promulgate regulations to implement this section, including, but not  
 1377 limited to, establishing reporting dates and report formats.

1378 F. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person  
 1379 having control or charge of a child.

1380 G. This section shall not be construed to diminish the authority of the Board of Education or to  
 1381 diminish the Governor's authority to coordinate and provide policy direction on official communications  
 1382 between the Commonwealth and the United States government.

1383 § 24.2-233. Removal of elected and certain appointed officers by courts.

1384 Upon petition, a circuit court may remove from office any elected officer or officer who has been  
 1385 appointed to fill an elective office, residing within the jurisdiction of the court:

1386 1. For neglect of duty, misuse of office, or incompetence in the performance of duties when that  
 1387 neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse  
 1388 effect upon the conduct of the office, or

1389 2. Upon conviction of a misdemeanor pursuant to Article 1 (§ 18.2-247 et seq.) or Article 1.1  
 1390 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and after all rights of appeal have terminated involving  
 1391 the:

1392 a. Manufacture, sale, gift, distribution, or possession with intent to manufacture, sell, give, or  
 1393 distribute a controlled substance ~~or~~, marijuana, *or synthetic cannabinoids as defined in § 18.2-248.1:1*, or

1394 b. Sale, possession with intent to sell, or placing an advertisement for the purpose of selling drug  
 1395 paraphernalia, or

1396 c. Possession of any controlled substance ~~or~~, marijuana, *or synthetic cannabinoids as defined in*  
 1397 *§ 18.2-248.1:1*, and such conviction under a, b, or c has a material adverse effect upon the conduct of  
 1398 such office, or

1399 3. Upon conviction, and after all rights of appeal have terminated, of a misdemeanor involving a  
 1400 "hate crime" as that term is defined in § 52-8.5 when the conviction has a material adverse effect upon  
 1401 the conduct of such office.

1402 The petition must be signed by a number of registered voters who reside within the jurisdiction of  
 1403 the officer equal to ten percent of the total number of votes cast at the last election for the office that  
 1404 the officer holds.

1405 Any person removed from office under the provisions of subdivision 2 or 3 may not be subsequently  
 1406 subject to the provisions of this section for the same criminal offense.

1407 § 53.1-145. Powers and duties of probation and parole officers.

1408 In addition to other powers and duties prescribed by this article, each probation and parole officer  
 1409 shall:

1410 1. Investigate and report on any case pending in any court or before any judge in his jurisdiction  
 1411 referred to him by the court or judge;

1412 2. Supervise and assist all persons within his territory placed on probation, secure, as appropriate and

1413 when available resources permit, placement of such persons in a substance abuse treatment program  
1414 which may include utilization of acupuncture and other treatment modalities, and furnish every such  
1415 person with a written statement of the conditions of his probation and instruct him therein; if any such  
1416 person has been committed to the Department of Behavioral Health and Developmental Services under  
1417 the provisions of Chapter 9 (§ 37.2-900 et seq.) of Title 37.2, the conditions of probation shall include  
1418 the requirement that the person comply with all conditions given him by the Department of Behavioral  
1419 Health and Developmental Services, and that he follow all of the terms of his treatment plan;

1420 3. Supervise and assist all persons within his territory released on parole or postrelease supervision,  
1421 secure, as appropriate and when available resources permit, placement of such persons in a substance  
1422 abuse treatment program which may include utilization of acupuncture and other treatment modalities,  
1423 and, in his discretion, assist any person within his territory who has completed his parole, postrelease  
1424 supervision, or has been mandatorily released from any correctional facility in the Commonwealth and  
1425 requests assistance in finding a place to live, finding employment, or in otherwise becoming adjusted to  
1426 the community;

1427 4. Arrest and recommit to the place of confinement from which he was released, or in which he  
1428 would have been confined but for the suspension of his sentence or of its imposition, for violation of  
1429 the terms of probation, post-release supervision pursuant to § 19.2-295.2 or parole, any probationer,  
1430 person subject to post-release supervision or parolee under his supervision, or as directed by the  
1431 Chairman, Board member or the court, pending a hearing by the Board or the court, as the case may be;

1432 5. Keep such records, make such reports, and perform other duties as may be required of him by the  
1433 Director or by regulations prescribed by the Board of Corrections, and the court or judge by whom he  
1434 was authorized;

1435 6. Order and conduct, in his discretion, drug and alcohol screening tests of any probationer, person  
1436 subject to post-release supervision pursuant to § 19.2-295.2 or parolee under his supervision who the  
1437 officer has reason to believe is engaged in the illegal use of controlled substances ~~or~~, marijuana, *or*  
1438 *synthetic cannabinoids* or the abuse of alcohol. The cost of the test may be charged to the person under  
1439 supervision. Regulations governing the officer's exercise of this authority shall be promulgated by the  
1440 Board;

1441 7. Have the power to carry a concealed weapon in accordance with regulations promulgated by the  
1442 Board and upon the certification of appropriate training and specific authorization by a judge of a circuit  
1443 court;

1444 8. Provide services in accordance with any contract entered into between the Department of  
1445 Corrections and the Department of Behavioral Health and Developmental Services pursuant to  
1446 § 37.2-912;

1447 9. Pursuant to any contract entered into between the Department of Corrections and the Department  
1448 of Behavioral Health and Developmental Services, probation and parole officers shall have the power to  
1449 provide intensive supervision services to persons placed on conditional release, regardless of whether the  
1450 person has any time remaining to serve on any criminal sentence, pursuant to Chapter 9 (§ 37.2-900 et  
1451 seq.);

1452 10. Determine by reviewing the Local Inmate Data System upon intake and again prior to release  
1453 whether a blood, saliva, or tissue sample has been taken for DNA analysis for each person placed on  
1454 probation or parole required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter  
1455 18 of Title 19.2 and, if no sample has been taken, require a person placed on probation or parole to  
1456 submit a sample for DNA analysis; and

1457 11. For every offender accepted pursuant to the Interstate Compact for the Supervision of Adult  
1458 Offenders (§ 53.1-176.1 et seq.) who has been convicted of an offense that, if committed in Virginia,  
1459 would be considered a felony, take a sample or verify that a sample has been taken and accepted into  
1460 the data bank for DNA analysis in the Commonwealth.

1461 Nothing in this article shall require probation and parole officers to investigate or supervise cases  
1462 before general district or juvenile and domestic relations district courts.

1463 § 53.1-203. Felonies by prisoners; penalties.

1464 It shall be unlawful for a prisoner in a state, local or community correctional facility or in the  
1465 custody of an employee thereof to:

1466 1. Escape from a correctional facility or from any person in charge of such prisoner;

1467 2. Willfully break, cut or damage any building, furniture, fixture or fastening of such facility or any  
1468 part thereof for the purpose of escaping, aiding any other prisoner to escape therefrom or rendering such  
1469 facility less secure as a place of confinement;

1470 3. Make, procure, secrete or have in his possession any instrument, tool or other thing for the  
1471 purpose of escaping from or aiding another to escape from a correctional facility or employee thereof;

1472 4. Make, procure, secrete or have in his possession a knife, instrument, tool or other thing not  
1473 authorized by the superintendent or sheriff which is capable of causing death or bodily injury;

1474 5. Procure, sell, secrete or have in his possession any chemical compound which he has not lawfully



- 1475 received;
- 1476 6. Procure, sell, secrete or have in his possession a controlled substance classified in Schedule III of
- 1477 the Drug Control Act (§ 54.1-3400 et seq.) ~~or~~, marijuana, *or synthetic cannabinoids as defined in*
- 1478 § 18.2-248.1:1;
- 1479 7. Introduce into a correctional facility or have in his possession firearms or ammunition for
- 1480 firearms;
- 1481 8. Willfully burn or destroy by use of any explosive device or substance, in whole or in part, or
- 1482 cause to be so burned or destroyed, any personal property, within any correctional facility;
- 1483 9. Willfully tamper with, damage, destroy, or disable any fire protection or fire suppression system,
- 1484 equipment, or sprinklers within any correctional facility; or
- 1485 10. Conspire with another prisoner or other prisoners to commit any of the foregoing acts.
- 1486 For violation of any of the provisions of this section, except subdivision 6, the prisoner shall be
- 1487 guilty of a Class 6 felony. For a violation of subdivision 6, he shall be guilty of a Class 5 felony. If the
- 1488 violation is of subdivision 1 of this section and the escapee is a felon, he shall be sentenced to a
- 1489 mandatory minimum term of confinement of one year, which shall be served consecutively with any
- 1490 other sentence. The prisoner shall, upon conviction of escape, immediately commence to serve such
- 1491 escape sentence, and he shall not be eligible for parole during such period. Any prisoner sentenced to
- 1492 life imprisonment who escapes shall not be eligible for parole. No part of the time served for escape
- 1493 shall be credited for the purpose of parole toward the sentence or sentences, the service of which is
- 1494 interrupted for service of the escape sentence, nor shall it be credited for such purpose toward any other
- 1495 sentence.
- 1496 § 54.1-3446. Schedule I.
- 1497 The controlled substances listed in this section are included in Schedule I:
- 1498 1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers,
- 1499 esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers
- 1500 and salts is possible within the specific chemical designation:
- 1501 Acetylmethadol;
- 1502 Allylprodine;
- 1503 Alphacetylmethadol (except levo-alpha-cetylmethadol, also known as levo-alpha-acetylmethadol,
- 1504 levomethadyl acetate, or LAAM);
- 1505 Alphameprodine;
- 1506 Alphamethadol;
- 1507 Benzethidine;
- 1508 Betacetylmethadol;
- 1509 Betameprodine;
- 1510 Betamethadol;
- 1511 Betaprodine;
- 1512 Clonitazene;
- 1513 Dextromoramide;
- 1514 Diampromide;
- 1515 Diethylthiambutene;
- 1516 Difenoxin;
- 1517 Dimenoxadol;
- 1518 Dimepheptanol;
- 1519 Dimethylthiambutene;
- 1520 Dioxaphetylbutyrate;
- 1521 Dipipanone;
- 1522 Ethylmethylthiambutene;
- 1523 Etonitazene;
- 1524 Etoxidine;
- 1525 Furethidine;
- 1526 Hydroxypethidine;
- 1527 Ketobemidone;
- 1528 Levomoramide;
- 1529 Levophenacetylmorphan;
- 1530 Morpheridine;
- 1531 Noracetylmethadol;
- 1532 Norlevorphanol;
- 1533 Normethadone;
- 1534 Norpipanone;
- 1535 Phenadoxone;

- 1536 Phenampromide;
- 1537 Phenomorphan;
- 1538 Phenoperidine;
- 1539 Piritramide;
- 1540 Proheptazine;
- 1541 Properidine;
- 1542 Propiram;
- 1543 Racemoramide;
- 1544 Tilidine;
- 1545 Trimeperidine.
- 1546 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless
- 1547 specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible
- 1548 within the specific chemical designation:
- 1549 Acetorphine;
- 1550 Acetyldihydrocodeine;
- 1551 Benzylmorphine;
- 1552 Codeine methylbromide;
- 1553 Codeine-N-Oxide;
- 1554 Cyprenorphine;
- 1555 Desomorphine;
- 1556 Dihydromorphine;
- 1557 Drotebanol;
- 1558 Etorphine;
- 1559 Heroin;
- 1560 Hydromorphanol;
- 1561 Methyldesorphine;
- 1562 Methyldihydromorphine;
- 1563 Morphine methylbromide;
- 1564 Morphine methylsulfonate;
- 1565 Morphine-N-Oxide;
- 1566 Myrophine;
- 1567 Nicocodeine;
- 1568 Nicomorphine;
- 1569 Normorphine;
- 1570 Pholcodine;
- 1571 Thebacon.
- 1572 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,
- 1573 or preparation, which contains any quantity of the following hallucinogenic substances, or which
- 1574 contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers,
- 1575 and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision
- 1576 only, the term "isomer" includes the optical, position, and geometric isomers):
- 1577 Alpha-ethyltryptamine (some trade or other names: Monase;a-ethyl-1H-indole-3-ethanamine;
- 1578 3-2-aminobutyl] indole; a-ET; AET);
- 1579 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:
- 1580 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB;2C-B; Nexus);
- 1581 3,4-methylenedioxy amphetamine;
- 1582 5-methoxy-3,4-methylenedioxy amphetamine;
- 1583 3,4,5-trimethoxy amphetamine;
- 1584 Alpha-methyltryptamine (other name: AMT);
- 1585 Bufotenine;
- 1586 Diethyltryptamine;
- 1587 Dimethyltryptamine;
- 1588 4-methyl-2,5-dimethoxyamphetamine;
- 1589 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 1590 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
- 1591 Ibogaine;
- 1592 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
- 1593 Lysergic acid diethylamide;
- 1594 Mescaline;
- 1595 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6,
- 1596 9-trimethyl-6H-dibenzo -b,d] pyran; Synhexyl);
- 1597 Peyote;

- 1598 N-ethyl-3-piperidyl benzilate;  
 1599 N-methyl-3-piperidyl benzilate;  
 1600 Psilocybin;  
 1601 Psilocyn;  
 1602 Salvinorin A;  
 1603 Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated  
 1604 in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;  
 1605 Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);  
 1606 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;  
 1607 2,5-DMA);  
 1608 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts  
 1609 and salts of isomers;  
 1610 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4  
 1611 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);  
 1612 N-hydroxy-3,4-methylenedioxyamphetamine (some other names:  
 1613 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);  
 1614 4-bromo-2,5-dimethoxyamphetamine (some trade or other names:  
 1615 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);  
 1616 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;  
 1617 paramethoxyamphetamine; PMA);  
 1618 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine,  
 1619 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);  
 1620 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy,  
 1621 PHP);  
 1622 Thiophene analog of phencyclidine (Some other names: 1-1-(2-thienyl) -cyclohexyl]-piperidine,  
 1623 2-thienyl analog of phencyclidine, TPCP, TCP);  
 1624 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy).  
 1625 *3,4-methylenedioxypropylvalerone (other name: MDPV)*  
 1626 *4-methylmethcathinone (other names: mephedrone, 4-MMC)*  
 1627 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture  
 1628 or preparation which contains any quantity of the following substances having a depressant effect on the  
 1629 central nervous system, including its salts, isomers and salts of isomers whenever the existence of such  
 1630 salts, isomers and salts of isomers is possible within the specific chemical designation:  
 1631 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate;  
 1632 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);  
 1633 Mecloqualone;  
 1634 Methaqualone.  
 1635 5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture  
 1636 or preparation which contains any quantity of the following substances having a stimulant effect on the  
 1637 central nervous system, including its salts, isomers and salts of isomers:  
 1638 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,  
 1639 5-dihydro-5-phenyl-2-oxazolamine);  
 1640 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);  
 1641 Fenethylamine;  
 1642 Ethylamphetamine;  
 1643 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,  
 1644 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;  
 1645 Methcathinone (some other names: 2-(methylamino)-propionophenone; alpha-(methylamino)  
 1646 propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone;  
 1647 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR  
 1648 1432);  
 1649 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);  
 1650 N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine,  
 1651 N,N-alpha-trimethylphenethylamine).  
 1652 6. Any material, compound, mixture or preparation containing any quantity of the following  
 1653 substances:  
 1654 N-3-methyl-1-(2-phenethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl), its  
 1655 optical and geometric isomers, salts, and salts of isomers;  
 1656 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP), its optical isomers, salts and salts of  
 1657 isomers;  
 1658 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP), its optical isomers, salts and

- 1659 salts of isomers;
- 1660 N-1-(alpha-methyl-beta-phenyl ethyl-4-piperidyl] propionanilide (other names:
- 1661 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine), alpha-methylfentanyl);
- 1662 N-1-(1-methyl-2-phenethyl)-4-piperidyl]-N-phenylacetamide (other name:
- 1663 acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers;
- 1664 N-1-(1-methyl-2-2-thienyl)ethyl-4 piperidyl]-N-phenylpropanamide (other name:
- 1665 alpha-methylthiofentanyl), its optical isomers, salts and salts of isomers;
- 1666 N-1-benzyl-4-piperidyl]N-phenylpropanamide (other name: benzylfentanyl), its optical isomers, salts
- 1667 and salts of isomers;
- 1668 N-1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl]-N-phenylpropanamide (other name:
- 1669 beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers;
- 1670 N-3-methyl-1-(2-hydroxy-2-phenethyl)4-piperidyl]Nphenylpropanamide (other name:
- 1671 betahydroxy3methylfentanyl), its optical and geometric isomers, salts and salts of isomers;
- 1672 N-(3-methyl-1-(2-thienyl)ethyl-4-piperidiny] -N-phenylpropanamide (other name:
- 1673 3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers;
- 1674 N-1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (other name: thenylfentanyl), its optical
- 1675 isomers, salts and salts of isomers;
- 1676 N-phenyl-N-1-(2-thienyl)ethyl-4-piperidiny]-propanamide (other name: thiofentanyl), its optical
- 1677 isomers, salts and salts of isomers;
- 1678 N-(4-fluorophenyl)-N-1-(2-phenethyl)-4-piperidiny] propanamide (other name: para-fluorofentanyl),
- 1679 its optical isomers, salts and salts of isomers.
- 1680 **2. That an emergency exists and this act is in force from its passage.**
- 1681 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**
- 1682 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
- 1683 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
- 1684 **874 of the Acts of Assembly of 2010 requires the Virginia Criminal Sentencing Commission to**
- 1685 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**
- 1686 **necessary appropriation cannot be determined for periods of commitment to the custody of the**
- 1687 **Department of Juvenile Justice.**