

July 1, 2008 updates	Old Law	New Law
No OL 46.2-300	1 <sup>st</sup> offense class 2, 2 <sup>nd</sup> or subsq class 1. No OL suspension	Adds a discretionary OL suspension of up to 90 days
Baby DWI 18.2-266.1	Non-jailable. Mandatory 6 mo OL susp and up to \$500 fine. For ROL, must enter ASAP.	Class 1, mand 12 mo OL susp, mand min \$500 fine or 50 hours c.s. For ROL, must enter ASAP. Note: this law expires July 1, 2010. Goes back to old law 07/01/10.
Eluding 46.2-817	No endangerment is class 3. OL susp for all levels is mand 30 d to 1 year. If speeding 20/+, mand OL susp for 90 d.	No endangerment is now class 2. If cop killed, class 4. Endangerment class 6 stays same. OL susp same.
Move Over Law 46.2-921.1	Required lane change (if safe) only if emerg vehicle in a travel lane	Requires lane change regardless of whether emerg vehicle on shoulder or in travel lane
Mopeds 46.2-914	Can't drive faster than 35	If drive faster than 35, deemed for purposes of 46.2 to be operating a motorcycle
ROL's 46.2-395	Only eligible for ROL for DWI, drug, and RD	Now may petition court if only susp if for unpaid fines with written proof of employment. ROL is valid for up to 6 mo. Must petition all courts where fines are unpaid. Then take auth to DMV; DMV issues the ROL.
RSP 18.2-108	Only guilty if the goods were actually stolen.	Adds a provision for "sting" situations: if person receives goods used in law enf investigation <u>believing</u> they are stolen, then they are guilty (even though not actually stolen).
Mandatory substance abuse screenings if placed on local probation for certain misd's 19.2-299.2	Only required for drug related convictions	Adds in convictions for 2 <sup>nd</sup> offense petit larceny

Misdemeanor parole 53.1-153	Allowed if sentence exceeded 12 mo's	No longer allowed ☹
Bail – rebuttable presumptions against – 19.2-120		Adds the crime of felony A&B on household member to the list
Presumption of no bail for illegal aliens charged with certain crimes 19.2-120.1	There isn't one!	Types of crimes too numerous to list; ICE must id them as illegal and ICE must <u>guarantee</u> they will issue a detainer
Bail in subseq proceedings 19.2-130	Could only increase	(1) Court can alter terms of bail on its own motion after notice to parties, (2) can decrease the amount, and (3) can set other terms of bail, including but not limited to drug/alc monitoring
Bail on appeal to Ct of App or Sup Ct 19.2-319	Appellate court could set bail if overruled trial court	Appellate court can either set bail or remand for such further action re: bail as the appellate court directs