

# STAYING *in Touch*

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This publication is intended to educate the general public about various issues. It is not intended to be legal advice. Every case is different.

## IN THIS ISSUE:

- New Virginia Laws In Effect July 1st
- Norfolk Botanical Gardens
- What is Probate?



Norfolk Botanical Gardens - Photo courtesy of Kelly Parks



**Kellam's Corner:** We hope everyone had a safe and enjoyable 4th of July. The Parks family traveled to OBX for our annual holiday vacation, enjoying the “more normal” vibe than last year with lots of amazing fireworks. We’re also pleased that our daughter’s dance studio, [Studio 17 Dance](#), has weathered the pandemic with fantastic summer intensives and a December showcase planned.

On the firm front, what a year makes for being able to get to court. Last year at this time the courts were just starting to open up again and now all courts are open for business (albeit with significant backlogs). We continue to push forward on all of our cases for the benefit of our clients.

*Kellam*

## Trusts & Estates

Probate is the court-supervised legal process of settling the estate of a deceased person. If there was a last will and testament, the procedure serves to appoint the named executor and the court supervises the distribution of assets according to the wishes of the deceased person. If the decedent dies without a will, the court must appoint an administrator for the estate and distribution is in accordance with law. Hiring a probate lawyer is not a legal requirement but if you are involved in probate, you may want to speak with an attorney for advice – especially if you are serving as the executor or administrator. We can help.



## Did You Know?

Bourbon, often referred to as American Whiskey, is considered a Kentucky drink but bourbon’s roots are Virginian. Fayette County was located in southwest Virginia until 1792 when county lines were redrawn, and the area became part of the new state of Kentucky.





*"To plant a garden is to believe in tomorrow."*

*— Audrey Hepburn*

## NEW VIRGINIA LAWS IN EFFECT JULY 1ST

Hundreds of new laws in Virginia went into effect July 1st. Here is a handful that could affect your life, with links to the laws and a few articles we've written about some of the law changes:

**RECREATIONAL MARIJUANA** Adults 21 and older are now allowed to have up to an ounce of marijuana for recreational private use and gift up to one ounce of marijuana to another adult.

Last year, Virginia had initiated steps to legalize marijuana by 2024, however Governor Northam signed [S.B.1406](#) and [H.B. 2312](#) which accelerated legalization. These laws also allow each household to cultivate up to four marijuana plants, so long as they are kept away from children and clearly labeled.

Retail sales of marijuana, however, won't be legalized until 2024.

[Click here](#) for an detailed overview of the new law.

**DEATH PENALTY** [H.B. 2263](#) and [S.B. 1165](#) make Virginia the 23rd state to abolish the death penalty. This includes those persons currently under a death sentence.

**ALCOHOL SALES** [H.B. 1879](#) and [S.B. 1299](#) allow restaurants to continue to sell cocktails for takeout and delivery until July 1, 2022. This was something that was made legal during the pandemic.

**RELEASE OF BALLOONS OUTDOORS** [H.B. 2159](#) prohibits any individual 16 years of age or older, including a corporation, from intentionally releasing, discarding, or causing to be released or discarded any nonbiodegradable balloon outdoors. There is a civil penalty for those convicted of \$25 per balloon to be paid into the

Game Protection Fund. The impact of the trash resulting from released balloons is larger than many realize; ranging from power

outages due to power lines being hit to endangering wildlife (as everything that goes up comes down). The intent of the law is to primarily discourage mass releases at events to "reduce the impact."

**DISCRIMINATION AND MILITARY STATUS** [H.B. 2161](#) and [S.B. 1410](#) prohibit discrimination for public accommodations, employment, and housing because of a person's military status or their spouse's military status.

**ENDING PRESUMPTIONS AGAINST BAIL** [SB 1266](#) eliminates provisions regarding the rebuttable presumptions against being admitted to bail. Thus, instead of a defendant having to establish why they should not be held in jail, it is now the prosecution's duty to prove why they should be held in jail.

**CONSIDERATION OF MENTAL CONDITION – CRIMINAL PROCEEDINGS** [H.B. 2047](#) permits the admission of evidence relating to a defendant's mental condition at the time of the alleged offense if such evidence (i) tends to show the defendant did or did not have the specific mental state required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. Prior to this, Virginia law barred any evidence of a defendant's mental illness unless he or she pled not guilty by reason of insanity.

More laws are discussed here: <https://www.pzlaw.com/library/new-virginia-law-updates-july-1-2021.cfm>

*We welcome your referrals!*

*We value our clients and want you to come to us for any legal need you may have, no matter the type of case. If it is in an area we do not practice, we will refer you to a trusted colleague to take care of you as we would. If you refer someone to us, we promise to answer his or her questions and provide first-rate, attentive service. Thank you for your referrals and for continuing to come back to Parks Zeigler.*



## Deb Dishes:

July is usually the hottest month of the year in Virginia, so I was looking for something quick, light, but still full of flavor. I thought I could incorporate fruit, meat, cheese, and have an appetizer that was quite satisfying for several taste factors and fun to eat. This sweet-salty-creamy recipe, with a touch of twang, is the ultimate combination in one bite! I love to make melon balls and eat them with cool toothpicks. I choose a nice ripe cantaloupe. You will need 1 melon, 12 small mozzarella balls, 12 fresh basil or spinach leaves, 12 thin slices of prosciutto, balsamic glaze, and medium length skewers. Cut the melon in half, scrape out and discard seeds. Using a melon ball scooper, make nice round balls. I had about 50 balls from my melon, so there will be plenty. I did not find small balls of cheese, so I bought a big one and created smaller scoops. Layer the cantaloupe, spinach leaf, mozzarella, prosciutto and a second ball of melon. Once you have a tray full, drizzle the balsamic glaze over the skewers and serve. See the full recipe in our Parks Zeigler Family Cookbook 2021 Edition on our website at [www.pzlaw.com/library/pz-family-cookbooks.cfm](http://www.pzlaw.com/library/pz-family-cookbooks.cfm).

## NORFOLK BOTANICAL GARDENS

Exploring the great outdoors in Hampton Roads extends farther than our fantastic local beaches. As the summer months carry on, are you searching for a special outdoor experience for your family?

Give your family a summer fun-day and visit the Norfolk Botanical Gardens! [Norfolk Botanical Gardens](http://www.norfolkbotanicalgardens.org) offers families unique summer experiences that differ from traditional summer activities, like visiting the beach.



Photo courtesy of Kelly Parks

Did you know the Norfolk Botanical Gardens is one of the only gardens in the United States that you can visit by tram, boat, and foot? Adding to the unique garden experience is the large collection of camellias, roses, crape myrtles, and a Butterfly House that cover the 175-acre gardens. The Gardens offers visitors 14 miles of paved and unpaved paths to explore, as well as a 3-acre Children's Garden—plenty of ground to cover for a fun-filled summer day. Check out the [bloom chart](#) to check which local flora and fauna are in season before your visit.

There is a [calendar](#) full of summer garden events available for visitors to attend, ranging from exploration activities to garden and “dig deeper” learning sessions, as well as family events and events rooted in wellness. Truly, there is something for everyone.

Indulge in nature by taking a tour of the Gardens. The Gardens is also encouraging picnicking (as long as you leave the grounds better than you found them) so pack a lunch and enjoy the scenery.

Year-round memberships are available for purchase on the [membership page of their website](#). Visitors can also [purchase day passes](#); groups of 20 and over can get discounted group tickets! For more information, visit <https://norfolkbotanicalgarden.org/>.

## Family Corner



Ed's daughter caught the big one.



Kellam and Kelly enjoying 4th of July at OBX.



## Mai Tai

While the history of the Mai Tai is often debated, the irresistible taste is never called into question. It is believed that the Mai Tai was created in 1944 by a bartender known as Trader Vic, in Oakland, CA. In the mid-60s, the Mai Tai was widely considered to be the world's most famous mixed drink and in fact was blamed for a world-wide shortage of quality rum. Mai Tai comes from the Tahitian word for “very good.”

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**INSIDE THIS ISSUE:**

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*Legal Tips:*

**Myths About Virginia Driving Laws  
TRUE OR FALSE?**

**It's Illegal to Drive Barefoot in Virginia – False**

Many people believe it is illegal to drive without your shoes on but that is not the case in Virginia. While drivers are encouraged to wear safe footwear (e.g. sneakers or loafers), it is not against the law to go shoeless.

**Driving With your Interior Lights on is Illegal – False**

While not technically illegal in Virginia to drive with your interior lights on, from a safety perspective, it's not a very good idea; it makes seeing the road clearly at night more difficult for the driver.

**Red Cars Get More Speeding Tickets – False**

According to the Insurance Information Institute and Insurance Trade Association, "there is no data to support the assertion that red cars receive more traffic tickets than cars of any other color."

*New address? New phone number? New Email? Help us stay current by letting us know. Call Deb at 757.453.7579 or email her at [dmontagna@pzlaw.com](mailto:dmontagna@pzlaw.com). If you wish to unsubscribe to this newsletter, please call Deb. Thanks!*