



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** February 8, 2021

**TO:** Board of Supervisors

**FROM:** Bryan J. Hill, County Executive

**SUBJECT:** 2021 Legislative Report No. 2 - Board Legislative Committee Meetings of January 29, 2021, and February 5, 2021

With just over two weeks remaining in the 2021 General Assembly session, negotiations on the state budget are now a top priority for both chambers, although additional legislation is still under consideration ahead of the expected February 27 adjournment. Governor Northam called a special session beginning on Wednesday, February 10, which will align the legislative calendar with the customary 46-day "short" session. The House Appropriations and Senate Finance Committees will report their respective budgets later this week. As in years past, we anticipate that each chamber will reject the other's budget and appoint members to a conference committee to resolve these differences.

The Legislative Committee met on January 29 and February 5 to consider several issues of importance to the County. The Committee offers the following report and recommendations for action to the Board.

**Legislative Committee Actions of January 29, 2021:**

*Legislative Committee Actions of February 5, 2021, begin on page 46*

Members Present: Legislative Chairman Walkinshaw  
Chairman McKay  
Supervisor Alcorn  
Supervisor Foust  
Supervisor Gross  
Supervisor Herrity  
Supervisor Lusk  
Supervisor Palchik  
Supervisor Smith  
Supervisor Storck

## **Specific Issues**

Opioid Abatement Authority Legislation: The Committee received an overview of opioid abatement authority legislation pending as of January 29, 2021, and discussed several Fairfax County principles for the legislation. See handout on “Supplementary Documents,” page 53.

Marijuana Legalization Legislation: The Committee received an overview of the marijuana legalization legislation pending as of January 29, 2021, including some key local government issues to consider. See handout on “Supplementary Documents,” page 54.

Qualified Immunity Overview: The Committee received an overview of qualified immunity legislation. See handout on “Supplementary Documents,” page 55.

## **Priority Principles for Reviewing Legislation**

- 1. Adequately fund K-12 education.**
- 2. Restore funding to the Northern Virginia Transportation Authority (NVTA) in an amount equal to what was diverted, to ensure that transportation projects continue to advance in Northern Virginia after decades of state underfunding.**
- 3. Build upon the successful enactment of significant transportation revenues by the 2013 and 2020 GAs to ensure sufficient funding for transportation needs.**
- 4. Restore the funding partnership between the state and localities through adequate state funding.**
- 5. Preserve local government authority, particularly in taxation and land use; allow greater flexibility in the administration of government.**

## **Specific Legislation**

Fairfax County Legislative Summary: The Committee discussed the status of legislation on which the Committee had previously taken positions and discussed changing the positions on two bills. The Committee’s positions on these bills are noted in the attached tracking chart (see “Supplementary Documents” on pages 1-52).

## **New Bills – 2021 GA**

**HB 2114** (Ransone) (HCCT) expands from only localities in Planning District 23 to all localities a provision that provides that in any instance in which a locality has submitted a timely notice of public hearing to a newspaper published or having general circulation in the locality and the newspaper fails to publish the notice, such locality shall be deemed to have met certain notice requirements so long as the notice was published in the next available edition. Under current law, this provision that was created by the 2020 Regular Session and only applies to localities in Planning District 23 will expire on July 1, 2022. The provision in the bill as it applies to all localities will also expire on July 1, 2022. Support. (21100430D)

### **Transportation**

**HB 2138** (Guzman) (Passed House; STRAN) authorizes the Department of Motor Vehicles to issue identification privilege cards to applicants who do not meet the citizenship or legal presence requirements for a special identification card or a limited-duration special identification card and have reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill provides that identification privilege cards shall be treated as special identification cards unless otherwise provided in the Code of Virginia. The bill limits the release of certain information stored by the Department. The bill has a delayed effective date of January 1, 2022. Support. (21102728D-E)

**HB 2262** (Hurst) (Reported from HTRAN) permits operators of bicycles to treat a stop sign as a yield sign in certain situations. The bill requires the driver of a motor vehicle to change lanes when overtaking a bicycle or certain other vehicles when the lane of travel is not wide enough for the overtaking motor vehicle to pass at least three feet to the left of the overtaken vehicle. The bill also removes the limitations on riding bicycles and certain other vehicles two abreast. Monitor. (21101122D)

**HJ 542** (McQuinn) (HAPP) requests the Department of Rail and Public Transportation to conduct a two-year study of transit equity and modernization in the Commonwealth. Support. (21102752D)

### **Education**

**SJ 294** (Lewis) (Agreed to by Senate) directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality. Support. (21102747D-E)

### **Elections**

**HB 2081** (Levine) (Passed House; SJUD) prohibits any person from knowingly possessing a firearm within 40 feet of any building, or part thereof, used as a polling place, including one hour before and one hour after its use as a polling place, except for (i) a qualified law-enforcement officer or retired law-enforcement officer, (ii) any person occupying his own private property that falls within 40 feet of the polling place, or (iii) a licensed armed security officer whose employment or performance of his duties occurs within 40 feet of the polling place. The bill further provides that no person shall knowingly possess a firearm within 40 feet of a meeting place for the local electoral board while the electoral board meets to ascertain the results of an election or any place used as the setting for a recount. A violation of the provisions of the bill is a Class 1 misdemeanor. Support. (21102618D)

### **Health and Human Services**

**HB 1874** (Coyner) (Passed House; SRSS) provides that the State Board of Local and Regional Jails, in establishing the minimum standards for behavioral health services in local correctional

facilities, shall include a requirement that if a behavioral health screening indicates that the person may have a mental illness, an assessment of his need for mental health services shall be conducted within 72 hours of the time of the screening. Oppose unless amended to delay enactment until sufficient state funds are in place for implementation. (21102895D-H1)

**SB 1297** (Obenshain) (Passed Senate) allows the circuit court, upon a finding that an incapacitated adult has been, within a reasonable period of time, subjected to an act of violence, force, or threat or been subjected to financial exploitation, to include in an emergency order for adult protective services one or more of the following conditions to be imposed on the alleged perpetrator: (i) a prohibition on acts of violence, force, or threat or criminal offenses that may result in injury to person or property; (ii) a prohibition on such other contacts by the alleged perpetrator with the adult or the adult's family or household members as the court deems necessary for the health and safety of such persons; or (iii) such other conditions as the court deems necessary to prevent (a) acts of violence, force, or threat; (b) criminal offenses that may result in injury to persons or property; (c) communication or other contact of any kind by the alleged perpetrator; or (d) financial exploitation by the alleged perpetrator. The bill provides that any person who violates any such condition is guilty of a Class 1 misdemeanor. Also, the bill provides that hearings on emergency orders for adult protective services shall be held no earlier than 24 hours and no later than 72 hours after the notice required has been given, unless such notice has been waived by the court. Current law just requires such hearing be held no earlier than 24 hours. Support. (21102422D)

**SB 1366** (Barker) (Senate Floor) provides that, in providing aging services, the Department for Aging and Rehabilitative Services shall prioritize older persons with significant social need and defines "social need" as need caused by noneconomic factors, including physical and developmental disabilities; language barriers; cultural, social, or geographic isolation, including that caused by racial or ethnic status; gender identity or gender expression; sexual orientation; or status as a person infected with human immunodeficiency virus that restricts an individual's ability to perform normal daily tasks or threatens such individual's capacity to live independently. Support. (21103857D-S2)

**SB 1472** (Suetterlein) (SRSS) directs the Department of Medical Assistance Services to study and develop recommendations related to options for increasing access to virtual supports and services for individuals with intellectual and developmental disabilities, including increasing access to assistive technology and environmental modifications to facilitate increased access to virtual supports and services, with the goal of addressing such recommendations as part of any concurrent review of regulations related to services for individuals with intellectual and developmental disabilities, and to report its findings and conclusions to the Governor and the General Assembly by November 1, 2021. Support. (21101385D)

#### *Children's Services Act*

**HB 2117** (VanValkenburg) (HAPP) requires that funds expended for special education services under the Children's Services Act only be expended on educational programs that are licensed by the Department of Education. The bill adds children and youth previously placed in approved private school educational programs for at least six months, who will receive transitional services

in a public school setting for no longer than 12 months, to the target population for eligibility for the state pool of funds. The bill requires the Secretary of Education, in conjunction with the Office of Children's Services and the Department of Education, to establish a work group (the Work Group) with appropriate stakeholders to develop a detailed plan to direct the transfer of Children's Services Act funds currently reserved for children requiring an educational placement in a private special education day school or residential facility to the Department of Education and to develop a standardized reporting process, template, and reporting requirement for private special education day school tuition rates to ensure that tuition rates can be accurately compared across schools and over time. The bill requires that the Work Group submit its plan and recommendations to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance and Appropriations by November 1, 2021. Amend. Support provisions that allow CSA funding for transitional services from private special education schools to public schools, and requirements that private special education schools be licensed to receive CSA funds. Also support retaining language in the legislation requiring a comprehensive study prior to moving administration of CSA funds from OCS to DOE, as that could potentially impact state sum sufficiency funding for CSA, which is a top County priority. (21103572D-H1)

**SB 1313** (Mason) (SFIN) requires that funds expended for special education services under the Children's Services Act only be expended on educational programs that are licensed by the Department of Education. The bill adds children and youth previously placed in approved private school educational programs for at least six months, who will receive transitional services in a public school setting for no longer than 12 months, to the target population for eligibility for the state pool of funds. The bill requires the Secretary of Education, in conjunction with the Office of Children's Services and the Department of Education, to establish a work group (the Work Group) with appropriate stakeholders to develop a detailed plan to direct the transfer of Children's Services Act funds currently reserved for children requiring an educational placement in a private special education day school or residential facility to the Department of Education and to develop a standardized reporting process, template, and reporting requirement for private special education day school tuition rates to ensure that tuition rates can be accurately compared across schools and over time. The bill requires that the Work Group submit its plan and recommendations to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance and Appropriations by November 1, 2021. Amend. Support provisions that allow CSA funding for transitional services from private special education schools to public schools, and requirements that private special education schools be licensed to receive CSA funds. Also support retaining language in the legislation requiring a comprehensive study prior to moving administration of CSA funds from OCS to DOE, as that could potentially impact state sum sufficiency funding for CSA, which is a top County priority. (21103505D-S1)

**SB 1133** (Suetterlein) (SFIN) expands eligibility for use of the state pool of funds under the Children's Services Act to services that are provided in a public school setting and requires that private day schools be approved and licensed by the Department of Education or an equivalent out-of-state licensing agency to be eligible for the state pool of funds. The bill requires the Department of Education and relevant local school boards to develop and implement a pilot program for up to four years in two to eight local school divisions in the Commonwealth. In developing the pilot, the Department is required to partner with the appropriate school board

employees in each such local school division to (i) identify the resources, services, and supports required by each student who resides in each such local school division and who is educated in a private school setting pursuant to his Individualized Education Program; (ii) study the feasibility of transitioning each such student from his private school setting to an appropriate public school setting in the local school division and providing the identified resources, services, and supports in such public school setting; and (iii) recommend a process for redirecting federal, state, and local funds, including funds provided pursuant to the Children's Services Act, provided for the education of each such student to the local school division for the purpose of providing the identified resources, services, and supports in the appropriate public school setting. The bill requires the Department of Education to make a report to the Governor, the Senate Committees on Education and Health and Finance and Appropriations, and the House Committees on Education and Appropriations on the findings of each pilot program after two and four years. Amend. Support provisions that allow CSA funding for transitional services from private special education schools to public schools, and requirements that private special education schools be licensed to receive CSA funds. Also support retaining language in the legislation requiring a comprehensive study prior to moving administration of CSA funds from OCS to DOE, as that could potentially impact state sum sufficiency funding for CSA, which is a top County priority. (21103477D-S1)

### **Public Safety**

**HB 1992** (Murphy) (Reported from HCT) prohibits a person who has been convicted of assault and battery of a family or household member from purchasing, possessing, or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor. Support. (21103651D-H1)

### **Procurement**

**HB 1996** (Murphy) (Passed House; SGL) allows localities to include in the Invitation to Bid criteria that may be used in determining whether any bidder, not just any bidder who is not prequalified by the Virginia Department of Transportation as under current law, is a responsible bidder. Support. (21101375D)

### **Legislation Provided for Discussion**

**HB 1880** (Krizek) (HGL) delays by one additional year, from July 1, 2021, to July 1, 2022, the prohibition on the play or offering for play of skill games that was instituted in the 2020 Regular Session. The bill extends the one-year phase-out of existing skill games by one additional year to July 1, 2022, but decreases to 90 percent the total number of machines that a distributor may provide for play to truck stops and Virginia Alcoholic Beverage Control Authority retail licensees (ABC retail licensees) relative to the number of machines such distributor previously reported to the Virginia Alcoholic Beverage Control Authority (the Authority) on July 1, 2020. The bill caps the total number of skill games that persons operating truck stops and ABC retail licensees may make available for play to no more than 20 and six, respectively. The bill extends the prohibition on distributors offering new skill games for play. The bill keeps oversight authority over skill games with the Authority. The bill extends the requirement that each distributor pay a monthly tax

of \$1,200 for each skill game provided for play during the previous month. Revenues will accrue one percent to the Problem Gambling Treatment and Support Fund, three percent to the Authority for the purposes of implementing the bill, 33 percent to the localities in which the skill games are located, one percent to the Family and Children's Trust Fund, two percent to the Virginia Breeders Fund, and 60 percent to the Commonwealth Transportation Fund. The bill extends the requirement that distributors report monthly to the Authority the number of skill games provided for play. Finally, the bill prohibits persons younger than 21 years of age from playing skill games or redeeming the evidence of winnings for them. Monitor. (21102510D)

**HB 2161** (Tran) (Reported from HGL) prohibits discrimination in public accommodations, employment, and housing on the basis of a person's status as active military or a military spouse. Support. (21103874D-H1)

**SB 1384** (Surovell) (Reported from SGL) allows a participating locality, for any procurement solicitation or contract exceeding \$10,000 for goods and services, to require the bidder or offeror to disclose certain information regarding pre-dispute arbitration clauses, defined in the bill, in employment, civil rights, and consumer disputes, and provides that a locality may consider the policies and practices related to arbitration of each bidder and offeror. The bill also provides that a participating locality shall require the bidder or offeror to provide written or electronic submissions to allow the locality to ascertain (i) whether the bidder or offeror requires persons with whom it is in a work relationship or prospective work relationship to sign or otherwise enter into a contract containing a pre-dispute arbitration clause that would cover an employment or civil rights dispute and (ii) whether the bidder or offeror requires consumers to sign or otherwise enter into a contract containing a pre-dispute arbitration clause that would cover a consumer or civil rights dispute as a condition of purchasing products or services, downloading mobile applications, or using websites. The bill authorizes a participating locality to cancel, terminate, or suspend, in whole or in part, the contract of any contractor that has violated a provision of the bill and to declare the contractor ineligible for further contracts with such locality for up to five years. Support with amendment. Support the concept for contracts that bind the public to terms and conditions that the County negotiates and amend legislation to improve implementation. (21102806D)

### **Elections**

**HB 1890** (Price) (Reported from HPE)/**SB 1395** (McClellan) (SFIN) prohibits any voting qualification or any standard, practice, or procedure related to voting from being imposed or applied in a manner that results in the denial or abridgment of the right of any United States citizen to vote based on his race or color or membership in a language minority group. The bill further prohibits at-large methods of election from being imposed or applied in a locality in a manner that impairs the ability of a protected class, defined in the bill, to elect candidates of its choice or to influence the outcome of an election, by diluting or abridging the rights of voters who are members of a protected class. Prior to enacting or administering a covered practice, defined in the bill, the governing body of a locality is required to publish the proposed covered practice and accept public comment for a minimum of 30 days on the proposed covered practice; after the public comment period, a 30-day waiting period is required. During this period, any person who will be subject to

or affected by the covered practice may challenge the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. The bill permits the local governing body to instead submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection and, once such certification is issued, to enact or administer the covered practice. Certain unlawful actions, including knowingly communicating false information to voters, that are currently subject to criminal penalties will create civil causes of action under the bill. Current provisions related to language minority accessibility are moved to a newly created chapter relating to the rights of voters. Monitor. (21103495D-H1, 21103648D-S1)

**HB 1883** (VanValkenburg) (HPE) requires the governing body of a covered jurisdiction, prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, to either (i) institute an action in the Circuit Court of the City of Richmond for a declaratory judgment that the covered practice neither has the purpose or effect of denying or abridging the right to vote on account of race or color or membership in a language minority group nor will result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise or (ii) submit such covered practice to the Office of the Attorney General for issuance of a certification of no objection. No covered practice can be given effect until the Circuit Court of the City of Richmond has entered such judgment or the Attorney General has issued such certification. The bill permits certain persons to institute an action to compel the governing body of a covered jurisdiction to institute an action in the Circuit Court of the City of Richmond or to seek issuance of a certification of no objection and provides for appeals by the governing body or certain persons to decisions made by the Attorney General. A covered jurisdiction is defined by the bill as any county or city that is determined by the Attorney General using annual American Community Survey data to have a voting age population that contains two or more racial or ethnic groups, each constituting at least 20 percent of its voting age population, but excludes any county or city that, on or after January 1, 2008, was exempt from the preclearance requirements of § 5 of the Voting Rights Act of 1965, as amended, pursuant to a declaratory jurisdiction issued by the United States District Court for the District of Columbia under § 4 of that Act. Monitor. (21102660D)

## **Marijuana**

**HB 2312** (Herring) (HGL) eliminates criminal penalties for possession of marijuana for persons who are 21 years of age or older. The bill also modifies several other criminal penalties related to marijuana and provides for an automatic expungement process for those convicted of certain marijuana-related crimes. The bill establishes a regulatory scheme for the regulation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana testing facilities, marijuana wholesalers, and retail marijuana stores by the Virginia Alcoholic Beverage Control Authority, renamed as the Virginia Alcoholic Beverage and Cannabis Control Authority. The bill imposes a tax on retail marijuana, retail marijuana products, and marijuana paraphernalia sold by a retail marijuana store, as well as non-retail marijuana and non-retail marijuana products at a rate of 21 percent and provides that localities may by ordinance levy a three percent tax on any such



marijuana or marijuana products. The bill provides that net profits attributable to regulatory activities of the Authority's Board of Directors pursuant to this bill shall be appropriated as follows: (i) 40 percent to pre-kindergarten programs for at-risk three and four year olds, (ii) 30 percent to the Cannabis Equity Reinvestment Fund, established in the bill, (iii) 25 percent to substance use disorder prevention and treatment programs, and (iv) five percent to public health programs. The bill creates the Cannabis Control Advisory Board, the Cannabis Equity Reinvestment Board, and the Cannabis Public Health Advisory Council. The bill has a delayed effective date of January 1, 2023, with provisions for the Authority's Board of Directors to promulgate regulations for the implementation of the bill and for implementation of the automatic expungement process to begin in due course. In addition, the bill establishes three work groups to begin their efforts in due course: one focused on public health and safety issues, one focused on providing resources for teachers in elementary and secondary schools, and one focused on college-aged individuals. Support with amendment. Support strong local government land use and taxation authority in any marijuana legalization legislation. (21101659D)

**SB 1406** (Ebbin) (SJUD) eliminates criminal penalties for possession of marijuana for persons who are 21 years of age or older. The bill also modifies several other criminal penalties related to marijuana and provides for an automatic expungement process for those convicted of certain marijuana-related crimes. The bill establishes a regulatory scheme for the regulation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana testing facilities, marijuana wholesalers, and retail marijuana stores by the Virginia Alcoholic Beverage Control Authority, renamed as the Virginia Alcoholic Beverage and Cannabis Control Authority. The bill imposes a tax on retail marijuana, retail marijuana products, and marijuana paraphernalia sold by a retail marijuana store, as well as non-retail marijuana and non-retail marijuana products at a rate of 21 percent and provides that localities may by ordinance levy a three percent tax on any such marijuana or marijuana products. The bill provides that net profits attributable to regulatory activities of the Authority's Board of Directors pursuant to this bill shall be appropriated as follows: (i) 40 percent to pre-kindergarten programs for at-risk three and four year olds, (ii) 30 percent to the Cannabis Equity Reinvestment Fund, established in the bill, (iii) 25 percent to substance use disorder prevention and treatment programs, and (iv) five percent to public health programs. The bill creates the Cannabis Control Advisory Board, the Cannabis Equity Reinvestment Board, and the Cannabis Public Health Advisory Council. The bill has a delayed effective date of January 1, 2023, with provisions for the Authority's Board of Directors to promulgate regulations for the implementation of the bill and for implementation of the automatic expungement process to begin in due course. In addition, the bill establishes three work groups to begin their efforts in due course: one focused on public health and safety issues, one focused on providing resources for teachers in elementary and secondary schools, and one focused on college-aged individuals. Support with amendment. Support strong local government land use and taxation authority in any marijuana legalization legislation. (21103366D-S1)

### **Public Safety/Criminal Justice**

**HB 2322** (Herring) (HGL)/**SB 1469** (Barker) (SFIN) establishes the Opioid Abatement Authority. The Authority, with the assistance of the Office of the Attorney General, would administer the Opioid Abatement Fund, which would receive moneys from settlements, judgments, verdicts, and

other court orders, or related agreements, concerning claims regarding the manufacturing, marketing, distribution, or sale of opioids that would be used to provide grants and loans to Virginia agencies and certain localities for the purpose of treating, preventing, and reducing opioid use disorder and the misuse of opioids in the Commonwealth. Monitor. (21103991D-H1, 21103486D)

*Expungement*

**HB 2113** (Herring) (HAPP) establishes a process for the automatic expungement, defined in the bill, of criminal records for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also provides a process for the automatic expungement of criminal records for charges arising from mistaken identity or the unauthorized use of identifying information. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill. This bill is a recommendation of the Virginia State Crime Commission. Support with amendment. Support concept of expungement for certain crimes; sufficient state funding for implementation is essential. (21103298D-H1)

**SB 1283** (Morrissey) (SJUD) establishes a process for the automatic expungement of criminal records for misdemeanors, certain felony convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also provides a process for the automatic expungement of criminal records for charges arising from mistaken identity or the unauthorized use of identifying information. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill. Support with amendment. Support concept of expungement for certain crimes; sufficient state funding for implementation is essential. (21102250D)

**SB 1372** (Lucas) (SJUD) establishes a process for the automatic expungement, defined in the bill, of criminal records for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also provides a process for the automatic expungement of criminal records for charges arising from mistaken identity or the unauthorized use of identifying information. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill. Support with amendment. Support concept of expungement for certain crimes; sufficient state funding for implementation is essential. (21102017D)

**SB 1339** (Surovell) (SJUD) establishes a process for the sealing of police and court records, defined in the bill, of criminal records for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also allows a person to petition for the expungement of the police and court records relating to convictions of marijuana possession, underage alcohol or tobacco possession, and using a false ID to obtain alcohol and for deferred disposition dismissals for possession of controlled substances or marijuana, underage alcohol or tobacco possession, and using a false ID to obtain alcohol. The bill creates the Expungement Fee Fund, which is funded by all collected expungement fees. The bill provides that expungement fees shall not be refundable, but persons who are indigent or represented by court-

appointed counsel shall not be required to pay such fees. The Fund is administered by the Executive Secretary of the Supreme Court and used to fund the costs of court-appointed counsel. The bill also requires a business that collects and sells or licenses the public record information of a consumer to implement security practices to protect the accuracy of a consumer's public record information, obtain express consent of a parent of a minor before selling the public record information of such minor, provide access to consumers to their own public record information that is held by the entity, refrain from maintaining or selling information that it knows to be inaccurate, and provide a means by which a consumer can opt out of the sale of his public record information. The bill provides that a violation could result in a civil penalty of up to \$7,500 or damages to be awarded to a consumer. The bill also provides for the award of attorney fees and costs. With the exception of the provisions regarding the Expungement Fee Fund, and the funding provisions of such fund, the bill has delayed effective date of July 1, 2022. The bill directs the Department of Criminal Justice Services to adopt emergency regulations to implement the provisions of the bill. Support with amendment. Support concept of expungement for certain crimes; sufficient state funding for implementation is essential. (21100793D)

#### *Qualified Immunity*

**HB 2045** (Bourne) (HCT) creates a civil action for the deprivation of a person's rights by a law-enforcement officer and provides that a plaintiff may be awarded compensatory damages, punitive damages, and equitable relief as well as reasonable attorney fees and costs. The bill provides that sovereign immunity and limitations on liability or damages shall not apply to such actions and that qualified immunity is not a defense to liability for such deprivation of rights. Finally, the bill provides that any public or private entity that employs or contracts for the services of a law-enforcement officer owes a duty of reasonable care to third parties in its hiring, supervision, training, retention, and use of such officers under its employment or contract. (21101696D)

**SB 1440** (Surovell) (SJUD) creates a civil action for the use of unlawful acts of force, including deadly force, or failure to intervene as required by law, by a law-enforcement officer or correctional officer while performing his duties for a public entity or private police department. The bill also provides that a public entity or private police department employing such officer is liable for any injuries sustained by the injured party as a result of the officer's actions if they occurred in the ordinary course of the employer's business. Sovereign immunity would not apply to such claims. (21102785D)

## **Legislation Requiring Further Review**

**HB 2259** (Scott) (HGL) provides that the Governor may issue a license of the kind granted by a regulatory board under the Department of Professional and Occupational Regulation or the Department of Health Professions to any person whose application for such license to such board has been denied. (21101745D)

**SB 1407** (Bell) (SGL) authorizes the manufacturing, distributing, operating, servicing, hosting, and playing of electronic gaming devices in the Commonwealth, to be regulated by the Virginia Lottery Board, which the bill renames as the Virginia Lottery and Gaming Oversight Board. The bill specifies the licensing requirements for the manufacture, distribution, operating, servicing, and hosting of electronic gaming devices, requires employees of such licensees to be registered with the Virginia Lottery, which the bill renames as the Virginia Lottery and Gaming Department, and imposes criminal and civil penalties for violations of the law and regulations related to electronic gaming devices. The bill imposes a 34 percent tax on all gross profits from the play of electronic gaming devices and provides for how the tax proceeds are disbursed; most are deposited into the Virginia Electronic Gaming Device Education Support Fund, created by the bill. The bill also renames the Virginia Lottery Law as the Virginia Lottery and Gaming Law and changes the title of the Director of the Virginia Lottery to the Director of the Virginia Lottery and Gaming Department. (21100728D)

## **Administration of Government**

**HB 2227** (Kory) (HGL) requires the Board of Housing and Community Development to adopt amendments to the Uniform Statewide Building Code within one year of publication of a new version of the International Code Council's International Energy Conservation Code (IECC) to address changes related to energy efficiency and conservation. The bill requires the Board to adopt Building Code standards that are at least as stringent as those contained in the new version of the IECC. (21102540D)

**SB 1224** (Boysko) (SGL) requires the Board of Housing and Community Development to adopt amendments to the Uniform Statewide Building Code within one year of publication of a new version of the International Code Council's International Energy Conservation Code (IECC) to address changes related to energy efficiency and conservation. The bill requires the Board to adopt Building Code standards that are at least as stringent as those contained in the new version of the IECC. (21101752D)

## **Animals**

**SB 1135** (Marsden) (Reported from SACNR) restructures the procedure for adjudication of a dog as a dangerous dog to provide for (i) written notice by an animal control officer to the owner of the dog that he has applied for a summons, and a prohibition on disposal of the dog by the owner for 30 days; (ii) the issuance of a summons with an option rather than a requirement that the officer confine the dog, a prohibition on the disposal of the dog other than by euthanasia, and

an authorization for the court to compel the implanting of electronic identification; (iii) the holding of a hearing within 30 days unless good cause is shown; (iv) the authority of the court if deferring further proceedings without adjudicating to compel the implanting of electronic identification; and (v) a limit of 30 days for any appeal of a dangerous dog adjudication. The bill authorizes an officer to obtain a summons for a hearing to determine whether a dog that has been surrendered is a dangerous dog and provides that any dangerous dog not reclaimed from the animal control officer within 10 days of notice shall be considered abandoned. The bill imposes new requirements for the transfer of dangerous dogs, requiring a releasing agency that is transferring or releasing for adoption a dangerous dog in the Commonwealth to notify the receiving party of the legal requirements for keeping a dangerous dog. If the agency is transferring the dog outside the Commonwealth, it is required to notify the appropriate animal control officer of the dog's adjudication as dangerous. An owner who is bringing a dog found to be dangerous in another state to reside in the Commonwealth shall notify the local animal control officer. Any owner who disposes of a dangerous dog by gift, sale, transfer, trade, or surrender shall notify the receiver in writing of the dog's adjudication as dangerous, with a violation penalized as a Class 3 misdemeanor. Finally, the bill provides that if a dangerous dog adjudication occurred within 60 days of the end of the calendar year, the first renewal of the dangerous dog registration shall be included in the initial registration at no additional charge. The bill contains technical amendments. (21103739D-S1)

### **Broadband**

**HB 2224** (Head) (HTECH) establishes a procedure by which a broadband service provider may obtain approval to place its fiber optic broadband lines across a railroad right-of-way. The measure provides that a broadband service provider may submit to the railroad company a notice of intent to construct, accompanied by a specification exhibit and a standard crossing fee of \$750; if the railroad does not claim within 35 days that special circumstances exist or that the required specification exhibit is inadequate or incomplete, the broadband service provider is deemed to have authorization to commence placing the fiber optic broadband line across the railroad's right-of-way. The measure provides that a railroad company that believes that special circumstances exist may file a petition for relief with the State Corporation Commission. The bill requires the Commission to adopt regulations prescribing the terms and conditions for a crossing. (21100720D)

### **Courts**

**HB 1878** (Jenkins) (Passed House; SJUD) limits the ability to appeal a decision by an intake officer not to authorize a petition relating to an offense that, if committed by an adult, would be punishable as a Class 1 misdemeanor or felony, when the decision is based solely upon a finding of no probable cause. The bill requires the complainant to file the application for a warrant to a magistrate within 10 days of the issuance of written notification. The bill also specifies that if an intake officer finds (i) probable cause and (ii) that the matter is appropriate for diversion, this decision is final, and the complainant shall not have the right to appeal the decision to a magistrate. (21101948D-E)

**HB 1895** (Hudson) (HAPP) provides that no interest shall accrue on any fine or costs imposed in a criminal case or in a case involving a traffic infraction (i) for a period of 180 days following the date of the final judgment imposing such fine or costs; (ii) during any period the defendant is incarcerated; and (iii) for a period of 180 days following the date of the defendant's release from incarceration if the sentence includes an active term of incarceration. Current law prohibits interest from accruing on such fines or costs for a period of 40 days from the date of the final judgement imposing such fine or costs or during any period the defendant is incarcerated. The bill also removes the requirement that a defendant be unable to make payment of a fine, restitution, forfeiture, or penalty and costs within 30 days of sentencing in order to be eligible to enter into a deferred or installment payment agreement and allows any defendant to enter such payment agreements. The bill removes the one-time fee not to exceed \$10 that a court may assess when a defendant is unable to make payment within 90 days of sentencing and provides that no fee shall be assessed in connection with a defendant's participation in a deferred or installment payment agreement. The bill removes the requirement that a defendant make a down payment upon entering a deferred, modified deferred, or installment payment agreement. (21102438D)

**SB 1107** (Stanley) (SJUD) eliminates the cap on the recovery in actions against health care providers for medical malpractice where the act or acts of malpractice occurred on or after July 1, 2021. (21100841D)

**SB 1261** (Edwards) (SFIN) expands the jurisdiction of the Court of Appeals of Virginia by providing for an appeal of right in every civil case and provides that the granting of further appeal to the Supreme Court of Virginia shall be within the discretion of the Supreme Court. The bill provides for an appeal of right in criminal cases by a defendant, but leaves unchanged the current requirement that in criminal cases the Commonwealth must petition the Court of Appeals for granting of an appeal. The bill increases from 11 to 17 the number of judges on the Court of Appeals. The bill also (i) provides jurisdiction to the Court of Appeals over interlocutory appeals and petitions for review of injunctions; (ii) allows for oral arguments to be dispensed with if the panel of judges makes a unanimous decision that the appeal is frivolous or that the dispositive issues on appeal have already been authoritatively decided; (iii) creates a process by which the Attorney General will be notified of any criminal appeal and has the opportunity to intervene as counsel of record by filing a notice of appearance, and allows the Commonwealth's attorney to be counsel of record provided the Attorney General has not filed such notice of appearance; (iv) eliminates the requirement for an appeal bond in criminal appeals; (v) requires the clerk of the circuit court to prepare a transcript of any trial for which an appeal is noticed to him; and (vi) requires an expedited review of appeals of permanent protective orders and of bond validation proceedings. (21103599D-S1)

**SB 1415** (Stanley) (SJUD) changes the punishment and sentencing requirements for a violation of a preliminary child protective order so that the maximum penalty is a Class 1 misdemeanor and the court is no longer required to enter a permanent family abuse protective order (i.e., a protective order with a maximum duration of two years) upon a conviction of a violation of a preliminary child protective order. The bill provides that a violation of a preliminary child protective order is punishable as contempt of court; however, if the violation involves an act or acts of commission or omission that endanger the child's life, health, or normal development or

result in bodily injury to the child, it is punishable as a Class 1 misdemeanor. Under current law, violations of preliminary child protective orders constitute contempt of court and are also subject to the same penalties as violations of preliminary, emergency, and permanent family abuse protective orders, including enhanced penalties for certain violations. This bill is a recommendation of the Virginia Criminal Justice Conference. (21101189D)

**SB 1426** (Stanley) (SJUD) provides that an order of restitution shall be docketed in the name of the Commonwealth, or a locality if applicable, on behalf of a victim, unless the victim named in the order of restitution requests in writing that the order be docketed in the name of the victim. The bill provides that an order of restitution docketed in the name of the victim shall be enforced by the victim as a civil judgment. The bill also states that the clerk of such court shall record and disburse restitution payments in accordance with orders of restitution or judgments for restitution docketed in the name of the Commonwealth or a locality. The bill provides that at any time before a judgment for restitution docketed in the name of the Commonwealth or a locality is satisfied, the court shall, at the written request of the victim, order the circuit court clerk to execute and docket an assignment of the judgment to the victim and remove from its automated financial system the amount of unpaid restitution. Similarly, the bill provides that if a judge of the district court orders the circuit court clerk to execute and docket an assignment of the judgment to the victim, the district court clerk shall remove from its automated financial system the amount of unpaid restitution. Additionally, the bill states that if the victim requests that the order of restitution be docketed in the name of the victim or that a judgment for restitution previously docketed in the name of the Commonwealth or a locality be assigned to the victim, the victim shall provide to the court an address where the defendant can mail payment for the amount due and such address shall not be confidential. (21101671D)

### **Elections**

**HB 2278** (Davis) (HPE) adds political party affiliation to the information that an applicant is asked to provide when registering to vote. The political party affiliation or independent status selected by the voter is included in his registration record, and the bill permits voters to change political party affiliation by providing notice in writing or through electronic means authorized by the State Board of Election. The bill provides that only voters who are registered as affiliated with a political party, or who are designated as independent, are permitted to vote in that political party's primary election. Voters who are registered on or before January 1, 2022, will be designated as independent, and the general registrars are required to notify the voters of such fact and include instructions on how the voter may change his affiliation beginning January 1, 2022. The bill has a delayed effective date of January 1, 2022. (21102536D)

### **Employment Issues and Grievances**

**HB 1862** (Helmer) (Reported from HLC) prohibits an employer from discharging, disciplining, or discriminating against an employee for such employee's lawful use of cannabis oil pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease. The bill provides that such prohibition does not (i) restrict an employer's ability to take any adverse employment action for

any work impairment or to prohibit possession during work hours or (ii) require an employer to commit any act that would cause the employer to be in violation of federal law or that would result in the loss of a federal contract or federal funding. (21101426D)

**HB 2015** (Ayala) (HAPP) requires, that following the declaration by the Governor of a state of emergency that includes or is followed by any additional executive order in furtherance of such declaration that includes a stay-at-home or shelter-in-place order, employers shall (i) compensate each of their essential workers at a rate not less than one and one-half times the essential worker's regular rate of pay for any hours worked during the closure order and (ii) provide their essential workers with personal protective equipment related to the state of emergency and recommended for the relevant work site or job task by the Virginia Department of Labor and Industry, the State Department of Health, the U.S. Centers for Disease Control and Prevention, or the federal Occupational Safety and Health Administration. The bill defines "essential worker" as an individual employed as a health care provider, home care provider, or airport worker or by an essential retail business, as specified in the bill. The bill subjects violators to the same civil penalties, and provides the same cause of action for an employer's failure to pay the required hazard pay, as are currently imposed for failing to pay wages generally. (21102823D)

**HB 2040** (Hudson) (HAPP) provides that an employer shall be deemed to have established a pattern of failing to respond timely or adequately to written requests for information relating to claims if the Virginia Employment Commission determines that the employer has failed to respond timely or adequately to a written request for information relating to a claim on two or more occasions within a 48-month window and requires such employer to pay a penalty upon his second such failure to respond timely or adequately. Under current law, such pattern is established after four failures, and the penalty is assessed after the third failure. The bill provides that if an employer fails to respond timely or adequately to a written request by the Commission for information relating to a claim, the employer forfeits any appeal rights to that claim. The bill provides that when a claimant has begun receiving unemployment benefits, such benefits shall continue to be paid under a presumption of continuing entitlement unless or until a deputy determines, in a process providing notice and opportunity to be heard to the claimant, that the claimant is ineligible or disqualified. The bill provides that an individual who receives an overpayment of unemployment benefits is not liable to repay the overpayments to the Commission if the Commission determines that (i) the overpayment was not due to fraud, misrepresentation, or willful nondisclosure on the part of the recipient and its recovery would be against equity and good conscience; (ii) the overpayment was a direct result of inducement, solicitation, or coercion on the part of the employer; or (iii) the overpayment occurred due to administrative error. The bill requires the Commission to waive an overpayment of benefits under a federal unemployment benefit program if the program authorizes the waiver. The bill provides that any person who receives an overpayment of benefits is not required to repay such overpayment if the Commission determines that the overpayment was made because the employer failed to respond timely or adequately to a written request by the Commission for information relating to the claim. Finally, the bill prohibits a determination with respect to benefit overpayments to be issued until after a determination or decision that finds a claimant ineligible or disqualified for benefits previously paid has become final. (21103684D-H1)



**HB 2063** (Mullin) (Reported from HLC) requires an employer to compensate its employees who are entitled to overtime compensation under the federal Fair Labor Standards Act at a rate not less than one and one-half times the employee's regular rate of pay, defined in the bill, for any hours worked in excess of 40 hours in any one workweek. The bill includes provisions for calculating overtime premiums due to fire protection and law-enforcement employees by certain public sector employers. The penalties provided by the bill for an employer's failure to pay such overtime wages, including civil and criminal penalties, are the same as currently provided for failing to pay wages generally. The statute of limitations for bringing a claim for a violation of the bill is three years. (21102616D)

**HB 2134** (Batten) (Reported from HLC) prohibits the consideration, in any determination regarding whether an individual is an employee or independent contractor, for the purposes of a civil action for employment misclassification, unemployment compensation, and workers' compensation, of the provision of personal protective equipment by a hiring party to the individual in response to a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared. (21101448D)

*Paid Family and Medical Leave*

**HB 2016** (Ayala) (HAPP) requires the Virginia Employment Commission to establish and administer a paid family and medical leave program with benefits beginning January 1, 2024. Under the program, benefits are paid to eligible employees for family and medical leave. Funding for the program is provided through premiums assessed to employers and employees beginning in 2023. The amount of a benefit is 80 percent of the employee's average weekly wage, not to exceed 80 percent of the state weekly wage, which amount is required to be adjusted annually to reflect changes in the statewide average weekly wage. The measure caps the duration of paid leave at 12 weeks in any application year. The bill provides self-employed individuals the option of participating in the program. (21102792D)

**HB 2137** (Guzman) (HAPP) requires employers to provide certain employees paid sick leave. An employee is eligible for paid sick leave under the bill if the employee is an essential worker and works on average at least 20 hours per week or 90 hours per month. The bill provides for an employee to earn at least one hour of paid sick leave benefit for every 30 hours worked. An employee shall not use more than 40 hours of earned paid sick leave in a year, unless the employer selects a higher limit. The bill provides that earned paid sick leave may be used for (i) an employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care or (ii) care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care of a family member who needs preventive medical care. The bill prohibits employers from taking certain retaliatory actions against employees related to leave. The bill provides for a hardship waiver for employers that demonstrate that providing paid sick leave threatens the financial viability of the employer, jeopardizes the ability of the employer to sustain operations, significantly degrades the quality of the employer's business operations, or creates a significant

negative financial impact on the employer. The bill requires the Commissioner of Labor and Industry to promulgate regulations that (a) identify workers as essential based on the categories listed in the bill; (b) include reasonable requirements for recordkeeping, confidentiality, and notifying employees of their rights under provisions of the bill; (c) establish complaint, investigation, and enforcement procedures that include fines, not to exceed \$500, for violations of provisions of the bill; (d) establish requirements for compensation and accrual of paid sick leave for employees employed and compensated on a fee-for-service basis; and (e) include procedures and requirements for an employer to qualify for a hardship waiver. (21101625D)

#### *Workers' Compensation*

**HB 2228** (Guzman) (HAPP) provides that, for the purposes of the Virginia Workers' Compensation Act, "occupational disease" includes injuries from conditions resulting from repetitive and sustained physical stressors, including repetitive and sustained motions, exertions, posture stress, contact stresses, vibration, or noise. The bill provides that such injuries are covered under the Act. Such coverage does not require that the injuries occurred over a particular period, provided that such a period can be reasonably identified and documented and further provided that the employment is shown to have primarily caused the injury, considering all causes. (21102834D)

#### Workers' Compensation – COVID-19

**HB 1985** (Hurst) (HAPP) establishes a presumption that COVID-19 causing the death or disability of health care providers who as part of the provider's employment are directly involved in diagnosing or treating persons known or suspected to have COVID-19 is an occupational disease compensable under the Workers' Compensation Act. The provisions of the bill will be effective retroactive to January 1, 2020. (21103301D-H1)

**HB 2207** (Jones) (HAPP) establishes a presumption that COVID-19 causing the death or disability of firefighters, emergency medical services personnel, law-enforcement officers, and correctional officers is an occupational disease compensable under the Workers' Compensation Act. The bill provides that the COVID-19 virus is established by a positive diagnostic test for COVID-19, an incubation period consistent with COVID-19, and signs and symptoms of COVID-19 that require medical treatment. The bill provides that such presumption applies to any death or disability occurring on or after March 12, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after March 12, 2020, and prior to December 31, 2021, the claimant received a diagnosis of COVID-19 from a licensed physician, after either a presumptive positive test or a laboratory confirmed test for COVID-19, and presented with signs and symptoms of COVID-19 that required medical treatment. (21100861D)

**SB 1342** (Vogel) (SFIN) establishes a presumption that COVID-19 causing the death or disability of firefighters, emergency medical services personnel, law-enforcement officers, and correctional officers is an occupational disease compensable under the Workers' Compensation Act. The bill provides that the COVID-19 virus is established by a positive diagnostic test for

COVID-19, an incubation period consistent with COVID-19, and signs and symptoms of COVID-19 that require medical treatment. The bill provides that such presumption applies to any death or disability occurring on or after March 12, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after March 12, 2020, and prior to December 31, 2021, the claimant received a diagnosis of COVID-19 from a licensed physician, after either a presumptive positive test or a laboratory confirmed test for COVID-19, and presented with signs and symptoms of COVID-19 that required medical treatment. (21101518D)

**SB 1375** (Saslaw) (SFIN) establishes a presumption that COVID-19 causing the death or disability of firefighters and emergency medical services personnel is an occupational disease compensable under the Workers' Compensation Act. The provisions of the bill will be effective retroactive to March 1, 2020. (21101733D)

### **Environment**

**HB 1983** (Bulova) (Passed House; SACNR) provides that when a water protection permit applicant is required to purchase wetland or stream mitigation bank credits but no credits are available (i) in any mitigation provider's primary service area or (ii) at a cost of less than 200 percent of the price of credits available from a fund dedicated to achieving no net loss of wetland acreage and functions, the applicant may purchase or use credits from a mitigation provider's secondary service area. The bill provides certain requirements that the permit applicant must comply with in order to purchase or use such credits from a secondary service area, including minimum tree canopy requirements. (21102632D-E)

**SB 1210** (Petersen) (SFIN) directs the Virginia Waste Management Board to adopt regulations to collect from any person operating certain facilities permitted for the disposal, storage, or treatment of nonhazardous solid waste such annual fees as are necessary to provide funding for the total direct costs of the nonhazardous solid waste management program when aggregated and combined with other existing fees. The bill also directs the State Water Control Board to adopt regulations specifying permit maintenance fees that each permitted facility shall pay to the Board for certain water quality or withdrawal permits. The bill requires the fee amounts to be set at an amount that is necessary to collect no less than 40 percent and no greater than 50 percent of the direct costs required for the administration, compliance, and enforcement of such permits. The bill contains enactment clauses that (i) direct the relevant Boards to adopt such regulations by January 1, 2022, and (ii) provide for the expiration of existing provisions for similar permit fees contingent upon the adoption of such regulations. (21103681D-S1)

**SB 1284** (Favola) (SCL) establishes the Commonwealth Clean Energy Policy, replacing the Commonwealth Energy Policy. The bill sets out the energy policy and objectives of the Commonwealth Clean Energy Policy, which include: (i) the Commonwealth recognizes that effectively addressing climate change and enhancing resilience will advance the health, welfare, and safety of the residents of the Commonwealth and that addressing climate change requires reducing greenhouse gas emissions across the Commonwealth's economy sufficient to reach net-zero emission by 2045 in all sectors, including the electric power, transportation, industrial,

agricultural, building, and infrastructure sectors; (ii) the Commonwealth recognizes the need to promote environmental justice and ensure that it is carried out throughout the Commonwealth and the need to address and prevent energy inequities in historically economically disadvantaged communities; and (iii) the Commonwealth must continue to prioritize economic competitiveness and workforce development in an equitable manner. (21102125D)

**SB 1396** (Hashmi) (SFIN) authorizes the State Board of Health to use the Onsite Sewage Indemnification Fund to provide grants and loans to property owners with income at or below 200 percent of the federal poverty guidelines to repair failing onsite sewage systems or install onsite sewage systems on properties that lack adequate sewage disposal. The bill provides that no expenses shall be paid from the Fund to support the program for training and recognition of onsite soil evaluators, or to provide grants or loans to repair failing onsite sewage systems or install onsite sewage systems on properties that lack adequate sewage disposal in lieu of payment to any owner or owners qualified to receive payment from the Fund. The bill also directs the Board to adopt regulations that include consideration of the impacts of climate change on proposed treatment works. The bill sets out the policy of the Commonwealth regarding wastewater infrastructure and establishes the four-member Wastewater Infrastructure Policy Working Group as an advisory board in the executive branch of state government to continually assess wastewater infrastructure needs and develop policy recommendations. The bill provides that the Working Group shall expire in 2030. The bill also directs the Department of Environmental Quality, in partnership with the Virginia Department of Health and in consultation with stakeholders, to estimate and report every four years the amount of wastewater infrastructure funding that is necessary to meet policy goals but is not eligible to be covered by grant funding pursuant to the Virginia Water Quality Improvement Act of 1997. (21102943D)

## **FOIA**

**HB 2025** (Gooditis) (Passed House; SGL) provides that personal contact information provided to a public body or any of its members for the purpose of receiving electronic communications from the public body or any of its members is excluded from the mandatory disclosure provisions of FOIA, unless the recipient of such electronic communications indicates his approval for the public body to disclose such information. Currently, the law provides protections for personal contact information provided to a public body, not to its members; only applies to electronic mail; and requires the electronic mail recipient to request the public body not to disclose his personal contact information in order for the information to be exempt from mandatory disclosure. This bill is a recommendation of the Virginia Freedom of Information Advisory Council. (21101440D)

## **Health and Human Services**

**HB 1962** (Gooditis) (Reported from HHWI) requires local departments of social services and licensed child-placing agencies to involve in the development of a child's foster care plan the child's relatives and fictive kin who are interested in the child's welfare. The bill requires that a child 12 years of age or older be involved in the development of his foster care plan; under current law, a child's involvement is mandatory upon reaching 14 years of age. The bill contains

other amendments to provisions governing foster care and termination of parental rights that encourage the placement of children with relatives and fictive kin. (21102613D)

**HB 2191** (Leftwich) (House Floor) provides that the local department of social services shall disclose to the parents of a child in the local department's custody the location of the child, unless the local department finds that such disclosure is not in the best interests of the child. (21103371D-H1)

**HB 2212** (Plum) (Reported from HAPP) requires the director of the Office of Children's Services to provide for the effective implementation of the Children's Services Act (§ 2.2-5200 et seq.) in all localities by (i) regularly monitoring local performance measures and child and family outcomes; (ii) using audit, performance, and outcomes data to identify local programs that need technical assistance; and (iii) working with local programs that are consistently underperforming to develop a corrective action plan for submission to the Office and the State Executive Council for Children's Services. (21101765D)

**SB 1176** (Ruff) (Reported from SEH) amends the current barrier crimes requirements for the Department of Behavioral Health and Developmental Services (the Department) to provide that the Department, community services boards, and licensed providers shall not hire for compensated employment at a state facility, permit to be hired as a private provider, approve as a sponsored residential service provider, or permit to enter into a shared living arrangement with a person receiving medical assistance services any person who has been convicted of any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 (i) within the 10 years prior to the application date for employment, and may hire a person who has been convicted of such offenses more than 10 years prior only if he has not been convicted of any other crime or suffered from drug addiction or alcohol abuse within the 10 years prior to the application date for employment, or (ii) if such person continues on probation or parole or has failed to pay required court costs for such offenses set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02. Under current law, with some exceptions, the Department, community services boards, and licensed providers shall not hire for compensated employment persons who have been convicted of any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02. (21103913D-S1)

**SB 1237** (Petersen) (Reported from SEH) provides that any person who is affected by an order of quarantine may file an appeal in the circuit court for the city or county in which he resides or is located or the circuit court for the jurisdiction or jurisdictions for any affected area; currently, only a person who is subject to an order of quarantine may appeal the order. The bill also provides that in any case in which the Governor has issued an emergency order that includes any measure that closes schools or businesses or restricts the movement of healthy persons within the area to which the order applies, all of the rights, protections, and procedures applicable in the case of an order of quarantine issued by the Commissioner of Health shall apply. (21102644D)

### **Housing**

**HB 2046** (Bourne) (House Floor) prohibits any locality, its employees, or its appointed commissions from discriminating (i) in the application of local land use ordinances or guidelines, or in the permitting of housing developments, on the basis of race, color, religion, national origin, sex, elderliness, familial status, or handicap or (ii) in the permitting of housing developments because the housing development contains or is expected to contain affordable housing units occupied or intended for occupancy by families or individuals with incomes at or below 80 percent of the median income of the area where the housing development is located or is proposed to be located. The bill also requires the Fair Housing Board, after determining the existence of an unlawful discriminatory housing practice and after consultation with the Attorney General, to immediately refer the matter to the Attorney General for civil action. (21103489D-H1)

### **Land Use**

**HB 1738** (Wampler) (HGL) defines "outdoor refreshment area" and permits the governing body of any locality in the Commonwealth to designate, by ordinance, up to three outdoor refreshment areas within such locality. The bill provides that such ordinance would permit the consumption of alcoholic beverages within the outdoor refreshment area, provided that such alcoholic beverages are purchased from a permanent retail on-premises licensee located within such designated area and are contained in disposable containers with a maximum capacity of no more than 16 fluid ounces that clearly display the selling licensee's name or logo. The bill requires the locality, prior to adopting such an ordinance, to create a public safety plan for each outdoor refreshment area. (21100448D)

### **Public Safety/Criminal Justice**

**HB 1936** (Watts) (Reported from HCT) defines "robbery" and creates degrees of punishment corresponding to the severity of a robbery offense. Any person who commits a robbery by causing serious bodily injury is guilty of robbery in the first degree, which is punishable by confinement in a state correctional facility for a maximum term of life. Any person who commits robbery by displaying a firearm in a threatening manner is guilty of robbery in the second degree, which is punishable by confinement in a state correctional facility for a maximum term of 20 years. Any person who commits robbery by using physical force not resulting in serious bodily injury, or by displaying a deadly weapon other than a firearm in a threatening manner, is guilty of robbery in the third degree, which is punishable as a Class 5 felony. Any person who commits robbery by using threat or intimidation not involving a deadly weapon is guilty of robbery in the fourth degree, which is punishable as a Class 6 felony. Under current law, any robbery is punishable by confinement in a state correctional facility for life or any term not less than five years. (21103380D-H1)

**HB 1941** (Rasoul) (HPS) requires that, whenever a law-enforcement officer (i) discharges a firearm or (ii) uses a stun weapon or chemical irritant on a person resulting in death or serious bodily injury, any video or audio recording that relates to such incident produced or obtained by

a law-enforcement officer be open to inspection and available for release and posted on a website that is maintained by the law-enforcement agency or on any other website on which the law-enforcement agency generally posts information and that is available to the public or that clearly describes how the public may access such data within 15 days of producing or obtaining such video or audio recording. The bill includes exceptions to such release. The bill also provides that any person denied the rights and privileges conferred may proceed to enforce such rights and privileges by filing a petition for mandamus or injunction pursuant to the Virginia Freedom of Information Act. (21100443D)

**HB 2012** (Campbell) (Passed House; SJUD) changes the punishment and sentencing requirements for a violation of a preliminary child protective order so that the maximum penalty is a Class 1 misdemeanor and the court is no longer required to enter a permanent family abuse protective order (i.e., a protective order with a maximum duration of two years) upon a conviction of a violation of a preliminary child protective order. The bill provides that a violation of a preliminary child protective order is punishable as contempt of court; however, if the violation involves an act or acts of commission or omission that endanger the child's life, health, or normal development or result in bodily injury to the child, it is punishable as a Class 1 misdemeanor. Under current law, violations of preliminary child protective orders constitute contempt of court and are also subject to the same penalties as violations of preliminary, emergency, and permanent family abuse protective orders, including enhanced penalties for certain violations. This bill is a recommendation of the Virginia Criminal Justice Conference. (21100411D-E)

**HB 2029** (Krizek) (House Floor) prohibits the use by any person, local government, or agency of the Commonwealth of Class A fuel materials that contain oriented strand board, defined in the bill, during fire service training activities. (21102658D)

**HB 2099** (Coyner) (Passed House) reduces from 20 years to 10 years from the date of a judgment the period of time within which an execution may be issued or action may be taken on such judgment. The bill provides that the limitation of the enforcement of a judgment may be extended by a recordation of a certificate prior to the expiration period in the clerk's office in which a judgment lien is recorded. The bill provides that such recordation shall extend the limitations period for 10 years from the date of such recordation. Under current law, such limitation period may be extended on motion of the judgment creditor or his assignee. The bill allows a settlement agent or title insurance company to release a judgment lien, in addition to a deed of trust as provided under current law, provided that the obligation secured by such judgment lien has been satisfied by payment made by the settlement agent and whether or not the settlement agent or title insurance company is named as a trustee under such lien or received authority to release such lien. The bill has a delayed effective date of January 1, 2022. (21103747D-H3)

**HB 2151** (Adams, L.) (HCT) provides an exception to the requirement that a search warrant be executed only in the daytime if, prior to the issuance of the search warrant, law-enforcement officers lawfully entered and secured the place to be searched and subsequently have remained at such place continuously. The bill provides that such search warrant may be executed at any

time of day without authorization from a judge or magistrate. The bill also allows a law-enforcement officer to seek authorization from a magistrate to execute a search warrant at a time other than daytime without first having to make reasonable efforts to locate a judge if such search warrant was issued after 5 p.m. (21101873D)

**HB 2226** (Kory) (HPS) requires any agency that has determined that a person is a member of a criminal street gang to provide written notice, in English and Spanish, to the person, or, if the person is under 18 years of age, to his parent or guardian, of such determination and to describe in such notice the process for contesting the determination prior to entering the person's information into the Organized Criminal Gang File of the Virginia Criminal Information Network (VCIN) established and maintained by the Department of State Police (the Department) or the Violent Criminal Gang File of the National Crime Information Center maintained by the Federal Bureau of Investigation (databases) or into any other systems that contain gang information or affiliation. The bill establishes a process that allows a person to contest the determination that he is a member of a criminal street gang, request information about whether his information has been entered into the databases or other systems, request removal of his information from the databases or other systems, and petition a general district court for review of an agency's decision to enter his information into the databases or other systems. The bill requires the Department to automatically remove the information from the databases or other systems of any person who has not been convicted of any criminal offenses in furtherance of or intended to benefit the criminal street gang within five years of the entry of his information in the databases or other systems and to provide written notification, in English and Spanish, of the removal to such person. The bill also requires that on or before July 1, 2022, and annually thereafter, the Department of Corrections, the Department of Juvenile Justice, and any state or local law-enforcement agency, regional jail, or regional multijurisdictional law-enforcement task force that has submitted information to the shared gang databases within the preceding five years shall submit a report to the Department of Criminal Justice Services (DCJS) with certain information regarding its use of the databases or other systems. The bill requires that on or before November 1, 2022, and annually thereafter, the DCJS publish the total number of people included in the Organized Criminal Gang File of VCIN and the information submitted by each such agency on the DCJS website. (21102526D)

**HB 2291** (Williams Graves) (HPS) adds a sheriff's office to those law-enforcement agencies that may be overseen by a law-enforcement civilian oversight body created by a locality and adds a nonprobationary deputy sheriff to those law-enforcement officers who are subject to such body if created by a locality. (21101778D)

**SB 1306** (Morrissey) (SJUD) eliminates the mandatory minimum term of confinement of six months for an assault and battery committed against a judge, magistrate, law-enforcement officer, correctional officer, person directly involved in the care, treatment, or supervision of inmates, firefighter or volunteer firefighter, or emergency medical services personnel. The bill removes simple assault from enhanced punishment and provides that the enhanced punishment applies for assault and battery only when it results in bodily injury. The bill also provides that a jury or the court may find any person charged with such offense where the degree of culpability is slight, due to diminished physical or mental capacity or an autism spectrum disorder, not guilty



of such offense but guilty of a simple assault or assault and battery, punishable as a Class 1 misdemeanor. The bill also provides that before any arrest, indictment, or service of a petition in the case of a juvenile is made for an alleged assault and battery against a law-enforcement officer, (i) such alleged assault and battery shall be investigated by another law-enforcement officer who was not the subject of such alleged assault and battery and (ii) the arrest, indictment, or service of a petition shall be approved by the attorney for the Commonwealth. (21102781D)

**SB 1391** (Lucas) (SFIN) requires the Virginia Criminal Sentencing Commission to collect and disseminate, on an annual basis, statewide and locality-level data related to adults charged with criminal offenses punishable by confinement in jail or a term of imprisonment. The bill provides that any personal or case identifying information within the data shall not be subject to the Virginia Freedom of Information Act and shall not be made publicly available. The bill does not require that the Virginia Criminal Sentencing Commission submit such annual report prior to December 1, 2022. Additionally, the bill requires the Virginia State Crime Commission to provide the Virginia Criminal Sentencing Commission with the final dataset of all adults charged with a criminal offense punishable by confinement in jail or a term of imprisonment as of October 2017 and that the Virginia Criminal Sentencing Commission make such statewide and locality-level data publicly available on a website established and maintained by the Virginia Criminal Sentencing Commission as (i) an electronic dataset, excluding any personal and case identifying information, that may be downloaded by members of the public and (ii) an electronic interactive data dashboard tool that displays aggregated data based on characteristics or indicators selected by the user, by October 1, 2021. This bill is a recommendation of the Virginia State Crime Commission. (21103650D-S1)

**SB 1443** (Edwards) (SFIN) eliminates all mandatory minimum sentences of confinement from the Code of Virginia. The bill also provides a petition process for a person who was convicted or adjudicated delinquent of a felony offense committed prior to July 1, 2021, except for a Class 1 felony or any felony that was punishable by a mandatory minimum term of confinement for life, and sentenced to a mandatory minimum term of confinement for such felony offense and who remains incarcerated in a state or local correctional facility serving the mandatory minimum term of confinement for such felony offense to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such mandatory minimum sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed. The bill provides that such petition shall be filed by July 1, 2024. This bill is a recommendation of the Virginia State Crime Commission. (21103563D-S1)

**SB 1468** (Surovell) (Reported from SJUD) establishes a process for a state or local law-enforcement agency, an attorney for the Commonwealth, the Attorney General, or any other agency or department employing law-enforcement officers to complete a certification form or statement that is required by federal immigration law certifying that a person is a victim of qualifying criminal activity. (21103854D-S1)

**SB 1475** (Stuart) (SJUD) provides that a search warrant may be executed at any time when prior to the issuance of the search warrant, a law enforcement officer has lawfully entered and secured the place to be searched and subsequently have remained at such place continuously or when the

item to be searched already is in law enforcement possession or control. The bill also provides that any evidence obtained from a search warrant will not be excluded unless the search warrant is executed in bad faith or if it is proven that the rights of the defendant were substantially prejudiced. The bill also exempts search warrants served by means of electronic or telecommunication transmission from the no knock search warrant provisions. (21103588D)

### **Transportation**

**SB 1260** (Bell) (STRAN) requires the Commissioner of Highways to provide a landowner with 30 days' notice of the intent to enter and inspect property to ascertain suitability of the property for transportation purposes, and eliminates the requirement that the Commissioner first request permission to enter the property and then provide notice of intent to enter if permission is not granted. (21101431D)

#### *Department of Motor Vehicles*

**HB 2163** (Tran) (HAPP) limits the release of Department of Motor Vehicles (DMV) privileged information to government entities and law-enforcement agencies for the purpose of civil immigration enforcement unless (i) the subject of the information provides consent or (ii) the requesting agency presents a lawful judicial order, judicial subpoena, or judicial warrant. The bill requires the DMV to notify the subject of the request that such a request was made and the identity of the entity that made the request. The bill requires any entity receiving privileged information from the DMV to enter into a written agreement with the DMV prior to such release of such information and prohibits any entity from rereleasing any such DMV information to any third party unless explicitly permitted to do so in the entity's agreement with the DMV. The bill contains requirements for any such written agreement between the DMV and the Department of State Police. (21103639D-H1)

**HB 2248** (Miyares) (HTECH) prohibits the Department of Motor Vehicles from charging fees in excess of administrative fees to any entity submitting a request for personal information. The bill limits requesters from repackaging or reselling data to third parties without prior authorization. (21100780D)

### **“Watch List”/May Have State Revenue/Policy Implications**

#### **Miscellaneous**

**HB 2004** (Hurst) (HAPP) adds criminal investigative files, defined in the bill, relating to a criminal investigation or proceeding that is not ongoing, also defined in the bill, to the types of law-enforcement and criminal records required to be released in accordance with the provisions of the Virginia Freedom of Information Act. Under current law, the release of criminal investigative files is discretionary. The bill also provides that the mandatory release of criminal incident information relating to felony offenses and criminal investigative files shall be enjoined if a court finds by a preponderance of the evidence that the release of such information would

likely effect certain results, outlined in the bill. The bill contains technical amendments. This bill is a recommendation of the Virginia Freedom of Information Advisory Council. (21101252D)

**HB 2031** (Aird) (Passed House; SGL) allows a locality or a public institution of higher education to authorize a local law-enforcement agency or campus police department to purchase or deploy facial recognition technology, which is defined in the bill. The bill prohibits a local law-enforcement agency or public institution of higher education currently using facial recognition technology from continuing to use such technology without such authorization after July 1, 2021. (21101718D-E)

**SB 1303** (Dunnavant) (SEH) requires each local school division to make in-person learning available to all students by choice of the student's parent or guardian. The bill contains an emergency clause. (21102517D)

### **Courts/Public Safety**

**HB 1806** (Kilgore) (Passed House; SJUD) provides that if a motion to suspend or otherwise modify a person's sentence is filed with the court that heard the case at any time before the person is transferred to the Department of Corrections (the Department), the court may enter an order to retain jurisdiction over the matter for up to 60 days in order to consider and rule on such motion. If the court enters such order, the transfer of the person to the Department shall not affect the jurisdiction of the court under the terms of the order. Upon entry of an order to retain jurisdiction, the clerk of the court shall forthwith forward an attested copy of the order to the Department. (21101785D)

**HB 2017** (Mullin) (Reported from HCT) authorizes any jurisdiction to establish a youth court program, defined in the bill as a diversionary program that (i) is monitored by a local youth court program advisory committee; (ii) uses juvenile volunteers as lawyers, jurors, and other court personnel; (iii) uses volunteer attorneys or judicial officers as judges; (iv) conducts peer trials, subject to the juvenile and domestic relations court's jurisdiction, of juveniles who are assigned to the program by the court; and (v) imposes various sentences emphasizing restitution, rehabilitation, accountability, competency building, and education, but not incarceration. The bill provides that a jurisdiction may establish a youth court program upon establishment of a local youth court advisory committee and approval of the youth court program by the juvenile and domestic relations court that serves such jurisdiction. The bill requires each local youth court program advisory committee to establish criteria for the eligibility and participation of juveniles who have committed nonviolent offenses in the youth court program as well as policies and procedures for the operation of such program. The bill provides that whenever an intake officer takes informal action on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer may refer the juvenile to a youth court program. (21102998D-H1)

**HB 2073** (Convriss-Fowler) (Reported from HCT) provides that, in a civil action for the wrongful death of an injured person, such an action may be brought by a personal representative of a decedent within two years of the conclusion of a criminal investigation of such death, if

applicable. Under current law, a wrongful death action must be brought within two years of the death of the decedent. (21101459D)

**HB 2168** (Scott) (HCT) provides that any person who conducts, finances, manages, supervises, directs, or owns a gambling device that is located in an unregulated location is subject to a civil penalty of \$25,000. The bill provides that the Attorney General, an attorney for the Commonwealth, or the attorney for any locality may cause an action in equity to be brought in the name of the Commonwealth or of the locality, as applicable, to enjoin the operation of a gambling device in violation of this section and may request attachment against all such devices and any moneys within such devices. The bill provides that any civil penalties brought in the name of the Commonwealth shall be paid into the Literary Fund and that any civil penalties brought in the name of a locality shall be paid into the general fund of the locality. (21101270D)

**SB 1465** (Reeves) (SJUD) provides that any person who conducts, finances, manages, supervises, directs, or owns a gambling device that is located in an unregulated location is subject to a civil penalty of \$25,000. The bill provides that the Attorney General, an attorney for the Commonwealth, or the attorney for any locality may cause an action in equity to be brought in the name of the Commonwealth or of the locality, as applicable, to enjoin the operation of a gambling device in violation of this section and may request attachment against all such devices and any moneys within such devices. The bill provides that any civil penalties brought in the name of the Commonwealth shall be paid into the Literary Fund and that any civil penalties brought in the name of a locality shall be paid into the general fund of the locality. (21102212D)

**HB 2236** (Bell) (Reported from HCT) provides that if an offender determined to be eligible to participate in a behavioral health docket resides in a locality other than that in which the behavioral health docket is located, or such offender desires to remove to a locality other than that in which the behavioral health docket is located, and the local behavioral health docket advisory committee determines it is practicable and appropriate, such offender may still participate in the behavioral health docket and the committee may transfer all or part of the offender's supervision to the local probation and pretrial agency for the locality in which the offender resides or to which he desires to remove. The bill provides that the local community probation and pretrial agency shall report concerning the conduct and condition of the offender at regular intervals to the local behavioral health docket advisory committee that approved the defendant's participation in the behavioral health docket and that the local behavioral health docket advisory committee may impose terms and conditions of the transfer of supervision as it deems appropriate, including a requirement that the offender participate in meetings or appointments with a member of the local behavioral health docket advisory committee by telephone, video conference, or similar electronic means. (21103541D-H1)

**SB 1119** (Reeves) (Reported from SFIN) creates a special nonreverting fund to be known as the Body-Worn Camera System Fund to assist state or local law-enforcement agencies with the costs of purchasing, operating, and maintaining body-worn camera systems. (21100957D)

### **Data and Technology**

**HJ 578** (Price) (Agreed to by House) requests the Department of Behavioral Health and Developmental Services to establish a work group to study the feasibility of developing a secure, de-identified, renewable, and relational database of criminal justice, behavioral health, and other human services records to facilitate development of more effective interventions. (21102974D)

**HB 2307** (Hayes) (House Floor) establishes a framework for controlling and processing personal data in the Commonwealth. The bill applies to all persons that conduct business in the Commonwealth and either (i) control or process personal data of at least 100,000 consumers or (ii) derive over 50 percent of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers. The bill outlines responsibilities and privacy protection standards for data controllers and processors. The bill does not apply to state or local governmental entities and contains exceptions for certain types of data and information governed by federal law. The bill grants consumer rights to access, correct, delete, and obtain a copy of personal data and to opt out of the processing of personal data for the purposes of targeted advertising. The bill provides that the Attorney General has exclusive authority to enforce violations of the law, and the Consumer Privacy Fund is created to support this effort. The bill has a delayed effective date of January 1, 2023. (21103642D-H1)

**SB 1392** (Marsden) (SFIN) establishes a framework for controlling and processing personal data in the Commonwealth. The bill applies to all persons that conduct business in the Commonwealth and either (i) control or process personal data of at least 100,000 consumers or (ii) derive over 50 percent of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers. The bill outlines responsibilities and privacy protection standards for data controllers and processors. The bill does not apply to state or local governmental entities and contains exceptions for certain types of data and information governed by federal law. The bill grants consumer rights to access, correct, delete, obtain a copy of personal data, and to opt out of the processing of personal data for the purposes of targeted advertising. The bill provides that the Attorney General has exclusive authority to enforce violations of the law, and the Consumer Privacy Fund is created to support this effort. The bill has a delayed effective date of January 1, 2023. (21102919D)

### **Education/Schools**

**HJ 548** (Hurst) (HPE) provides that it is the responsibility of the Commonwealth, rather than the General Assembly, to provide for a system of free public elementary and secondary schools and to ensure a high-quality educational program is established and maintained. The amendment also removes the authority of the General Assembly to revise the standards of quality that are determined and prescribed by the Board of Education for school divisions. (21101317D)

**HJ 549** (Guy) (Agreed to by House; SRUL)/**SJ 308** (Lucas) (Agreed to by Senate) directs the Joint Legislative Audit and Review Commission to study the impact of COVID-19 on Virginia's public schools, students, and school employees, including (i) examining and determining reasons for barriers to student success in virtual and hybrid models as well as the overall impact of

COVID-19 face-to-face learning restrictions on previously existing student achievement gaps, student achievement, and student well-being, including any disproportionate impact on at-risk populations; (ii) determining the impact of the COVID-19 pandemic on staffing levels, including the impact of teacher and school employee retirements and resignations on delivery of instruction and the ability of local school boards to fully staff their needs, employment levels, and local budgets; (iii) determining the short-term and projected long-term changes in student enrollment in response to the COVID-19 pandemic and the impact of such changes on funding levels; (iv) determining the impact of implementing COVID-19 health and safety measures in public schools; (v) evaluating public schools' level of emergency preparedness to face another pandemic or statewide crisis and making recommendations to help guide planning for such events and (vi) examining programs that can address learning loss and identifying barriers to implementing those programs, including resource gaps. (21101153D-E, 21102905D-E)

**SJ 275** (Stanley) (SPE) requires the General Assembly to provide for a system of public schools in the Commonwealth with equal educational opportunities for all children and to ensure that all school-age children are provided with equal educational opportunities. (21100836D)

### **Elections**

**HB 2082** (Levine) (HPE) requires meetings and hearings of the Virginia Redistricting Commission to be livestreamed, whether held virtually or in person, and to allow for public comment. Meetings and hearings that are held in person are required to be conducted in different regions of the Commonwealth, including the Northern Virginia region, the Central Virginia region, the Hampton Roads region, the Southside region, and the Southwest region. An additional public hearing is required to be held in the event that the initial plan for districts submitted by the Commission is rejected by the General Assembly. If adjustments are made to a proposed plan at any stage in response to public comment, the adjusted proposed plan is required to be published on the Commission's website and a public hearing is required to be held. The bill subjects the Supreme Court of Virginia and the special masters appointed by the Court for the establishment of districts to the same requirements and restrictions to which the Commission is subject, including provisions related to the Virginia Freedom of Information Act and the ban on ex parte communications. Additionally, the bill changes the reallocation of persons incarcerated in federal, state, or local correctional facilities whose address at the time of incarceration was located outside of the Commonwealth or cannot be determined. Currently, such persons are counted as residing at the location of the facility in which he's incarcerated; under the bill, such persons would not be included in the locality's population count and instead would be allocated to a state unit not tied to a specific determined geographic location. (21102783D)

**HB 2125** (Lopez) (Reported from HPE) permits a person who is otherwise qualified to register to vote and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, to preregister to vote. The preregistration does not entitle such person to vote in any election except as already permitted by law. The bill requires the Department of Elections to maintain a record of all preregistered voters in the Virginia voter registration system, which shall automatically register a person who is preregistered upon that person reaching 18 years of age or becoming eligible for advance registration as already permitted by law, whichever

comes first. The bill requires the Department to provide to the general registrars voter confirmation documents for such voters. (21100907D)

**HJ 551** (Rasoul) (HPE) provides that, notwithstanding the requirement that a voter shall be 18 years of age, any person who is 16 years of age or older and is otherwise qualified to vote shall be permitted to register to vote and to vote in local elections. (21100442D)

**SB 1111** (Spruill) (Passed Senate) removes the power of officers of election, in the event that no law-enforcement officer is in attendance, to appoint a person who is not a law-enforcement officer to have all the powers of a law-enforcement officer within the polling place and the prohibited area. (21101169D)

**SB 1281** (Morrissey) (Passed Senate) removes the requirement that the general registrar of a locality be a resident of that locality or an adjacent locality. (21101704D-E)

**SB 1331** (Reeves) (Reported from SPE) requires the Department of Elections to make available to all localities a tool to allow voters with a visual impairment or print disability to electronically and accessibly receive and mark his absentee ballot using screen reader assistive technology. On receipt of an application for an absentee ballot from an applicant who indicates that he will require assistance due to a visual impairment or print disability, the general registrar is required to offer to provide to the applicant the ballot marking tool with screen reader assistive technology. (21102849D)

#### *Absentee Voting*

**HB 1968** (Bagby) (Passed House; SPE) permits the electoral board or general registrar of a county or city to provide absentee voting in person in the office of the general registrar or voter satellite office on Sundays. (21102134D)

**SB 1097** (Favola) (Passed Senate) repeals the requirement that an absentee ballot be opened in the presence of a witness and signed by such witness. (21100137D)

**SB 1239** (Bell) (Passed Senate) permits a general registrar to contract with a third party for the printing, assembly, and mailing of absentee ballots. The bill directs the State Board of Elections to adopt emergency regulations to implement the provisions of the bill and for those regulations to include processes to ensure secure and timely delivery of voter information to contractors and reports of mailed absentee ballots from contractors. (21100930D)

**SB 1246** (Deeds) (Reported from SPE) requires certain actions to be taken to process absentee ballots that are returned by mail before election day. The general registrar is required to examine the ballot envelopes to verify completion of the required voter affirmation; mark the pollbook, or the absentee voter applicant list if the pollbook is not available, that the voter has voted; and open the sealed ballot envelopes and insert the ballots in optical scan counting equipment or other secure ballot container without initiating any ballot count totals. Under current law, it is only required that the general registrar undertake at least one such activity before election day.

To facilitate this preprocessing, the bill requires a central absentee voter precinct to be established in the office of the general registrar. Additional central absentee voter precincts may be established at the discretion of the governing body. (21103760D-S1)

### **Health and Human Services**

**HB 1963** (Bagby) (HAPP) provides that funding for local health departments shall consist of such state funds as may be allocated for the operation of the local health department together with local matching funds and estimated self-generated local service revenues, the total amount of which shall constitute the cooperative local health budget available to a local department of health, and that the amount of local matching funds for which a county or city is responsible shall be based on the county's or city's revenue generation capacity factor, as defined in the bill; in no case, however, shall the amount of local matching funds required be greater than 45 percent or less than 18 percent of the total amount of the cooperative local health budget for the local health department that serves the county or city, after deducting estimated self-generated local service revenues. The bill directs the Department of Health to biennially review the local matching fund amount for each county and city, determine whether such amount should be revised as a result of changes to the county's or city's revenue generation capacity, and report the results of such review and any recommendations for changes to a county's or city's local matching fund amount to the Governor and the General Assembly. (21102417D)

**SB 1125** (Obenshain) (Senate Floor) requires the Parole Board, within seven days of making any decision regarding the parole of a prisoner, to provide written or electronic notice of such decision to the victim of the crime for which the prisoner was incarcerated, unless the victim has submitted a written request to forgo such notice. (21101811D)

**SB 1273** (Deeds) (SRUL) creates the Behavioral Health Commission in the legislative branch of state government for the purpose of (i) studying and making recommendations for the improvement of behavioral health services and the behavioral health service system in the Commonwealth to encourage the adoption of policies to increase the quality and availability of and ensure access to the full continuum of high-quality, effective, and efficient behavioral health services for all persons in the Commonwealth and (ii) providing ongoing oversight of behavioral health services and the behavioral health service system in the Commonwealth, including monitoring and evaluation of established programs, services, and delivery and payment structures and implementation of new services and initiatives in the Commonwealth and development of recommendations for improving such programs, services, structures, and implementation. (21101274D)

**SB 1302** (McPike) (Senate Floor) provides that the crisis call center, which under current law is administered by the Department of Behavioral Health and Developmental Services (the Department), shall be designated as the 9-8-8 Crisis Hotline Center for purposes of participating in the National Suicide Prevention Lifeline. The bill directs the Department, in its development of the crisis call center, community care teams, and mobile crisis teams, to comply with any applicable requirements of the National Suicide Hotline Designation Act of 2020, and to provide for consistency with federal guidelines promulgated under such law. The bill increases from



\$0.75 to \$0.94 the wireless E-911 surcharge and increases from \$0.50 to \$0.63 the prepaid wireless E-911 charge. The bill provides that part of the revenue attributable to the increase would be distributed to the Crisis Call Center Fund, established by the bill, to fund the Department's costs in establishing and administering the call center, and that the remainder of the revenue would be distributed to public safety answering points (PSAPs). (21103475D-S1)

**SB 1445** (Dunnavant) (Passed Senate; Reported from HHWI) facilitates the administration of the COVID-19 vaccine. The bill requires the Department of Health (the Department) to establish a process whereby any health care provider in the Commonwealth who is qualified and available to administer the COVID-19 vaccine may volunteer to administer the vaccine to citizens of the Commonwealth and sets out which health care providers are eligible to volunteer. The bill also requires the Department to establish a process on its website whereby medical care facilities, hospitals, hospital systems, corporations, businesses, pharmacies, public and private institutions of higher education, and any other professional or community entities operating in the Commonwealth may register such entity's facilities as sites that the Commissioner of Health and the Department may jointly approve as sites where administration of the COVID-19 vaccine may occur. The bill permits a public institution of higher education or a private institution of higher education in the Commonwealth to volunteer to provide assistance to the Department and local health departments for data processing, analytics, and program development related to the COVID-19 vaccine through the use of its employees, students, technology, and facilities. The bill provides civil and criminal immunity to individuals and professional entities acting pursuant to the bill. (21103925D-H1)

### **Land Use**

**HB 1775** (Kilgore) (Passed House; SCL) adds the State Corporation Commission to the list of agencies that are exempt from paying fees for remote access to local land records. (21100750D)

**SB 1270** (Cosgrove) (Passed Senate) provides that the notice required to be sent to a landowner prior to an authorized condemnor recording a certificate of take or certificate of deposit shall state that (i) the certificate of take or certificate of deposit will be recorded between 30 and 45 days from the date of the notice and (ii) that the property will transfer to the condemnor upon recordation and that the owner has the right to petition the court for distribution of the funds represented in the certificate. (21101493D)

**SJ 289** (Mason) (SPE) allows easements on public property to be granted in perpetuity to a public body, political subdivision, or authority of the Commonwealth or to the United States of America or any of its departments or agencies. The requirement to advertise and publicly receive bids does not apply to easements conveyed to any such governmental entity. (21102069D)

### **Legislation Provided for Information**

**HB 1778** (Ward) (HCCT) provides that a locality may by ordinance require the removal of clutter from property, or may, whenever the governing body deems it necessary, after reasonable notice,

have such clutter removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected. The bill defines "clutter" as including mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate. Violations of the bill are subject to the existing civil penalty applicable to violations of provisions relating to the removal of trash, garbage, refuse, litter, and similar substances from property. (21101674D)

**HB 2147** (Herring) (HCT) renames the Division of Human Rights in the Department of Law as the Office of Civil Rights. (21102585D)

**HB 2214** (O'Quinn) (HTECH) requires the Commonwealth Broadband Chief Advisor to develop and maintain a map of private broadband provider service territories, including accurate average broadband speeds in such territories. The map shall be updated yearly and be made available to the public. (21100362D)

**SB 1298** (Bell) (Senate Floor) authorizes any locality to create a local tourism improvement district plan, consisting of fees charged to businesses and used to fund tourism promotion activities and capital improvements. Under the bill, the locality is authorized to contract with a nonprofit entity to administer the activities and improvements. (21102381D)

**SB 1390** (Lewis) (Reported from SACNR) authorizes any public or private animal shelter, releasing agency, or hospital or clinic that is operated under the immediate supervision of a duly licensed veterinarian to operate a trap, neuter, and return program, as defined in the bill. The bill exempts volunteers of such program from provisions related to abandonment and licensing of animals and exempts the operator from general requirements of shelters related to holding periods, release of animals, and recordkeeping. A person who violates certain required provisions for such a program is subject to a civil penalty not to exceed \$150 brought by any animal control officer, humane investigator, releasing agency, or the State Veterinarian or State Veterinarian's representative. (21102789D)

### **Constitutional Amendments**

**HJ 515** (Cole, M.) (HPE) adds to the Constitution of Virginia the fundamental right of parents to direct the upbringing, education, and care of their children. The amendment prohibits the Commonwealth from infringing these rights without demonstrating that the governmental interest as applied to the person is of the highest order and not otherwise served. This section shall not be construed to apply to a parental action or decision that would physically harm or end the life of the child. (21100554D)

**HJ 556** (Lopez) (HPE) establishes that it is the policy of the Commonwealth to follow the principles of environmental justice in the development, implementation, and enforcement of environmental laws, regulations, and policies and to ensure that no population, especially

minority, low-income, or historically economically disadvantaged communities, faces higher levels or greater impacts of pollution and climate change than other populations. (21101762D)

### *Marriage*

**HJ 539** (Levine) (HPE)/**SJ 270** (Ebbin) (SPE) repeals the constitutional provision defining marriage as only a union between one man and one woman, as well as the related provisions that are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015). The amendment provides that the Commonwealth and its political subdivisions and its agents are required to issue marriage licenses, recognize marriages, and treat all marriages equally under the law, regardless of the gender of the two parties to the marriage. The amendment further provides that religious organizations and clergy acting in their religious capacity have the right to refuse to perform any marriage. (21101372D, 21100202D)

**HJ 582** (Sickles) (HPE) repeals the constitutional provision defining marriage as only a union between one man and one woman as well as the related provisions that are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015). The amendment provides that the right to marry is a fundamental right inherent in the liberty of persons and requires the Commonwealth and its political subdivisions and agents to issue marriage licenses, recognize marriages, and treat all marriages equally under the law, regardless of the sex or gender of the parties to the marriage. Religious organizations and clergy acting in their religious capacity have the right to refuse to perform any marriage. (21102567D)

### *Voting*

**HJ 546** (Jones) (HPE)/**HJ 555** (Herring) (HPE) provides that no person who has been convicted of a felony shall be qualified to vote until the completion of his sentence of imprisonment or active supervision, at which time, without further action required of him, his political rights, including the right to vote, shall be restored. A person convicted of a felony may also have his civil rights restored by the Governor or other appropriate authority. (21101131D, 21102197D)

**SJ 272** (Locke) (SPE) establishes that the sole qualifications to vote in the Commonwealth are being a United States citizen, at least 18 years of age, a resident of the Commonwealth, and registered to vote in accordance with the requirements set out in the Constitution of Virginia. The amendment further provides that any person who meets those qualifications has the right to vote and that such right cannot be abridged by law. The bill lifts restrictions on qualifications to vote for those who have been convicted of a felony or adjudicated to be mentally incompetent. (21100635D)

### **Courts**

**HB 2143** (Miyares) (HCT) provides immunity to persons, as defined in the bill, from civil causes of action arising from any act or omission alleged to have resulted in the contraction of or exposure to the COVID-19 virus, provided such person has complied with applicable federal, state, and local policies, procedures, and guidance regarding COVID-19. The bill further

provides immunity to persons who design, manufacture, label, or distribute any personal protective equipment in response to the COVID-19 virus from any civil cause of action arising out of the use of such equipment. The bill contains an emergency clause, and the immunities provided by such bill expire two years after the expiration or revocation of all states of emergency declared by the Governor related to the COVID-19 pandemic. (21100670D)

**SB 1180** (Surovell) (Reported from SJUD) provides that a circuit court may enter an order joining, coordinating, consolidating, or transferring civil actions upon finding that separate civil actions brought by a plaintiff on behalf of multiple similarly situated persons involve common questions of law or fact and arise out of the same transaction, occurrence, or series of transactions or occurrences. The bill requires the Supreme Court to promulgate rules no later than November 1, 2021, governing such actions. The bill has a delayed effective date of July 1, 2022. (21102394D)

**SB 1181** (Surovell) (Passed Senate) permits the Juvenile and Domestic Relations District Court to retain jurisdiction in cases where a child has petitioned the court to make findings of fact that would allow the child to apply for or receive a state or federal benefit until such child reaches 21 years of age for the purpose of entering findings of fact or amending past orders, to include findings of fact necessary for the person to petition the federal government for status as a special immigrant juvenile. (21102430D)

### **Education/Schools**

**HB 1776** (Ward) (HAPP) requires the Board of Education to grant a two-year extension of the renewable license of any public school teacher whose license expires in 2021 in order to provide the teacher with sufficient additional time to complete the requirements for relicensure. (21101678D)

**HB 1790** (McNamara) (Passed House; SEH) provides that when severe weather conditions or other emergency situations have resulted in the closing of any school in a school division for in-person instruction, the school division may declare an unscheduled remote learning day whereby the school provides synchronous or asynchronous instruction, or some combination thereof, to all students in the school in lieu of in-person instruction without a reduction in the amount paid by the Commonwealth from the Basic School Aid Fund, provided that the school division has established an unscheduled remote learning day plan that ensures that every student is provided instruction and services on such unscheduled remote learning day that are comparable in quality to the instruction and services provided to learners on any other remote learning day. (21101395D-E)

**HB 1865** (Delaney) (Passed House; SEH) requires reading intervention services for students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education to be evidence-based and aligned with the science of reading and structured literacy approaches, both defined in the bill, and to include the components of effective reading instruction and explicit, systematic, sequential, and cumulative

instruction. The bill requires the parent of each student who receives such reading intervention services to be notified before the services begin and the progress of each such student to be monitored throughout the provision of services. The bill also requires the Department of Education, no later than the beginning of the 2021%962022 school year, to compile and provide to each local school division a list of materials, resources, and curriculum programs that are supported by the science of reading and based on instruction that is explicit, systematic, cumulative, and diagnostic, including (i) evidence-based dyslexia programs that are aligned to structured literacy or grounded in the Orton-Gillingham methodology and (ii) evidence-based reading intervention programs, including programs that are grounded in the science of reading. (21101101D-E)

**HB 1904** (Jenkins) (Passed House; SEH)/**SB 1196** (Locke) (SFIN) requires teacher, principal, and division superintendent evaluations to include an evaluation of cultural competency. The bill requires every person seeking initial licensure or renewal of a license from the Board of Education (i) to complete instruction or training in cultural competency and (ii) with an endorsement in history and social sciences to complete instruction in African American history, as prescribed by the Board. The bill also requires each school board to adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board to complete cultural competency training, in accordance with guidance issued by the Board, at least every two years. (21101996D, 21101992D)

**HB 1918** (Mugler) (Passed House) adopts measures aimed at improving student driver safety. The bill requires curriculum for tenth grade health at public schools to include instruction on the dangers of distracted driving and speeding, to be developed by the Department of Education. Finally, the bill requires that a student show proof of a valid driver's license or driver privilege card before being issued a school parking pass at a public high school and that schools use a common application for such parking passes. (21103086D-H1)

**HB 2277** (Bell) (HED) requires any child with a disability who receives special education and related services, reaches age 22 after September 30, 2020, and is scheduled to complete high school in the spring of 2021 to be given the option for an extension to attend high school for the duration of the 2021-22 school year. (21102477D)

**SB 1109** (Stanley) (SPE) provides for a statewide referendum on the question of whether the General Assembly shall issue state general obligation bonds in the amount of \$3 billion for the purpose of K-12 school building construction, repair, or other capital projects related to the modernization of school facilities. The results would be advisory only and are intended only to demonstrate the preference of the citizens of the Commonwealth on the issuance of such bonds. The bill provides that the referendum be held at the November 2021 general election. (21100844D)

**SB 1204** (Barker) (Senate Floor) provides a management agreement between the Commonwealth and George Mason University pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.). (21101124D)

**SB 1433** (Chase) (SEH) provides that, if a school operates a reduced schedule and the school offers online or virtual learning as a substitute for in-person attendance, it shall deposit a portion of unused funds resulting from the reduced schedule in a voucher account for each student, for use on programs operated by the school division or other educational options, whether public, private, or parochial. (21102770D)

### **Elections**

**HB 1921** (Price) (Passed House; SPE) clarifies that any voter with a permanent physical disability, temporary physical disability, or injury is entitled to vote outside of the polling place. The bill further provides that during a declared state of emergency related to a communicable disease of public health threat, any voter shall be entitled to vote outside of the polling place. The bill requires that the area designated for voting outside of the polling place be clearly marked and instructions on how the voter is to notify an officer of election of his request to vote outside of the polling place be prominently displayed. The bill makes technical amendments for clarity and organizational purposes. (21101908D)

**SB 1157** (Spruill) (Passed Senate) shifts all municipal elections for city and town council and school board from May to November, beginning with elections held after January 1, 2022. (21100131D)

**SB 1422** (Kiggans) (Reported from SPE) requires the State Registrar of Vital Records to transmit to the Department of Elections a weekly list of decedents from the previous week. Currently, this list is transmitted monthly. The bill requires the general registrars to use this information to conduct list maintenance and to promptly cancel the registration of a person on the list. (21102610D)

### **Emergency Operations and Services**

**HB 2085** (Askew) (Passed House; SGL) requires local and interjurisdictional agencies to include provisions in their emergency operations plans to ensure that such plans are applied equitably and that the needs of minority and vulnerable communities are met during emergencies. (21102351D)

**HJ 513** (Wilt) (HPE) limits the authority of the Governor to issue an executive order declaring a state of emergency that restricts, limits, or prohibits otherwise lawful action by a private business, nonprofit entity, or individual for a period more than 45 days in duration without approval by the General Assembly. The Governor is required to convene a special session for the purpose of the General Assembly approving the extension of such executive order beyond the forty-fifth day after its original issuance and if the General Assembly does not approve such extension, the Governor is prohibited from issuing a subsequent executive order in the same form for the same declared emergency. The General Assembly is permitted to extend the executive order to a date requested by the Governor or to a date of the General Assembly's choosing, but it shall not approve the extension to a date beyond the first full week of the next regular session of the General Assembly, unless such date is requested by the Governor. (21100688D)

**HJ 514** (Webert) (HPE) requires the Governor to convene a special session whenever declaring a state of emergency for a period that exceeds 90 days or whenever extending a state of emergency for a period that exceeds 90 days in the aggregate. (21100773D)

### **Environment and Energy**

**HB 1760** (Webert) (Passed House; SACNR) provides that an easement held pursuant to the Virginia Conservation Easement Act or the Open-Space Land Act or by the Virginia Land Conservation Foundation be liberally construed in favor of achieving the conservation purposes for which it was created. (21102392D-H1)

**SB 1199** (Petersen) (Passed Senate) provides that an easement held pursuant to the Virginia Conservation Easement Act or the Open-Space Land Act be liberally construed in favor of achieving the conservation purposes for which it was created. (21100906D-E)

**HB 1902** (Carr) (Passed House; SACNR) prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill. The bill requires certain chain restaurants to stop using such containers by July 1, 2023, and sets the date for compliance by all food vendors as July 1, 2025. The bill exempts nonprofit organizations from the definition of "food vendor" and provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of not more than \$50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. The penalties collected are to be deposited in the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. A portion of the penalties deposited in the Fund are to be used for public information campaigns to discourage the sale and use of expanded polystyrene products. Finally, the bill directs the Department of Environmental Quality to post to its website information on compliance and the filing of complaints. This bill is a reenactment of Chapter 1104 of the Acts of Assembly of 2020. (21100816D-E)

**HB 1965** (Bagby) (Reported from HAG) directs the State Air Pollution Control Board to implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. Regulations adopted by the Board to implement the program are exempt from the Administrative Process Act and shall not become effective prior to January 1, 2024. (21101651D)

**HB 2030** (Krizek) (Reported from HAG) requires a person who uses a neonicotinoid pesticide, defined in the bill, to give prior written notice at every address within one-half mile and authorizes the Board of Agriculture and Consumer Services to adopt regulations to enforce the provisions of the bill. A violation of the failure to give notice is a Class 1 misdemeanor and shall be subject to an additional fine of up to \$500,000 if death or serious physical harm to any person is caused by the violation. The bill also authorizes any locality to regulate or prohibit the distribution, possession, or sale of any neonicotinoid or other pesticide that the locality deems harmful to pollinators or to regulate or prohibit any outdoor use in an area that is zoned for residential, business, commercial, or industrial use. A person who violates such ordinance shall

be subject to a civil penalty, not to exceed \$50 for the first violation or violations arising from the same set of operative facts, and \$200 for subsequent violations within a 12-month period, but not to exceed \$3,000 within a 12-month period. (21103859D-H1)

**SB 1265** (Deeds) (SACNR) authorizes the Department of Environmental Quality to conduct inspections of the land-disturbing activities related to construction of any natural gas transmission pipeline equal to or greater than 24 inches inside diameter. Current law authorizes such inspections only if such inside diameter is greater than 36 inches. The bill also specifies certain instances that may give rise to such inspection and authorizes the Department to issue a stop work order for every work area in Virginia in the event that adverse impacts or likely adverse impacts are found on a repeated, frequent, and widespread basis. (21101609D)

**SB 1290** (Mason) (Passed Senate) establishes in the Department of Conservation and Recreation a data-driven Geographical Information Systems model to prioritize potential conservation areas across the Commonwealth that would provide quantifiable benefits to the citizens of Virginia, known as ConserveVirginia. Aspects of the program include (i) the synthesis of multiple mapped data inputs, divided into categories, each representing a different overarching conservation value, and periodic revision of such values; (ii) access to the model by the public and all state and federal agencies; and (iii) incorporation of the model into acquisition or grant decisions when appropriate. The bill requires the Virginia Land Conservation Foundation to report on the success of the program and incorporate the program into needs assessments for expenditures from the Virginia Land Conservation Fund. (21103330D-S1)

### **Firearms**

**HB 2128** (Lopez) (Passed House) increases from three business days to five business days the time provided for the Department of State Police to complete a background check before a firearm may be transferred. If a dealer who has otherwise fulfilled all requirements is told by the State Police that a response will not be available by the end of the dealer's fifth business day, the dealer may complete the sale or transfer without being deemed in violation. (21102376D)

**HB 2295** (Levine) (House Floor) makes it a Class 1 misdemeanor for a person to carry any firearm or stun weapon within (i) the Capitol of Virginia; (ii) Capitol Square and the surrounding area; (iii) any building, parking lot, or parking structure owned or leased by the Commonwealth or any agency thereof; (iv) any building owned or leased by the Commonwealth where employees of the Commonwealth perform their official duties; or (v) any building where the General Assembly meets or conducts its business. The bill provides exceptions for law-enforcement officers, court officers, authorized security personnel, and active military personnel while in the conduct of such person's official duties. The bill requires that notice of the provisions prohibiting the carrying of such weapons be posted at each of the public entrances to Capitol Square and such buildings, parking lots, and parking structures. The bill also provides that any firearm or stun weapon carried in violation of these provisions is subject to seizure by a law-enforcement officer and forfeiture to the Commonwealth. (21103671D-H2)



**SB 1250** (Deeds) (SFIN) provides that for the purposes of conducting a criminal history record information check for a firearm transfer, the term "rent" includes a temporary change in dominion or control of a firearm for use at or on the premises of a dealer's business location in exchange for money or other consideration. Under current federal law, the rental of a firearm for use on a dealer's business premises is not considered to be a sale, disposition, or delivery of the firearm; therefore, such rental would not allow for a National Instant Criminal Background Check System check to be performed. The bill would allow the Virginia State Police to conduct a Virginia state criminal history record information check instead. (21100585D)

### **Health and Human Services**

**HB 2053** (Samirah) (HCCT) directs the Department of Housing and Community Development (Department) to convene a stakeholder advisory group to evaluate the construction of internal, attached, and detached accessory dwelling units as a strategy to address the Commonwealth's growing demand for affordable and market-rate housing. The bill requires the stakeholder advisory group to report its findings and recommendations, including any legislative recommendations, to the Director of the Department, the Secretary of Commerce and Trade, the commissioners of the Virginia Housing Development Authority, and the Virginia Housing Commission no later than November 1, 2021. (21102679D)

**HB 2124** (Lopez) (House Floor) directs the Department of Medical Assistance Services to deem testing for, treatment of, and vaccination against COVID-19 to be emergency services for which payment may be made pursuant to 42 U.S.C. 1396b(v) for certain aliens not lawfully admitted for permanent residence. The bill contains an emergency clause. (21102611D)

**HB 2154** (Adams, L.) (Passed House) directs the Board of Health to amend regulations governing hospitals, nursing homes, and certified nursing facilities to require hospitals to allow a patient to access and utilize an intelligent personal assistant while receiving inpatient services. "Intelligent personal assistant" is defined in the bill as a combination of an electronic device and a specialized software application designed to assist users with basic tasks using a combination of natural language processing and artificial intelligence, including such combinations known as "digital assistants" or "virtual assistants." (21103464D-H1)

**HB 2230** (Bell) (HAPP) directs the Department of Behavioral Health and Developmental Services (the Department) to develop and implement a program to educate individuals with intellectual and developmental disabilities, their families, and others regarding the availability of supported decision-making agreements, the process by which an individual with an intellectual or developmental disability may enter into a supported decision-making agreement with a supporter, and the rights and responsibilities of principals and supporters who are parties to a supported decision-making agreement, which shall include specific training opportunities, development of model supported decision-making agreements, and development of information about and protocols for preventing, identifying, and addressing abuse and exploitation of individuals with intellectual and developmental disabilities who enter into supported decision-making agreements. The bill directs the Department to collect data regarding the utilization of supported decision-making agreements in the Commonwealth and report such information,

together with recommendations to enhance the utilization of supported decision-making agreements, annually to the Governor and the General Assembly by November 1. (21101478D)

### **Land Use**

**HB 2054** (Samirah) (Passed House) adds reducing, modifying, or waiving local parking requirements or ratios to the strategies that may be included when certain larger localities consider incorporating strategies to promote transit-oriented development in reviews of their comprehensive plans. The bill removes from the existing strategy of increasing development density in certain areas to reduce density in others the phrase "to reduce density in others." (21101042D)

**SB 1143** (Cosgrove) (Reported from SACNR) retroactively extends until January 1, 2022, certain wetlands permits set to expire between March 1, 2020, and July 1, 2021. (21101885D)

### **Public Safety/Criminal Justice**

**HB 1779** (Carter) (HCT) abolishes the death penalty, including for those persons currently under a death sentence. (21100705D)

**SB 1165** (Surovell) (Senate Floor) abolishes the death penalty, including for those persons currently under a death sentence. (21103081D-S1)

**HB 1821** (Bulova) (Passed House; SJUD) prohibits the arrest or prosecution of an individual for the unlawful purchase, possession, or consumption of alcohol, possession of a controlled substance, possession of marijuana, intoxication in public, or possession of controlled paraphernalia if (i) such individual, in good faith, renders emergency care or assistance, including cardiopulmonary resuscitation (CPR) or the administration of naloxone or other opioid antagonist for overdose reversal, to an individual experiencing an overdose while another individual seeks or obtains emergency medical attention; (ii) such individual remains at the scene of the overdose or at any location to which he or the individual requiring emergency medical attention has been transported; (iii) such individual identifies himself to the law-enforcement officer who responds; and (iv) the evidence for a prosecution of one of the enumerated offenses would have been obtained only as a result of the individual's rendering emergency care or assistance. Current law prohibits arrest or prosecution for such offenses only to an individual who seeks or obtains emergency medical attention for himself or another individual or who is experiencing an overdose when another individual seeks or obtains emergency medical attention for him. (21102028D-E)

**HB 1894** (Kory) (Passed House; SEH) authorizes employees of the Department of Juvenile Justice designated as probation and parole officers or as juvenile correctional officers to possess and administer naloxone or other opioid antagonist for overdose reversal pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice. (21101928D)

**HB 1909** (Subramanyam) (Passed House) permits any school board to deem any non-school zone property that it owns or leases as a gun-free zone and prohibit any individual from knowingly possessing any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such individual is upon such property, except certain individuals such as law-enforcement officers and qualified retired law-enforcement officers. (21103262D-H1)

**HB 1948** (Levine) (Passed House; SJUD) requires any law-enforcement officer on duty who witnesses another person suffering from a serious bodily injury or a life-threatening condition to render aid and makes it a duty to report acts of wrongdoing, defined in the bill and including bias-based profiling, committed by another law-enforcement officer on duty. Any law-enforcement officer who fails to render such aid or report such wrongdoing committed by another law-enforcement officer shall be subject to disciplinary action, including dismissal, demotion, suspension, or transfer of the law-enforcement officer. The bill also expands the definition of "bias-based profiling," a practice banned for sheriffs, deputy sheriffs, other local law-enforcement officers, and State Police officers in the performance of their official duties, to include sexual orientation and gender identity. (21102665D)

**HB 1951** (Simon) (Passed House; SJUD) abolishes the common-law crime of suicide. Suicide is currently a common-law crime in Virginia, although there is no statutorily prescribed punishment. (21100986D)

**HB 1990** (Aird) (HAPP) provides that the Chair of the House Committee for Courts of Justice or the Chair of the Senate Committee on the Judiciary may request the Joint Legislative Audit and Review Commission (JLARC) to review and prepare a racial and ethnic impact statement for a proposed criminal justice bill to outline its potential impact on racial and ethnic disparities within the Commonwealth. The bill requires JLARC to provide copies of the impact statement to the requesting chair and the patron of the proposed bill. No more than three racial and ethnic impact statements may be requested by the Chair of the House Committee for Courts of Justice and no more than two racial and ethnic impact statements may be requested by the Chair of the Senate Committee on the Judiciary for completion during a single regular session of the General Assembly. (21101711D)

**HB 2132** (Roem) (HCT) provides that the discovery of, perception of, or belief about another person's actual or perceived sex, gender, gender identity, or sexual orientation, whether or not accurate, is not a defense to any charge of capital murder, murder in the first degree, murder in the second degree, voluntary manslaughter, or assault and bodily wounding-related crimes and is not provocation negating malice as an element of murder. (21102483D)

**HB 2303** (Hudson) (HCT) reduces the penalty for possession of a Schedule I or II controlled substance from a Class 5 felony to a Class 1 misdemeanor and the penalty for possession of a Schedule IV or V controlled substance from a Class 2 misdemeanor and a Class 3 misdemeanor, respectively, to a Class 4 misdemeanor. Consequently, the bill removes felony violations of possession of a controlled substance from the definition of barrier crime related to criminal history checks for eligibility for various types of employment, to volunteer or provide certain

services, or to establish or operate certain types of regulated businesses. The bill also limits the previous convictions that make a person ineligible for disposition under the first offender statute to a previous conviction for possession of a controlled substance or manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance. Under current law, a previous conviction for any drug-related criminal offense, or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs makes a person ineligible for such disposition. The bill also amends the required conditions of probation under the first offender statute. The bill changes the penalty for an attempt to commit a felony drug offense from imprisonment for not less than one nor more than 10 years to a Class 6 felony and removes the felony offenses for a prisoner to secrete or have in his possession any chemical compound that he has not lawfully received, any Schedule III controlled substance, or marijuana. The bill makes secreting or possessing a controlled substance or marijuana by a prisoner punishable the same as possession of such controlled substances or marijuana by a person who is not in prison. Lastly, the bill provides that the definition of "controlled substance" for purposes of the Drug Control Act shall not include mere residue of any drug, substance, or immediate precursor in Schedules I through VI that is not a weighable quantity or a countable dosage unit. The bill contains technical amendments. (21102869D)

**SB 1138** (Locke) (SJUD) repeals the crime of infected sexual battery. The bill also repeals the crime of donating or selling blood, body fluids, organs, and tissues by persons infected with human immunodeficiency virus and the provisions regarding the testing of certain persons for human immunodeficiency virus or hepatitis B or C viruses. The bill contains technical amendments. (21101066D)

**SB 1461** (Lewis) (SFIN) provides that any person who (i) offers, confers, or agrees to confer upon another any pecuniary benefit as consideration for the recipient to act in the unlawful delivery of items or contraband to prisoners or (ii) receives any pecuniary benefit or other consideration to act in in the unlawful delivery of items or contraband to prisoners shall be guilty of bribery, punishable as a Class 4 felony. The bill also provides that any law-enforcement officer, jail officer, or correctional officer who violates the provisions of the bill shall be decertified and shall be forever ineligible for reemployment as a law-enforcement officer, jail officer, or correctional officer in the Commonwealth. (21102737D)

### **Transportation**

**HB 1832** (Subramanyam) (Reported from HTRAN) requires any application for a transfer, extension, or amendment of a certificate of authority issued under the Virginia Highway Corporation Act to include information demonstrating the financial fitness of the entity applying to operate the roadway. The bill requires an applicant for a toll increase to provide a forward-looking analysis return that will be reviewed by the Department of Transportation that demonstrates that the proposed rates will be reasonable to the user in relation to the benefit obtained, not likely to materially discourage use of the roadway, and provide the operator no more than a reasonable return. The bill also prohibits the State Corporation Commission from authorizing a toll increase if these criteria are not met or if the proposed increase is for more than

one year. The bill requires an operator to receive approval from the Commission prior to refinancing any existing debt. (21103413D-H1)

**SB 1259** (Bell) (STRAN) requires any application for a transfer, extension, or amendment of a certificate of authority issued under the Virginia Highway Corporation Act to include information demonstrating the financial fitness of the entity applying to operate the roadway. The bill requires an applicant for a toll increase to provide a forward-looking analysis return that will be reviewed by the Department of Transportation that demonstrates that the proposed rates will be reasonable to the user in relation to the benefit obtained, not likely to materially discourage use of the roadway, and provide the operator no more than a reasonable return. The bill also prohibits the State Corporation Commission from authorizing a toll increase if these criteria are not met or if the proposed increase is for more than one year. The bill requires an operator to receive approval from the Commission prior to refinancing any existing debt. (21101430D)

**HB 1854** (Sullivan) (House Floor) authorizes the board of any locality that has adopted the county manager plan of government (Arlington County) to name any section of U.S. Route 29 located within the boundaries of the locality. The bill provides that the Department of Transportation will place and maintain appropriate signs that will be paid for by the locality. (21100987D)

**HB 2075** (Cole, J.) (HAPP) renames any section of U.S. Route 1 in Virginia that is designated as "Jefferson Davis Highway" to "Loving Memorial Highway." (21102542D)

**HB 2318** (Roem) (Reported from HTRAN) authorizes localities by ordinance to require motor vehicle dealers in the locality to notify a buyer or potential buyer that test driving a motor vehicle in a residence district that has been designated for increased fines is prohibited, unless the buyer or potential driver is driving to or from his residence. The bill requires the locality to notify licensed motor vehicle dealers located within the locality of the enactment of such ordinance and send a copy of such notification to the Motor Vehicle Dealer Board. The bill authorizes the locality to notify the Board if a buyer or potential buyer is convicted of a traffic infraction while conducting a test drive in a prohibited location. The bill provides that the Board may determine if the proper notice was given and impose a civil penalty if such notice was not given. (21102891D)

### **Legislative Committee Actions of February 5, 2021:**

Members Present: Legislative Chairman Walkinshaw  
Chairman McKay  
Supervisor Alcorn  
Supervisor Foust  
Supervisor Gross  
Supervisor Lusk  
Supervisor Palchik  
Supervisor Smith  
Supervisor Storck

### **Specific Issues**

Expungement in the Courts Presentation: The Committee received copies of a presentation on expungement in courts from Kristi S. Wright, Director, Legislative and Public Relations, Office of the Executive Secretary, Supreme Court of Virginia, to the General Government and Public Safety Subcommittees of the Senate Finance and Appropriations Committee. See handout on “Supplementary Documents,” pages 56-62.

### **Priority Principles for Reviewing Legislation**

- 1. Adequately fund K-12 education.**
- 2. Restore funding to the Northern Virginia Transportation Authority (NVTa) in an amount equal to what was diverted, to ensure that transportation projects continue to advance in Northern Virginia after decades of state underfunding.**
- 3. Build upon the successful enactment of significant transportation revenues by the 2013 and 2020 GAs to ensure sufficient funding for transportation needs.**
- 4. Restore the funding partnership between the state and localities through adequate state funding.**
- 5. Preserve local government authority, particularly in taxation and land use; allow greater flexibility in the administration of government.**

### **Specific Legislation**

Fairfax County Legislative Summary: The Committee discussed the status of legislation on which the Committee had previously taken positions and discussed changing the position on one bill. The Committee’s positions on these bills are noted in the attached tracking chart (see “Supplementary Documents,” on pages 1-52).

### **New Bills – 2021 GA**

**HB 1778** (Ward) (Passed House; SLG) provides that a locality may by ordinance require the removal of clutter from property, or may, whenever the governing body deems it necessary, after reasonable notice, have such clutter removed by its own agents or employees, in which event the

cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected. The bill defines "clutter" as including mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate. Violations of the bill are subject to the existing civil penalty applicable to violations of provisions relating to the removal of trash, garbage, refuse, litter, and similar substances from property. Monitor. (21101674D)

### **Environment and Energy**

**SB 1284** (Favola) (Senate Floor) establishes the Commonwealth Clean Energy Policy, replacing the Commonwealth Energy Policy. The bill sets out the energy policy and objectives of the Commonwealth Clean Energy Policy, which include: (i) the Commonwealth recognizes that effectively addressing climate change and enhancing resilience will advance the health, welfare, and safety of the residents of the Commonwealth and that addressing climate change requires reducing greenhouse gas emissions across the Commonwealth's economy sufficient to reach net-zero emission by 2045 in all sectors, including the electric power, transportation, industrial, agricultural, building, and infrastructure sectors; (ii) the Commonwealth recognizes the need to promote environmental justice and ensure that it is carried out throughout the Commonwealth and the need to address and prevent energy inequities in historically economically disadvantaged communities; and (iii) the Commonwealth must continue to prioritize economic competitiveness and workforce development in an equitable manner. Support. (21103831D-S1)

### **Health and Human Services**

**HB 1962** (Gooditis) (Passed House; SRSS) requires local departments of social services and licensed child-placing agencies to involve in the development of a child's foster care plan the child's relatives and fictive kin who are interested in the child's welfare. The bill requires that a child 12 years of age or older be involved in the development of his foster care plan; under current law, a child's involvement is mandatory upon reaching 14 years of age. The bill contains other amendments to provisions governing foster care and termination of parental rights that encourage the placement of children with relatives and fictive kin. Support. (21103967D-H1)

**HB 2206** (Filler-Corn) (Passed House; SEH) creates the COVID-19 Child Care Assistance Program (the Program) to provide financial assistance for child care to families in need during the public health emergency caused by COVID-19. The bill directs the Department of Education (the Department) to administer the Program and to create a process through which applicants may apply online to participate in the Program. The bill provides that after a Program participant has selected an eligible child care provider, the Department shall issue a voucher, for full-time or part-time care, directly to the provider and provide notice of the amount of the voucher to the Program participant. The bill provides that an applicant shall be eligible to participate in the Program if the applicant's household income is at or below 100 percent of the state median income or regional median income and the applicant's child for whom a voucher will be issued is 13 years of age or younger. The bill contains an emergency clause and will sunset on the last day of the sixth month after its passage. Support. (21103864D-H1)

## **Legislation Provided for Discussion**

**HB 2191** (Leftwich) (Passed House; SRSS) provides that a local department of social services shall, upon request of the legal guardian or custodian of a child, disclose to such legal guardian or custodian the location of the child when the child is in the custody of another legal guardian or custodian, unless the local department finds that such disclosure would compromise the safety of the child or the legal guardian or custodian. Monitor. (21103371D-EH1)

**HB 2227** (Kory) (House Floor) requires the Board of Housing and Community Development to adopt amendments to the Uniform Statewide Building Code within one year of publication of a new version of the International Code Council's International Energy Conservation Code (IECC) to address changes related to energy efficiency and conservation. The bill requires the Board to adopt Building Code standards that are at least as stringent as those contained in the new version of the IECC. Support. Support as a step toward increasing green construction, which the County supports in its legislative program. (21104318D-H1)

**SB 1224** (Boysko) (SGL) requires the Board of Housing and Community Development to adopt amendments to the Uniform Statewide Building Code within one year of publication of a new version of the International Code Council's International Energy Conservation Code (IECC) to address changes related to energy efficiency and conservation. The bill requires the Board to adopt Building Code standards that are at least as stringent as those contained in the new version of the IECC. (21101752D)

**HJ 556** (Lopez) (HPE) establishes that it is the policy of the Commonwealth to follow the principles of environmental justice in the development, implementation, and enforcement of environmental laws, regulations, and policies and to ensure that no population, especially minority, low-income, or historically economically disadvantaged communities, faces higher levels or greater impacts of pollution and climate change than other populations. Monitor. Support concept of environmental justice; maintaining local authority to develop innovative approaches is essential. (21101762D)

## **Legislation Requiring Further Review**

### **Courts**

**HB 1878** (Jenkins) (Passed House; SJUD) limits the ability to appeal a decision by an intake officer not to authorize a petition relating to an offense that, if committed by an adult, would be punishable as a Class 1 misdemeanor or felony, when the decision is based solely upon a finding of no probable cause. The bill requires the application for a warrant to the magistrate to be filed within 10 days of the issuance of the written notification from the intake officer to the complainant of the refusal to authorize a petition. The bill also provides that such written notification shall indicate that the intake officer made a finding that no probable cause exists and provide notice that the complainant has 10 days to apply for a warrant to the magistrate. The bill requires the complainant to provide the magistrate with a copy of the written notification upon



application to the magistrate. The bill also specifies that if an intake officer finds (i) probable cause and (ii) that the matter is appropriate for diversion, this decision is final, and the complainant shall not have the right to appeal the decision to a magistrate. (21101948D-E)

**HB 1895** (Hudson) (Passed House; SJUD) provides that no interest shall accrue on any fine or costs imposed in a criminal case or in a case involving a traffic infraction (i) for a period of 180 days following the date of the final judgment imposing such fine or costs; (ii) during any period the defendant is incarcerated; and (iii) for a period of 180 days following the date of the defendant's release from incarceration if the sentence includes an active term of incarceration. Current law prohibits interest from accruing on such fines or costs for a period of 40 days from the date of the final judgement imposing such fine or costs or during any period the defendant is incarcerated. The bill also removes the requirement that a defendant be unable to make payment of a fine, restitution, forfeiture, or penalty and costs within 30 days of sentencing in order to be eligible to enter into a deferred or installment payment agreement and allows any defendant to enter such payment agreements. The bill removes the one-time fee not to exceed \$10 that a court may assess when a defendant is unable to make payment within 90 days of sentencing and provides that no fee shall be assessed in connection with a defendant's participation in a deferred or installment payment agreement. The bill removes the requirement that a defendant make a down payment upon entering a deferred, modified deferred, or installment payment agreement. (21102438D-E)

**SB 1261** (Edwards) (Senate Floor) expands the jurisdiction of the Court of Appeals of Virginia by providing for an appeal of right in every civil case and provides that the granting of further appeal to the Supreme Court of Virginia shall be within the discretion of the Supreme Court. The bill provides for an appeal of right in criminal cases by a defendant, but leaves unchanged the current requirement that in criminal cases the Commonwealth must petition the Court of Appeals for granting of an appeal. The bill increases from 11 to 17 the number of judges on the Court of Appeals. The bill also (i) provides jurisdiction to the Court of Appeals over interlocutory appeals and petitions for review of injunctions; (ii) allows for oral arguments to be dispensed with if the panel of judges makes a unanimous decision that the appeal is frivolous or that the dispositive issues on appeal have already been authoritatively decided; (iii) creates a process by which the Attorney General will be notified of any criminal appeal and has the opportunity to intervene as counsel of record by filing a notice of appearance, and allows the Commonwealth's attorney to be counsel of record provided the Attorney General has not filed such notice of appearance; (iv) eliminates the requirement for an appeal bond in criminal appeals; (v) requires the clerk of the circuit court to prepare a transcript of any trial for which an appeal is noticed to him; and (vi) requires an expedited review of appeals of permanent protective orders and of bond validation proceedings. (21103599D-S1)

## **Elections**

**HB 2278** (Davis) (HPE) adds political party affiliation to the information that an applicant is asked to provide when registering to vote. The political party affiliation or independent status selected by the voter is included in his registration record, and the bill permits voters to change political party affiliation by providing notice in writing or through electronic means authorized by the State Board of Election. The bill provides that only voters who are registered as affiliated with a political party, or who are designated as independent, are permitted to vote in that political party's primary election. Voters who are registered on or before January 1, 2022, will be designated as independent, and the general registrars are required to notify the voters of such fact and include instructions on how the voter may change his affiliation beginning January 1, 2022. The bill has a delayed effective date of January 1, 2022. (21102536D)

## **Employment Issues and Grievances**

**HB 1862** (Helmer) (Passed House; SCL) prohibits an employer from discharging, disciplining, or discriminating against an employee for such employee's lawful use of cannabis oil pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease. The bill provides that such prohibition does not (i) restrict an employer's ability to take any adverse employment action for any work impairment or to prohibit possession during work hours or (ii) require an employer to commit any act that would cause the employer to be in violation of federal law or that would result in the loss of a federal contract or federal funding. (21101426D-E)

**HB 2040** (Hudson) (House Floor) provides that an employer shall be deemed to have established a pattern of failing to respond timely or adequately to written requests for information relating to claims if the Virginia Employment Commission determines that the employer has failed to respond timely or adequately to a written request for information relating to a claim on two or more occasions within a 48-month window and requires such employer to pay a penalty upon his second such failure to respond timely or adequately. Under current law, such pattern is established after four failures, and the penalty is assessed after the third failure. The bill provides that if an employer fails to respond timely or adequately to a written request by the Commission for information relating to a claim, the employer forfeits any appeal rights to that claim. The bill provides that when a claimant has begun receiving unemployment benefits, such benefits shall continue to be paid under a presumption of continuing entitlement unless or until a deputy determines, in a process providing notice and opportunity to be heard to the claimant, that the claimant is ineligible or disqualified. The bill provides that an individual who receives an overpayment of unemployment benefits is not liable to repay the overpayments to the Commission if the Commission determines that (i) the overpayment was not due to fraud, misrepresentation, or willful nondisclosure on the part of the recipient and its recovery would be against equity and good conscience; (ii) the overpayment was a direct result of inducement, solicitation, or coercion on the part of the employer; or (iii) the overpayment occurred due to administrative error. The bill requires the Commission to waive an overpayment of benefits under a federal unemployment benefit program if the program authorizes the waiver. The bill provides that any person who receives an overpayment of benefits is not required to repay such

overpayment if the Commission determines that the overpayment was made because the employer failed to respond timely or adequately to a written request by the Commission for information relating to the claim. Finally, the bill prohibits a determination with respect to benefit overpayments to be issued until after a determination or decision that finds a claimant ineligible or disqualified for benefits previously paid has become final. (21104300D-H2)

#### *Paid Family and Medical Leave*

**HB 2137** (Guzman) (Passed House) requires employers to provide certain employees paid sick leave. An employee is eligible for paid sick leave under the bill if the employee is an essential worker and works on average at least 20 hours per week or 90 hours per month. The bill provides for an employee to earn at least one hour of paid sick leave benefit for every 30 hours worked. An employee shall not use more than 40 hours of earned paid sick leave in a year, unless the employer selects a higher limit. The bill provides that earned paid sick leave may be used for (i) an employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care or (ii) care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care of a family member who needs preventive medical care. The bill prohibits employers from taking certain retaliatory actions against employees related to leave. The bill provides for a hardship waiver for employers that demonstrate that providing paid sick leave threatens the financial viability of the employer, jeopardizes the ability of the employer to sustain operations, significantly degrades the quality of the employer's business operations, or creates a significant negative financial impact on the employer. The bill requires the Commissioner of Labor and Industry to promulgate regulations that (a) identify workers as essential based on the categories listed in the bill; (b) include reasonable requirements for recordkeeping, confidentiality, and notifying employees of their rights under provisions of the bill; (c) establish complaint, investigation, and enforcement procedures that include fines, not to exceed \$500, for violations of provisions of the bill; (d) establish requirements for compensation and accrual of paid sick leave for employees employed and compensated on a fee-for-service basis; and (e) include procedures and requirements for an employer to qualify for a hardship waiver. (21101625D-E)

#### *Workers' Compensation*

**HB 1985** (Hurst) (Passed House; SCL) establishes a presumption that COVID-19 causing the death or disability of health care providers who as part of the provider's employment are directly involved in diagnosing or treating persons known or suspected to have COVID-19 is an occupational disease compensable under the Workers' Compensation Act. The provisions of the bill will be effective retroactive to January 1, 2020. (21103301D-EH1)

**HB 2207** (Jones) (Passed House) establishes a presumption that COVID-19 causing the death or disability of firefighters, emergency medical services personnel, law-enforcement officers, and correctional officers is an occupational disease compensable under the Workers' Compensation Act. The bill provides that the COVID-19 virus is established by a positive diagnostic test for

COVID-19, an incubation period consistent with COVID-19, and signs and symptoms of COVID-19 that require medical treatment. The bill provides that such presumption applies to any death or disability occurring on or after March 12, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after March 12, 2020, and prior to December 31, 2021, the claimant received a diagnosis of COVID-19 from a licensed physician, after either a presumptive positive test or a laboratory confirmed test for COVID-19, and presented with signs and symptoms of COVID-19 that required medical treatment. (21100861D)

**SB 1375** (Saslaw) (Passed Senate) establishes a presumption that COVID-19 causing the death or disability of firefighters and emergency medical services personnel is an occupational disease compensable under the Workers' Compensation Act. The provisions of the bill will be effective retroactive to March 1, 2020. (21104340D-S1)

### **Environment**

**HB 1937** (Rasoul) (HLC) establishes a moratorium, effective January 1, 2022, on approval by any state agency or political subdivision of any approval required for (i) electric generating facilities that generate fossil fuel energy through the combustion of a fossil fuel resource; (ii) import or export terminals for fossil fuel resources; (iii) certain maintenance activities relating to an import or export terminal for a fossil fuel resource; (iv) gathering lines or pipelines for the transport of any fossil fuel resource that require the use of eminent domain on private property; (v) certain maintenance activities relating to such gathering lines or pipelines; (vi) refineries of a fossil fuel resource; and (vii) exploration for any type of fossil fuel, unless preempted by applicable federal law. The measure also requires that at least 80 percent of the electricity sold by a retail electric supplier in calendar years 2028 through 2035 be generated from clean energy resources. In calendar year 2036 and every calendar year thereafter, 100 percent of the electricity sold by a retail electric supplier is required to be generated from clean energy resources. The clean energy mandates apply to a public utility or other person that sells not less than 1,000 megawatt hours of electric energy to retail customers or generates not less than 1,000 megawatt hours of electric energy for use by the person. The Director of the Department of Mines, Minerals and Energy is authorized to bring actions for injunctions to enforce these requirements. The measure requires the Department to adopt a Climate Action Plan that addresses all aspects of climate change, including mitigation, adaptation, resiliency, and assistance in the transition from current energy sources to clean renewable energy. The measure provides that any retail electric supplier that fails to meet any goal or benchmark is liable for a civil penalty equal to twice the cost of the financial investment necessary to meet such goal or mandate that was not achieved, or three times the cost of the financial investment necessary to meet such goal or benchmark that was not achieved if not met in an environmental justice community. (21100436D)

**HB 1983** (Bulova) (Passed House; SACNR) provides that when a water protection permit applicant is required to purchase wetland or stream mitigation bank credits but no credits are available (i) in any mitigation provider's primary service area or (ii) at a cost of less than 200 percent of the price of credits available from a fund dedicated to achieving no net loss of wetland acreage and functions, the applicant may purchase or use credits from a mitigation provider's

secondary service area. The bill provides certain requirements that the permit applicant must comply with in order to purchase or use such credits from a secondary service area, including minimum tree canopy requirements. (21102632D-E)

### **Health and Human Services**

**HB 2061** (Willett) (Passed House; SEH) requires any health care provider in the Commonwealth that administers immunizations to participate in the Virginia Immunization Information System (VIIS) and report patient immunization history and information to VIIS. Under current law, participation in VIIS is optional for authorized health care entities. The bill has a delayed effective date of January 1, 2022. (21102411D)

**HB 2212** (Plum) (Passed House; SRSS) requires the director of the Office of Children's Services to provide for the effective implementation of the Children's Services Act (§ 2.2-5200 et seq.) in all localities by (i) regularly monitoring local performance measures and child and family outcomes; (ii) using audit, performance, and outcomes data to identify local programs that need technical assistance; and (iii) working with local programs that are consistently underperforming to develop a corrective action plan for submission to the Office and the State Executive Council for Children's Services. (21101765D)

### **Housing**

**HB 2046** (Bourne) (Passed House; SGL) prohibits any locality, its employees, or its appointed commissions from discriminating (i) in the application of local land use ordinances or guidelines, or in the permitting of housing developments, on the basis of race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, status as a veteran, or disability; (ii) in the permitting of housing developments because the housing development contains or is expected to contain affordable housing units occupied or intended for occupancy by families or individuals with incomes at or below 80 percent of the median income of the area where the housing development is located or is proposed to be located; or (iii) by prohibiting or imposing conditions upon the rental or sale of dwelling units, provided that the provisions of this subsection shall not be construed to prohibit ordinances related to short-term rentals. The bill provides that it shall not be a violation of the Virginia Fair Housing Law if land use decisions or decisions relating to the permitting of housing developments are based upon considerations of limiting high concentrations of affordable housing. The bill also requires the Fair Housing Board, after determining the existence of an unlawful discriminatory housing practice and after consultation with the Attorney General, to immediately refer the matter to the Attorney General for civil action. (21103489D-H1)

### **Public Safety/Criminal Justice**

**HB 1941** (Rasoul) (HAPP) requires that, whenever a law-enforcement officer (i) discharges a firearm or (ii) uses a stun weapon or chemical irritant on a person resulting in death or serious bodily injury, any video or audio recording that relates to such incident produced or obtained by a law-enforcement officer be open to inspection and available for release and posted on a website

that is maintained by the law-enforcement agency or on any other website on which the law-enforcement agency generally posts information and that is available to the public or that clearly describes how the public may access such data within 15 days of producing or obtaining such video or audio recording. The bill includes exceptions to such release. The bill also provides that any person denied the rights and privileges conferred may proceed to enforce such rights and privileges by filing a petition for mandamus or injunction pursuant to the Virginia Freedom of Information Act. (21100443D)

**HB 2099** (Coyner) (Passed House; SJUD) reduces from 20 years to 10 years from the date of a judgment the period of time within which an execution may be issued or action may be taken on such judgment. The bill provides that the limitation of the enforcement of a judgment may be extended by a recordation of a certificate prior to the expiration period in the clerk's office in which a judgment lien is recorded. The bill provides that such recordation shall extend the limitations period for 10 years from the date of such recordation. Under current law, such limitation period may be extended on motion of the judgment creditor or his assignee. The bill allows a settlement agent or title insurance company to release a judgment lien, in addition to a deed of trust as provided under current law, provided that the obligation secured by such judgment lien has been satisfied by payment made by the settlement agent and whether or not the settlement agent or title insurance company is named as a trustee under such lien or received authority to release such lien. The bill has a delayed effective date of January 1, 2022. (21103747D-H3)

**HB 2151** (Adams, L.) (HCT) provides an exception to the requirement that a search warrant be executed only in the daytime if, prior to the issuance of the search warrant, law-enforcement officers lawfully entered and secured the place to be searched and subsequently have remained at such place continuously. The bill provides that such search warrant may be executed at any time of day without authorization from a judge or magistrate. The bill also allows a law-enforcement officer to seek authorization from a magistrate to execute a search warrant at a time other than daytime without first having to make reasonable efforts to locate a judge if such search warrant was issued after 5 p.m. (21101873D)

**SB 1306** (Morrissey) (Passed Senate) eliminates the mandatory minimum term of confinement of six months for an assault and battery committed against a judge, magistrate, law-enforcement officer, correctional officer, person directly involved in the care, treatment, or supervision of inmates, firefighter or volunteer firefighter, or emergency medical services personnel. The bill removes simple assault from enhanced punishment and provides that the enhanced punishment applies for assault and battery only when it results in bodily injury. The bill also provides that a jury or the court may find any person charged with such offense where the degree of culpability is slight, due to diminished physical or mental capacity or an autism spectrum disorder, not guilty of such offense but guilty of a simple assault or assault and battery, punishable as a Class 1 misdemeanor. The bill also provides that before any arrest, indictment, or service of a petition in the case of a juvenile is made for an alleged assault and battery against a law-enforcement officer, (i) such alleged assault and battery shall be investigated by another law-enforcement officer who was not the subject of such alleged assault and battery and (ii) the arrest, indictment, or service of a petition shall be approved by the attorney for the Commonwealth. (21103079D-ES1)

**SB 1468** (Surovell) (Passed Senate) establishes a process for a state or local law-enforcement agency, an attorney for the Commonwealth, the Attorney General, or any other agency or department employing law-enforcement officers to complete a certification form or statement that is required by federal immigration law certifying that a person is a victim of qualifying criminal activity. (21103854D-S1)

**SB 1475** (Stuart) (Passed Senate) provides that a search warrant may be executed at any time when prior to the issuance of the search warrant, a law enforcement officer has lawfully entered and secured the place to be searched and subsequently have remained at such place continuously or when the item to be searched already is in law enforcement possession or control. The bill also provides that any evidence obtained from a search warrant will not be excluded unless the search warrant is executed in bad faith or if it is proven that the rights of the defendant were substantially prejudiced. The bill also exempts search warrants served by means of electronic or telecommunication transmission from the no knock search warrant provisions. (21104245D-S1)

### **Transportation**

**HB 2163** (Tran) (Passed House; STRAN) limits the release of Department of Motor Vehicles (DMV) privileged information to government entities and law-enforcement agencies for the purpose of civil immigration enforcement unless (i) the subject of the information provides consent or (ii) the requesting agency presents a lawful judicial order, judicial subpoena, or judicial warrant. The bill requires the DMV to notify the subject of the request that such a request was made and the identity of the entity that made the request. The bill requires any entity receiving privileged information from the DMV to enter into a written agreement with the DMV prior to such release of such information and prohibits any entity from rereleasing any such DMV information to any third party unless explicitly permitted to do so in the entity's agreement with the DMV. The bill contains requirements for any such written agreement between the DMV and the Department of State Police. (21103639D-H1)

## **“Watch List”/May Have State Revenue/Policy Implications**

### **Courts/Public Safety**

**HB 1806** (Kilgore) (Passed House; SJUD) provides that if a motion to suspend or otherwise modify a person's sentence is filed with the court that heard the case at any time before the person is transferred to the Department of Corrections (the Department), the court may enter an order to retain jurisdiction over the matter for up to 60 days in order to consider and rule on such motion. If the court enters such order, the transfer of the person to the Department shall not affect the jurisdiction of the court under the terms of the order. Upon entry of an order to retain jurisdiction, the clerk of the court shall forthwith forward an attested copy of the order to the Department. (21101785D)

**HB 2017** (Mullin) (Passed House; SJUD) authorizes any jurisdiction to establish a youth justice diversion program, defined in the bill as a diversionary program that (i) is monitored by a local

youth justice diversion program advisory committee; (ii) uses juvenile volunteers as lawyers, jurors, and other court personnel; (iii) uses volunteer attorneys as judges; (iv) conducts peer trials, subject to the juvenile and domestic relations court's jurisdiction, of juveniles who are referred to the program by an intake officer; and (v) imposes various sentences emphasizing restitution, rehabilitation, accountability, competency building, and education, but not incarceration. The bill provides that a jurisdiction may establish a youth justice diversion program upon establishment of a local youth justice diversion program advisory committee and approval of the program by the chief judge of the juvenile and domestic relations court that serves such jurisdiction. The bill requires each local youth justice diversion program advisory committee to establish criteria for the eligibility and participation of juveniles alleged to have committed a delinquent act other than an act that would be a felony or a Class 1 misdemeanor if committed by an adult, with the consent of the juvenile's parent or legal guardian, and to establish policies and procedures for the operation of such program. The bill provides that whenever an intake officer takes informal action on a complaint alleging that a child committed a delinquent act other than an act that would be a felony or a Class 1 misdemeanor if committed by an adult, the intake officer may refer the juvenile to a youth justice diversion program. The bill also adds provisions that the Department of Juvenile Justice shall develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of youth justice diversion programs and report these evaluations to the General Assembly by December 1 of each year. (21102998D-H1)

**HB 2029** (Krizek) (Passed House; SGL) prohibits the burning by any person, local government, or agency of the Commonwealth of Class A fuel materials that contain oriented strand board, defined in the bill, during fire training activities. (21102658D-E)

**HB 2031** (Aird) (Passed House; SGL) allows a locality or a public institution of higher education to authorize a local law-enforcement agency or campus police department to purchase or deploy facial recognition technology, which is defined in the bill. The bill prohibits a local law-enforcement agency or public institution of higher education currently using facial recognition technology from continuing to use such technology without such authorization after July 1, 2021. (21101718D-E)

**HB 2073** (Convriss-Fowler) (Passed House; SJUD) provides that, in a civil action for the wrongful death of an injured person, such an action may be brought by a personal representative of a decedent within two years after the death of the person or, if applicable, within two years of the conclusion of a criminal investigation by law enforcement of such death, whichever is longer. Under current law, a wrongful death action must be brought within two years of the death of the decedent. The bill contains an emergency clause. (21103581D-H1)

**HB 2168** (Scott) (Passed House; SJUD) provides that any person who conducts, finances, manages, supervises, directs, or owns a gambling device that is located in an unregulated location is subject to a civil penalty of \$25,000. The bill provides that the Attorney General, an attorney for the Commonwealth, or the attorney for any locality may cause an action in equity to be brought in the name of the Commonwealth or of the locality, as applicable, to enjoin the operation of a gambling device in violation of this section and may request attachment against



all such devices and any moneys within such devices. The bill provides that any civil penalties brought in the name of the Commonwealth shall be paid into the Literary Fund and that any civil penalties brought in the name of a locality shall be paid into the general fund of the locality. (21101270D-E)

**SB 1465** (Reeves) (Passed Senate) provides that any person who conducts, finances, manages, supervises, directs, or owns a gambling device that is located in an unregulated location is subject to a civil penalty of \$25,000. The bill provides that the Attorney General, an attorney for the Commonwealth, or the attorney for any locality may cause an action in equity to be brought in the name of the Commonwealth or of the locality, as applicable, to enjoin the operation of a gambling device in violation of this section and may request attachment against all such devices and any moneys within such devices. The bill provides that any civil penalties brought in the name of the Commonwealth shall be paid into the Literary Fund and that any civil penalties brought in the name of a locality shall be paid into the general fund of the locality. (21102212D)

**HB 2236** (Bell) (Passed House; SJUD) provides that if an offender determined to be eligible to participate in a behavioral health docket resides in a locality other than that in which the behavioral health docket is located, or such offender desires to move to a locality other than that in which the behavioral health docket is located, and the court determines it is practicable and appropriate, the supervision of such offender may be transferred to a supervising agency in the new locality. The bill states that if the receiving agency accepts the transfer, it shall confirm in writing that it can and will comply with all of the conditions of supervision of the behavioral health docket, including the frequency of in-person and other contact with the offender and updates from the offender's treatment providers and that if the receiving agency cannot comply with the conditions of supervision, the agency shall deny the transfer in writing and the sending agency shall notify the court. The bill also provides that where supervision is transferred, the sending agency shall be responsible for providing to the court reports on an offender's conduct, treatment, and compliance with the conditions of supervision. Additionally, the bill provides that the standards prescribed by the Department of Criminal Justice Services for the development, implementation, operation, and evaluation of local community-based probation services and facilities shall include standards for the transfer of supervision between local community-based probation agencies. (21103541D-H1)

**HB 2291** (Williams Graves) (Passed House; SJUD) adds a sheriff's office to those law-enforcement agencies that may be overseen by a law-enforcement civilian oversight body created by a locality and adds a nonprobationary deputy sheriff of a sheriff's office to those law-enforcement officers who are subject to such body if created by a locality. The bill provides that any disciplinary determinations made by the law-enforcement civilian oversight body on any nonprobationary deputy sheriff shall be advisory only and that if the sheriff's office declines to implement such disciplinary determination, the office shall create a public written record of its rationale for declining to implement the recommended disciplinary determination. (21101778D-E)

**SB 1119** (Reeves) (Passed Senate) creates a special nonreverting fund to be known as the Body-Worn Camera System Fund to assist state or local law-enforcement agencies with the costs of purchasing, operating, and maintaining body-worn camera systems. (21100957D)

### **Data and Technology**

**HJ 578** (Price) (Agreed to by House; SRUL) requests the Department of Behavioral Health and Developmental Services to establish a work group to study the feasibility of developing a secure, de-identified, renewable, and relational database of criminal justice, behavioral health, and other human services records to facilitate development of more effective interventions. (21102974D)

**HB 2307** (Hayes) (Passed House; SGL) establishes a framework for controlling and processing personal data in the Commonwealth. The bill applies to all persons that conduct business in the Commonwealth and either (i) control or process personal data of at least 100,000 consumers or (ii) derive over 50 percent of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers. The bill outlines responsibilities and privacy protection standards for data controllers and processors. The bill does not apply to state or local governmental entities and contains exceptions for certain types of data and information governed by federal law. The bill grants consumer rights to access, correct, delete, and obtain a copy of personal data and to opt out of the processing of personal data for the purposes of targeted advertising. The bill provides that the Attorney General has exclusive authority to enforce violations of the law, and the Consumer Privacy Fund is created to support this effort. The bill has a delayed effective date of January 1, 2023. (21103642D-H1)

**SB 1392** (Marsden) (Senate Floor) establishes a framework for controlling and processing personal data in the Commonwealth. The bill applies to all persons that conduct business in the Commonwealth and either (i) control or process personal data of at least 100,000 consumers or (ii) derive over 50 percent of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers. The bill outlines responsibilities and privacy protection standards for data controllers and processors. The bill does not apply to state or local governmental entities and contains exceptions for certain types of data and information governed by federal law. The bill grants consumer rights to access, correct, delete, obtain a copy of personal data, and to opt out of the processing of personal data for the purposes of targeted advertising. The bill provides that the Attorney General has exclusive authority to enforce violations of the law, and the Consumer Privacy Fund is created to support this effort. The bill has a delayed effective date of January 1, 2023. (21102919D)

**SB 1225** (Boysko) (Passed Senate) authorizes school boards to appropriate funds for the purposes of promoting, facilitating, and encouraging the expansion and operation of broadband services for educational purposes. The bill authorizes school boards to partner with private broadband service providers to promote, implement, and subsidize broadband for educational purposes to the households of students who would qualify for (i) a child nutrition program or (ii) any other program recognized or adopted by the local school board as a measuring standard to identify at-risk students. (21101489D)

### **Education/Schools**

**HB 1929** (Aird) (HAPP) makes several changes to the Standards of Quality, including requiring the establishment of units in the Department of Education to oversee work-based learning and principal mentorship statewide in Standard 1 and requiring the Board of Education to establish and oversee the local implementation of teacher leader and teacher mentor programs in Standard 5. The bill also makes several changes relating to school personnel in Standard 2, including (i) establishing schoolwide ratios of students to teachers in certain schools with high concentrations of poverty and granting flexibility to provide compensation adjustments to teachers in such schools; (ii) requiring each school board to assign licensed personnel in a manner that provides an equitable distribution of experienced, effective teachers and other personnel among all schools in the local school division; (iii) requiring each school board to employ teacher leaders and teacher mentors at specified student-to-position ratios; (iv) requiring state funding in addition to basic aid to support at-risk students and granting flexibility in the use of such funds by school boards; (v) lowering the ratio of English language learner students to teachers; (vi) requiring each school board to employ reading specialists and establishing a student-to-position ratio for such specialists; (vii) requiring school boards to employ one full-time principal in each elementary school; (viii) lowering the ratio of students to assistant principals and school counselors in elementary, middle, and high schools; and (ix) requiring each school board to provide at least four specialized student support positions, including school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, per 1,000 students. (21101610D)

**HB 2305** (Tyler) (Passed House; SEH) requires the Board of Education to issue guidance on the governance of academic year Governor's Schools, including communication and outreach practices, admissions policies, and guidelines on diversity, equity, and inclusion training. The bill requires such guidance to focus on the importance of increasing access to Governor's Schools for historically underserved students and to include best practices on (i) conducting information sessions about the school and the availability of gifted, advanced, and specialty education program opportunities for feeder public middle schools; (ii) strengthening the student pipeline in feeder public middle schools, prioritizing the most underserved and underrepresented students and public middle schools; and (iii) conducting programs related to and evaluations of diversity, equity, and inclusion. The bill requires the Board of Education, in developing such guidance, to collaborate with relevant stakeholders representing the geographical areas served by the Regional Governor's Schools, including local school boards representing the geographical areas served by the Regional Governor's Schools, Regional Governor's School boards, and Governor's School directors. (21103341D-E)

**HJ 548** (Hurst) (HPE) provides that it is the responsibility of the Commonwealth, rather than the General Assembly, to provide for a system of free public elementary and secondary schools and to ensure a high-quality educational program is established and maintained. The amendment also removes the authority of the General Assembly to revise the standards of quality that are determined and prescribed by the Board of Education for school divisions. (21101317D)

**HJ 549** (Guy) (Agreed to by House; SRUL)/**SJ 308** (Lucas) (Agreed to by Senate; HRUL) directs the Joint Legislative Audit and Review Commission to study the impact of COVID-19 on Virginia's public schools, students, and school employees, including (i) examining and determining reasons for barriers to student success in virtual and hybrid models as well as the overall impact of COVID-19 face-to-face learning restrictions on previously existing student achievement gaps, student achievement, and student well-being, including any disproportionate impact on at-risk populations; (ii) determining the impact of the COVID-19 pandemic on staffing levels, including the impact of teacher and school employee retirements and resignations on delivery of instruction and the ability of local school boards to fully staff their needs, employment levels, and local budgets; (iii) determining the short-term and projected long-term changes in student enrollment in response to the COVID-19 pandemic and the impact of such changes on funding levels; (iv) determining the impact of implementing COVID-19 health and safety measures in public schools; (v) evaluating public schools' level of emergency preparedness to face another pandemic or statewide crisis and making recommendations to help guide planning for such events and (vi) examining programs that can address learning loss and identifying barriers to implementing those programs, including resource gaps. (21101153D-E, 21102905D-E)

**SB 1303** (Dunnavant) (Passed Senate) requires each local school division to make in-person learning available to all students by choice of the student's parent or guardian. The bill contains an emergency clause. (21102517D-E)

**SJ 275** (Stanley) (Reported from SPE) requires the General Assembly to provide for a system of public schools in the Commonwealth with equal educational opportunities for all children and to ensure that all school-age children are provided with equal educational opportunities. (21100836D)

### **Elections**

**HB 2082** (Levine) (House Floor) requires meetings and hearings of the Virginia Redistricting Commission to be livestreamed, whether held virtually or in person, and to allow for public comment. Meetings and hearings that are held in person are required to be conducted in different regions of the Commonwealth, including the Northern Virginia region, the Central Virginia region, the Hampton Roads region, the Southside region, and the Southwest region. An additional public hearing is required to be held in the event that the initial plan for districts submitted by the Commission is rejected by the General Assembly. If adjustments are made to a proposed plan at any stage in response to public comment, the adjusted proposed plan is required to be published on the Commission's website and a public hearing is required to be held. The bill subjects the Supreme Court of Virginia and the special masters appointed by the Court for the establishment of districts to the same requirements and restrictions to which the Commission is subject, including provisions related to the Virginia Freedom of Information Act and the ban on ex parte communications. Additionally, the bill changes the reallocation of persons incarcerated in federal, state, or local correctional facilities whose address at the time of incarceration was located outside of the Commonwealth or cannot be determined. Currently, such persons are counted as residing at the location of the facility in which he's incarcerated; under the bill, such

persons would not be included in the locality's population count and instead would be allocated to a state unit not tied to a specific determined geographic location. (21104053D-H1)

**HB 2125** (Lopez) (Passed House; SPE) permits a person who is otherwise qualified to register to vote and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, to preregister to vote. The preregistration does not entitle such person to vote in any election except as already permitted by law. The bill requires the Department of Elections to maintain a record of all preregistered voters in the Virginia voter registration system, which shall automatically register a person who is preregistered upon that person reaching 18 years of age or becoming eligible for advance registration as already permitted by law, whichever comes first. The bill requires the Department to provide to the general registrars voter confirmation documents for such voters. The bill has a delayed effective date of October 1, 2022. (21100907D-E)

**HJ 551** (Rasoul) (HPE) provides that, notwithstanding the requirement that a voter shall be 18 years of age, any person who is 16 years of age or older and is otherwise qualified to vote shall be permitted to register to vote and to vote in local elections. (21100442D)

**SB 1111** (Spruill) (Passed Senate; HPE) removes the power of officers of election, in the event that no law-enforcement officer is in attendance, to appoint a person who is not a law-enforcement officer to have all the powers of a law-enforcement officer within the polling place and the prohibited area. (21101169D)

**SB 1281** (Morrissey) (Passed Senate; HPE) removes the requirement that the general registrar of a locality be a resident of that locality or an adjacent locality. (21101704D-E)

**SB 1331** (Reeves) (Passed Senate) requires the Department of Elections to make available to all localities a tool to allow voters with a visual impairment or print disability to electronically and accessibly receive and mark his absentee ballot using screen reader assistive technology. On receipt of an application for an absentee ballot from an applicant who indicates that he will require assistance due to a visual impairment or print disability, the general registrar is required to offer to provide to the applicant the ballot marking tool with screen reader assistive technology. (21102849D)

#### *Absentee Voting*

**HB 1968** (Bagby) (Passed House; SPE) permits the electoral board or general registrar of a county or city to provide absentee voting in person in the office of the general registrar or voter satellite office on Sundays. (21102134D)

**SB 1097** (Favola) (Passed Senate; HPE) repeals the requirement that an absentee ballot be opened in the presence of a witness and signed by such witness. (21100137D)

**SB 1239** (Bell) (Passed Senate; HPE) permits a general registrar to contract with a third party for the printing, assembly, and mailing of absentee ballots. The bill directs the State Board of

Elections to adopt emergency regulations to implement the provisions of the bill and for those regulations to include processes to ensure secure and timely delivery of voter information to contractors and reports of mailed absentee ballots from contractors. (21100930D)

**SB 1246** (Deeds) (Passed Senate) requires certain actions to be taken to process absentee ballots that are returned by mail before election day. The general registrar is required to examine the ballot envelopes to verify completion of the required voter affirmation; mark the pollbook, or the absentee voter applicant list if the pollbook is not available, that the voter has voted; and open the sealed ballot envelopes and insert the ballots in optical scan counting equipment or other secure ballot container without initiating any ballot count totals. Under current law, it is only required that the general registrar undertake at least one such activity before election day. To facilitate this preprocessing, the bill requires a central absentee voter precinct to be established in the office of the general registrar. Additional central absentee voter precincts may be established at the discretion of the governing body. (21103760D-S1)

### **Employment Issues**

**HB 2063** (Mullin) (Passed House; SCL) requires an employer to compensate its employees who are entitled to overtime compensation under the federal Fair Labor Standards Act at a rate not less than one and one-half times the employee's regular rate of pay, defined in the bill, for any hours worked in excess of 40 hours in any one workweek. The bill includes provisions for calculating overtime premiums due to fire protection and law-enforcement employees by certain public sector employers. The penalties provided by the bill for an employer's failure to pay such overtime wages, including civil and criminal penalties, are the same as currently provided for failing to pay wages generally. The statute of limitations for bringing a claim for a violation of the bill is three years. (21103929D-H1)

**HB 2134** (Batten) (Passed House; SCL) prohibits the consideration, in any determination regarding whether an individual is an employee or independent contractor, for the purposes of a civil action for employment misclassification, unemployment compensation, and workers' compensation, of the provision of personal protective equipment by a hiring party to the individual in response to a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared. (21101448D)

### **Environment/Energy**

**HB 2001** (Helmer) (Passed House; SGL) requires that any executive branch agency or institution or locality entering the design phase for the construction of a new building greater than 5,000 gross square feet in size or the renovation of a building where the cost of the renovation exceeds 50 percent of the value of the building ensure that such building has sufficient electric vehicle charging infrastructure, defined in the bill, and has features that permit the agency or institution to track the building's energy efficiency and carbon emissions. The bill authorizes the Director of the Department of General Services to grant exemptions to such standards, in writing and with certain terms. The bill requires agencies to annually report to the Governor the energy efficiency and carbon emissions metrics for each such building built or renovated. The bill requires

localities to design such building projects according to the same or similar standards, or more stringent standards if adopted by ordinance. The bill also requires that localities incorporate appropriate resilience and distributed energy features. The bill requires that any exemption from the standards granted by resolution of the governing body of a locality be made in writing and explain the basis for granting the exemption. (21103607D-H2)

## **FOIA**

**HB 2004** (Hurst) (Passed House) adds criminal investigative files, defined in the bill, relating to a criminal investigation or proceeding that is not ongoing, also defined in the bill, to the types of law-enforcement and criminal records required to be released in accordance with the provisions of the Virginia Freedom of Information Act. Under current law, the release of criminal investigative files is discretionary. The bill also provides that the mandatory release of criminal incident information relating to felony offenses and criminal investigative files shall be enjoined if a court finds by a preponderance of the evidence that the release of such information would likely effect certain results, outlined in the bill. The bill contains technical amendments. This bill is a recommendation of the Virginia Freedom of Information Advisory Council. (21101252D)

**HB 2025** (Gooditis) (Passed House; SGL) provides that personal contact information provided to a public body or any of its members for the purpose of receiving electronic communications from the public body or any of its members is excluded from the mandatory disclosure provisions of FOIA, unless the recipient of such electronic communications indicates his approval for the public body to disclose such information. Currently, the law provides protections for personal contact information provided to a public body, not to its members; only applies to electronic mail; and requires the electronic mail recipient to request the public body not to disclose his personal contact information in order for the information to be exempt from mandatory disclosure. This bill is a recommendation of the Virginia Freedom of Information Advisory Council. (21101440D)

## **Health and Human Services**

**HB 1963** (Bagby) (Passed House; SEH) provides that funding for local health departments shall consist of such state funds as may be allocated for the operation of the local health department together with local matching funds and estimated self-generated local service revenues, the total amount of which shall constitute the cooperative local health budget available to a local department of health, and that the amount of local matching funds for which a county or city is responsible shall be based on the county's or city's revenue generation capacity factor, as defined in the bill; in no case, however, shall the amount of local matching funds required be greater than 45 percent or less than 18 percent of the total amount of the cooperative local health budget for the local health department that serves the county or city, after deducting estimated self-generated local service revenues. The bill directs the Department of Health to biennially review the local matching fund amount for each county and city, determine whether such amount should be revised as a result of changes to the county's or city's revenue generation capacity, and report the results of such review and any recommendations for changes to a county's or city's local matching fund amount to the Governor and the General Assembly. (21102417D)

**SB 1125** (Obenshain) (Passed Senate) requires the Parole Board, within seven days of making any decision regarding the parole of a prisoner, to provide written or electronic notice of such decision to the victim of the crime for which the prisoner was incarcerated, unless the victim has submitted a written request to forgo such notice. (21101811D-E)

**SB 1176** (Ruff) (Passed Senate) amends the current barrier crimes requirements for the Department of Behavioral Health and Developmental Services (the Department) to provide that the Department, community services boards, and licensed providers shall not hire for compensated employment at a state facility, permit to be hired as a private provider, approve as a sponsored residential service provider, or permit to enter into a shared living arrangement with a person receiving medical assistance services any person who has been convicted of any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 (i) within the 10 years prior to the application date for employment, and may hire a person who has been convicted of such offenses more than 10 years prior only if he has not been convicted of any other crime or suffered from drug addiction or alcohol abuse within the 10 years prior to the application date for employment, or (ii) if such person continues on probation or parole or has failed to pay required court costs for such offenses set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02. Under current law, with some exceptions, the Department, community services boards, and licensed providers shall not hire for compensated employment persons who have been convicted of any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02. (21103913D-S1)

**SB 1237** (Petersen) (Passed Senate) provides that any person who is affected by an order of quarantine may file an appeal in the circuit court for the city or county in which he resides or is located or the circuit court for the jurisdiction or jurisdictions for any affected area; currently, only a person who is subject to an order of quarantine may appeal the order. The bill also provides that in any case in which the Governor has issued an emergency order that includes any measure that closes schools or businesses or restricts the movement of healthy persons within the area to which the order applies, all of the rights, protections, and procedures applicable in the case of an order of quarantine issued by the Commissioner of Health shall apply. (21102644D)

**SB 1273** (Deeds) (Passed Senate) creates the Behavioral Health Commission in the legislative branch of state government for the purpose of (i) studying and making recommendations for the improvement of behavioral health services and the behavioral health service system in the Commonwealth to encourage the adoption of policies to increase the quality and availability of and ensure access to the full continuum of high-quality, effective, and efficient behavioral health services for all persons in the Commonwealth and (ii) providing ongoing oversight of behavioral health services and the behavioral health service system in the Commonwealth, including monitoring and evaluation of established programs, services, and delivery and payment structures and implementation of new services and initiatives in the Commonwealth and development of recommendations for improving such programs, services, structures, and implementation. (21101274D-E)

**SB 1302** (McPike) (Passed Senate; HHWI) provides that the crisis call center, which under current law is administered by the Department of Behavioral Health and Developmental Services



(the Department), shall be designated as the 9-8-8 Crisis Hotline Center for purposes of participating in the National Suicide Prevention Lifeline. The bill directs the Department, in its development of the crisis call center, community care teams, and mobile crisis teams, to comply with any applicable requirements of the National Suicide Hotline Designation Act of 2020 and to provide for consistency with federal guidelines promulgated under such law. The bill contains immunity provisions for any originating service provider and its employees and agents acting pursuant to the act. The bill increases from \$0.75 to \$0.94 the wireless E-911 surcharge and increases from \$0.50 to \$0.63 the prepaid wireless E-911 charge. The bill provides that part of the revenue attributable to the increase would be distributed to the Crisis Call Center Fund, established by the bill, to fund the Department's costs in establishing and administering the call center, and that the remainder of the revenue would be distributed to public safety answering points (PSAPs). (21103475D-S1)

**SB 1445** (Dunnavant) (Passed Senate; Passed House with substitute with amendment) facilitates the administration of the COVID-19 vaccine. The bill requires the Department of Health (the Department) to establish a process whereby any health care provider in the Commonwealth who is qualified and available to administer the COVID-19 vaccine may volunteer to administer the vaccine to citizens of the Commonwealth and sets out which health care providers are eligible to volunteer. The bill also requires the Department to establish a process on its website whereby medical care facilities, hospitals, hospital systems, corporations, businesses, pharmacies, public and private institutions of higher education, and any other professional or community entities operating in the Commonwealth may register such entity's facilities as sites that the Commissioner of Health and the Department may jointly approve as sites where administration of the COVID-19 vaccine may occur. The bill permits a public institution of higher education or a private institution of higher education in the Commonwealth to volunteer to provide assistance to the Department and local health departments for data processing, analytics, and program development related to the COVID-19 vaccine through the use of its employees, students, technology, and facilities. The bill provides civil and criminal immunity to individuals and professional entities acting pursuant to the bill. (21103925D-H1)

### **Land Use**

**HB 1738** (Wampler) (HGL) defines "outdoor refreshment area" and permits the governing body of any locality in the Commonwealth to designate, by ordinance, up to three outdoor refreshment areas within such locality. The bill provides that such ordinance would permit the consumption of alcoholic beverages within the outdoor refreshment area, provided that such alcoholic beverages are purchased from a permanent retail on-premises licensee located within such designated area and are contained in disposable containers with a maximum capacity of no more than 16 fluid ounces that clearly display the selling licensee's name or logo. The bill requires the locality, prior to adopting such an ordinance, to create a public safety plan for each outdoor refreshment area. (21100448D)

**HB 1775** (Kilgore) (Passed House; SCL) adds the State Corporation Commission to the list of agencies that are exempt from paying fees for remote access to local land records. (21100750D)

**SB 1270** (Cosgrove) (Passed Senate; HCT) provides that the notice required to be sent to a landowner prior to an authorized condemnor recording a certificate of take or certificate of deposit shall state that (i) the certificate of take or certificate of deposit will be recorded between 30 and 45 days from the date of the notice and (ii) that the property will transfer to the condemnor upon recordation and that the owner has the right to petition the court for distribution of the funds represented in the certificate. (21101493D)

**SJ 289** (Mason) (Reported from SPE) allows easements on public property to be granted in perpetuity to a public body, political subdivision, or authority of the Commonwealth or to the United States of America or any of its departments or agencies. The requirement to advertise and publicly receive bids does not apply to easements conveyed to any such governmental entity. (21102069D)

### **Taxation**

**HJ 614** (Mundon King) (HPE) provides that the General Assembly may by general law exempt from taxation the real property of a surviving spouse of (i) a member of the armed services who died while serving or (ii) a veteran who died from a service-connected disability or illness. Under a current constitutional provision, only the surviving spouse of a member of the armed forces who was killed in action is eligible for the real property tax exemption. (21102946D)

**HJ 616** (Bourne) (HPE) provides that the General Assembly may authorize a locality to fully or partially exempt affordable housing, as such term may be defined by statute, from local real property taxation. (21102942D)

**SB 1326** (Hanger) (Senate Floor) provides that, if a locality did not impose a cigarette tax as of January 1, 2021, the locality is prohibited from imposing a cigarette tax unless it is a member of a regional cigarette tax board. The bill also prohibits any locality from imposing a cigarette tax after January 1, 2026, unless such locality is a member of a regional cigarette tax board. The bill defines a regional cigarette tax board as a board with at least 10 member localities that is responsible for administering the cigarette taxes of all of its member localities. (21104442D-S1)

### **Transportation**

**SB 1260** (Bell) (Passed Senate) requires the Commissioner of Highways to provide a landowner with 30 days' notice of the intent to enter and inspect property to ascertain suitability of the property for transportation purposes, and eliminates the requirement that the Commissioner first request permission to enter the property and then provide notice of intent to enter if permission is not granted. (21103931D-S1)

### **Legislation Provided for Information**

**HB 2147** (Herring) (Passed House; SGL) renames the Division of Human Rights in the Department of Law as the Office of Civil Rights. (21102585D)

**HB 2214** (O'Quinn) (HAPP) requires the Commonwealth Broadband Chief Advisor to develop and maintain a map of private broadband provider service territories, including accurate average broadband speeds in such territories. The map shall be updated yearly and be made available to the public. (21103660D-H1)

**SB 1298** (Bell) (Passed Senate; HCCT) authorizes any locality to create a local tourism improvement district plan, consisting of fees charged to businesses and used to fund tourism promotion activities and capital improvements. Under the bill, the locality is authorized to contract with a nonprofit entity to administer the activities and improvements. (21102381D)

### **Animals**

**SB 1135** (Marsden) (Passed Senate) restructures the procedure for adjudication of a dog as a dangerous dog to provide for (i) written notice by an animal control officer to the owner of the dog that he has applied for a summons, and a prohibition on disposal of the dog by the owner for 30 days; (ii) the issuance of a summons with an option rather than a requirement that the officer confine the dog, a prohibition on the disposal of the dog other than by euthanasia, and an authorization for the court to compel the implanting of electronic identification; (iii) the holding of a hearing within 30 days unless good cause is shown; (iv) the authority of the court if deferring further proceedings without adjudicating to compel the implanting of electronic identification; and (v) a limit of 30 days for any appeal of a dangerous dog adjudication. The bill authorizes an officer to obtain a summons for a hearing to determine whether a dog that has been surrendered is a dangerous dog and provides that any dangerous dog not reclaimed from the animal control officer within 10 days of notice shall be considered abandoned. The bill imposes new requirements for the transfer of dangerous dogs, requiring a releasing agency that is transferring or releasing for adoption a dangerous dog in the Commonwealth to notify the receiving party of the legal requirements for keeping a dangerous dog. If the agency is transferring the dog outside the Commonwealth, it is required to notify the appropriate animal control officer of the dog's adjudication as dangerous. An owner who is bringing a dog found to be dangerous in another state to reside in the Commonwealth shall notify the local animal control officer. Any owner who disposes of a dangerous dog by gift, sale, transfer, trade, or surrender shall notify the receiver in writing of the dog's adjudication as dangerous, with a violation penalized as a Class 3 misdemeanor. Finally, the bill provides that if a dangerous dog adjudication occurred within 60 days of the end of the calendar year, the first renewal of the dangerous dog registration shall be included in the initial registration at no additional charge. The bill contains technical amendments. (21104008D-S2)

**SB 1390** (Lewis) (Passed Senate) authorizes any public or private animal shelter, releasing agency, or hospital or clinic that is operated under the immediate supervision of a duly licensed veterinarian to operate a trap, neuter, and return program, as defined in the bill. The bill exempts volunteers of such program from provisions related to abandonment and licensing of animals and exempts the operator from general requirements of shelters related to holding periods, release of animals, and recordkeeping. A person who violates certain required provisions for such a program is subject to a civil penalty not to exceed \$150 brought by any animal control

officer, humane investigator, releasing agency, or the State Veterinarian or State Veterinarian's representative. (21102789D-E)

### **Constitutional Amendments**

**HJ 515** (Cole, M.) (HPE) adds to the Constitution of Virginia the fundamental right of parents to direct the upbringing, education, and care of their children. The amendment prohibits the Commonwealth from infringing these rights without demonstrating that the governmental interest as applied to the person is of the highest order and not otherwise served. This section shall not be construed to apply to a parental action or decision that would physically harm or end the life of the child. (21100554D)

#### *Marriage*

**SJ 270** (Ebbin) (Reported from SPE) repeals the constitutional provision defining marriage as only a union between one man and one woman, as well as the related provisions that are no longer valid as a result of the United States Supreme Court decision in Obergefell v. Hodges, 576 U.S. 644 (2015). The amendment provides that the Commonwealth and its political subdivisions and its agents are required to issue marriage licenses, recognize marriages, and treat all marriages equally under the law, regardless of the gender of the two parties to the marriage. The amendment further provides that religious organizations and clergy acting in their religious capacity have the right to refuse to perform any marriage. (21100733D-S1)

**HJ 582** (Sickles) (Agreed to by House) repeals the constitutional provision defining marriage as only a union between one man and one woman as well as the related provisions that are no longer valid as a result of the United States Supreme Court decision in Obergefell v. Hodges, 576 U.S. 644 (2015). The amendment provides that the right to marry is a fundamental right inherent in the liberty of persons and requires the Commonwealth and its political subdivisions and agents to issue marriage licenses, recognize marriages, and treat all marriages equally under the law, regardless of the sex or gender of the parties to the marriage. Religious organizations and clergy acting in their religious capacity have the right to refuse to perform any marriage. (21104282D-H1)

#### *Voting*

**HJ 555** (Herring) (Agreed to by House) provides that no person who has been convicted of a felony shall be qualified to vote until the completion of his sentence of imprisonment or active supervision, at which time, without further action required of him, his political rights, including the right to vote, shall be restored. A person convicted of a felony may also have his civil rights restored by the Governor or other appropriate authority. (21104281D-H1)

**SJ 272** (Locke) (Reported from SPE) establishes that the sole qualifications to vote in the Commonwealth are being a United States citizen, at least 18 years of age, a resident of the Commonwealth, and registered to vote in accordance with the requirements set out in the Constitution of Virginia. The amendment further provides that any person who meets those

qualifications has the right to vote and that such right cannot be abridged by law. The bill lifts restrictions on qualifications to vote for those who have been convicted of a felony or adjudicated to be mentally incompetent. (21100635D)

### **Courts**

**HB 2143** (Miyares) (HCT) provides immunity to persons, as defined in the bill, from civil causes of action arising from any act or omission alleged to have resulted in the contraction of or exposure to the COVID-19 virus, provided such person has complied with applicable federal, state, and local policies, procedures, and guidance regarding COVID-19. The bill further provides immunity to persons who design, manufacture, label, or distribute any personal protective equipment in response to the COVID-19 virus from any civil cause of action arising out of the use of such equipment. The bill contains an emergency clause, and the immunities provided by such bill expire two years after the expiration or revocation of all states of emergency declared by the Governor related to the COVID-19 pandemic. (21100670D)

**SB 1180** (Surovell) (Passed Senate) provides that a circuit court may enter an order joining, coordinating, consolidating, or transferring civil actions upon finding that separate civil actions brought by a plaintiff on behalf of multiple similarly situated persons involve common questions of law or fact and arise out of the same transaction, occurrence, or series of transactions or occurrences. The bill requires the Supreme Court to promulgate rules no later than November 1, 2021, governing such actions. The bill has a delayed effective date of July 1, 2022. (21103326D-ES1)

**SB 1181** (Surovell) (Passed Senate) permits the Juvenile and Domestic Relations District Court to retain jurisdiction in cases where a child has petitioned the court to make findings of fact that would allow the child to apply for or receive a state or federal benefit until such child reaches 21 years of age for the purpose of entering findings of fact or amending past orders, to include findings of fact necessary for the person to petition the federal government for status as a special immigrant juvenile. (21102430D)

### **Education/Schools**

**HB 1776** (Ward) (Passed House; SEH) requires the Board of Education to grant a two-year extension of the license of any individual licensed by the Board whose license expires on June 30, 2021, in order to provide the individual with sufficient additional time to complete the requirements for licensure. (21101678D-E)

**HB 1790** (McNamara) (Passed House; SEH) provides that when severe weather conditions or other emergency situations have resulted in the closing of any school in a school division for in-person instruction, the school division may declare an unscheduled remote learning day whereby the school provides instruction and student services, consistent with guidelines established by the Department of Education to ensure the equitable provision of such services, without a reduction in the amount paid by the Commonwealth from the Basic School Aid Fund. The bill prohibits any school division from claiming more than 10 unscheduled remote learning days in

a school year unless the Superintendent of Public Instruction grants an extension. (21101395D-E)

**HB 1865** (Delaney) (Passed House; SEH) requires reading intervention services for students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education to be evidence-based, including services that are grounded in the science of reading, and include explicit, systematic, sequential, and cumulative instruction, to include phonemic awareness, systematic phonics, fluency, vocabulary development, and text comprehension as appropriate based on the student's demonstrated reading deficiencies. The bill requires the parent of each student who receives such reading intervention services to be notified before the services begin and the progress of each such student to be monitored throughout the provision of services. (21101101D-E)

**HB 1904** (Jenkins) (Passed House; SEH)/**SB 1196** (Locke) (Senate Floor) requires teacher, principal, and division superintendent evaluations to include an evaluation of cultural competency. The bill requires every person seeking initial licensure or renewal of a license from the Board of Education (i) to complete instruction or training in cultural competency and (ii) with an endorsement in history and social sciences to complete instruction in African American history, as prescribed by the Board. The bill also requires each school board to adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board to complete cultural competency training, in accordance with guidance issued by the Board, at least every two years. (21101996D, 21101992D)

**HB 1918** (Mugler) (Passed House; SEH) requires (i) driver education programs to include instruction on the dangers of distracted driving and speeding and (ii) a student to submit a standard application form developed by the Department of Education by which the student provides evidence that he possesses of a valid driver's license or driver privilege card before being issued a pass to park a vehicle on high school property. (21103086D-H1)

**HB 2277** (Bell) (HAPP) requires any child with a disability who receives special education and related services, reaches age 22 after September 30, 2020, and is scheduled to complete high school in the spring of 2021 to be given the option for an extension to attend high school for the duration of the 2021-22 school year. (21102477D)

**SB 1109** (Stanley) (Reported from SPE) provides for a statewide referendum on the question of whether the General Assembly shall issue state general obligation bonds in the amount of \$3 billion for the purpose of K-12 school building construction, repair, or other capital projects related to the modernization of school facilities. The results would be advisory only and are intended only to demonstrate the preference of the citizens of the Commonwealth on the issuance of such bonds. The bill provides that the referendum be held at the November 2021 general election. (21100844D)

**SB 1204** (Barker) (Passed Senate; HED) provides a management agreement between the Commonwealth and George Mason University pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.). (21101124D-E)

**SB 1433** (Chase) (SEH) provides that, if a school operates a reduced schedule and the school offers online or virtual learning as a substitute for in-person attendance, it shall deposit a portion of unused funds resulting from the reduced schedule in a voucher account for each student, for use on programs operated by the school division or other educational options, whether public, private, or parochial. (21102770D)

### **Elections**

**SB 1157** (Spruill) (Passed Senate; HPE) shifts all municipal elections for city and town council and school board from May to November, beginning with elections held after January 1, 2022. (21100131D)

### **Emergency Operations and Services**

**HB 2085** (Askew) (Passed House; SGL) requires local and interjurisdictional agencies to include provisions in their emergency operations plans to ensure that such plans are applied equitably and that the needs of minority and vulnerable communities are met during emergencies. (21102351D)

### **Environment and Energy**

**HB 1760** (Webert) (Passed House; SACNR) provides that an easement held pursuant to the Virginia Conservation Easement Act or the Open-Space Land Act shall be construed in favor of achieving the conservation purposes for which it was created. (21102392D-H1)

**SB 1199** (Petersen) (Passed Senate; HAG) provides that an easement held pursuant to the Virginia Conservation Easement Act or the Open-Space Land Act be liberally construed in favor of achieving the conservation purposes for which it was created. (21100906D-E)

**HB 1902** (Carr) (Passed House; SACNR) prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill. The bill requires certain chain restaurants to stop using such containers by July 1, 2023, and sets the date for compliance by all food vendors as July 1, 2025. The bill exempts nonprofit organizations from the definition of "food vendor" and provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of not more than \$50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. The penalties collected are to be deposited in the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. A portion of the penalties deposited in the Fund are to be used for public information campaigns to discourage the sale and use of expanded polystyrene products. Finally, the bill directs the Department of Environmental Quality to post

to its website information on compliance and the filing of complaints. This bill is a reenactment of Chapter 1104 of the Acts of Assembly of 2020. (21100816D-E)

**HB 1965** (Bagby) (Passed House; SACNR) directs the State Air Pollution Control Board to implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. Regulations adopted by the Board to implement the program are exempt from the Administrative Process Act and shall not become effective prior to January 1, 2024. The bill also authorizes the State Corporation Commission to exclude sales related to such vehicles from certain energy efficiency calculations. (21101651D-E)

**HB 2030** (Krizek) (Passed House; SACNR) prohibits any person from applying an aerosolized neonicotinoid insecticide for personal use unless the person (i) is certified or under the direct supervision of a certified applicator or (ii) provides 24 hours' notice to the owner of any managed beehive within the line of sight of the application area. A person who violates the prohibition shall be subject to a civil penalty of \$100. (21103859D-H1)

**SB 1265** (Deeds) (Reported from SACNR) authorizes the Department of Environmental Quality to conduct inspections of the land-disturbing activities related to construction of any natural gas transmission pipeline equal to or greater than 24 inches inside diameter. Current law authorizes such inspections only if such inside diameter is greater than 36 inches. The bill also specifies certain instances that may give rise to such inspection and authorizes the Department to issue a stop work order for every work area in Virginia in the event that adverse impacts or likely adverse impacts are found on a repeated, frequent, and widespread basis. (21103789D-S1)

**SB 1290** (Mason) (Passed Senate; HAG) establishes in the Department of Conservation and Recreation a data-driven Geographical Information Systems model to prioritize potential conservation areas across the Commonwealth that would provide quantifiable benefits to the citizens of Virginia, known as ConserveVirginia. Aspects of the program include (i) the synthesis of multiple mapped data inputs, divided into categories, each representing a different overarching conservation value, and periodic revision of such values; (ii) access to the model by the public and all state and federal agencies; and (iii) incorporation of the model into acquisition or grant decisions when appropriate. The bill requires the Virginia Land Conservation Foundation to report on the success of the program and incorporate the program into needs assessments for expenditures from the Virginia Land Conservation Fund. (21103330D-S1)

### **Firearms**

**HB 2128** (Lopez) (Passed House; SJUD) increases from three business days to five business days the time provided for the Department of State Police to complete a background check before a firearm may be transferred. If a dealer who has otherwise fulfilled all requirements is told by the State Police that a response will not be available by the end of the dealer's fifth business day, the dealer may complete the sale or transfer without being deemed in violation. (21102376D)

**HB 2295** (Levine) (Passed House; SRUL) makes it a Class 1 misdemeanor for a person to carry any firearm within (i) the Capitol of Virginia; (ii) Capitol Square and the surrounding area, as



described in the bill; (iii) any building, parking lot, or parking structure owned or leased by the Commonwealth or any agency thereof; (iv) any building owned or leased by the Commonwealth where employees of the Commonwealth perform their official duties; or (v) any building where the General Assembly meets or conducts its business. The bill provides exceptions for law-enforcement officers, court officers, authorized security personnel, and active military personnel while in the conduct of such person's official duties; any retired law-enforcement officer who is visiting a gun range owned or leased by the Commonwealth; and any state employee of a state or juvenile correctional facility who is authorized to carry a firearm while in the conduct of such employee's official duties. The bill provides that an individual who lawfully possesses a firearm may keep such firearm in his locked vehicle in a parking lot or parking structure described in clause (iii) so long as the firearm is (a) secured, (b) not visible, and (c) in a container or compartment inside of the vehicle. The bill requires that notice of the provisions prohibiting the carrying of such firearms be posted at each of the public entrances to Capitol Square and such buildings, parking lots, and parking structures. The bill also provides that any firearm carried in violation of these provisions is subject to seizure by a law-enforcement officer and forfeiture to the Commonwealth. (21104055D-H3)

**HB 2310** (Runion) (Passed House; SJUD) provides that any applicant for a concealed handgun permit who completed an online course to demonstrate competence with a handgun and contacted the circuit court clerk's office prior to January 1, 2021, but was prohibited from appearing in person at a circuit court clerk's office because of COVID-19 restrictions is eligible to apply for such permit through April 30, 2021. The bill contains an emergency clause. (21104074D-H1)

**HB 2319** (Guzman) (Passed House; SJUD) makes it unlawful for an individual residing in or sharing a dwelling with any person who such individual knows or has reason to believe is prohibited from possessing or transporting a firearm to allow such person access to any firearm. The bill requires that any individual in possession of a firearm who resides with a person prohibited from transporting or possessing a firearm store the firearm unloaded, locked, and inaccessible to such co-resident and also store any ammunition locked, inaccessible, and in a separate location from any firearm. A violation of the bill is punishable by a civil penalty of not more than \$500. (21104015D-H1)

**SB 1250** (Deeds) (Senate Floor) provides that for the purposes of conducting a criminal history record information check for a firearm transfer, the term "rent" includes a temporary change in dominion or control of a firearm for use at or on the premises of a dealer's business location in exchange for money or other consideration. Under current federal law, the rental of a firearm for use on a dealer's business premises is not considered to be a sale, disposition, or delivery of the firearm; therefore, such rental would not allow for a National Instant Criminal Background Check System check to be performed. The bill would allow the Virginia State Police to conduct a Virginia state criminal history record information check instead. (21104379D-S1)

### **Health and Human Services**

**HB 2053** (Samirah) (House Floor) directs the Department of Housing and Community Development (Department) to convene a stakeholder advisory group to evaluate the construction of internal, attached, and detached accessory dwelling units as a strategy to address the Commonwealth's growing demand for affordable and market-rate housing. The bill requires the stakeholder advisory group to report its findings and recommendations, including any legislative recommendations, to the Director of the Department, the Secretary of Commerce and Trade, the commissioners of the Virginia Housing Development Authority, and the Virginia Housing Commission no later than November 1, 2021. (21104312D-H1)

**HB 2124** (Lopez) (Passed House; SEH) directs the Department of Medical Assistance Services to, during a public health emergency related to COVID-19 declared by the United States Secretary of Health and Human Services, deem testing for, treatment of, and vaccination against COVID-19 to be emergency services for which payment may be made pursuant to federal law for certain aliens not lawfully admitted for permanent residence. (21102611D-E)

**HB 2154** (Adams, L.) (Passed House; SRSS) directs the Board of Health to amend regulations governing hospitals, nursing homes, and certified nursing facilities to require each hospital, nursing home, and certified nursing facility to establish and implement policies to ensure the permissible access to and use of an intelligent personal assistant provided by the patient while receiving inpatient services. "Intelligent personal assistant" is defined in the bill as a combination of an electronic device and a specialized software application designed to assist users with basic tasks using a combination of natural language processing and artificial intelligence, including such combinations known as "digital assistants" or "virtual assistants." (21103464D-H1)

**HB 2230** (Bell) (Passed House) directs the Department of Behavioral Health and Developmental Services (the Department) to develop and implement a program to educate individuals with intellectual and developmental disabilities, their families, and others regarding the availability of supported decision-making agreements, the process by which an individual with an intellectual or developmental disability may enter into a supported decision-making agreement with a supporter, and the rights and responsibilities of principals and supporters who are parties to a supported decision-making agreement, which shall include specific training opportunities, development of model supported decision-making agreements, and development of information about and protocols for preventing, identifying, and addressing abuse and exploitation of individuals with intellectual and developmental disabilities who enter into supported decision-making agreements. The bill directs the Department to collect data regarding the utilization of supported decision-making agreements in the Commonwealth and report such information, together with recommendations to enhance the utilization of supported decision-making agreements, annually to the Governor and the General Assembly by November 1. (21101478D)

**SB 1235** (Peake) (Passed Senate) prohibits any person employed by or who has entered into a contract to provide services on behalf of the Department of Health or a local department of health from initiating communication regarding health-related matters with a minor on behalf of the

Department or local department of health without the consent of the minor's parent, except as otherwise required by law. (21101145D-E2)

### **Land Use**

**HB 2054** (Samirah) (Passed House; SLG) adds reducing, modifying, or waiving local parking requirements or ratios to the strategies that may be included when certain larger localities consider incorporating strategies to promote transit-oriented development in reviews of their comprehensive plans. The bill removes from the existing strategy of increasing development density in certain areas to reduce density in others the phrase "to reduce density in others." (21101042D)

**SB 1143** (Cosgrove) (Passed Senate) retroactively extends until January 1, 2022, certain wetlands permits set to expire between March 1, 2020, and July 1, 2021. (21101885D)

### **Public Safety/Criminal Justice**

**HB 2263** (Mullin) (House Floor) abolishes the death penalty, including for those persons currently under a death sentence. (21104346D-H1)

**SB 1165** (Surovell) (Passed Senate) abolishes the death penalty, including for those persons currently under a death sentence. (21103949D-S4)

**HB 1821** (Bulova) (Passed House; SJUD) prohibits the arrest or prosecution of an individual for the unlawful purchase, possession, or consumption of alcohol, possession of a controlled substance, possession of marijuana, intoxication in public, or possession of controlled paraphernalia if (i) such individual, in good faith, renders emergency care or assistance, including cardiopulmonary resuscitation (CPR) or the administration of naloxone or other opioid antagonist for overdose reversal, to an individual experiencing an overdose while another individual seeks or obtains emergency medical attention; (ii) such individual remains at the scene of the overdose or at any location to which he or the individual requiring emergency medical attention has been transported; (iii) such individual identifies himself to the law-enforcement officer who responds; and (iv) the evidence for a prosecution of one of the enumerated offenses would have been obtained only as a result of the individual's rendering emergency care or assistance. Current law prohibits arrest or prosecution for such offenses only to an individual who seeks or obtains emergency medical attention for himself or another individual or who is experiencing an overdose when another individual seeks or obtains emergency medical attention for him. (21102028D-E)

**HB 1894** (Kory) (Passed House; SEH) authorizes employees of the Department of Juvenile Justice designated as probation and parole officers or as juvenile correctional officers to possess and administer naloxone or other opioid antagonist for overdose reversal pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice. (21101928D)

**HB 1909** (Subramanyam) (Passed House; SEH) permits any school board to deem any non-school zone property that it owns or leases as a gun-free zone and prohibit any individual from knowingly possessing, purchasing, transferring, carrying, storing, or transporting firearms, ammunition, or components or combination thereof while such individual is upon such property, except certain individuals such as law-enforcement officers and qualified retired law-enforcement officers. (21103262D-H1)

**HB 1936** (Watts) (Passed House; SJUD) creates degrees of punishment corresponding to the severity of a robbery offense. Any person who commits a robbery and causes serious bodily injury to or the death of another person is guilty of a Class 2 felony. Any person who commits robbery by using or displaying a firearm in a threatening manner is guilty of a Class 3 felony. Any person who commits robbery by using physical force not resulting in serious bodily injury, or by using or displaying a deadly weapon other than a firearm in a threatening manner, is guilty of a Class 5 felony. Any person who commits robbery by using threat or intimidation not involving a deadly weapon is guilty of a Class 6 felony. Under current law, any robbery is punishable by confinement in a state correctional facility for life or any term not less than five years. (21103380D-H1)

**HB 1948** (Levine) (Passed House; SJUD) requires any law-enforcement officer on duty who witnesses another person suffering from a serious bodily injury or a life-threatening condition to render aid and makes it a duty to report acts of wrongdoing, defined in the bill and including bias-based profiling, committed by another law-enforcement officer on duty. Any law-enforcement officer who fails to render such aid or report such wrongdoing committed by another law-enforcement officer shall be subject to disciplinary action, including dismissal, demotion, suspension, or transfer of the law-enforcement officer. The bill also expands the definition of "bias-based profiling," a practice banned for sheriffs, deputy sheriffs, other local law-enforcement officers, and State Police officers in the performance of their official duties, to include sexual orientation and gender identity. (21102665D)

**HB 1951** (Simon) (Passed House; SJUD) abolishes the common-law crime of suicide. Suicide is currently a common-law crime in Virginia, although there is no statutorily prescribed punishment. (21100986D)

**HB 1990** (Aird) (Passed House; SRUL) provides that the Chair of the House Committee for Courts of Justice or the Chair of the Senate Committee on the Judiciary may request the Joint Legislative Audit and Review Commission (JLARC) to review and prepare a racial and ethnic impact statement for a proposed criminal justice bill to outline its potential impact on racial and ethnic disparities within the Commonwealth. The bill requires JLARC to provide copies of the impact statement to the requesting chair and the patron of the proposed bill. No more than three racial and ethnic impact statements may be requested by the Chair of the House Committee for Courts of Justice and no more than two racial and ethnic impact statements may be requested by the Chair of the Senate Committee on the Judiciary for completion during a single regular session of the General Assembly. (21101711D)

**HB 2132** (Roem) (House Floor) provides that the discovery of, perception of, or belief about another person's actual or perceived sex, gender, gender identity, or sexual orientation, whether or not accurate, is not a defense to any charge of capital murder, murder in the first degree, murder in the second degree, voluntary manslaughter, or assault and bodily wounding-related crimes and is not provocation negating malice as an element of murder. (21104105D-H1)

**HB 2303** (Hudson) (HCT) reduces the penalty for possession of a Schedule I or II controlled substance from a Class 5 felony to a Class 1 misdemeanor and the penalty for possession of a Schedule IV or V controlled substance from a Class 2 misdemeanor and a Class 3 misdemeanor, respectively, to a Class 4 misdemeanor. Consequently, the bill removes felony violations of possession of a controlled substance from the definition of barrier crime related to criminal history checks for eligibility for various types of employment, to volunteer or provide certain services, or to establish or operate certain types of regulated businesses. The bill also limits the previous convictions that make a person ineligible for disposition under the first offender statute to a previous conviction for possession of a controlled substance or manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance. Under current law, a previous conviction for any drug-related criminal offense, or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs makes a person ineligible for such disposition. The bill also amends the required conditions of probation under the first offender statute. The bill changes the penalty for an attempt to commit a felony drug offense from imprisonment for not less than one nor more than 10 years to a Class 6 felony and removes the felony offenses for a prisoner to secrete or have in his possession any chemical compound that he has not lawfully received, any Schedule III controlled substance, or marijuana. The bill makes secreting or possessing a controlled substance or marijuana by a prisoner punishable the same as possession of such controlled substances or marijuana by a person who is not in prison. Lastly, the bill provides that the definition of "controlled substance" for purposes of the Drug Control Act shall not include mere residue of any drug, substance, or immediate precursor in Schedules I through VI that is not a weighable quantity or a countable dosage unit. The bill contains technical amendments. (21102869D)

**HB 2331** (Mullin) (House Floor) eliminates many mandatory minimum sentences of confinement from the Code of Virginia. The bill also provides a petition process for a person who was convicted or adjudicated delinquent of a certain felony offense committed prior to July 1, 2021, and sentenced to a mandatory minimum term of confinement for such felony offense and who remains incarcerated in a state or local correctional facility serving the mandatory minimum term of confinement for such felony offense to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such mandatory minimum sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed. The bill provides that such petition shall be filed by July 1, 2024. This bill is a recommendation of the Virginia State Crime Commission. (21103590D-E)

**SB 1138** (Locke) (Senate Floor) repeals the crime of infected sexual battery. The bill also repeals the crime of donating or selling blood, body fluids, organs, and tissues by persons infected with

human immunodeficiency virus and the provisions regarding the testing of certain persons for human immunodeficiency virus or hepatitis B or C viruses. The bill contains technical amendments. (21101066D-E)

**SB 1443** (Edwards) (Senate Floor) eliminates all mandatory minimum sentences of confinement from the Code of Virginia. The bill also provides a petition process for a person who was convicted or adjudicated delinquent of a felony offense committed prior to July 1, 2021, except for a Class 1 felony or any felony that was punishable by a mandatory minimum term of confinement for life, and sentenced to a mandatory minimum term of confinement for such felony offense and who remains incarcerated in a state or local correctional facility serving the mandatory minimum term of confinement for such felony offense to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such mandatory minimum sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed. The bill provides that such petition shall be filed by July 1, 2024. This bill is a recommendation of the Virginia State Crime Commission. (21103563D-S1)

**SB 1461** (Lewis) (Passed Senate) provides that any person who (i) offers, confers, or agrees to confer upon another any pecuniary benefit as consideration for the recipient to act in the unlawful delivery of items or contraband to prisoners or (ii) receives any pecuniary benefit or other consideration to act in in the unlawful delivery of items or contraband to prisoners shall be guilty of bribery, punishable as a Class 4 felony. The bill also provides that any law-enforcement officer, jail officer, or correctional officer who violates the provisions of the bill shall be decertified and shall be forever ineligible for reemployment as a law-enforcement officer, jail officer, or correctional officer in the Commonwealth. (21102737D)

Attachments: Supplementary documents

cc: Joe Mondoro, Chief Financial Officer  
Rachel Flynn, Deputy County Executive  
Chris Leonard, Deputy County Executive  
Dave Rohrer, Deputy County Executive  
Elizabeth Teare, County Attorney  
Jill G. Cooper, Clerk to the Board  
Richmond Team  
Tom Biesiadny, Director, Department of Transportation

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February 8, 2021

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**FAIRFAX COUNTY  
LEGISLATIVE SUMMARY**

***2021 GENERAL ASSEMBLY***

February 6, 2021



# Fairfax County Legislative Summary 2021 General Assembly

## Board of Supervisors Report Key

Bill No. – Patron, (District No.) Bill Title	Committee/Floor Actions	<b>Bold</b> = Date Position taken by full Board of Supervisors [ ] = Date position taken by BOS Legislative Committee <i>Italics</i> = Date position recommended by staff
<p style="text-align: center;">↑</p> <div style="border: 1px solid black; padding: 5px;"> <p><b><u>HB 589</u></b> - Watts (39)            Blue Star Memorial Highway;            designating as portion of Old            Keene Mill Road in Fairfax            County.</p> </div>	<p style="text-align: center;">↑</p> <div style="border: 1px solid black; padding: 5px;"> <p>1/10/2006 House: Referred to            Committee on Transportation</p> </div>	<p style="text-align: center;">↑</p> <div style="border: 1px solid black; padding: 5px;"> <p><b>12/5/2005</b></p> </div>
<p><b>Initiate</b> (067916260)  <b>Summary:</b> Designates a portion of Old Keene Mill Road in Fairfax County a "Blue Star Memorial Highway."</p>		

**Bold = Board Position**, [ ] = BOS Legislative Committee Position, *Italics=Staff Recommended Position Changes* (LD No. is version of bill on which position was taken)  
**Summary** -- Reflects latest version of summary available on the Legislative Information System Web Site (If not noted otherwise, reflects summary as introduced)

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<a href="#">SB 1328</a> Mason, T	State-Funded Kinship Guardianship Assistance program; created.
<a href="#">SB 1339</a> Surovell, S	Police and court records; expungement and sealing of records, Expungement Fee Fund created.
<a href="#">SB 1366</a> Barker, G	Aging services; economic and social need.
<a href="#">SB 1382</a> Favola, B	Firearms; purchase, etc., following conviction for assault and battery of a family member.
<a href="#">SB 1384</a> Surovell, S	Virginia Public Procurement Act; local arbitration agreements.

<a href="#">SB 1393</a> Marsden, D	Trees; replacement and conservation during development.
<a href="#">SB 1406</a> Ebbin, A	Marijuana; legalization of simple possession, penalties.
<a href="#">SB 1457</a> Surovell, S	Historic sites; urban county executive form of gov't. (Fairfax County), provisions in its ordinance.
<a href="#">SB 1472</a> Suetterlein, D	DMAS; work group to study options for increasing access to virtual supports and services.
<a href="#">SJ 293</a> Spruill, Sr., L	Assisted living and auxiliary grants; Joint Commission on Health Care to study available data.
<a href="#">SJ 294</a> Lewis, Jr., L	JLARC; costs of education, report.

***Fairfax County Positions***

***(Monitor):***

***Pages 39-47***

<a href="#">HB 1736</a> Adams, D	School nurses; nursing services in a public elementary or secondary school.
<a href="#">HB 1778</a> Ward, J	Removal of clutter from property; definition, civil penalty.
<a href="#">HB 1841</a> Keam, M	Crosswalk design; Dept. of Transportation to convene work group to determine model policies.
<a href="#">HB 1880</a> Krizek, P	Illegal gambling; skill games, temporary exemption for truck stops.
<a href="#">HB 1883</a> VanValkenburg, S	Elections; preclearance of certain covered practices required.
<a href="#">HB 1890</a> Price, M	Discrimination; prohibited in voting and elections administration, etc.
<a href="#">HB 2071</a> Convirs-Fowler, K	Transportation funding; statewide prioritization process, resiliency.
<a href="#">HB 2191</a> Leftwich, J	Social services, local department of; location of child in local department's custody.
<a href="#">HB 2262</a> Hurst, C	Bicycles; permits operators to treat a stop sign as a yield sign in certain situations.
<a href="#">HB 2322</a> Herring, C	Opioid Abatement Authority; established, report.
<a href="#">HJ 556</a> Lopez, A	Constitutional amendment; environmental justice (first reference).
<a href="#">SB 1274</a> Marsden, D	Wildlife corridors; various agencies to consider and incorporate.
<a href="#">SB 1350</a> Lewis, Jr., L	Transportation funding; statewide prioritization process, resiliency.

<a href="#">SB 1385</a> Surovell, S	Underground utility facilities; Fairfax County.
<a href="#">SB 1395</a> McClellan, J	Discrimination; prohibited in voting and elections administration, etc.
<a href="#">SB 1404</a> Lewis, Jr., L	Stormwater Local Assistance Fund; grants awarded for projects related to Chesapeake Bay.
<a href="#">SB 1469</a> Barker, G	Opioid Abatement Authority; established, report.

***Fairfax County Positions***

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***Legislation No Longer Under Consideration  
(Killed, Failed to Report, Tabled,  
Incorporated into Other  
Legislation, etc.):***

<a href="#">SB 1118</a> Peake, M	Voter registration; verification of social security numbers, provisional registration status.
<a href="#">SB 1133</a> Suetterlein, D	Children's Services Act; eligibility for state pool of funds, pilot program.
<a href="#">SB 1185</a> Dunnavant, S	Assisted living facilities; residents that are auxiliary grant recipients.
<a href="#">SB 1186</a> Hashmi, G	Landfill siting; historic preservation.
<a href="#">SB 1191</a> Kiggans, J	School nurses; excludes positions from certain requirements, school board to employ in each school.
<a href="#">SB 1200</a> Hashmi, G	Waste disposal; local approval.
<a href="#">SB 1249</a> Stuart, R	Local planning commissions; review deadlines.
<a href="#">SB 1264</a> Morrissey, J	Emergency and preliminary protective orders; expungement of orders.
<a href="#">SB 1283</a> Morrissey, J	Criminal records, certain; establishes a process for the automatic expungement, report.
<a href="#">SB 1372</a> Lucas, L	Criminal records; establishes a process for automatic expungement for certain convictions, report.

*Fairfax County Initiatives*

*Bills Introduced  
at Fairfax County's Request*

Bills	General Assembly Actions	Date of BOS Position
<p><a href="#"><b>HB 1919</b></a> - Kory (38) Local green banks; authorizes a locality, by ordinance, to establish.</p>	<p>1/10/2021 House: Referred to Committee on Counties, Cities and Towns 1/29/2021 House: Reported from Counties, Cities and Towns (13-Y 8-N) 2/3/2021 House: Read third time and passed House (55-Y 43-N) 2/4/2021 Senate: Referred to Committee on Local Government</p>	<p><b>1/26/2021</b></p>
<p><b>Initiate</b> (21102092D) <b>Summary:</b> Local green banks. Authorizes a locality, by ordinance, to establish a green bank to promote the investment in clean energy technologies in its locality and provide financing for clean energy technologies, defined in the bill. The bill establishes certain powers and functions of a green bank, including developing rules and procedures, financing and providing loans for clean energy projects, and stimulating demand for renewable energy. The bill requires the green bank to be a public entity, quasi-public entity, or nonprofit entity and requires the locality to hold a hearing and publish notice in a newspaper of general circulation prior to establishing the green bank.</p>		
<p><a href="#"><b>HB 1927</b></a> - Sickles (43) Economic development authorities; Fairfax County.</p>	<p>1/10/2021 House: Referred to Committee on Counties, Cities and Towns 1/15/2021 House: Reported from Counties, Cities and Towns (20-Y 1-N) 1/20/2021 House: Read third time and passed House (98-Y 0-N) 1/21/2021 Senate: Referred to Committee on Local Government 2/1/2021 Senate: Reported from Local Government (15-Y 0-N) 2/3/2021 Senate: Passed Senate (38-Y 1-N)</p>	<p><b>1/26/2021</b></p>
<p><b>Initiate</b> (21102409D) <b>Summary:</b> Allows Fairfax County to appoint nine, rather than seven, commissioners to the economic development authority.</p>		
<p><a href="#"><b>SB 1208</b></a> - Barker (39) Continuity of government; extends period of time that locality may provide after disaster, etc.</p>	<p>1/11/2021 Senate: Referred to Committee on Local Government 1/18/2021 Senate: Reported from Local Government (14-Y 1-N) 1/21/2021 Senate: Read third time and passed Senate (39-Y 0-N) 2/2/2021 House: Referred to Committee on Counties, Cities and Towns</p>	<p><b>1/26/2021</b></p>
<p><b>Initiate</b> (21102240D) <b>Summary:</b> Continuity of government. Extends from six to 12 months the period of time after an enemy attack or other disaster that a locality may, by ordinance, provide for a method to assure continuity in its government and requires the ordinance to provide a method for the locality to resume normal governmental authority by the end of that 12-month period.</p>		

**Bold** – Indicates BOS formal action  
[ ] Indicates BOS Legislative Committee Action



<b>Bills</b>	<b>General Assembly Actions</b>	<b>Date of BOS Position</b>
<p><a href="#"><b>SB 1226</b></a> - Boysko (33) Compensation Board; determining staffing and salaries for an attorney for the Commonwealth.</p>	<p>1/11/2021 Senate: Referred to Committee on Local Government                      1/18/2021 Senate: Re-referred to Judiciary                      1/25/2021 Senate: Reported from Judiciary (15-Y 0-N)                      1/25/2021 Senate: Re-referred to Finance and Appropriations                      2/2/2021 Senate: Reported from Finance and Appropriations with amendment (14-Y 2-N)                      2/5/2021 Senate: Read third time and passed Senate (35-Y 4-N)</p>	<p><b>1/26/2021</b></p>

**Initiate** (21102115D)  
**Summary:** Compensation Board determining staffing and salaries for an attorney for the Commonwealth. Provides that the Compensation Board shall consider workload totals comprehensively, including the use of diversion programs and specialty dockets, when determining staffing and funding levels for an attorney for the Commonwealth and the office. The provisions of the bill are contingent on funding in a general appropriation act.

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action

# *Fairfax County Positions*

*(Oppose or Amend)*

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">HB 1757</a> - McGuire, III (56) Firearm-free zones designated by the Commonwealth or a locality; waiver of sovereign immunity.</p>	<p>12/17/2020 House: Referred to Committee for Courts of Justice 2/5/2021 House: Left in Courts of Justice</p>	<p><b>1/26/2021</b></p>
<p><b>Oppose</b> (21101679D) <b>Summary:</b> Provides that if (i) the Commonwealth designates any property owned by it as a firearm-free zone or (ii) any locality designates such locality or any part of such locality as a firearm-free zone, the Commonwealth or such locality waives its sovereign immunity as it relates to any injuries sustained by persons lawfully present in such firearm-free zone.</p>		
<p><a href="#">HB 1773</a> - Freitas (30) Carrying a concealed handgun; permit not required.</p>	<p>12/28/2020 House: Referred to Committee on Public Safety 1/26/2021 House: Subcommittee recommends passing by indefinitely (6-Y 2-N) 2/5/2021 House: Left in Public Safety</p>	<p><b>1/26/2021</b></p>
<p><b>Oppose</b> (21100642D) <b>Summary:</b> Allows any person who is otherwise eligible to obtain a concealed handgun permit to carry a concealed handgun without a permit anywhere he may lawfully carry a handgun openly within the Commonwealth.</p>		
<p><a href="#">HB 1793</a> - Davis (84) Concealed handgun permit; local control of firearms.</p>	<p>1/2/2021 House: Referred to Committee on Public Safety 1/26/2021 House: Subcommittee recommends passing by indefinitely (5-Y 3-N) 2/5/2021 House: Left in Public Safety</p>	<p><b>1/26/2021</b></p>
<p><b>Oppose</b> (21101843D) <b>Summary:</b> Local control of firearms; concealed handgun permit. Provides that any local ordinance that prohibits the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof on specified public property shall not apply to a person who has a valid concealed handgun permit.</p>		
<p><a href="#">HB 1874</a> - Coyner (62) Behavioral health; assessments in local correctional facilities, report.</p>	<p>1/8/2021 House: Referred to Committee on Health, Welfare and Institutions 1/19/2021 House: Subcommittee recommends reporting with amendments (7-Y 0-N) 1/21/2021 House: Reported from Health, Welfare and Institutions with substitute (20-Y 0-N) 1/26/2021 House: Read third time and passed House (100-Y 0-N) 1/27/2021 Senate: Referred to Committee on Rehabilitation and Social Services</p>	<p>[1/29/2021]</p>
<p>[Oppose Unless Amended] (21102895D-H1) - Oppose unless amended to delay enactment until sufficient state funds are in place for implementation.</p>		

**Bold** – Indicates BOS formal action  
[ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p><b>Summary:</b> Behavioral health assessments in local correctional facilities. Provides that the State Board of Local and Regional Jails, in establishing the minimum standards for behavioral health services in local correctional facilities, shall include a requirement that if a behavioral health screening indicates that the person may have a mental illness, an assessment of his need for mental health services shall be conducted within 72 hours of the time of the screening.</p>		
<p><a href="#">HB 2019</a> - McQuinn (70) Public elementary and secondary schools; administration of undesignated stock albuterol inhalers.</p>	<p>1/12/2021 House: Referred to Committee on Education 1/22/2021 House: Subcommittee recommends reporting (6-Y 2-N) 1/25/2021 House: Reported from Education with amendment(s) (16-Y 6-N) 1/28/2021 House: Read third time and passed House (82-Y 18-N) 1/29/2021 Senate: Referred to Committee on Education and Health</p>	<p><b>1/26/2021</b></p>
<p><b>Oppose</b> (21102599D) <b>Summary:</b> Public elementary and secondary schools; possession and administration of undesignated stock albuterol inhalers and valved holding chambers. Requires each local school board to adopt and implement policies for the possession and administration of undesignated stock albuterol inhalers and valved holding chambers in every public school in the local school division, to be administered by any school nurse, employee of the school board, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers for any student believed in good faith to be in need of such medication. The bill requires the Department of Health, in conjunction with the Department of Education, to develop and implement policies for the administration of stock albuterol in public schools.</p>		
<p><a href="#">HB 2074</a> - Simonds (94) Environmental justice; interagency working group.</p>	<p>1/12/2021 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/27/2021 House: Subcommittee recommends reporting with substitute (7-Y 1-N) 1/27/2021 House: Subcommittee recommends referring to Committee on Appropriations 1/27/2021 House: Reported from Agriculture, Chesapeake and Natural Resources with substitute (16-Y 6-N) 1/27/2021 House: Referred to Committee on Appropriations 2/2/2021 House: Subcommittee recommends reporting with substitute (5-Y 3-N) 2/3/2021 House: Reported from Appropriations with substitute (13-Y 9-N) 2/4/2021 House: Committee on Agriculture, Chesapeake and Natural Resources substitute rejected 21103839D-H1 2/4/2021 House: Committee on Appropriations substitute agreed to 21104161D-H2 2/5/2021 House: Read third time and passed House (56-Y 44-N) 2/5/2021 Senate: Referred to Committee on General Laws and Technology</p>	<p><b>1/26/2021</b></p>

**Bold** – Indicates BOS formal action  
[ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p><b>Amend</b> (21102822D) - Amend to state that localities may consider environmental justice strategy during each review of their comprehensive plans.</p> <p><b>Summary:</b> Establishes the Interagency Environmental Justice Working Group as an advisory council in the executive branch of state government to further environmental justice in the Commonwealth and directs each of the Governor's Secretaries to designate at least one environmental justice coordinator to represent the secretariat as a member of the Working Group. The bill directs the Working Group to focus its work during its first year on the environmental justice of current air quality monitoring practices in Virginia and provides that the Working Group shall expire on July 1, 2031.</p>		
<p><a href="#"><u>HB 2117</u></a> - VanValkenburg (72) Children's Services Act; funds expended special education programs.</p>	<p>1/12/2021 House: Referred to Committee on Health, Welfare and Institutions</p> <p>1/19/2021 House: Referred from Health, Welfare and Institutions by voice vote</p> <p>1/19/2021 House: Referred to Committee on Education</p> <p>1/25/2021 House: Subcommittee recommends reporting with substitute (7-Y 0-N)</p> <p>1/27/2021 House: Incorporates HB 2211 (Plum)</p> <p>1/27/2021 House: Reported from Education with substitute (20-Y 2-N)</p> <p>1/27/2021 House: Referred to Committee on Appropriations</p> <p>1/29/2021 House: Subcommittee recommends reporting (8-Y 0-N)</p> <p>1/29/2021 House: Reported from Appropriations (22-Y 0-N)</p> <p>2/3/2021 House: Read third time and passed House (97-Y 2-N)</p> <p>2/4/2021 Senate: Referred to Committee on Education and Health</p>	<p>[1/29/2021]</p>
<p>[Amend] (21103572D-H1) - Support provisions that allow CSA funding for transitional services from private special education schools to public schools, and requirements that private special education schools be licensed to receive CSA funds. Also support retaining language in the legislation requiring a comprehensive study prior to moving administration of CSA funds from OCS to DOE, as that could potentially impact state sum sufficiency funding for CSA, which is a top County priority. See also SB 1313 (Mason).</p> <p><b>Summary:</b> Children's Services Act; special education programs. Requires that funds expended for special education services under the Children's Services Act only be expended on educational programs that are licensed by the Department of Education. The bill adds children and youth previously placed in approved private school educational programs for at least six months who will receive transitional services, as that term is defined in the bill, in a public school setting to the target population for eligibility for the state pool of funds, provided, however, that such funds shall be allocated for such transitional services for no longer than 12 months. The bill requires the Secretary of Education, in conjunction with the Office of Children's Services and the Department of Education, to establish a work group (the Work Group) with, at minimum, certain identified stakeholders to develop a detailed plan to direct the transfer of Children's Services Act funds currently reserved for children requiring an educational placement in a private special education day school or residential facility to the Department of Education and to develop a standardized reporting process, template, and reporting requirement for private special education day school tuition rates to ensure that tuition rates can be accurately compared across schools and over time, among other duties. The bill requires that the Work Group submit its plan and recommendations to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance and Appropriations by November 1, 2021.</p>		

**Bold** – Indicates BOS formal action

[ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">HB 2237</a> - McQuinn (70) Virginia Public Procurement Act; project labor agreements, transportation projects.</p>	<p>1/13/2021 House: Referred to Committee on General Laws 2/5/2021 House: Left in General Laws</p>	<p><b>1/26/2021</b></p>
<p><b>Oppose</b> (21102029D) <b>Summary:</b> Virginia Public Procurement Act; project labor agreements; transportation projects. Requires every public body, prior to requiring bidders, offerors, contractors, subcontractors, or operators on contracts for the design or construction of a road, highway, bridge, or similar transportation improvement to enter into, become or remain signatories to, or adhere to project labor agreements, to make a written determination that requiring such bidders, offerors, contractors, subcontractors, or operators to enter into, become or remain signatories to, or adhere to such project labor agreements advances the public's interests based on objective criteria established by the public body by regulation or ordinance, such as cost, efficiency, quality, safety, timeliness, maintenance of a skilled labor force, labor stability, or advancing minority-owned and women-owned business participation in the project.</p>		
<p><a href="#">HB 2239</a> - Robinson (27) Absentee voting; ballots to be processed before election day and sorted and counted.</p>	<p>1/13/2021 House: Referred to Committee on Privileges and Elections 1/26/2021 House: Subcommittee recommends laying on the table (4-Y 2-N) 2/5/2021 House: Left in Privileges and Elections</p>	<p><b>1/26/2021</b></p>
<p><b>Oppose</b> (21101712D) - The bill creates a substantial workload and logistical challenges. <b>Summary:</b> Elections; absentee voting; ballots to be processed before election day and sorted and counted by precinct. Requires certain actions to be taken to process absentee ballots that are returned by mail before election day. The general registrar is required to examine the ballot envelopes to verify completion of the required voter affirmation; mark the pollbook, or the absentee voter applicant list if the pollbook is not available, that the voter has voted; and open the sealed ballot envelopes and insert the ballots in optical scan counting equipment or other secure ballot container without initiating any ballot count totals. Current law requires only that the general registrar undertake at least one such activity before election day. So that ballots can be separated from ballot envelopes and scanned, the bill requires that the office of the general registrar be used as a central absentee voter precinct. The bill requires that absentee ballots processed at any central absentee voter precinct be sorted by the precinct to which the voter who cast the absentee ballot is assigned and that the resulting vote totals from such ballots be reported separately for each voter precinct.</p>		
<p><a href="#">SB 1153</a> - Suetterlein (19) Absentee voting; ballots to be sorted and results to be reported by precinct.</p>	<p>1/7/2021 Senate: Referred to Committee on Privileges and Elections 2/4/2021 Senate: Reported from Privileges and Elections (14-Y 1-N) 2/5/2021 Senate: Passed Senate (37-Y 1-N)</p>	<p><b>1/26/2021</b></p>

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[ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p><b>Oppose</b> (21101986D) - The bill creates a substantial workload and logistical challenges.  <b>Summary:</b> Elections; absentee voting; ballots to be sorted and results to be reported by precinct. Provides that absentee ballots processed at a central absentee precinct must be sorted by the precinct to which the voter who cast the absentee ballot is assigned and that the resulting vote totals from such ballots must be reported separately for each voter precinct.</p>		
<p><b><u>SB 1198</u></b> - Petersen (34)  Government Data Collection and Dissemination Practices Act; license plate readers.</p>	<p>1/11/2021 Senate: Referred to Committee on General Laws and Technology  1/27/2021 Senate: Reported from General Laws and Technology with amendments (8-Y 4-N 3-A)  2/4/2021 Senate: Read third time and passed Senate (28-Y 11-N)</p>	<p><b>1/26/2021</b></p>
<p><b>Oppose</b> (21100940D) - Retention period in bill is insufficient.  <b>Summary:</b> Prohibits law-enforcement and regulatory agencies from using license plate readers to collect and maintain personal information on individuals without a warrant. The bill provides that license plate data may be collected if intended for prompt evaluation and potential use in investigating suspected criminal activity, civil or regulatory violations, or terrorism, or in support of the Department of Motor Vehicle's (DMV) emissions inspection program. The data may only be retained for 30 days and shall not be subject to any outside inquiries or internal usage except for the investigation of a report of a missing person, suspected criminal activity, civil or regulatory violations, or terrorism by any person. The bill also prohibits an agency from acquiring personal information collected from license plate readers from a third-party private vendor if the agency would not have been permitted to collect or retain the information on its own, unless such license plate reader technology is being utilized as part of the DMV's emissions inspection program.</p>		
<p><b><u>SB 1304</u></b> - McPike (29)  Community services boards; discharge planning.</p>	<p>1/12/2021 Senate: Referred to Committee on Education and Health  1/28/2021 Senate: Reported from Education and Health with amendments (14-Y 0-N)  2/2/2021 Senate: Read third time and passed Senate (39-Y 0-N)  2/5/2021 House: Referred to Committee on Health, Welfare and Institutions</p>	<p><b>1/26/2021</b></p>
<p><b>Oppose</b> (21102367D)  <b>Summary:</b> Reduces from within 30 days to within 72 hours of an individual's identification as ready for discharge the time by which a community services board must document its disagreement with the determination that an individual is ready for discharge from a state hospital or training center. The bill also directs the Commissioner of Behavioral Health and Developmental Services to establish a work group with representatives of the Virginia Association of Community Services Boards to (i) review the current process for discharging patients from state mental health hospitals, including the current assigned responsibilities of state hospital staff and community services board staff, as well as the barriers to timely discharge for patients clinically ready to discharge, and (ii) develop potential options to expedite the discharge process for individuals who can be safely discharged back into the community. The bill directs the work group to develop a plan that includes recommendations for expediting the discharge process and identify the necessary funding to ensure that individuals receive essential services upon discharge and that discharges are timely. The bill requires the work group to report its findings and conclusions and its plan to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by September 1, 2021.</p>		

**Bold** – Indicates BOS formal action  
[ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p><b>SB 1313</b> - Mason (1) Children's Services Act; funds expended special education programs.</p>	<p>1/12/2021 Senate: Referred to Committee on Education and Health            1/21/2021 Senate: Incorporates SB 1099 (Stuart)            1/21/2021 Senate: Incorporates SB 1114 (Peake)            1/21/2021 Senate: Reported from Education and Health with substitute (14-Y 0-N)            1/21/2021 Senate: Re-referred to Finance and Appropriations            2/3/2021 Senate: Reported from Finance and Appropriations with substitute (15-Y 0-N)            2/4/2021 Senate: Committee on Education and Health substitute rejected 21103505D-S1            2/4/2021 Senate: Committee on Finance and Appropriations substitute agreed to 21104193D-S2            2/4/2021 Senate: Passed Senate (39-Y 0-N)</p>	<p>[1/29/2021]</p>
<p>[Amend] (21103505D-S1) - Support provisions that allow CSA funding for transitional services from private special education schools to public schools, and requirements that private special education schools be licensed to receive CSA funds. Also support retaining language in the legislation requiring a comprehensive study prior to moving administration of CSA funds from OCS to DOE, as that could potentially impact state sum sufficiency funding for CSA, which is a top County priority. See also HB 2117 (VanValkenburg).  <b>Summary:</b> Children's Services Act; special education programs. Requires that funds expended for private special education services under the Children's Services Act only be expended on educational programs that are licensed by the Board of Education or an equivalent out-of-state licensing agency. The bill also provides that as of July 1, 2022, such funds may only be expended for programs that the Office of Children's Services certify as having reported their tuition rates.</p>		
<p><b>SB 1419</b> - Marsden (37) Project labor agreements; public interest.</p>	<p>1/13/2021 Senate: Referred to Committee on General Laws and Technology            1/20/2021 Senate: Re-referred to Commerce and Labor</p>	<p><b>1/26/2021</b></p>
<p><b>Oppose</b> (21102268D)  <b>Summary:</b> Requires that for contracts requiring the design or construction of a road, highway, bridge, or similar transportation improvement, a public body wishing to enter into a project labor agreement shall first determine by written finding that participation in such project labor agreement advances the public interest, based on objective criteria established by the public body by regulation, ordinance, or resolution that may include cost, efficiency, quality, safety, timeliness, maintenance of a skilled labor force, labor stability, or advancing minority-owned or women-owned business participation in the project.</p>		

**Bold** – Indicates BOS formal action  
 [ ] Indicates BOS Legislative Committee Action



# *Fairfax County Positions*

*(Support)*

\* \* \*

Bills	General Assembly Actions	Date of BOS Position
<p><a href="#"><b>HB 1810</b></a> - VanValkenburg (72) Voter registration; failure of online voter registration system, deadline extension.</p>	<p>1/5/2021 House: Referred to Committee on Privileges and Elections 1/13/2021 House: Reported from Privileges and Elections with amendment(s) (22-Y 0-N) 1/19/2021 House: Read third time and passed House BLOCK VOTE (98-Y 0-N) 1/20/2021 Senate: Referred to Committee on Privileges and Elections</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21101534D-E) <b>Summary:</b> Voter registration; failure of online voter registration system; deadline extension. Provides that in the event that a failure of the Virginia online voter registration system occurs prior to the close of registration records, the Governor has the authority to order the online voter registration system to be available for registration activities after the date for closing the registration records for a period of time equal to the amount of time during which the online voter registration system was unavailable for registration activities, rounded up to the nearest whole day, plus an additional day to allow for voter education efforts. The extension of registration activities shall apply to in-person registration and mail voter registration applications.</p>		
<p><a href="#"><b>HB 1813</b></a> - Krizek (44) Highway construction by state or local employees; limit.</p>	<p>1/6/2021 House: Referred to Committee on Transportation 1/14/2021 House: Subcommittee recommends reporting with amendment (6-Y 3-N) 1/14/2021 House: Reported from Transportation with amendment (17-Y 5-N) 1/19/2021 House: Read third time and passed House (79-Y 20-N) 1/20/2021 Senate: Referred to Committee on Transportation</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21102052D-E) <b>Summary:</b> Increases from \$600,000 to \$700,000 the value of highway maintenance and construction projects eligible to be performed by state or local employees.</p>		
<p><a href="#"><b>HB 1820</b></a> - Helmer (40) SNAP benefits program; eligibility for benefits, postsecondary education.</p>	<p>1/6/2021 House: Referred to Committee on Health, Welfare and Institutions 1/20/2021 House: Subcommittee recommends reporting with substitute (6-Y 0-N) 1/20/2021 House: Subcommittee recommends referring to Committee on Appropriations 1/26/2021 House: Reported from Health, Welfare and Institutions with substitute (22-Y 0-N) 1/26/2021 House: Referred to Committee on Appropriations 1/27/2021 House: Subcommittee recommends reporting (7-Y 0-N) 1/27/2021 House: Reported from Appropriations (18-Y 0-N) 2/1/2021 House: Read third time and passed House (100-Y 0-N) 2/2/2021 Senate: Referred to Committee on Rehabilitation and Social Services</p>	<p><b>1/26/2021</b></p>

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Bills	General Assembly Actions	Date of BOS Position
<p><b>Support</b> (21101472D)  <b>Summary:</b> Temporary Assistance for Needy Families; food stamp program; eligibility; postsecondary education. Adds participation in educational activities that lead to a post-secondary credential from an accredited institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia to the list of activities to which a participant in the Virginia Initiative for Education and Work may be enrolled and directs the Board of Social Services to amend the Supplemental Nutrition Assistance Program (SNAP benefits program) to (i) establish broad-based categorical eligibility, (ii) set the gross income eligibility standard at 200 percent of the federal poverty guidelines, (iii) not impose an asset limit for eligibility, and (iv) increase opportunities for self-sufficiency through postsecondary education by allowing SNAP benefits program participants to satisfy applicable employment and training requirements through enrollment in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia.</p>		
<p><a href="#"><b>HB 1857</b></a> -  Subramanyam (87)  Virginia Public Procurement Act; architectural and professional engineering term contracting.</p>	<p>1/7/2021 House: Referred to Committee on General Laws  2/5/2021 House: Left in General Laws</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21101307D)  <b>Summary:</b> Virginia Public Procurement Act; architectural and professional engineering term contracting; certain localities. Exempts any locality with a population in excess of 400,000 from the limitations on architectural and professional engineering contract single-project fees for environmental, location, design, and inspection work regarding highways and bridges. Current law exempts the Commissioner of Highways from such limitations and the exemption is continued in the bill.</p>		
<p><a href="#"><b>HB 1888</b></a> -  VanValkenburg (72)  Absentee voting; procedural and process reforms, availability and accessibility reforms, penalty.</p>	<p>1/8/2021 House: Referred to Committee on Privileges and Elections  1/13/2021 House: Reported from Privileges and Elections with amendment(s) (13-Y 9-N)  1/19/2021 House: Read third time and passed House (55-Y 43-N)  1/20/2021 Senate: Referred to Committee on Privileges and Elections</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21101608D-E)  <b>Summary:</b> Absentee voting; procedural and process reforms; availability and accessibility reforms; penalty. Makes various reforms to absentee voting processes and procedures, including those related to availability and accessibility. The bill requires certain actions to be taken to process absentee ballots returned before the day of an election, including verifying the correct completion of the voter affirmation statement, and provides for an opportunity for an absentee voter to make corrections to the statement in certain circumstances. The bill requires the establishment of drop-off locations for the return of voted absentee ballots. Additionally, a central absentee voter precinct is required to be established in each locality; currently, establishment is optional. On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of polls, but</p>		

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<p>no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct before the close of polls; a violation of such prohibition is a Class 1 misdemeanor. When reporting election results to the Department of Elections, the general registrars are required to report absentee ballots cast early in person separately from all other absentee ballots. Additionally, a voter who has applied for and received an absentee ballot may choose to instead vote at his polling place on election day, and such voter shall be entitled to cast a provisional ballot. The bill requires a ballot marking tool with screen reader assistive technology to be made available for absentee voters with a print disability. Restrictions on the availability of absentee voting for first-time voters who registered by mail are repealed. The bill contains technical amendments for organizational and readability purposes.</p>		
<p><a href="#">HB 1903</a> - Carr (69) Local government; authority to reduce the speed limit in a business district or residence district.</p>	<p>1/8/2021 House: Referred to Committee on Transportation 1/14/2021 House: Subcommittee recommends reporting (9-Y 0-N) 1/14/2021 House: Reported from Transportation (22-Y 0-N) 1/19/2021 House: Read third time and passed House (93-Y 6-N) 1/20/2021 Senate: Referred to Committee on Transportation</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21101800D) <b>Summary:</b> Local government authority; reduction of speed limits. Authorizes local governing bodies to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, in a business district or residence district.</p>		
<p><a href="#">HB 1917</a> - Mugler (91) Local planning and zoning; publication of certain notices on locality's website.</p>	<p>1/10/2021 House: Referred to Committee on Counties, Cities and Towns 1/29/2021 House: Reported from Counties, Cities and Towns with amendment(s) (13-Y 7-N) 2/3/2021 House: Re-referred to Counties, Cities and Towns 2/5/2021 House: Left in Counties, Cities and Towns</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21100328D) - Board has historically supported. <b>Summary:</b> Publication of certain notices on locality's website. Provides that in any instance in which a locality is required to publish certain notices related to local planning and zoning in a newspaper having general circulation in the locality, the locality may instead choose to meet such requirement by publishing the notice on the locality's website.</p>		
<p><a href="#">HB 1931</a> - Levine (45) Virginia Freedom of Information Act; public body authorized to conduct electronic meetings.</p>	<p>1/11/2021 House: Referred to Committee on General Laws 1/19/2021 House: Subcommittee recommends reporting (8-Y 0-N) 1/21/2021 House: Reported from General Laws (21-Y 0-N) 1/26/2021 House: Read third time and passed House (99-Y 0-N) 1/27/2021 Senate: Referred to Committee on General Laws and Technology</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21101369D) <b>Summary:</b> Virginia Freedom of Information Act; electronic meetings. Authorizes a public body to conduct through electronic communication means a meeting for which, on or before the day of the meeting, a member of the public body holding the meeting notifies the chair that such member is unable to attend the meeting due to a family member's medical condition that requires the member to provide care for such family member, thereby</p>		

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<p>preventing the member's physical attendance. The bill also clarifies that participation in an electronic meeting by a member of a public body due to the inability to attend because of a personal matter is limited each calendar year to two such meetings, which is current law, or 25 percent of the meetings held that calendar year rounded up to the next whole number, whichever is greater. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.</p>		
<p><b>HB 1962</b> - Gooditis (10) Foster care; termination of parental rights, relatives and fictive kin.</p>	<p>1/11/2021 House: Referred to Committee on Health, Welfare and Institutions 1/28/2021 House: Reported from Health, Welfare and Institutions with substitute (21-Y 0-N) 2/3/2021 House: Read third time and passed House BLOCK VOTE (98-Y 0-N 1-A) 2/3/2021 House: Reconsideration of passage agreed to by House 2/3/2021 House: Passed House BLOCK VOTE (99-Y 0-N) 2/4/2021 Senate: Referred to Committee on Rehabilitation and Social Services</p>	<p>[2/5/2021]</p>
<p>[Support] (21103967D-H1) <b>Summary:</b> Foster care; termination of parental rights; relatives and fictive kin. Requires local departments of social services and licensed child-placing agencies to involve in the development of a child's foster care plan the child's relatives and fictive kin who are interested in the child's welfare. The bill requires that a child 12 years of age or older be involved in the development of his foster care plan; under current law, a child's involvement is mandatory upon reaching 14 years of age. The bill contains other amendments to provisions governing foster care and termination of parental rights that encourage the placement of children with relatives and fictive kin.</p>		
<p><b>HB 1992</b> - Murphy (34) Firearms; purchase, etc., following conviction for assault and battery of a family member.</p>	<p>1/11/2021 House: Referred to Committee on Public Safety 1/19/2021 House: Subcommittee recommends reporting (5-Y 3-N) 1/22/2021 House: Reported from Public Safety (10-Y 9-N) 1/26/2021 House: Referred to Committee for Courts of Justice 1/27/2021 House: Reported from Courts of Justice with substitute (13-Y 9-N) 2/1/2021 House: Read third time and passed House (54-Y 46-N) 2/2/2021 Senate: Referred to Committee on the Judiciary</p>	<p>[1/29/2021]</p>
<p>[Support] (21103651D-H1) - See also SB 1382 (Favola). <b>Summary:</b> Purchase, possession, or transportation of firearms following conviction for assault and battery of a family or household member; penalties. Prohibits a person who has been convicted of assault and battery of a family or household member, as defined in the bill, from purchasing, possessing, or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#"><b>HB 1996</b></a> - Murphy (34) Va Public Procurement Act; determination of responsibility, etc.</p>	<p>1/11/2021 House: Referred to Committee on General Laws 1/19/2021 House: Subcommittee recommends reporting (5-Y 3-N) 1/21/2021 House: Reported from General Laws (14-Y 8-N) 1/26/2021 House: Read third time and passed House (56-Y 44-N) 1/27/2021 Senate: Referred to Committee on General Laws and Technology</p>	<p>[1/29/2021]</p>
<p>[Support] (21101375D) <b>Summary:</b> Virginia Public Procurement Act; determination of responsibility; local option to include criteria in Invitation to Bid. Allows localities to include in the Invitation to Bid criteria that may be used in determining whether any bidder, not just any bidder who is not prequalified by the Virginia Department of Transportation as under current law, is a responsible bidder.</p>		
<p><a href="#"><b>HB 2018</b></a> - Mullin (93) Emergency order for adult protective services; acts of violence, etc., or financial exploitation.</p>	<p>1/12/2021 House: Referred to Committee for Courts of Justice 1/20/2021 House: Subcommittee recommends reporting with substitute (7-Y 0-N) 1/22/2021 House: Reported from Courts of Justice with substitute (22-Y 0-N) 1/27/2021 House: Read third time and passed House BLOCK VOTE (99-Y 0-N) 1/28/2021 Senate: Referred to Committee on the Judiciary</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21102761D) <b>Summary:</b> Emergency order for adult protective services; acts of violence, force, or threat or financial exploitation; penalty. Allows the circuit court, upon a finding that an incapacitated adult has been, within a reasonable period of time, subjected to an act of violence, force, or threat or been subjected to financial exploitation, to include in an emergency order for adult protective services one or more of the following conditions to be imposed on the alleged perpetrator: (i) a prohibition on acts of violence, force, or threat or criminal offenses that may result in injury to person or property; (ii) a prohibition on such other contacts by the alleged perpetrator with the adult or the adult's family or household members as the court deems necessary for the health and safety of such persons; or (iii) such other conditions as the court deems necessary to prevent (a) acts of violence, force, or threat; (b) criminal offenses that may result in injury to persons or property; (c) communication or other contact of any kind by the alleged perpetrator; or (d) financial exploitation by the alleged perpetrator. The bill provides that any person who violates any such condition is guilty of a Class 1 misdemeanor. Also, the bill provides that hearings on emergency orders for adult protective services shall be held no earlier than 24 hours and no later than 72 hours after the notice required has been given, unless such notice has been waived by the court. Current law just requires such hearing be held no earlier than 24 hours. Lastly, the bill provides that if the court enters an order containing any of the aforementioned conditions, the primary law-enforcement agency providing service and entry of protective orders shall enter the name of the perpetrator into the Virginia Criminal Information Network and the order shall be served forthwith on the perpetrator.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#"><u>HB 2042</u></a> - Guy (83) Trees; replacement and conservation during development, effective date.</p>	<p>1/12/2021 House: Referred to Committee on Counties, Cities and Towns 1/21/2021 House: Subcommittee recommends reporting with amendments (6-Y 3-N) 1/22/2021 House: Reported from Counties, Cities and Towns with amendment(s) (13-Y 9-N) 1/27/2021 House: Read third time and passed House (57-Y 43-N) 1/28/2021 Senate: Referred to Committee on Local Government</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21102573D) - See also SB 1393 (Marsden). <b>Summary:</b> Replacement and conservation of trees during development. Gives a locality the ability to exceed general requirements in its tree replacement and conservation ordinances in specific circumstances, including development that impacts stormwater permit requirements, recurrent flooding, formerly redlined areas, and comprehensive plan compliance. The provisions of the bill shall become effective July 1, 2022.</p>		
<p><a href="#"><u>HB 2050</u></a> - Bourne (71) Virginia housing opportunity; tax credit established starting in taxable year 2021.</p>	<p>1/12/2021 House: Referred to Committee on Finance 1/22/2021 House: Subcommittee recommends laying on the table (7-Y 1-N) 2/5/2021 House: Left in Finance</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21102648D) <b>Summary:</b> Virginia housing opportunity tax credit. Establishes, starting in taxable year 2021, a Virginia housing opportunity tax credit, which is equal to the amount of the federal low-income housing tax credit allocated or allowed by the Virginia Housing Development Authority to a low-income building that is eligible for the federal credit. The credit would be nonrefundable and could be carried forward for up to five years.</p>		
<p><a href="#"><u>HB 2081</u></a> - Levine (45) Polling places; prohibited activities, unlawful possession of a firearm, penalty.</p>	<p>1/12/2021 House: Referred to Committee on Privileges and Elections 1/20/2021 House: Reported from Privileges and Elections (13-Y 9-N) 1/25/2021 House: Read third time and passed House (53-Y 47-N) 1/26/2021 Senate: Referred to Committee on the Judiciary</p>	<p>[1/29/2021]</p>
<p>[Support] (21102618D) <b>Summary:</b> Polling places; prohibited activities; unlawful possession of a firearm; penalty. Prohibits any person from knowingly possessing a firearm within 40 feet of any building, or part thereof, used as a polling place, including one hour before and one hour after its use as a polling place, except for (i) a qualified law-enforcement officer or retired law-enforcement officer, (ii) any person occupying his own private property that falls within 40 feet of the polling place, or (iii) a licensed armed security officer whose employment or performance of his duties occurs within 40 feet of the polling place. The bill further provides that no person shall knowingly possess a firearm within 40 feet of a meeting place for the local electoral board while the electoral board meets to ascertain the results of an election or any place used as the setting for a recount. A violation of the provisions of the bill is a Class 1 misdemeanor.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#"><b>HB 2113</b></a> - Herring (46) Criminal records; establishes a process for automatic expungement, etc., report.</p>	<p>1/12/2021 House: Referred to Committee for Courts of Justice 1/27/2021 House: Reported from Courts of Justice with substitute (14-Y 6-N) 1/27/2021 House: Referred to Committee on Appropriations 1/29/2021 House: Subcommittee recommends reporting with substitute (5-Y 3-N) 1/29/2021 House: Reported from Appropriations with substitute (13-Y 8-N) 2/2/2021 House: Committee on Courts of Justice substitute rejected 21103298D-H1 2/2/2021 House: Committee on Appropriations substitute agreed to 21103933D-H2 2/3/2021 House: Read third time and passed House (60-Y 39-N) 2/4/2021 Senate: Referred to Committee on the Judiciary</p>	<p>[1/29/2021]</p>
<p>[Support with Amendment] (21103298D-H1) - Support concept of expungement for certain crimes; sufficient state funding for implementation is essential. <b>Summary:</b> Automatic expungement of criminal records; penalties. Establishes a process for the automatic expungement, defined in the bill, of criminal records for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also provides a process for the automatic expungement of criminal records for charges arising from mistaken identity or the unauthorized use of identifying information. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill. As introduced, this bill was a recommendation of the Virginia State Crime Commission.</p>		
<p><a href="#"><b>HB 2114</b></a> - Ransone (99) Public hearings; notice submitted by localities to newspapers.</p>	<p>1/12/2021 House: Referred to Committee on Counties, Cities and Towns 1/21/2021 House: Subcommittee recommends reporting (8-Y 0-N) 1/22/2021 House: Reported from Counties, Cities and Towns (17-Y 4-N) 1/26/2021 House: Re-referred to Committee on Counties, Cities and Towns 1/29/2021 House: Reported from Counties, Cities and Towns (13-Y 8-N) 2/3/2021 House: Re-referred to Counties, Cities and Towns 2/5/2021 House: Left in Counties, Cities and Towns</p>	<p>[1/29/2021]</p>
<p>[Support] (21100430D) <b>Summary:</b> Hearing notice by localities. Expands from only localities in Planning District 23 to all localities a provision that provides that in any instance in which a locality has submitted a timely notice of public hearing to a newspaper published or having general circulation in the locality and the newspaper fails to publish the notice, such locality shall be deemed to have met certain notice requirements so long as the notice was published in the next available edition. Under current law, this provision that was created by the 2020 Regular Session and only applies to localities in Planning District 23 will expire on July 1, 2022. The provision in the bill as it applies to all localities will also expire on July 1, 2022.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><b><u>HB 2131</u></b> - Lopez (49) Alcoholic beverage control; license application, locality input.</p>	<p>1/12/2021 House: Referred to Committee on General Laws 1/26/2021 House: Subcommittee recommends reporting with substitute (8-Y 0-N) 1/28/2021 House: Reported from General Laws with substitute (22-Y 0-N) 2/3/2021 House: Read third time and passed House BLOCK VOTE (98-Y 0-N 1-A) 2/3/2021 House: Reconsideration of passage agreed to by House 2/3/2021 House: Passed House BLOCK VOTE (99-Y 0-N) 2/4/2021 Senate: Referred to Committee on Rehabilitation and Social Services</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21101639D) <b>Summary:</b> Alcoholic beverage control; license application; locality input; corrective action. Adds the chief administrative officer of a locality to the list of persons who may be sent notice of certain license applications by the Board of Directors (the Board) of the Virginia Alcoholic Beverage Control Authority. The bill also expands the definition of criminal blight, for which the locality may require a property owner to take corrective action, to include a condition existing on real property that endangers public health or safety and is caused by (i) the regular presence on the property of persons in possession of controlled substances and (ii) the discharge of a firearm under certain conditions.</p>		
<p><b><u>HB 2138</u></b> - Guzman (31) Identification privilege cards; authorizes DMV to issue, fee, confidentiality, penalties.</p>	<p>1/12/2021 House: Referred to Committee on Transportation 1/19/2021 House: Subcommittee recommends reporting with amendments (6-Y 2-N) 1/19/2021 House: Subcommittee recommends referring to Committee on Appropriations 1/21/2021 House: Reported from Transportation with amendment(s) (13-Y 8-N) 1/26/2021 House: Read third time and passed House (57-Y 43-N) 1/27/2021 Senate: Referred to Committee on Transportation</p>	<p>[1/29/2021]</p>
<p>[Support] (21102728D-E) <b>Summary:</b> Identification privilege cards; fee; confidentiality; penalties. Authorizes the Department of Motor Vehicles to issue identification privilege cards to applicants who hold a citizenship or legal presence status that is eligible for a special identification card or a limited-duration special identification card and have reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill provides that identification privilege cards shall be treated as special identification cards unless otherwise provided in the Code of Virginia. The bill limits the release of certain information stored by the Department. The bill has a delayed effective date of January 1, 2022.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#"><u>HB 2161</u></a> - Tran (42) Active military or a military spouse; prohibits discrimination in public accommodations, etc.</p>	<p>1/12/2021 House: Referred to Committee on General Laws 1/28/2021 House: Subcommittee recommends reporting with substitute (8-Y 0-N) 1/28/2021 House: Reported from General Laws with substitute (20-Y 0-N) 2/2/2021 House: Committee on General Laws substitute rejected 21103874D-H1 2/2/2021 House: Substitute by Delegate Tran agreed to 21104006D-H2 2/3/2021 House: Read third time and passed House (99-Y 0-N) 2/4/2021 Senate: Referred to Committee on General Laws and Technology</p>	<p>[1/29/2021]</p>
<p>[Support] (21102352D) <b>Summary:</b> Prohibited discrimination; status as active military or a military spouse. Prohibits discrimination in public accommodations, employment, and housing on the basis of a person's status as active military or a military spouse.</p>		
<p><a href="#"><u>HB 2206</u></a> - Filler-Corn (41) Child Care Subsidy Program; expanding Program to serve more families.</p>	<p>1/13/2021 House: Referred to Committee on Health, Welfare and Institutions 1/28/2021 House: Reported from Health, Welfare and Institutions with substitute (21-Y 0-N) 2/2/2021 House: Read third time and passed House BLOCK VOTE (99-Y 0-N) 2/3/2021 Senate: Referred to Committee on Education and Health</p>	<p>[2/5/2021]</p>
<p>[Support] (21103864D-H1) <b>Summary:</b> Child Care Assistance Program; emergency. Creates the COVID-19 Child Care Assistance Program (the Program) to provide financial assistance for child care to families in need during the public health emergency caused by COVID-19. The bill directs the Department of Education (the Department) to administer the Program and to create a process through which applicants may apply online to participate in the Program. The bill provides that after a Program participant has selected an eligible child care provider, the Department shall issue a voucher, for full-time or part-time care, directly to the provider and provide notice of the amount of the voucher to the Program participant. The bill provides that an applicant shall be eligible to participate in the Program if the applicant's household income is at or below 100 percent of the state median income or regional median income and the applicant's child for whom a voucher will be issued is 13 years of age or younger. The bill contains an emergency clause and will sunset on the last day of the sixth month after its passage.</p>		

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<b>Bills</b>	<b>General Assembly Actions</b>	<b>Date of BOS Position</b>
<p><a href="#"><b>HB 2227</b></a> - Kory (38) Uniform Statewide Building Code; amendments, energy efficiency and conservation.</p>	<p>1/13/2021 House: Referred to Committee on General Laws 1/28/2021 House: Subcommittee recommends reporting with substitute (5-Y 3-N) 2/2/2021 House: Reported from General Laws with substitute (13-Y 8-N) 2/5/2021 House: Read third time and passed House (55-Y 45-N) 2/5/2021 Senate: Referred to Committee on General Laws and Technology</p>	<p>[2/5/2021]</p>
<p>[Support] (21104318D-H1) - Support as a step toward increasing green construction, which the County supports in its legislative program. <b>Summary:</b> Uniform Statewide Building Code; amendments; energy efficiency and conservation. Directs the Board of Housing and Community Development, upon each publication by the International Code Council of a new version of the International Energy Conservation Code (IECC), to consider adopting amendments to the Uniform Statewide Building Code to address changes in the IECC related to energy efficiency and conservation.</p>		
<p><a href="#"><b>HB 2312</b></a> - Herring (46) Marijuana; legalization of simple possession, etc.</p>	<p>1/20/2021 House: Referred to Committee on General Laws 1/30/2021 House: Subcommittee recommends reporting with substitute (6-Y 1-N) 1/30/2021 House: Subcommittee recommends referring to Committee for Courts of Justice 1/30/2021 House: Incorporates HB 1815 (Heretick) 1/30/2021 House: Reported from General Laws with substitute (14-Y 6-N) 1/30/2021 House: Referred to Committee for Courts of Justice 1/31/2021 House: Reported from Courts of Justice with substitute (13-Y 8-N) 1/31/2021 House: Referred to Committee on Appropriations 2/3/2021 House: Reported from Appropriations (14-Y 7-N) 2/4/2021 House: Committee on General Laws substitute rejected 2/4/2021 House: Committee Courts of Justice substitute agreed to 2/5/2021 House: Read third time and passed House (55-Y 42-N 2-A) 2/5/2021 Senate: Referred to Committee on Rehabilitation and Social Services</p>	<p>[1/29/2021]</p>
<p>[Support with Amendment] (21104236D-H1) - Support strong local government land use and taxation authority in any marijuana legalization legislation. <b>Summary:</b> Marijuana; legalization; retail sales; penalties. Eliminates criminal penalties for simple possession of marijuana, modifies several other criminal penalties related to marijuana, and provides for an automatic expungement process for those convicted of certain marijuana-related crimes to have such crimes automatically expunged by July 1, 2026. The bill creates the Virginia Cannabis Control Authority (the Authority) and establishes a regulatory structure for the cultivation, manufacture, wholesale, and retail sale of retail marijuana and retail marijuana products, to be administered by the Authority. The bill contains social equity provisions that, among other things, provide support and resources to persons and communities that have been historically and disproportionately affected by drug enforcement. The bill has staggered effective dates and allows retail marijuana sales to begin on January 1, 2024. This bill incorporates HB 1815.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">HJ 527</a> - Bulova (37) Invasive plant species; DCR, et al., to study the sale and use of species.</p>	<p>1/7/2021 House: Referred to Committee on Rules 1/22/2021 House: Subcommittee recommends reporting (5-Y 0-N) 1/22/2021 House: Reported from Rules (18-Y 0-N) 1/26/2021 House: Agreed to by House BLOCK VOTE (98-Y 0-N) 1/27/2021 Senate: Referred to Committee on Rules</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21102405D) <b>Summary:</b> Study; Department of Conservation and Recreation and Virginia Department of Agriculture and Consumer Services; invasive plant species work group; report. Requests the Department of Conservation and Recreation, jointly with the Department of Agriculture and Consumer Services, to establish a work group to study the sale and use of invasive plant species. The resolution requests that the departments work with several state agencies, conservation nonprofits, and plant industry and agriculture groups to develop recommendations regarding statutory and regulatory changes intended to reduce or eliminate the sale and use of invasive plant species in the Commonwealth and promote the sale and use of native plants.</p>		
<p><a href="#">HJ 542</a> - McQuinn (70) Transit equity and modernization; Department of Rail and Public Transportation to study.</p>	<p>1/11/2021 House: Referred to Committee on Rules 1/22/2021 House: Subcommittee recommends reporting (5-Y 0-N) 1/22/2021 House: Subcommittee recommends referring to Committee on Appropriations 1/22/2021 House: Reported from Rules (17-Y 1-N) 1/22/2021 House: Referred to Committee on Appropriations 1/29/2021 House: Subcommittee recommends reporting with substitute (8-Y 0-N) 1/29/2021 House: Reported from Appropriations with substitute (22-Y 0-N) 2/2/2021 House: Agreed to by House (77-Y 19-N) 2/3/2021 Senate: Referred to Committee on Rules</p>	<p>[1/29/2021]</p>
<p>[Support] (21102752D) <b>Summary:</b> Study; Department of Rail and Public Transportation; transit equity and modernization; report. Requests the Department of Rail and Public Transportation to conduct a two-year study of transit equity and modernization in the Commonwealth.</p>		
<p><a href="#">SB 1148</a> - Kiggans (7) Elections; date of June primary election.</p>	<p>1/6/2021 Senate: Referred to Committee on Privileges and Elections 1/26/2021 Senate: Reported from Privileges and Elections (10-Y 2-N) 2/1/2021 Senate: Read third time and passed Senate (27-Y 12-N) 2/5/2021 House: Referred to Committee on Privileges and Elections</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21101028D) - Board has historically supported. <b>Summary:</b> Changes the date of the primary election held in June from the second Tuesday in June to the third Tuesday in June. The bill also changes candidate filing deadlines to reflect the change of date. The bill satisfies the reenactment requirement of Chapter 1253 of the Acts of Assembly of 2020.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><b><u>SB 1156</u></b> - Howell (32) Technology Development Grant Fund; created.</p>	<p>1/7/2021 Senate: Referred to Committee on Finance and Appropriations 1/19/2021 Senate: Reported from Finance and Appropriations (15-Y 0-N) 1/22/2021 Senate: Read third time and passed Senate (37-Y 0-N) 2/2/2021 House: Referred to Committee on Appropriations</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21102102D) <b>Summary:</b> Technology Development Grant Fund created. Creates the Technology Development Grant Fund to make grant payments to a qualified technology company that makes a capital investment of at least \$64 million at a facility in Fairfax County and creates at least 1,500 new full-time jobs at the facility. A qualified technology company would be eligible for an aggregate of \$22.5 million in grants paid over four years if it meets performance parameters and complies with the terms of a memorandum of understanding agreed upon by the company, the Commonwealth, and the Virginia Economic Development Partnership Authority.</p>		
<p><b><u>SB 1197</u></b> - Locke (2) Virginia housing opportunity; tax credit established.</p>	<p>1/11/2021 Senate: Referred to Committee on Finance and Appropriations 2/2/2021 Senate: Reported from Finance and Appropriations (16-Y 0-N) 2/4/2021 Senate: Passed Senate (39-Y 0-N)</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21102520D) <b>Summary:</b> Virginia housing opportunity tax credit. Establishes, starting in taxable year 2021, a Virginia housing opportunity tax credit, which is equal to the amount of the federal low-income housing tax credit allocated or allowed by the Virginia Housing Development Authority to a low-income building that is eligible for the federal credit. The credit would be nonrefundable and could be carried forward for up to five years.</p>		
<p><b><u>SB 1206</u></b> - Barker (39) Confidentiality of juvenile court records; exceptions.</p>	<p>1/11/2021 Senate: Referred to Committee on the Judiciary 1/25/2021 Senate: Reported from Judiciary with substitute (8-Y 7-N) 1/28/2021 Senate: Read third time and passed Senate (27-Y 11-N) 2/2/2021 House: Referred to Committee for Courts of Justice</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21102736D) <b>Summary:</b> Provides that juvenile court service unit records and Department of Juvenile Justice records may be open for inspection to the Department of Social Services or any local department of social services that is providing services or care for, or has accepted a referral for family assessment or investigation and the provision of services regarding, a juvenile and these local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide coordinated services to such juveniles.</p>		
<p><b><u>SB 1242</u></b> - Edwards (21) Personal appearance by two-way electronic video and audio communication; entry of plea.</p>	<p>1/11/2021 Senate: Referred to Committee on the Judiciary 1/20/2021 Senate: Reported from Judiciary (15-Y 0-N) 1/26/2021 Senate: Read third time and passed Senate (39-Y 0-N) 2/2/2021 House: Referred to Committee for Courts of Justice</p>	<p><b>1/26/2021</b></p>

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Bills	General Assembly Actions	Date of BOS Position
<p><b>Support</b> (21101001D)  <b>Summary:</b> Personal appearance by two-way electronic video and audio communication; entry of plea or nolle prosequi; adjudication of probation violations. Provides that with the consent of the court and all parties, an appearance in a court may be made by two-way electronic video and audio communication for the purpose of (i) entry of a plea of guilty or nolo contendere and the related sentencing of the defendant charged with a misdemeanor or felony, (ii) entry of a nolle prosequi, or (iii) adjudication of an alleged violation of probation. This bill is a recommendation of the Judicial Council of Virginia and the Committee on District Courts.</p>		
<p><b><u>SB 1245</u></b> - Deeds (25)  Absentee voting;  establishment of drop-off locations, ballot defects, cure process.</p>	<p>1/11/2021 Senate: Referred to Committee on Privileges and Elections  1/26/2021 Senate: Reported from Privileges and Elections with substitute (9-Y 6-N)  2/1/2021 Senate: Read third time and passed Senate (21-Y 18-N)  2/5/2021 House: Referred to Committee on Privileges and Elections</p>	<p><b>1/26/2021</b></p>
<p><b>Support with Amendment</b> (21100967D) - Support with amendments to remove the requirement to establish the locations of satellite voter offices through local ordinances.  <b>Summary:</b> Absentee voting; establishment of drop-off locations; ballot defects; cure process. Requires the establishment of a drop-off location for the return of marked absentee ballots at the office of the general registrar and each voter satellite office. On the day of any election, a drop-off location shall be available at each polling place in operation for such election. The bill allows the general registrar of any county or city to establish additional drop-off locations within the county or city as he deems necessary. The Department of Elections is required to set standards related to the establishment and operation of drop-off locations, including security requirements. The bill also requires general registrars to take certain actions to preprocess absentee ballots returned before election day and to notify an absentee voter of any errors or issues with the completion or return of his absentee ballot that would render the ballot void. The general registrars are required to enter into the voter's record in the registration system that the voter's absentee ballot has an issue requiring correction and to notify the voter in writing or by email of the error or failure, in addition to providing information on how to correct the issue. The absentee voter then has until noon on the third day following the election to make necessary corrections so that his ballot may be counted. This ballot cure process applies only to those absentee ballots received by the Friday immediately preceding the day of the election. The bill contains technical amendments for organizational purposes.</p>		
<p><b><u>SB 1271</u></b> - McPike (29)  Virginia Freedom of Information Act; meetings held through electronic communication means.</p>	<p>1/12/2021 Senate: Referred to Committee on General Laws and Technology  1/20/2021 Senate: Reported from General Laws and Technology (15-Y 0-N)  1/26/2021 Senate: Read third time and passed Senate (39-Y 0-N)  2/2/2021 House: Referred to Committee on General Laws</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21101309D)  <b>Summary:</b> Virginia Freedom of Information Act; meetings held through electronic communication means during a state of emergency. Allows a public body, or a joint meeting thereof, to meet by electronic communication means without a quorum of the public body physically assembled at one location when a locality in which the public body is located has declared a local state of emergency, provided that (i) the</p>		

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catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. Under current law, public bodies may only meet in such manner when the Governor has declared a state of emergency, and only for the purpose of addressing the emergency. Finally, the bill requires public bodies meeting through electronic communication means during a local or state declaration of a state of emergency to (a) make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body, and (b) provide the public with the opportunity to comment at such meetings when public comment is customarily received.

<p><b>SB 1284</b> - Favola (31) Commonwealth Clean Energy Policy; established.</p>	<p>1/11/2021 Senate: Referred to Committee on Commerce and Labor 2/1/2021 Senate: Reported from Commerce and Labor with substitute (12-Y 3-N) 2/1/2021 Senate: Re-referred to Finance and Appropriations 2/3/2021 Senate: Reported from Finance and Appropriations (11-Y 4-N 1-A) 2/5/2021 Senate: Read third time and passed Senate (21-Y 18-N)</p>	<p>[2/5/2021]</p>
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[Support] (21103831D-S1)  
**Summary:** Commonwealth Clean Energy Policy. Establishes the Commonwealth Clean Energy Policy, replacing the Commonwealth Energy Policy. The bill sets out the energy policy and objectives of the Commonwealth Clean Energy Policy, which include: (i) the Commonwealth recognizes that effectively addressing climate change and enhancing resilience will advance the health, welfare, and safety of the residents of the Commonwealth and that addressing climate change requires reducing greenhouse gas emissions across the Commonwealth's economy sufficient to reach net-zero emission by 2045 in all sectors, including the electric power, transportation, industrial, agricultural, building, and infrastructure sectors; (ii) the Commonwealth recognizes the need to promote environmental justice and ensure that it is carried out throughout the Commonwealth and the need to address and prevent energy inequities in historically economically disadvantaged communities; and (iii) the Commonwealth must continue to prioritize economic competitiveness and workforce development in an equitable manner.

<p><b>SB 1297</b> - Obenshain (26) Emergency order for adult protective services; acts of violence, etc., or financial exploitation.</p>	<p>1/11/2021 Senate: Referred to Committee on Rehabilitation and Social Services 1/22/2021 Senate: Reported from Rehabilitation and Social Services (15-Y 0-N) 1/27/2021 Senate: Read third time and passed Senate (39-Y 0-N) 2/2/2021 House: Referred to Committee for Courts of Justice</p>	<p>[1/29/2021]</p>
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[Support] (21102422D)  
**Summary:** Emergency order for adult protective services; acts of violence, force, or threat or financial exploitation; penalty. Allows the circuit court, upon a finding that an incapacitated adult has been, within a reasonable period of time, subjected to an act of violence, force, or threat or been subjected to financial exploitation, to include in an emergency order for adult protective services one or more of the following conditions to be imposed on the alleged perpetrator: (i) a prohibition on acts of violence, force, or threat or

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Bills	General Assembly Actions	Date of BOS Position
<p>criminal offenses that may result in injury to person or property; (ii) a prohibition on such other contacts by the alleged perpetrator with the adult or the adult's family or household members as the court deems necessary for the health and safety of such persons; or (iii) such other conditions as the court deems necessary to prevent (a) acts of violence, force, or threat; (b) criminal offenses that may result in injury to persons or property; (c) communication or other contact of any kind by the alleged perpetrator; or (d) financial exploitation by the alleged perpetrator. The bill provides that any person who violates any such condition is guilty of a Class 1 misdemeanor. Also, the bill provides that hearings on emergency orders for adult protective services shall be held no earlier than 24 hours and no later than 72 hours after the notice required has been given, unless such notice has been waived by the court. Current law just requires such hearing be held no earlier than 24 hours.</p>		
<p><b>SB 1309</b> - Ebbin (30) Local stormwater assistance; flood mitigation and protection.</p>	<p>1/12/2021 Senate: Referred to Committee on Local Government 1/18/2021 Senate: Reported from Local Government with substitute (14-Y 0-N 1-A) 1/21/2021 Senate: Read third time and passed Senate (39-Y 0-N) 2/2/2021 House: Referred to Committee on Counties, Cities and Towns</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21103219D-S1) <b>Summary:</b> Authorizes grants from a local Stormwater Management Fund to be used for flood mitigation and protection measures that are part of a comprehensive flood mitigation and protection plan adopted by the locality, and requires such grants, where practicable, to prioritize projects that include nature-based practices. Current law allows such funds to be used only for the construction, improvement, or repair of a stormwater management facility or for erosion and sediment control.</p>		
<p><b>SB 1328</b> - Mason (1) State-Funded Kinship Guardianship Assistance program; created.</p>	<p>1/12/2021 Senate: Referred to Committee on Rehabilitation and Social Services 1/15/2021 Senate: Reported from Rehabilitation and Social Services with substitute (14-Y 0-N) 1/15/2021 Senate: Re-referred to Finance and Appropriations 1/26/2021 Senate: Reported from Finance and Appropriations with amendments (16-Y 0-N) 1/29/2021 Senate: Read third time and passed Senate (37-Y 0-N) 2/2/2021 House: Referred to Committee on Health, Welfare and Institutions</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21101857D) <b>Summary:</b> State-Funded Kinship Guardianship Assistance program. Creates the State-Funded Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives, including fictive kin, and ensure permanency for children. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><b><u>SB 1339</u></b> - Surovell (36) Police and court records; expungement and sealing of records, Expungement Fee Fund created.</p>	<p>1/12/2021 Senate: Referred to Committee on the Judiciary 2/1/2021 Senate: Incorporates SB 1283 (Morrissey) 2/1/2021 Senate: Incorporates SB 1372 (Lucas) 2/1/2021 Senate: Reported from Judiciary with substitute (9-Y 3-N 3-A) 2/1/2021 Senate: Re-referred to Finance and Appropriations 2/3/2021 Senate: Reported from Finance and Appropriations with substitute (13-Y 3-N) 2/4/2021 Senate: Committee on Judiciary substitute rejected 2/4/2021 Senate: Committee on Finance and Appropriations substitute rejected 2/4/2021 Senate: Substitute by Senator Surovell agreed to 2/5/2021 Senate: Read third time and passed Senate (21-Y 17-N) 2/5/2021 Senate: Reconsideration of passage agreed to by Senate (38-Y 0-N) 2/5/2021 Senate: Passed Senate (21-Y 18-N)</p>	<p>[1/29/2021]</p>
<p>[Support with Amendment] (21100793D) - Support concept of expungement for certain crimes; sufficient state funding for implementation is essential. <b>Summary:</b> Expungement and sealing of police and court records; Expungement Fee Fund created; protection of public record information; penalties. Establishes a process for the sealing of police and court records, defined in the bill, of criminal records for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also allows a person to petition for the expungement of the police and court records relating to convictions of marijuana possession, underage alcohol or tobacco possession, and using a false ID to obtain alcohol and for deferred disposition dismissals for possession of controlled substances or marijuana, underage alcohol or tobacco possession, and using a false ID to obtain alcohol.</p>		
<p><b><u>SB 1366</u></b> - Barker (39) Aging services; economic and social need.</p>	<p>1/13/2021 Senate: Referred to Committee on Rehabilitation and Social Services 1/22/2021 Senate: Reported from Rehabilitation and Social Services with substitute (9-Y 4-N 2-A) 1/29/2021 Senate: Committee on Rehabilitation and Social Services substitute rejected 21103044D-S1 1/29/2021 Substitute by Senator Barker agreed to 21103857D-S2 2/1/2021 Senate: Read third time and passed Senate (23-Y 16-N) 2/5/2021 House: Referred to Committee on Health, Welfare and Institutions</p>	<p>[1/29/2021]</p>
<p>[Support] (21103857D-S2) <b>Summary:</b> Aging services; social need. Requires the Department for Aging and Rehabilitative Services, in providing aging services, to use available resources to provide services to older persons with the greatest economic or social needs. The bill defines "economic need" as need resulting from an income level at or below the poverty line. The bill defines "social need" as need caused by noneconomic factors, including (i) physical and mental disabilities, which include developmental disabilities and human immunodeficiency virus; (ii) language barriers; and (iii) cultural, social, or geographic isolation, including that which is related to a history of discrimination for factors such as racial or ethnic status, gender identity, gender expression, or sexual orientation that can affect an individual's ability to perform normal daily tasks or threatens such individual's capacity to live independently.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><b><u>SB 1382</u></b> - Favola (31) Firearms; purchase, etc., following conviction for assault and battery of a family member.</p>	<p>1/12/2021 Senate: Referred to Committee on the Judiciary 1/27/2021 Senate: Reported from Judiciary (8-Y 5-N) 1/27/2021 Senate: Re-referred to Finance and Appropriations 2/3/2021 Senate: Reported from Finance and Appropriations (8-Y 7-N) 2/5/2021 Senate: Read third time and defeated by Senate (16-Y 22-N)</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21102782D) - See also HB 1992 (Murphy). <b>Summary:</b> Purchase, possession, or transportation of firearms following conviction for assault and battery of a family or household member; penalties. Prohibits a person who has been convicted of assault and battery of a family or household member from purchasing, possessing, or transporting a firearm. A person who violates this provision is guilty of a Class 3 misdemeanor.</p>		
<p><b><u>SB 1384</u></b> - Surovell (36) Virginia Public Procurement Act; local arbitration agreements.</p>	<p>1/12/2021 Senate: Referred to Committee on General Laws and Technology 1/27/2021 Senate: Reported from General Laws and Technology (8-Y 7-N) 2/4/2021 Senate: Substitute by Senator Surovell agreed to 21104413D-S3 2/5/2021 Senate: Read third time and passed Senate (20-Y 17-N 1-A)</p>	<p>[1/29/2021]</p>
<p>[Support with Amendment] (21102806D) - Support the concept for contracts that bind the public to terms and conditions that the County negotiates and amend legislation to improve implementation. <b>Summary:</b> Allows a participating locality, for any procurement solicitation or contract exceeding \$10,000 for goods and services, to require the bidder or offeror to disclose certain information regarding pre-dispute arbitration clauses, defined in the bill, in employment, civil rights, and consumer disputes, and provides that a locality may consider the policies and practices related to arbitration of each bidder and offeror. The bill also provides that a participating locality shall require the bidder or offeror to provide written or electronic submissions to allow the locality to ascertain (i) whether the bidder or offeror requires persons with whom it is in a work relationship or prospective work relationship to sign or otherwise enter into a contract containing a pre-dispute arbitration clause that would cover an employment or civil rights dispute and (ii) whether the bidder or offeror requires consumers to sign or otherwise enter into a contract containing a pre-dispute arbitration clause that would cover a consumer or civil rights dispute as a condition of purchasing products or services, downloading mobile applications, or using websites. The bill authorizes a participating locality to cancel, terminate, or suspend, in whole or in part, the contract of any contractor that has violated a provision of the bill and to declare the contractor ineligible for further contracts with such locality for up to five years.</p>		
<p><b><u>SB 1393</u></b> - Marsden (37) Trees; replacement and conservation during development.</p>	<p>1/13/2021 Senate: Referred to Committee on Local Government 1/25/2021 Senate: Reported from Local Government with substitute (12-Y 3-N) 2/1/2021 Senate: Read third time and passed Senate (26-Y 13-N) 2/5/2021 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources</p>	<p><b>1/26/2021</b></p>

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Bills	General Assembly Actions	Date of BOS Position
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**Support** (21102865D) - See also HB 2042 (Guy).

**Summary:** Replacement and conservation of trees during development. Gives a locality the ability to exceed general requirements in its tree replacement and conservation ordinances in specific circumstances, including development that impacts stormwater permit requirements, recurrent flooding, formerly redlined areas, and comprehensive plan compliance. The bill also directs the Secretary of Natural Resources and Secretary of Agriculture and Forestry to convene a stakeholder work group for the purpose of developing and providing recommendations to state and local governments related to policies that encourage the conservation of mature trees and tree cover on sites being developed, increase tree canopy cover in communities, and encourage the planting of trees. This bill only becomes effective if reenacted during the 2022 Session of the General Assembly.

**SB 1406** - Ebbin (30) Marijuana; legalization of simple possession, penalties.

1/13/2021 Senate: Referred to Committee on Rehabilitation and Social Services  
 1/22/2021 Senate: Reported from Rehabilitation and Social Services with substitute (8-Y 7-N)  
 1/22/2021 Senate: Re-referred to Judiciary  
 1/25/2021 Senate: Incorporates SB 1243 (Morrissey)  
 2/1/2021 Senate: Reported from Judiciary with substitute (9-Y 5-N 1-A)  
 2/1/2021 Senate: Re-referred to Finance and Appropriations  
 2/3/2021 Senate: Reported from Finance and Appropriations with amendments (11-Y 4-N)  
 2/4/2021 Senate: Rehabilitation and Social Services Committee substitute rejected 21103366D-S1  
 2/4/2021 Senate: Finance and Appropriations Committee amendments agreed to  
 2/4/2021 Senate: Judiciary Committee substitute agreed to 21104160D-S2  
 2/5/2021 Senate: Read third time and passed Senate (23-Y 15-N)

[1/29/2021]

[Support with Amendment] (21103366D-S1) - Support strong local government land use and taxation authority in any marijuana legalization legislation.

**Summary:** Marijuana; legalization; retail sales; penalties. Eliminates criminal penalties for simple possession of marijuana, modifies several other criminal penalties related to marijuana, and provides for an automatic expungement process for those convicted of certain marijuana-related crimes. The bill creates the Virginia Cannabis Control Authority (the Authority) and establishes a regulatory structure for the cultivation, manufacture, wholesale, and retail sale of retail marijuana and retail marijuana products, to be administered by the Authority. The bill contains social equity provisions that, among other things, provide support and resources to persons and communities that have been historically and disproportionately affected by drug enforcement. The bill has staggered effective dates and allows retail marijuana sales to begin on January 1, 2024. Certain provisions of the bill do not become effective unless reenacted by the 2022 Session of the General Assembly. This bill incorporates SB 1243.

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">SB 1457</a> - Surovell (36) Historic sites; urban county executive form of gov't. (Fairfax County), provisions in its ordinance.</p>	<p>1/20/2021 Senate: Referred to Committee on Local Government 1/25/2021 Senate: Reported from Local Government with amendments (15-Y 0-N) 1/28/2021 Senate: Read third time and passed Senate (38-Y 0-N) 2/2/2021 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/29/2021] <b>1/26/2021</b></p>
<p>[Support] (21102678D-E) - Bill has been amended as the County requested. <del>Support with Amendment (21102678D)</del> <del>Support with amendment to clarify language for implementation.</del> <b>Summary:</b> Preservation of historic sites. Provides that any locality utilizing the urban county executive form of government (Fairfax County) may include a provision in its historic preservation ordinance that would allow public access to an historic area, landmark, building, or structure, or land pertaining thereto, or providing that no subdivision shall occur within any historic district unless approved by the review board or, on appeal, by the governing body of the locality as being compatible with the historic nature of such area, landmarks, buildings, or structures therein with regard to any parcel or parcels that collectively are (i) adjacent to a navigable river and a national park, and (ii) in part or as a whole subject to an easement granted to the National Park Service or Virginia Outdoors Foundation granted on or after January 1, 1973.</p>		
<p><a href="#">SB 1472</a> - Suetterlein (19) DMAS; work group to study options for increasing access to virtual supports and services.</p>	<p>1/22/2021 Senate: Referred to Committee on Rehabilitation and Social Services 1/29/2021 Senate: Reported from Rehabilitation and Social Services with substitute (14-Y 0-N) 2/2/2021 Senate: Passed Senate (39-Y 0-N) 2/5/2021 House: Referred to Committee on Health, Welfare and Institutions</p>	<p>[1/29/2021]</p>
<p>[Support] (21101385D) <b>Summary:</b> DMAS; work group to study options for increasing access to virtual supports and services; individuals with intellectual and developmental disabilities. Directs the Department of Medical Assistance Services to study and develop recommendations for the permanent use of virtual supports and increasing access to virtual supports and services for individuals with intellectual and developmental disabilities by promoting access to assistive technology and environmental modifications. The bill requires the Department to report its findings and recommendations to the Governor, the General Assembly, and the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on Health, Welfare and Institutions by November 1, 2021.</p>		
<p><a href="#">SJ 293</a> - Spruill, Sr. (5) Assisted living and auxiliary grants; Joint Commission on Health Care to study available data.</p>	<p>1/13/2021 Senate: Referred to Committee on Rules 1/29/2021 Senate: Reported from Rules with amendments by voice vote 2/3/2021 Senate: Read third time and agreed to by Senate by voice vote 2/5/2021 House: Referred to Committee on Rules</p>	<p><b>1/26/2021</b></p>
<p><b>Support</b> (21102328D) <b>Summary:</b> Study; Joint Commission on Health Care; assisted living and auxiliary grants; report. Directs the Joint Commission on Health Care to study available data regarding assisted living and auxiliary grants and develop a blueprint for implementing recommendations that will allow the Commonwealth to provide a more realistic system of addressing housing and care needs.</p>		

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<b>Bills</b>	<b>General Assembly Actions</b>	<b>Date of BOS Position</b>
<p><b><a href="#">SJ 294</a></b> - Lewis, Jr. (6)                      JLARC; costs of education, report.</p>	<p>1/13/2021 Senate: Referred to Committee on Rules                      1/22/2021 Senate: Reported from Rules with amendments by voice vote                      1/27/2021 Senate: Read third time and agreed to by Senate by voice vote                      2/2/2021 House: Referred to Committee on Rules</p>	<p>[1/29/2021]</p>

[Support] (21102747D-E)  
**Summary:** Study; JLARC; costs of education; report. Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.

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# *Fairfax County Positions*

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">HB 1736</a> - Adams (68) School nurses; nursing services in a public elementary or secondary school.</p>	<p>8/17/2020 House: Referred to Committee on Education 1/18/2021 House: Subcommittee recommends reporting with substitute (6-Y 2-N) 1/20/2021 House: Reported from Education with substitute (13-Y 8-N) 1/25/2021 House: Read third time and passed House (68-Y 31-N 1-A) 1/26/2021 Senate: Referred to Committee on Education and Health</p>	<p>[1/29/2021] <del>1/26/2021</del></p>
<p>[Monitor] (21102518D-H1) - Bill has been amended to address County's concerns. <b>Oppose</b> (21100241D) – <del>Board has historically opposed. Potential fiscal impact to Fairfax County is approximately \$11.5 million.</del> <b>Summary:</b> School nurses; nomenclature. Prohibits any individual who provides nursing services in a public elementary or secondary school as a school board employee or through a contract with the local health department from using the title of school nurse unless such individual is a registered nurse who possesses an active license to practice in the Commonwealth.</p>		
<p><a href="#">HB 1778</a> - Ward (92) Removal of clutter from property; definition, civil penalty.</p>	<p>12/29/2020 House: Referred to Committee on Counties, Cities and Towns 1/21/2021 House: Subcommittee recommends reporting (6-Y 2-N) 1/29/2021 House: Reported from Counties, Cities and Towns (12-Y 9-N) 2/3/2021 House: Read third time and passed House (55-Y 43-N) 2/4/2021 Senate: Referred to Committee on Local Government</p>	<p>[2/5/2021]</p>
<p>[Monitor] (21101674D) <b>Summary:</b> Removal of clutter from property; civil penalty. Provides that a locality may by ordinance require the removal of clutter from property, or may, whenever the governing body deems it necessary, after reasonable notice, have such clutter removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected. The bill defines "clutter" as including mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate. Violations of the bill are subject to the existing civil penalty applicable to violations of provisions relating to the removal of trash, garbage, refuse, litter, and similar substances from property.</p>		
<p><a href="#">HB 1841</a> - Keam (35) Crosswalk design; Dept. of Transportation to convene work group to determine model policies.</p>	<p>1/7/2021 House: Referred to Committee on Transportation 1/19/2021 House: Subcommittee recommends reporting with substitute with amendments (8-Y 0-N) 1/21/2021 House: Reported from Transportation with substitute (21-Y 0-N) 1/26/2021 House: Read third time and passed House BLOCK VOTE (99-Y 0-N) 1/27/2021 Senate: Referred to Committee on Transportation</p>	<p><b>1/26/2021</b></p>

**Bold** – Indicates BOS formal action  
[ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
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**Monitor** (21103284D-H1)

**Summary:** Commissioner of Highways; crosswalk design. Directs the Commissioner of Highways to convene a working group to determine whether there should be model policies for crosswalk design and installation and, if so, establish recommendations for such model policies. The bill directs the working group to monitor and provide input to the U.S. Department of Transportation and the Federal Highway Administration as updates to crosswalk designs in the Manual on Uniform Traffic Control Devices for Streets and Highways are considered. The working group shall submit to the Governor and the General Assembly a report on its findings and recommendations by November 1, 2021.

<p><a href="#">HB 1880</a> - Krizek (44) Illegal gambling; skill games, temporary exemption for truck stops.</p>	<p>1/8/2021 House: Referred to Committee on General Laws 2/5/2021 House: Left in General Laws</p>	<p>[1/29/2021]</p>
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[Monitor] (21102510D)

**Summary:** Illegal gambling; skill games; temporary exemption for truck stops and alcoholic beverage control retail licensees. Delays by one additional year, from July 1, 2021, to July 1, 2022, the prohibition on the play or offering for play of skill games that was instituted in the 2020 Regular Session. The bill extends the one-year phase-out of existing skill games by one additional year to July 1, 2022, but decreases to 90 percent the total number of machines that a distributor may provide for play to truck stops and Virginia Alcoholic Beverage Control Authority retail licensees (ABC retail licensees) relative to the number of machines such distributor previously reported to the Virginia Alcoholic Beverage Control Authority (the Authority) on July 1, 2020. The bill caps the total number of skill games that persons operating truck stops and ABC retail licensees may make available for play to no more than 20 and six, respectively. The bill extends the prohibition on distributors offering new skill games for play. The bill keeps oversight authority over skill games with the Authority. The bill extends the requirement that each distributor pay a monthly tax of \$1,200 for each skill game provided for play during the previous month. Revenues will accrue one percent to the Problem Gambling Treatment and Support Fund, three percent to the Authority for the purposes of implementing the bill, 33 percent to the localities in which the skill games are located, one percent to the Family and Children's Trust Fund, two percent to the Virginia Breeders Fund, and 60 percent to the Commonwealth Transportation Fund. The bill extends the requirement that distributors report monthly to the Authority the number of skill games provided for play. Finally, the bill prohibits persons younger than 21 years of age from playing skill games or redeeming the evidence of winnings for them.

<p><a href="#">HB 1883</a> - VanValkenburg (72) Elections; preclearance of certain covered practices required.</p>	<p>1/8/2021 House: Referred to Committee on Privileges and Elections 2/5/2021 House: Left in Privileges and Elections</p>	<p>[1/29/2021]</p>
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[Monitor] (21102660D)

**Summary:** Requires the governing body of a covered jurisdiction, prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, to either (i) institute an action in the Circuit Court of the City of Richmond for a declaratory judgment that the covered practice neither has the purpose or effect of denying or abridging the right to vote on account of race or color or membership in a language minority group nor will result in the retrogression in the position of

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Bills	General Assembly Actions	Date of BOS Position
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members of a racial or ethnic group with respect to their effective exercise of the electoral franchise or (ii) submit such covered practice to the Office of the Attorney General for issuance of a certification of no objection. No covered practice can be given effect until the Circuit Court of the City of Richmond has entered such judgment or the Attorney General has issued such certification. The bill permits certain persons to institute an action to compel the governing body of a covered jurisdiction to institute an action in the Circuit Court of the City of Richmond or to seek issuance of a certification of no objection and provides for appeals by the governing body or certain persons to decisions made by the Attorney General. A covered jurisdiction is defined by the bill as any county or city that is determined by the Attorney General using annual American Community Survey data to have a voting age population that contains two or more racial or ethnic groups, each constituting at least 20 percent of its voting age population, but excludes any county or city that, on or after January 1, 2008, was exempt from the preclearance requirements of § 5 of the Voting Rights Act of 1965, as amended, pursuant to a declaratory jurisdiction issued by the United States District Court for the District of Columbia under § 4 of that Act.

**HB 1890** - Price (95)  
Discrimination; prohibited in voting and elections administration, etc.

1/8/2021 House: Referred to Committee on Privileges and Elections  
1/22/2021 House: Subcommittee recommends reporting with substitute (4-Y 2-N)  
1/27/2021 House: Reported from Privileges and Elections with substitute (13-Y 9-N)  
2/1/2021 House: Read third time and passed House (55-Y 45-N)  
2/2/2021 Senate: Referred to Committee on Privileges and Elections

[1/29/2021]

[Monitor] (21103495D-H1) - See also SB 1395 (McClellan).

**Summary:** Elections; prohibited discrimination in voting and elections administration; required process for enacting certain covered practices; civil causes of action. Prohibits any voting qualification or any standard, practice, or procedure related to voting from being imposed or applied in a manner that results in the denial or abridgment of the right of any United States citizen to vote based on his race or color or membership in a language minority group. The bill further prohibits at-large methods of election from being imposed or applied in a locality in a manner that impairs the ability of a protected class, defined in the bill, to elect candidates of its choice or to influence the outcome of an election, by diluting or abridging the rights of voters who are members of a protected class. Prior to enacting or administering a covered practice, defined in the bill, the governing body of a locality is required to publish the proposed covered practice and accept public comment for a minimum of 30 days on the proposed covered practice; after the public comment period, a 30-day waiting period is required. During this period, any person who will be subject to or affected by the covered practice may challenge the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. The bill permits the local governing body to instead submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection and, once such certification is issued, to enact or administer the covered practice. Certain unlawful actions, including knowingly communicating false information to voters, that are currently subject to criminal penalties will create civil causes of action under the bill. The bill authorizes the Attorney General to commence civil actions when there is reasonable cause to believe that a violation of an election law has occurred and the rights of any voter or group of voters have been affected by the violation. Civil penalties assessed as a result of such action are payable to the Voter Education and Outreach Fund, established by the bill. Current provisions related to language minority accessibility are moved to a newly created chapter relating to the rights of voters.

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[ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">HB 2071</a> - Convirs-Fowler (21) Transportation funding; statewide prioritization process, resiliency.</p>	<p>1/12/2021 House: Referred to Committee on Transportation 1/21/2021 House: Subcommittee recommends reporting with substitute (6-Y 3-N) 1/26/2021 House: Reported from Transportation with substitute (15-Y 5-N) 1/29/2021 House: Read third time and passed House (64-Y 35-N) 2/1/2021 Senate: Referred to Committee on Transportation</p>	<p><b>1/26/2021</b></p>
<p><b>Monitor</b> (21103472D) - See also SB 1350 (Lewis). <b>Summary:</b> Transportation projects; resiliency. Requires the Commonwealth Transportation Board to determine whether a project has been designed to be resilient when evaluating projects for the Six-Year Improvement Program and consider resiliency when establishing the Statewide Transportation Plan. The bill also requires the Commissioner of Highways to ensure resiliency is incorporated into the design standards for new construction projects.</p>		
<p><a href="#">HB 2191</a> - Leftwich (78) Social services, local department of; location of child in local department's custody.</p>	<p>1/13/2021 House: Referred to Committee on Health, Welfare and Institutions 1/20/2021 House: Subcommittee recommends reporting with substitute (5-Y 0-N) 1/20/2021 House: Subcommittee recommends referring to Committee on Appropriations 1/26/2021 House: Reported from Health, Welfare and Institutions with substitute (21-Y 0-N) 1/29/2021 House: Read third time and passed House (99-Y 0-N) 2/1/2021 Senate: Referred to Committee on Rehabilitation and Social Services</p>	<p>[2/5/2021]</p>
<p>[Monitor] (21103371D-EH1) <b>Summary:</b> Local department of social services; location of child in local department's custody. Provides that a local department of social services shall, upon request of the legal guardian or custodian of a child, disclose to such legal guardian or custodian the location of the child when the child is in the custody of another legal guardian or custodian, unless the local department finds that such disclosure would compromise the safety of the child or the legal guardian or custodian.</p>		
<p><a href="#">HB 2262</a> - Hurst (12) Bicycles; permits operators to treat a stop sign as a yield sign in certain situations.</p>	<p>1/13/2021 House: Referred to Committee on Transportation 1/25/2021 House: Subcommittee recommends reporting (8-Y 2-N) 1/28/2021 House: Reported from Transportation (16-Y 5-N) 2/2/2021 House: Read third time and passed House (75-Y 24-N) 2/3/2021 Senate: Referred to Committee on Transportation</p>	<p>[1/29/2021]</p>
<p>[Monitor] (21101122D) <b>Summary:</b> Traffic regulation; bicycles. Permits operators of bicycles to treat a stop sign as a yield sign in certain situations. The bill requires the driver of a motor vehicle to change lanes when overtaking a bicycle or certain other vehicles when the lane of travel is not wide enough for the overtaking motor vehicle to pass at least three feet to the left of the overtaken vehicle. The bill also removes the limitations on riding bicycles and certain other vehicles two abreast.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">HB 2322</a> - Herring (46) Opioid Abatement Authority; established, report.</p>	<p>1/21/2021 House: Referred to Committee on General Laws 1/28/2021 House: Subcommittee recommends reporting (7-Y 1-N) 1/28/2021 House: Subcommittee recommends referring to Committee on Appropriations 1/28/2021 House: Reported from General Laws with substitute (20-Y 2-N) 1/28/2021 House: Referred to Committee on Appropriations 2/1/2021 House: Subcommittee recommends reporting with substitute (8-Y 0-N) 2/1/2021 House: Reported from Appropriations with substitute (22-Y 0-N) 2/3/2021 House: Committee on General Laws substitute rejected 21103991D-H1 2/3/2021 House: Committee on Appropriations substitute agreed to 21104247D-H2 2/4/2021 House: Read third time and passed House (97-Y 3-N) 2/5/2021 Senate: Referred to Committee on General Laws and Technology</p>	<p>[1/29/2021]</p>
<p>[Monitor] (21103485D) - See also SB 1469 (Barker). <b>Summary:</b> Establishing an Opioid Abatement Authority. Establishes the Opioid Abatement Authority. The Authority, with the assistance of the Office of the Attorney General, would administer the Opioid Abatement Fund, which would receive moneys from settlements, judgments, verdicts, and other court orders, or related agreements, concerning claims regarding the manufacturing, marketing, distribution, or sale of opioids that would be used to provide grants and loans to Virginia agencies and certain localities for the purpose of treating, preventing, and reducing opioid use disorder and the misuse of opioids in the Commonwealth.</p>		
<p><a href="#">HJ 556</a> - Lopez (49) Constitutional amendment; environmental justice (first reference).</p>	<p>1/12/2021 House: Referred to Committee on Privileges and Elections</p>	<p>[2/5/2021]</p>
<p>[Monitor] (21101762D) - Support concept of environmental justice; maintaining local authority to develop innovative approaches is essential. <b>Summary:</b> Constitutional amendment (first reference); environmental justice. Establishes that it is the policy of the Commonwealth to follow the principles of environmental justice in the development, implementation, and enforcement of environmental laws, regulations, and policies and to ensure that no population, especially minority, low-income, or historically economically disadvantaged communities, faces higher levels or greater impacts of pollution and climate change than other populations.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><b><u>SB 1274</u></b> - Marsden (37) Wildlife corridors; various agencies to consider and incorporate.</p>	<p>1/12/2021 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/19/2021 Senate: Reported from Agriculture, Conservation and Natural Resources with amendment (12-Y 3-N) 1/25/2021 Senate: Read third time and passed Senate (29-Y 10-N) 2/2/2021 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources</p>	<p>[2/5/2021] <b>1/26/2021</b></p>
<p>[Monitor] (21101399D-E) - Additional clarification has determined that there will be no direct impact on the County's comprehensive plan. <b>Amend</b> (21101399D) — <del>Amend to make optional for localities. Fairfax County has extensive environmental planning that has been successful.</del> <b>Summary:</b> Government planning; wildlife corridors. Directs various agencies to consider and incorporate, where applicable, wildlife corridors and any recommendation of the Wildlife Corridor Action Plan. The bill directs the Department of Wildlife Resources to publish the Plan and subsequent updates on its website and to assist state agencies and political subdivisions, and by request any federal agency, in considering and incorporating, where applicable, wildlife corridors and the recommendations of the Plan when developing any governmental strategic plan, map, or action.</p>		
<p><b><u>SB 1350</u></b> - Lewis, Jr. (6) Transportation funding; statewide prioritization process, resiliency.</p>	<p>1/13/2021 Senate: Referred to Committee on Transportation 1/21/2021 Senate: Reported from Transportation with substitute (12-Y 0-N 2-A) 1/21/2021 Senate: Re-referred to Finance and Appropriations 2/2/2021 Senate: Reported from Finance and Appropriations (16-Y 0-N) 2/5/2021 Senate: Read third time and passed Senate (39-Y 0-N)</p>	<p><b>1/26/2021</b></p>
<p><b>Monitor</b> (21101744D) - See also HB 2071 (Convirs-Fowler). <b>Summary:</b> Transportation projects; resiliency. Requires the Commonwealth Transportation Board to determine whether a project has been designed to be resilient when evaluating projects for the Six-Year Improvement Program and consider resiliency when establishing the Statewide Transportation Plan. The bill also requires the Commissioner of Highways to ensure resiliency is incorporated into the design standards for new construction projects.</p>		
<p><b><u>SB 1385</u></b> - Surovell (36) Underground utility facilities; Fairfax County.</p>	<p>1/12/2021 Senate: Referred to Committee on Local Government 2/1/2021 Senate: Reported from Local Government with substitute (13-Y 0-N 1-A) 2/4/2021 Senate: Read third time and passed Senate (33-Y 6-N)</p>	<p><b>1/26/2021</b></p>
<p><b>Monitor</b> (21102804D) <b>Summary:</b> Removes the sunset on a pilot program allowing a locality that has adopted the urban county executive form of government (Fairfax County) to request an electric utility to place underground electric distribution lines as part of a transportation infrastructure improvement project and changes a number of provisions in the program including (i) expanding the scope to include electric cooperatives, telecommunications providers, cable providers, and other utilities; (ii) expanding the scope to include all underground facilities; (iii) making negotiable in the agreement the costs of relocating the facilities; (iv) placing additional limits on the levy to fund the project and the types of projects for which it may be imposed; and (v) authorizing the locality to secure necessary permits on behalf of the utility or provider.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><b><u>SB 1395</u></b> - McClellan (9) Discrimination; prohibited in voting and elections administration, etc.</p>	<p>1/13/2021 Senate: Referred to Committee on Privileges and Elections 1/26/2021 Senate: Reported from Privileges and Elections with substitute (9-Y 6-N) 1/26/2021 Senate: Re-referred to Finance and Appropriations 2/3/2021 Senate: Reported from Finance and Appropriations with substitute (10-Y 4-N 2-A) 2/4/2021 Senate: Committee on Privileges and Elections substitute rejected 21103648D-S1 2/4/2021 Senate: Committee on Finance and Appropriations substitute agreed to 21103866D-S2 2/5/2021 Senate: Read third time and passed Senate (21-Y 17-N)</p>	<p>[1/29/2021]</p>

[Monitor] (21103648D-S1) - See also HB 1890 (Price).

**Summary:** Elections; prohibited discrimination in voting and elections administration; required process for enacting certain covered practices; civil causes of action. Prohibits any voting qualification or any standard, practice, or procedure related to voting from being imposed or applied in a manner that results in the denial or abridgment of the right of any United States citizen to vote based on his race or color or membership in a language minority group. The bill further prohibits at-large methods of election from being imposed or applied in a locality in a manner that impairs the ability of a protected class, defined in the bill, to elect candidates of its choice or to influence the outcome of an election, by diluting or abridging the rights of voters who are members of a protected class. Prior to enacting or administering a covered practice, defined in the bill, the governing body of a locality is required to publish the proposed covered practice and accept public comment for a minimum of 30 days on the proposed covered practice; after the public comment period, a 30-day waiting period is required. During this period, any person who will be subject to or affected by the covered practice may challenge the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. The bill permits the local governing body to instead submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection and, once such certification is issued, to enact or administer the covered practice. Certain unlawful actions, including knowingly communicating false information to voters, that are currently subject to criminal penalties will create civil causes of action under the bill. Current provisions related to language minority accessibility are moved to a newly created chapter relating to the rights of voters.

<p><b><u>SB 1404</u></b> - Lewis, Jr. (6) Stormwater Local Assistance Fund; grants awarded for projects related to Chesapeake Bay.</p>	<p>1/13/2021 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 2/4/2021 Senate: Reported from Agriculture, Conservation and Natural Resources (15-Y 0-N) 2/5/2021 Senate: Passed Senate (38-Y 0-N)</p>	<p><b>1/26/2021</b></p>
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**Monitor** (21102801D)

**Summary:** Stormwater Local Assistance Fund; grant requirements. Authorizes grants from the Stormwater Local Assistance Fund awarded for projects related to Chesapeake Bay total maximum daily load (TMDL) requirements to take into account total phosphorus reductions or total nitrogen reductions. The bill authorizes grants awarded for eligible projects in localities with high or above average fiscal stress as reported by the Commission on Local Government to account for more than 50 percent of the costs of a project.

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#"><b>SB 1469</b></a> - Barker (39) Opioid Abatement Authority; established, report.</p>	<p>1/22/2021 Senate: Referred to Committee on General Laws and Technology  1/27/2021 Senate: Reported from General Laws and Technology (13-Y 0-N)  1/27/2021 Senate: Re-referred to Finance and Appropriations  2/3/2021 Senate: Reported from Finance and Appropriations with substitute (14-Y 0-N 2-A)  2/5/2021 Senate: Read third time and passed Senate (36-Y 0-N 2-A)</p>	<p>[1/29/2021]</p>
<p>[Monitor] (21103486D) - See also HB 2322 (Herring).  <b>Summary:</b> Establishing an Opioid Abatement Authority. Establishes the Opioid Abatement Authority. The Authority, with the assistance of the Office of the Attorney General, would administer the Opioid Abatement Fund, which would receive moneys from settlements, judgments, verdicts, and other court orders, or related agreements, concerning claims regarding the manufacturing, marketing, distribution, or sale of opioids that would be used to provide grants and loans to Virginia agencies and certain localities for the purpose of treating, preventing, and reducing opioid use disorder and the misuse of opioids in the Commonwealth.</p>		

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## *Fairfax County Positions*

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### *Legislation No Longer Under Consideration*

*(Failed to Report, Incorporated into other  
Legislation, Tabled, etc.)*

Bills	General Assembly Actions	Date of BOS Position
<p><a href="#"><b>SB 1118</b></a> - Peake (22) Voter registration; verification of social security numbers, provisional registration status.</p>	<p>12/21/2020 Senate: Referred to Committee on Privileges and Elections 1/26/2021 Senate: Passed by indefinitely in Privileges and Elections (9-Y 6-N)</p>	<p><b>1/26/2021</b></p>

**Oppose** (21101474D) - Board has historically opposed.

**Summary:** Voter registration; verification of social security numbers; provisional registration status. Requires the general registrars to verify that the name, date of birth, and social security number provided by an applicant on the voter registration application match the information on file in the Social Security Administration database or other database approved by the State Board of Elections (the State Board) before registering such applicant. If the information provided by the applicant does not match the information in such database, the applicant (i) is provisionally registered to vote and notified as to what steps are needed to be fully registered to vote and (ii) is permitted to vote by provisional ballot but such ballot shall not be counted until the voter presents certain information. The bill also requires the general registrars to verify annually no later than August 1 that the name, date of birth, and social security number in the registration record of each registered voter in the registrar's jurisdiction match the information on file with the Social Security Administration or other database approved by the State Board and, in accordance with current law, to initiate the cancellation of the registration of any voter whose registration record information does not match the database information. The State Board is authorized to approve the use of any government database to the extent required to enable each general registrar to carry out the provisions of this bill and to promulgate rules for the use of such database. The Department of Elections is required to provide to the general registrars access to the Social Security Administration database and any other database approved by the State Board. The Department of Elections is further required to enter into any agreement with any federal or state agency to facilitate such access. The bill has a delayed effective date of July 1, 2023.

<p><a href="#"><b>SB 1133</b></a> - Suetterlein (19) Children's Services Act; eligibility for state pool of funds, pilot program.</p>	<p>12/31/2020 Senate: Referred to Committee on Education and Health 1/21/2021 Senate: Reported from Education and Health with substitute (8-Y 6-N) 1/21/2021 Senate: Re-referred to Finance and Appropriations 2/3/2021 Senate: Passed by indefinitely in Finance and Appropriations (14-Y 1-N)</p>	<p>[1/29/2021]</p>
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[Amend] (21103477D-S1) - Support provisions that allow CSA funding for transitional services from private special education schools to public schools, and requirements that private special education schools be licensed to receive CSA funds. Also support retaining language in the legislation requiring a comprehensive study prior to moving administration of CSA funds from OCS to DOE, as that could potentially impact state sum sufficiency funding for CSA, which is a top County priority.

**Summary:** Children's Services Act; eligibility for state pool of funds; pilot program related to educational placement transition for certain students with disabilities. Expands eligibility for use of the state pool of funds under the Children's Services Act to services that are provided in a public school setting and requires that private day schools be approved and licensed by the Department of Education or an equivalent out-of-state licensing agency to be eligible for the state pool of funds. The bill requires the Department of Education and relevant local school boards to develop and implement a pilot program for up to four years in two to eight local school divisions in the Commonwealth. In developing the pilot, the Department is required to partner with the appropriate school board employees in each such local school division to (i) identify the resources, services, and supports required by each

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Bills	General Assembly Actions	Date of BOS Position
<p>student who resides in each such local school division and who is educated in a private school setting pursuant to his Individualized Education Program; (ii) study the feasibility of transitioning each such student from his private school setting to an appropriate public school setting in the local school division and providing the identified resources, services, and supports in such public school setting; and (iii) recommend a process for redirecting federal, state, and local funds, including funds provided pursuant to the Children's Services Act, provided for the education of each such student to the local school division for the purpose of providing the identified resources, services, and supports in the appropriate public school setting. The bill requires the Department of Education to make a report to the Governor, the Senate Committees on Education and Health and Finance and Appropriations, and the House Committees on Education and Appropriations on the findings of each pilot program after two and four years.</p>		
<p><b><u>SB 1185</u></b> - Dunnavant (12) Assisted living facilities; residents that are auxiliary grant recipients.</p>	<p>1/8/2021 Senate: Referred to Committee on Rehabilitation and Social Services 1/22/2021 Senate: Reported from Rehabilitation and Social Services with amendments (15-Y 0-N) 1/22/2021 Senate: Re-referred to Finance and Appropriations 2/3/2021 Senate: Passed by indefinitely in Finance and Appropriations (15-Y 0-N)</p>	<p><b>1/26/2021</b></p>
<p><b>Oppose Unless Amended</b> (21101560D) - Oppose unless amended to direct state to assume increased payment rate over current rate, thereby removing added local costs. <b>Summary:</b> Auxiliary grants; assisted living facilities. Directs the Commissioner for Aging and Rehabilitative Services to adopt regulations that allow an assisted living facility in which 30 percent or more of the residents are auxiliary grant recipients to receive 200 percent of the auxiliary grant rate.</p>		
<p><b><u>SB 1186</u></b> - Hashmi (10) Landfill siting; historic preservation.</p>	<p>1/10/2021 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 2/4/2021 Senate: Passed by indefinitely in Agriculture, Conservation and Natural Resources (13-Y 2-N)</p>	<p><b>1/26/2021</b></p>
<p><b>Oppose</b> (21100531D) <b>Summary:</b> Prohibits the construction of any new municipal solid waste landfill within three miles of any designated historic district, building, structure, object, or site.</p>		
<p><b><u>SB 1191</u></b> - Kiggans (7) School nurses; excludes positions from certain requirements, school board to employ in each school.</p>	<p>1/11/2021 Senate: Referred to Committee on Education and Health 1/14/2021 Senate: Reported from Education and Health with amendment (12-Y 1-N 1-A) 1/14/2021 Senate: Re-referred to Finance and Appropriations 1/27/2021 Senate: Passed by indefinitely in Finance and Appropriations (16-Y 0-N)</p>	<p><b>1/26/2021</b></p>
<p><b>Oppose</b> (21102426D) - Board has historically opposed. Potential fiscal impact to Fairfax County is approximately \$11.5 million. <b>Summary:</b> School personnel; school nurses. Excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division. The bill also requires the Department of Education to establish and administer a waiver process for local school boards for which the requirements of the bill create an undue hardship.</p>		

**Bold** – Indicates BOS formal action  
[ ] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<a href="#">SB 1200</a> - Hashmi (10) Waste disposal; local approval.	1/11/2021 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 2/4/2021 Senate: Passed by indefinitely in Agriculture, Conservation and Natural Resources (13-Y 1-N 1-A)	<b>1/26/2021</b>
<p><b>Oppose</b> (21101204D)  <b>Summary:</b> Requires any application (i) to store, provide treatment for, or dispose of hazardous waste or (ii) for a new solid waste management facility permit, except for a noncaptive industrial landfill, to include certification from the governing body for each locality within a five-mile radius of the facility, other than the locality in which the facility is or will be located, granting approval of the facility or activity.</p>		
<a href="#">SB 1249</a> - Stuart (28) Local planning commissions; review deadlines.	1/11/2021 Senate: Referred to Committee on Local Government 1/25/2021 Senate: Passed by indefinitely in Local Government (14-Y 0-N)	<b>1/26/2021</b>
<p><b>Oppose</b> (21100584D)  <b>Summary:</b> Adds rezoning or generalized development plans, special use permits, and special exception applications to various review deadlines and requirements for local planning commissions.</p>		
<a href="#">SB 1264</a> - Morrissey (16) Emergency and preliminary protective orders; expungement of orders.	1/11/2021 Senate: Referred to Committee on the Judiciary 2/1/2021 Senate: Passed by indefinitely in Judiciary with letter (15-Y 0-N)	<b>1/26/2021</b>
<p><b>Oppose</b> (21101089D)  <b>Summary:</b> Expungement of emergency and preliminary protective orders. Provides that a person against whom an emergency or preliminary protective order has been issued may petition to have police and court records relating to such order expunged if the order expires, is dissolved by the issuing court, or if a hearing for the issuance of a permanent protective order is scheduled or held and such permanent protective order is subsequently not issued.</p>		
<a href="#">SB 1283</a> - Morrissey (16) Criminal records, certain; establishes a process for the automatic expungement, report.	1/11/2021 Senate: Referred to Committee on the Judiciary 2/1/2021 Senate: Incorporated by Judiciary (SB1339-Surovell) (13-Y 0-N)	[1/29/2021]
<p>[Support with Amendment] (21102250D) - Support concept of expungement for certain crimes; sufficient state funding for implementation is essential.  <b>Summary:</b> Automatic expungement of criminal records. Establishes a process for the automatic expungement of criminal records for misdemeanors, certain felony convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also provides a process for the automatic expungement of criminal records for charges arising from mistaken identity or the unauthorized use of identifying information. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><b><u>SB 1372</u></b> - Lucas (18) Criminal records; establishes a process for automatic expungement for certain convictions, report.</p>	<p>1/13/2021 Senate: Referred to Committee on the Judiciary 2/1/2021 Senate: Incorporated by Judiciary (SB1339-Surovell) (14-Y 0-N)</p>	<p>[1/29/2021]</p>
<p>[Support with Amendment] (21102017D) - Support concept of expungement for certain crimes; sufficient state funding for implementation is essential. <b>Summary:</b> Automatic expungement of criminal records. Establishes a process for the automatic expungement, defined in the bill, of criminal records for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also provides a process for the automatic expungement of criminal records for charges arising from mistaken identity or the unauthorized use of identifying information. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill.</p>		

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## Opium Abatement Authority Legislation

### Overview of Legislation

- **HB 2322** (Herring) and **SB 1469** (Barker) create a structure that may be used to effectuate the terms of a settlement, court order, or agreement with the Virginia Attorney General relating to the opioid litigation.
- Funds related to such a settlement agreement may be deposited into an Opioid Abatement Fund (OAF).
- According to **HB 2322** and **SB 1469** as introduced, the OAF will be administered by an independent Opioid Abatement Authority (OAA). The OAA will be led by a board consisting of 11 members: (1) the Secretary of Health and Human Resources; (2) the Director of Senate Committee on Finance and Appropriations; (3) the Staff Director of House Committee on Appropriations; (4) an elected member of a local governing body to be selected from a list of three submitted by VACo and VML; (5) a CSB representative from an urban or suburban region; (6) a CSB representative from a rural area; (7) a local sheriff; (8) a city or county attorney; (9) and (10) two medical professionals; and (11) one representative of the addiction and recovery community.
- OAA will establish criteria for awards, review applications, decide on the distribution of funds, and evaluate the implementation and results of awards.
- Awards can only be made for opioid-related items, but can include treatment and recovery programs, support for specialty court dockets, and a wide range of prevention measures.
- OAA is required to give priority to applications that: (1) collaborate with an existing successful program; (2) support treatment or prevention in a community with a high incidence of opioid use disorder; (3) address opioid treatment in a historically economically disadvantaged community; and (4) include a monetary match from the locality.
- Fund distribution earmarks: 15 percent to state agencies; 15 percent to localities; 35 percent to regional efforts; and, 35 percent is unrestricted.

### Fairfax County Principles for Opioid Legislation

- It is essential that substantial, dedicated funding be distributed directly to localities quickly and efficiently, in recognition of the significant financial burdens localities have borne in addressing the opioid epidemic. Such funding should be distributed to localities equitably.
- Administrative costs must be minimized to the extent practicable, to ensure funds are dedicated to program and service delivery for County residents.
- The Commonwealth should ensure that the OAA has the flexibility to distribute funding in a manner that encourages innovative, evidence-based approaches to opioid-related treatment and prevention strategies.
- Significant local government representation on the OAA board must be maintained.

## Marijuana Legalization Legislation

### Overview of Legislation

The 2021 General Assembly (GA) is considering a number of bills to legalize and commercialize marijuana in the Commonwealth.

- **SB 1406** (Ebbin) and **HB 2312** (Herring) are the main vehicles, originally proposed by the Northam Administration, though they are changing as they travel through the legislative process (additional bills that were introduced have been incorporated into those vehicles – **SB 1243** (Morrissey) was incorporated into **SB 1406**, and **HB 1815** (Heretick) was incorporated into **HB 2312**).
- **SB 1406** has been heard in the Senate Rehabilitation and Social Services Committee, and is now headed to the Senate Judiciary Committee. It is then expected to be referred to the Senate Finance and Appropriations Committee before being heard by the full Senate.
- **HB 2312** began in the House General Laws Committee, and will now be referred to the House Courts of Justice Committee and then to the House Appropriations Committee.
- **SB 1406** and **HB 2312** seek to legalize marijuana in Virginia and establish the regulatory framework for commercialization by 2024.
- The bills, which are several hundred pages in length and growing, establish parameters for licensing, permitting, personal consumption, education, health initiatives, tax collection, revenue distribution, and criminal justice reform pertaining to marijuana-related offenses.
- The revenue distribution included in **SB 1406** and **HB 2312** as introduced is as follows:
  - 40 percent to pre-kindergarten programs for at-risk three-year-olds and four-year-olds;
  - 30 percent to the Cannabis Equity Reinvestment Fund;
  - 25 percent to substance use disorder prevention and treatment programs; and,
  - 5 percent to public health programs.
- **SB 1406** and **HB 2312** allow a three percent local tax option in addition to 21 percent on retail and non-retail marijuana, retail marijuana products, and marijuana paraphernalia.
- **HB 2312** has been amended to include some preservation of local land use authority, while **SB 1406** currently does not contain specific provisions that would allow local government authority over land use/zoning for marijuana retailers or manufacturers.

### Key Local Government Issues

- Opt-in or opt-out – local government option for legalization must be preserved (there is currently discussion about whether that would occur through an ordinance or by referendum).
- Local land use – local government authority, including local zoning, local land use authority, local ordinances, and local business regulations, must be preserved.
- Local taxation – the final legislation must include a local tax option (the Governor’s bills include a three percent local tax option in addition to other state taxes).

## Overview of Qualified Immunity

- Qualified immunity is a defense in litigation where an allegation is made that a government employee (including a law enforcement officer) violated an individual's constitutional rights.
- Qualified immunity can be used as a defense when a government employee's actions are determined to be "reasonable."
- A judge makes the determination of whether an employee's actions are reasonable.
- The "reasonableness" test asks the judge to determine whether a reasonable employee faced with the same facts and circumstances would have taken the same action.
- Qualified immunity does not protect a government employee for a violation of clearly established law or criminal activity.
- The determination of whether a government employee is entitled to qualified immunity is based upon the court's consideration of two possible questions:
  1. Did the government employee's action violate someone's constitutional rights? If it did not, then the government employee is protected by qualified immunity.
  2. Would a reasonable government employee have known not to take the action taken by the employee in the particular case, because a reasonable employee would know they were violating a person's rights? In determining this, a court must determine one of three things: Is there legal authority (statute or caselaw in the federal circuit that includes the employee's jurisdiction) stating that the employee's actions were unconstitutional? Is there a consensus in other federal circuits that states that the employee's actions were unconstitutional? Were the employee's actions such an obvious violation that the employee would have been on notice not to take the action they took?
- The court can consider either, or both, questions in determining the employee's entitlement to qualified immunity.

# Expungement in the Courts

January 12, 2021 - Presentation to the General Government  
and Public Safety Subcommittees of Senate Finance and  
Appropriations

Kristi S. Wright, Director, Legislative and Public Relations,  
Office of the Executive Secretary, Supreme Court of Virginia

# Data Vault

- **The purpose of expungements is for the expunged case to no longer exist.**
- Both the case that is the subject of the order and the case in which the person asks for expungement are destroyed when the court orders expungement.
- Currently, the number of expungement cases is relatively low and the effect on case counts and statistics is minimal.
- With the anticipated expansion of expungements, we recognized that counting both cases is important for court statistical and planning purposes, including weighted caseload studies for judges and clerks. Loss of this information would have a significant detrimental impact on the courts.



- To preserve basic, de-identified case information for the courts to use for planning and statistical purposes, the General Assembly provided \$299,403 to create a data vault related to Senate Bill 640 (2020 General Assembly), which creates a process to expunge unlawful detainer cases.
- The de-identified case information will be used for the judicial and clerk workload studies, which determine the number of judges and clerks needed.
- In addition, this information will be used to help courts and clerks understand and improve efficiency and case processing.
- Senate Bill 640 has a delayed effective date of January 1, 2022. We are on course and on budget to have the data vault operational by January 1, 2022.

## Data Vault

While sometimes used interchangeably, these terms refer to different processes, each with their own impact on courts and clerks' offices.

### EXPUNGEMENT

- Restricts access to the court's case file and removes electronic case information from the case management system.
- Clerks must engage in a multiple step, manual process.
- Access to expunged records is by court order only.
- Records are destroyed based on the retention period established in the Code (but must be maintained for three years after expungement order).

### SEALING

- Restricts access to the court's case file and electronic case information, although the electronic case information remains in the system.
- Can be accomplished through a combination of clerk time, although reduced, and IT changes.
- Information within the case file may be accessed as specified in the Code.
- Records are destroyed based on the retention period established in the Code.

## “Automatic” Expungement or Sealing

- A more accurate term for “automatic” expungement or sealing is “petitionless” expungement or sealing.
- “Automatic” expungement or sealing is accomplished through electronic communications and does not involve the filing of a petition or a court hearing.
- The cases to be sealed or expunged are based upon the information within existing case management systems.
- The expected result is not achieved without clerk effort.
- While clerk effort is reduced, significant information technology (IT) changes would be required to replace clerk effort.
- HB 5146 from the 2020 Special Session took this approach. We estimated a one-time cost of approximately \$6,156,130 to complete the necessary IT changes.

1. Clerks deletes the original case from the case management system.
2. If docket sheets, indices or hearing disposition report are retained, clerk must delete with heavy black ink any entries identifying the individual, charge and disposition.
3. Clerk locates hard copy file for the cases (often in alternative storage area, if years have passed since disposition of the original case).
4. Clerk places original case documents, expungement letter from VSP, and expungement order in a physically sealed envelope.
5. Clerk writes the case number and the date that the enclosed materials are to be destroyed on the outside of the envelope.
6. Clerk notes on the outside of the envelope that the envelope contains expunged records, signs and dates envelope, and places a number on the envelope to include in the expungement index for future reference.
7. Clerk places sealed envelope in a place not accessible to the public.
8. If case documents are also, or instead, maintained in the court's case imaging system, clerk must delete imaged documents.
9. Clerk enters case into expungement reference index.
10. Clerk sends notice of compliance to VSP within 60 days after receiving VSP letter indicating that the expungement has been completed.

## Current Process Expungement of General District Court Records

# Summary

- Expungement or sealing by **petition** requires significant time of judges and clerks to process and hear the petition. **Increased case loads may result in the need for additional judges and clerks.**
- Once a clerk's office is advised that a case should be **expunged**, the steps for expungement require significant clerk time. We estimate 10 minutes of district court clerk time for each case expunged. **The breadth of cases that can be expunged will directly impact the estimated fiscal impact, which would result in the need for additional district court clerks.** This is in addition to the **156 additional positions** that are **currently needed**.
- Although **sealing** requires clerk time, it requires less clerk time than expungements. We estimate 6 minutes of district court clerk time for each case sealed.
- **"Automatic"** expungement or sealing has minimal impact on judges and clerks but will require significant changes to our IT systems to enable this process.