

**Legislation Requiring Further Review, Staff “Watch List” and Legislation
Provided for Information
Board of Supervisors Legislative Committee
January 29, 2021**

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 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 (Dunnivant) (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 (Convis-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 2021-2022 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 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 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. (21101122D)

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)