



**New Bills and Legislation for Discussion  
Board of Supervisors Legislative Committee  
January 31, 2025**

**New Bills – 2025 General Assembly**

**Cannabis/Marijuana**

**HJ 497** (Paul E. Krizek)

Joint commission to oversee transition of the Commonwealth into a retail cannabis market established; report. Establishes a joint commission to oversee the transition of the Commonwealth into a retail cannabis market. The joint commission shall expire on July 1, 2028. Recommend monitor. Support strong local governmental land use and taxation authority in any retail marijuana legislation. (25104831D)

**Courts**

**HB 1713** (Vivian E. Watts)

Jurisdiction of district courts in felony cases; specialty dockets; Behavioral Health Docket Act. Authorizes a general district court and a juvenile and domestic relations district court to retain jurisdiction over a felony offense for the purpose of allowing the accused to complete a specialty docket or behavioral health docket established pursuant to relevant law. Current law only explicitly provides such courts with the ability to certify felony charges to the circuit court or dismiss such charges after a preliminary hearing to determine if probable cause exists for such charges. Recommend support. (25102619D)

**HB 1748** (N. Baxter Ennis)

Wrongful death action; who may bring. Allows an immediate family member of a deceased person, as defined in the bill, to bring a wrongful death action on behalf of the deceased. Under current law, such action may only be brought by the deceased person's personal representative. Recommend amend. Amend to clarify only a single case can be brought for each circumstance. (25100167D)

**HB 2746** (Kathy K.L. Tran)/**SB 765** (Barbara A. Favola)

Incapacitated persons; finding of mental incompetence. Provides that a finding that a person is incapacitated in a proceeding for guardianship or conservatorship shall not be synonymous with a finding that such person is "mentally incompetent," as such term is used in relevant law, and therefore not qualified to vote in accordance with the provisions of the Constitution of Virginia. The bill requires a court to make a finding of mental incompetence by clear and convincing evidence that the person is unable to communicate, with or without accommodations, an interest in participating in the voting process. The bill applies to findings of mental incompetence made on or after July 1, 2025, and allows for individuals who were deemed mentally incompetent prior to July 1, 2025, to file a petition for a court to review such determination in accordance with the provisions of the bill. Recommend support. (25104774D)/(25104745D)



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**Education**

**SB 1017** (Danica A. Roem)

School boards; powers and duties; school meal policies; payment of school meal debt. Requires each school board, at the end of each school year, to pay for the total unpaid school meal balance, resulting from uncollected school meal debts on any student account, on the nonprofit school food service account for each public elementary or secondary school in the school division using any appropriated nonfederal funds, except that each school board is prohibited from requiring any public elementary or secondary school in the school division from paying for or providing any funds to pay for such school's unpaid school meal balance. The bill requires each school board to adopt policies in accordance with the provisions of the bill in order to pay these unpaid balances at the end of each school year. Recommend oppose. Oppose unless amended to provide state funding. (25101833D)

**Elections**

**HB 2002** (Amy J. Laufer)

Voter registration; cancellation of registration; sources of data. Requires that, except for a written request from the voter to have his registration cancelled, the general registrar may not cancel the registration of any voter based on data or reports provided to him by any source other than the Department of Elections or a state agency approved to provide such data or reports by the State Board of Elections. The bill also reinstates a provision prohibiting the general registrar from cancelling the registration of (i) certain members of the uniformed service of the United States who are on active duty; (ii) certain persons who reside temporarily outside of the United States; or (iii) any spouse or dependent residing with such persons. Recommend amend. Amend to ensure cancellation standards are the same for all voters. (25101668D)

**SB 940** (Scott A. Surovell)

Elections; candidates for office; challenges to candidate qualifications. Requires any legal action relating to a person's eligibility to appear on the ballot on the basis that such person did not meet all qualifications or fulfill all requirements for candidacy to be filed in a circuit court and served on all parties at least 60 days before the date of the election. The bill specifies that any such legal action will be given precedence on the docket and be decided by the court no later than 30 days from service on all parties. The bill also specifies that candidates who are nominated at a primary election cannot be later challenged on the basis of facts that were present prior to the primary election and could have been raised in a challenge to such candidate's eligibility for the primary ballot. Recommend support. (25104113D)



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**Health and Human Services**

**HB 1964** (Anne Ferrell Tata)

Bright Futures program. Establishes the Bright Futures program to provide services and support to individuals age 21 through 23 who were in foster care as a minor and are transitioning to full adulthood and self-sufficiency. Recommend support. Support with amendment to ensure adequate state funding for implementation. (25104904D)

**Public Safety**

**HB 1712** (Vivian E. Watts)

Arrest of certain persons with or without a warrant not required. Provides that no law-enforcement officer with the power to arrest is required to arrest an individual who is currently subject to an emergency custody order, temporary detention order, or involuntary admission; however, such officer may arrest such individual upon the expiration of any such order. The bill further provides that the Department of Criminal Justice Services, in conjunction with the Office of the Attorney General, shall (i) provide and require in-person training to all law-enforcement agencies and officers and (ii) provide information to advise attorneys for the Commonwealth on the provisions of the bill and other existing statutes related to the arrest and prosecution of persons with mental or behavioral health disorders by January 1, 2026. The bill requires any person employed as a law-enforcement officer prior to January 1, 2026, to complete such training by July 1, 2026 and biennially thereafter, and any person employed as a law-enforcement officer after January 1, 2026 to complete the training within one year of his date of hire and biennially thereafter. Lastly, the bill directs the Criminal Justice Services Board to promulgate regulations pursuant to relevant law requiring in-person training to special conservators of the peace on the provisions of the bill and other existing statutes related to the arrest and prosecution of persons with mental or behavioral health disorders by January 1, 2026. The bill requires any person appointed as a special conservator of the peace prior to January 1, 2026, to complete the training by July 1, 2026 and biennially thereafter, and any person appointed as a special conservator of the peace after January 1, 2026 to complete the training within one year of his appointment and biennially thereafter. This bill is a recommendation of the Behavioral Health Commission. Recommend support. (25106008D)

**SB 1194** (R. Creigh Deeds)

Arrest of certain persons with or without a warrant not required. Provides that no law-enforcement officer with the power to arrest is required to arrest an individual who is currently subject to an emergency custody order, temporary detention order, or involuntary admission; however, such officer may arrest such individual upon the expiration of any such order. The bill further provides that the Department of Criminal Justice Services, in conjunction with the Office of the Attorney General, shall (i) provide and require in-person training to all law-enforcement agencies and officers and (ii) provide information to advise attorneys for the Commonwealth on the provisions of the bill and other existing statutes related to the arrest and prosecution of persons with mental or behavioral health disorders by January 1, 2026. The bill requires any person employed as a law-enforcement officer prior to January 1, 2026, to complete such training by July 1, 2026 and biennially thereafter, and any person employed as a law-enforcement officer after January 1, 2026 to complete the training within one year of his date of hire and biennially thereafter. Lastly, the bill directs the Criminal Justice Services Board to promulgate regulations pursuant to relevant law requiring in-person training to special conservators of the peace on the provisions of the bill and other existing



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### **SB 825** (Barbara A. Favola)

Seizure of property used in connection with or derived from financial exploitation of vulnerable adults. Permits a law-enforcement officer investigating the financial exploitation of a vulnerable adult to seek a warrant from a judicial officer to seize moneys, cash, or negotiable or nonnegotiable instruments or securities, including those in deposit accounts, and retain, pending a prosecution or appeal, sufficient amounts of such moneys, cash, or negotiable or nonnegotiable instruments or securities as is necessary to prove such financial exploitation. The bill allows a court, upon motion of the attorney for the Commonwealth and for good cause shown, to order the release of all moneys, cash, or negotiable or nonnegotiable instruments or securities. Any remaining moneys, cash, or negotiable or nonnegotiable instruments or securities may also be released to the owner by the court with the consent of the attorney for the Commonwealth. Recommend support. (25101929D)

### **HB 2120** (Michelle Lopes Maldonado)

Seizure of property used in connection with or derived from financial exploitation of vulnerable adults. Establishes a procedure for seizure of property used in connection with or derived from financial exploitation of vulnerable adults. Recommend support. Support with amendment to allow for police discretion on when to pursue seizures. (25101920D)

### **HB 2527** (Kim A. Taylor)/**SB 1108** (J.D. "Danny" Diggs)

Sex offenses prohibiting proximity to children; state parks; penalty. Provides that every adult who is convicted of an offense prohibiting proximity to children, when the offense occurred on or after July 1, 2025, shall as part of his sentence be forever prohibited from going, for the purpose of having any contact whatsoever with children who are not in his custody, within 100 feet of the premises of any area of a state park that he knows or has reason to know is a playground, athletic field or facility, or gymnasium. A violation is a Class 6 felony. Recommend amend. Amend to include local parks and park authorities. (25103742D)/(25101485D)

## **Taxation**

### **HB 1743** (Vivian E. Watts)

License taxes; deduction for out-of-state receipts. Provides that the license tax deduction for out-of-state receipts in which the taxpayer is liable for a net income tax shall also apply to any type of tax on gross receipts or other tax in lieu of an income tax. Recommend oppose. (25105038A)



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**Legislation Provided for Discussion**

**Education**

**HB 1656** (Dan I. Helmer)

Public secondary schools; interscholastic athletics; certain recruitment policies and practices prohibited. Prohibits any school board employee, including any interscholastic athletics coach or director, from implementing any policy or engaging in any practice whereby the employee (i) designates any secondary school student-athlete as homeless pursuant to the federal McKinney-Vento Homeless Assistance Act, as amended, solely for the purpose of recruiting such student-athlete to transfer to the local school division to participate in interscholastic athletics or (ii) receives money or other things of value from any individual or entity, including any institution of higher education or any intercollegiate athletics program at such an institution, solely for the purpose of recruiting a secondary school student-athlete to participate in intercollegiate athletics. (25103032D)

**Elections**

**HB 2668** (Marcus B. Simon)

Elections; administration; procedures for removal of electoral board members and general registrars. Allows the State Board of Elections to remove any member of an electoral board or general registrar by a recorded two-thirds majority vote of all its members after a public hearing on related matters. The bill provides that any such removal or any removal proceedings instituted against an electoral board member or general registrar by the State Board shall be based on neglect of a clear, ministerial duty of the office, misuse of the office, or incompetence in the performance of the duties of the office, or the threat of such, when that neglect of duty, misuse of office, or incompetence in the performance of duties has or is likely to have a material adverse effect upon the conduct of the office. Such decision shall be final and not subject to appeal. The bill also allows an electoral board to remove a general registrar by a unanimous vote of all its members after a public hearing on related matters. A registrar who is so removed may file an appeal to the State Board. The bill provides that any such removal or any removal proceedings instituted against a general registrar by the electoral board shall be based on the same standards as required for removals by the State Board. (25105223D)

**SB 1044** (Danica A. Roem)

Elections; election results; reporting; provisional ballots. Requires the general registrar of each locality to report to the Department of Elections for each precinct in his locality the total number of provisional ballots cast, the number of those provisional ballots determined to be valid by the electoral board, and the results of such valid provisional ballots by voters assigned to such precinct. Results from provisional voting and voting at the precinct on election day must be reported separately. The general registrar must also report to the Department the number and results of provisional ballots cast by persons voting early in person separately from the number and results of provisional ballots cast on election day. The Department shall establish standards for ascertaining and reporting such information. Such standards must direct that all results be posted promptly and no later than 5:00 p.m. on the tenth day after the election day. (25105532A)



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**Immigration**

**HB 1651** (Jason S. Ballard) /**SB 772** (Glen H. Sturtevant, Jr.)

Department of Social Services; applications for public assistance; immigration status inquiry. Requires the director of a local department of social services or the Commissioner of the Department of Social Services, whichever is applicable, to inquire as to the immigration status of all persons applying for public assistance benefits administered by the Department of Social Services. (25100898D)/(25100899D)

**HB 1885** (Wren M. Williams)/**SB 1268** (Tara A. Durant)

Department of Juvenile Justice; inquiry and report of immigration status; juvenile or adult adjudicated delinquent or convicted of violent juvenile felony. Requires the Director of the Department of Juvenile Justice or other person in charge of a secure facility where a juvenile or adult has been committed upon an adjudication of delinquency or a finding of guilt for a violent juvenile felony to ascertain whether such juvenile or adult is in the United States illegally and, if such juvenile or adult is found to be in the United States illegally, to communicate such information to U.S. Immigration and Customs Enforcement. Under current law, such immigration inquiries are required of jail officers or correctional officers in charge of state, local, or regional correctional facilities. (25101915D)/(25104378D)

**HB 2188** (Nicholas J. Freitas)

Transfer of prisoners convicted of designated illegal acts. Requires the United States Immigration and Customs Enforcement, with the consent of the appropriate state authorities, to take physical custody of and responsibility for any alien upon conviction of certain felony offenses. Under current law, such agency has discretion to take physical custody of any such alien. Additionally, the bill adds any felony violation of criminal sexual assault to the list of such authorized felony offenses. (25100582D)

**HB 2560** (Alfonso H. Lopez)

Notifying defendant of consequences criminal proceedings can have on immigration. Requires that at the initial court hearing for any misdemeanor or felony, the court shall advise the defendant of the following: The outcome of criminal proceedings may have federal immigration and naturalization consequences. (25102656D)

**SB 1141** (Glen H. Sturtevant, Jr.)

Transfer of certain incarcerated persons to U.S. Immigration and Customs Enforcement. Requires the Director of the Department of Corrections, sheriff, or other official in charge of the facility in which an alien is incarcerated to, upon receipt of a detainer from U.S. Immigration and Customs Enforcement, (i) provide U.S. Immigration and Customs Enforcement with prerelease notification of such alien's release and (ii) upon request of U.S. Immigration and Customs Enforcement, transfer custody of the alien to U.S. Immigration and Customs Enforcement upon such alien's release, which shall occur no more than five days prior to the date that he would otherwise be released from custody. Current law states that the Director, sheriff, or other official in charge of the facility may transfer such incarcerated person upon receipt of a detainer. (25104245D)



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## **Criminal Justice**

### **HB 1865 (Katrina Callsen)/SB 1183 (R. Creigh Deeds)**

Virginia Access to Justice Act. Establishes a public defender office in each judicial circuit. Currently, public defender offices have been established in certain localities. The bill also establishes an appellate defender office to represent indigent persons in appeals of their convictions to the Court of Appeals of Virginia or Supreme Court of Virginia. The bill raises the limitation of fees that court-appointed counsel can receive for representation on various offenses in district and circuit courts. Further, the bill requires the attorney for the Commonwealth and assistant attorney for the Commonwealth to prosecute Class 1, 2, and 3 misdemeanors, or any other violation, the conviction of which carries a penalty of confinement in jail, or a fine of \$500 or more, or both such confinement and fine. Current law allows discretion for prosecuting such misdemeanors and violations. Lastly, the bill expands the definition of "victim" as it relates to compensating victims of crime to include persons awarded restitution pursuant to relevant law. (25100088D)/(25105823A)

### **HB 2723 (Charniele L. Herring)/SB 1466 (Scott A. Surovell)**

Criminal records; expungement and sealing of records. Amends numerous statutes related to the expungement and sealing of criminal records that are scheduled to become effective on July 1, 2025. In addition, the bill requires (i) the Department of State Police to develop a secure portal for the purpose of allowing government agencies to determine whether a record has been sealed prior to responding to a request pursuant to current law by October 1, 2026; (ii) the Virginia Indigent Defense Commission to (a) create a curriculum to educate both attorneys and others on expungement and sealing, (b) conduct trainings across the Commonwealth throughout the year, (c) provide expungement and sealing support by serving on a help desk and providing consultations, and (d) develop a library of resources on expungement and sealing for use by certified court-appointed counsel; and (iii) the Department of State Police, Department of Motor Vehicles, Office of the Executive Secretary of the Supreme Court of Virginia, and clerk of any circuit court to provide data and information on sealing upon request of the Virginia State Crime Commission for purposes of monitoring and evaluating the implementation and impact of the sealing processes. The bill repeals the Sealing Fee Fund and directs any money in such Fund to be reverted to the general fund. The bill contains a delayed effective date of July 1, 2026, for the provisions related to the sealing of former possession of marijuana offenses without entry of a court order and the sealing of charges and convictions related to automatic sealing and such petitions. Lastly, the bill delays the repeal of the relevant law related to marijuana possession, limits on dissemination of criminal history record information, and prohibited practices by employers, educational institutions, and state and local governments until July 1, 2026. This bill is a recommendation of the Virginia State Crime Commission. (25103269D)/(25105620D)