

**Legislation Requiring Further Review, Staff “Watch List” and  
Legislation Provided for Information  
Board of Supervisors Legislative Committee  
January 31, 2020**

**Legislation Requiring Further Review**

**Administration of Government**

**HB 760** (Aird) (HCCT) provides an enforcement mechanism if a locality that is late in completing its required audit fails to give proper notification of the delayed audit. Such enforcement may include a writ of mandamus and a civil penalty of between \$500 and \$2,000. (20103611D)

**HB 769** (LaRock) (HCCT) provides that any person who is the subject of an action brought by a locality for violation of an ordinance that is not codified is entitled to assert as an affirmative defense that the ordinance was not codified and therefore failed to provide adequate notice to the public of the contents of the ordinance. The bill also allows localities to codify all ordinances in an online format so as to be easily accessed by other governmental entities and the public. (20102661D)

**Animals**

**SB 669** (Boysko) (SACNR) prohibits any person from breeding a dog or cat for the express purpose of producing offspring for (i) use in research, experimentation, or testing that is not required pursuant to federal law or regulation or (ii) sale to a manufacturer, institution of higher learning, or contract testing facility outside the United States. (20105138D)

**Courts**

**HB 746** (Watts) (HCT) requires that prior to the custodial interrogation, defined in the bill, of a child, the child shall (i) consult with legal counsel in person, by telephone, or by video conference and (ii) have contact with his parent, guardian, legal custodian, or other person standing in loco parentis in person, by telephone, or by video conference. The bill also provides that any statement made by a child during or after a custodial interrogation that does not comply with the provisions of this section shall be inadmissible as evidence unless (a) the law-enforcement officer who conducted the custodial interrogation of the child reasonably believed the information he sought was necessary to protect life or property from an imminent threat and (b) the law-enforcement officer's questions were limited to those that were reasonably necessary to obtain that information. (20102315D)

**HB 1522** (Simon) (HCT) requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been found guilty of the crime authorizing the forfeiture, regardless of whether he has been sentenced. The bill provides that property may be forfeited even though no finding of guilt is made if (i) the forfeiture is ordered by the court pursuant to a plea agreement or (ii) the

owner has not submitted a written demand for the return of the property within 21 days from the date the stay terminates. (20104679D)

**SB 375** (Edwards) (SJUD) provides that a person claiming immunity from certain claims for making statements at a public hearing or regarding matters of public concern may file a special plea to dismiss the underlying claim. The bill further provides that, upon the filing of such a plea, discovery related to such underlying claim shall be stayed pending the entry of an order adjudicating the plea. The bill changes from discretionary to mandatory the award of attorney fees to any person who has a suit dismissed against him due to the immunity. (20102358D)

**SB 408** (Hashmi) (SJUD) provides that the clerk of the appellate court to which a civil case is appealed shall provide notice of the docketing of such case to the appellee by certified mail and to the counsel for the parties by regular mail. The bill removes language allowing the clerk to provide such notice by posting it on the front door of the courtroom and instead states that notice shall be made in conformity with provisions for notice for service of process in all civil cases. (20103612D)

**SB 545** (Edwards) (SJUD) provides that there shall be an appeal of right to a court of record from any order entered or judgment rendered in a general district court that alters, amends, overturns, or vacates any prior final order entered or judgment rendered on any issues previously adjudicated on the merits in the prior proceeding. The bill further provides that a party to an action in general district court may file a separate notice of appeal relating to any other final order or judgment entered in an action by filing a notice of appeal within the 10-day appeal of right time period, or within five business days after such notice of appeal is filed, whichever is later. (20102378D)

#### *Court Fines*

**HB 277** (Price) (Passed House) allows courts to provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work during imprisonment. Under current law, credit may be earned only for the performance of community service work completed before or after imprisonment. (20106260D-H1)

**HB 909** (Hayes) (HCT) removes the existing provisions that allow a person's driver's license to be suspended (i) when he is convicted of or placed on deferred disposition for a drug offense; (ii) for non-payment of certain fees owed to a local correctional facility or regional jail; and (iii) for shoplifting motor fuel. (20102919D)

**SB 736** (Obenshain) (SJUD) provides that a court may permit an inmate to earn credits against any fines and court costs imposed against him by performing community service. Under current law, credits may be earned only before or after imprisonment. (20103394D)

## **Education and Schools**

**HB 257** (Mullin) (Reported from HED) eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement. (20102602D)

**SB 327** (Lewis) (SEH) declares the Accomack County School Board and the Northampton County School Board eligible to receive the cost of competing adjustment to salaries for instructional and support positions as part of the state share of basic aid pursuant to the general appropriation act. (20104112D)

**SB 729** (McClellan) (SEH) eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement. (20102123D)

### *School Buses*

**HB 15** (Krizek) (Reported from HED) requires the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat. The bill requires each school board to ensure that no later than July 1, 2038, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat. (20100627D)

**HB 75** (Kory) (HLC) authorizes Dominion Energy to implement a pilot program under which it will deploy electric school buses in participating school divisions in its service territory. The initial phase of the pilot program is limited to the deployment of 50 electric school buses at a cost of up to \$13.5 million. In each of the five years thereafter, the pilot program may be expanded by up to 200 additional electric school buses at a cost of up to \$54 million per year. The pilot program provides that the utility may use vehicle-to-grid technology to access electricity in the storage batteries of the electric school buses when they are not in use. The duration of the pilot program shall not exceed 10 years, though the utility may petition the State Corporation Commission to make it permanent. Program costs, including the incremental cost of the electric school buses, are recoverable through the utility's base rates. (20100328D)

## **Elections**

### *Absentee Voting*

**HB 238** (Sickles) (House Floor) provides that any absentee ballot that is returned to the general registrar after the closing of the polls on election day but before noon on the third day after the election and postmarked on or before the date of the election shall be counted if the voter is found entitled to vote. The bill contains technical amendments. (20101272D)

**HB 242** (Sickles) (HPE) provides a process by which a qualified voter is permitted to vote by absentee ballot when an emergency either prevented him from applying for an absentee ballot by the deadline or will prevent him from voting in person on election day. The bill also provides for the Commissioner of Elections to take administrative action to facilitate absentee voting by those

persons providing emergency or other services in an area in which a state of emergency has been declared. The bill contains technical amendments that consolidate current Code sections regarding emergency absentee voting. (20102154D)

**HB 692** (Simonds) (HPE) provides that absentee ballots that are received after the close of polls on any election day but before the time has expired for initiating a recount and that are postmarked on or before the date of the election are to be set aside for recount purposes. In the event of a recount, the determination of the votes in the recount shall be based on such absentee ballots, in addition to votes cast in the election. During the recount, only those absentee ballots cast by voters found to be entitled to vote are counted. (20101565D)

*Absentee Voting – Military/Overseas*

**SB 455** (Reeves) (Passed Senate) provides that absentee ballots cast by military and overseas absentee voters that are (i) received after the close of the polls on any election day but before 5:00 p.m. on the second business day before the State Board of Elections meets to ascertain the results of the election and (ii) postmarked on or before the date of such election are to be counted if the voter is found entitled to vote. The bill provides that a postmark includes any other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery service. Under current law, such ballots cast by military and overseas absentee voters would be counted in this manner regardless of the date of any postmark, but only if the absentee ballot had been requested on or before, but not sent by, the deadline for making absentee ballots available. (20102170D-E)

*Precincts*

**HB 43** (Cole, M.) (HPE) provides that any voter who is assigned to a precinct that is split between two or more election districts and who believes he was given a ballot for the district of which he is not a qualified voter may request, prior to casting the ballot, and shall be permitted to cast a provisional ballot for the district of which he believes he is a qualified voter and for the district in which the pollbook indicates he is registered. The bill requires the ballots to be sealed in envelopes labeled with the corresponding district number and then sealed in the green envelope provided for all provisional ballots. At the meeting to determine the validity of all provisional ballots offered in the election, the electoral board shall verify in which district the voter is qualified and count that ballot. (20100823D)

**SB 740** (Obenshain) (Passed Senate) requires each county and city precinct to be wholly contained within a single congressional district, Senate district, House of Delegates district, and local election district. The governing body of each county and city is required to establish its precincts immediately following the completion of the decennial redistricting by the General Assembly so that each precinct is wholly contained as required. If a governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, it is required to apply to the State Board of Elections for a waiver to administer a split precinct. The State Board is authorized to grant the waiver or to direct the establishment of a

precinct with less than the minimum number of registered voters as permitted by current law. (20106352D-S1)

*Voter Identification*

**HB 19** (Lindsey) (HPE) removes the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show either his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002. (20100460D)

**HB 190** (Levine) (HPE) removes the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show one of the following: his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. A voter who does not show one of the required forms of identification when offering to vote is required to sign a statement that he is the named registered voter he claims to be in order to be permitted to cast a ballot. Such statement is signed subject to felony penalties for making false statements, punishable as a Class 5 felony. A voter who does not show one of the required forms of identification and does not complete or sign the statement shall be offered a provisional ballot according to the provisions of current law. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002. (20103802D)

**HB 213** (Sullivan) (HPE) adds to the list of acceptable forms of voter identification a valid student photo identification card issued by any institution of higher education located in any other state or territory of the United States. Current law allows students from any institution of higher education located in the Commonwealth to use their student photo identification cards for purposes of voting. (20101656D)

**HB 878** (Sickles) (HPE) permits a voter who does not show one of the required forms of identification when offering to vote to sign a statement that he is the named registered voter he claims to be in order to be permitted to cast a ballot. Such statement is signed subject to felony penalties for making false statements, punishable as a Class 5 felony. A voter who does not show

one of the required forms of identification and does not complete or sign the statement shall be offered a provisional ballot according to the provisions of current law. The bill adds language regarding identification requirements for certain voters subject to the federal Help America Vote Act of 2002. (20100376D)

**SB 65** (Locke) (Reported from SPE) removes the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show either his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002. (20106752D-S1)

#### *Voter Registration*

**SB 92** (Marsden) (SFIN) 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 a 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. (20100922D)

**SB 219** (Marsden) (SFIN) provides for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain information for any person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license; (ii) apply for, replace, or renew a special identification card; or (iii) change an address on an existing driver's license or special identification card if the person indicates that he is a United States citizen and is 17 years of age or older and, at the time of the transaction, does not decline to have his information transmitted to the Department of Elections for voter registration purposes. The option to decline to have his information so transmitted shall be presented at the time of one of the specified transactions with the Department of Motor Vehicles and shall be accompanied by a warning that intentionally making a materially false statement during the transaction is punishable under Virginia law as a felony. Upon receipt of the information collected to ensure that the person meets all voter registration eligibility requirements, the Department of Elections is required to determine whether the person is already registered to vote. If the person is not already registered to vote, the Department of Elections is required to transmit the information to the appropriate general registrar. The bill repeals the

requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications. (20107035D-S1)

**SB 666** (Boysko) (Reported from SPE) requires notice of a denial of an application for voter registration to be provided by the general registrar to the applicant within five days of the denial. Such notice may be made by all available means, including by telephone and email. The bill requires the registration application to request that the applicant provide his telephone number and email address. If the general registrar is able to reach the applicant by telephone, any missing information may be provided and corrections may be made by the applicant by telephone. The bill contains technical amendments. (20101350D)

*Miscellaneous*

**HB 761** (VanValkenburg) (HPE) requires the governing body of any county, city, or town to submit, prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, that is a covered practice, such qualification, prerequisite, standard, practice, or procedure by either (i) instituting an action in the Court of Appeals for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color or membership in a language minority group or (ii) submitting such qualification, prerequisite, standard, practice, or procedure to the Office of the Attorney General. No qualification, prerequisite, standard, practice, or procedure that is a covered practice shall be given effect until (a) the circuit court has entered such judgment, (b) the Attorney General has not interposed an objection within 60 days of the governing body's submission, or (c) upon good cause shown and to facilitate an expedited approval within 60 days of the governing body's submission, the Attorney General has affirmatively indicated that no such objection will be made. The bill is modeled after the Section 5 preclearance requirement of the Voting Rights Act of 1965, as amended. The bill defines "covered practice" as any change to the method of election in a locality, any change to jurisdiction boundaries, any change to election districts or wards, or any change that reduces, consolidates, or relocates voting locations. (20102058D)

**HJ 23** (Ayala) (HRUL) requests the Department of Elections to conduct a study to (i) determine the kinds of blockchain technology that could be used to secure voter records and election results, (ii) determine the costs and benefits of using such technology as compared to traditional registration and election security measures, and (iii) make recommendations on whether and how to implement blockchain technology in practices affecting the security of voter records and election results. (20102047D)

**SB 442** (Edwards) (Passed Senate) reorganizes sections related to polling place activities and makes related technical amendments. This bill is a recommendation of the Virginia Code Commission. (20100021D)

**SB 443** (Edwards) (Passed Senate) reorganizes sections related to provisional voting and makes related technical amendments. This bill is a recommendation of the Virginia Code Commission. (20100022D)

**SB 444** (Edwards) (Passed Senate) reorganizes sections related to election recounts. The bill makes technical amendments and is a recommendation of the Code Commission. (20100033D)

**SB 555** (Spruill) (Reported from SPE) repeals several Acts of Assembly that implemented and enforced a state poll tax and provided for separate registration records on the basis of race. (20102509D)

### **Employment Issues and Grievances**

**HB 46** (Carter) (HLC) requires an employer whose employee has filed a claim under the Virginia Workers' Compensation Act to advise the employee whether the employer intends to accept or deny the claim or is unable to make such a determination because it lacks sufficient information from the employee. If the employer is unable to make such a determination because it lacks sufficient information from the employee, the employer shall so state and identify the needed additional information. If the employer intends to deny the claim, it shall provide the reasons. (20100826D)

**SB 426** (Saslaw) (SCL) authorizes an employer, pursuant to an agreement between the employer and a labor union or labor organization, to require as a condition of employment any employee who is not a member of such labor union or labor organization and is a member of a collective bargaining unit, where the labor union or labor organization is the exclusive representative of the members of the collective bargaining unit, to pay a fair share fee to compensate the labor union or labor organization for the costs of representing the nonmember employee. The bill defines a "fair share fee" as the pro rata share of the portion of a labor union's or labor organization's dues attributable to activities stemming from its duty to represent all employees in a collective bargaining unit without regard to membership in the labor union or labor organization, including (i) the cost of all activities germane to collective bargaining, administration, and enforcement of collective bargaining agreements; (ii) representation of employees before public bodies in matters that are germane to either collective bargaining agreements or employer-employee relations; (iii) representation of employees during grievance procedures; and (iv) labor union or labor organization governance and administration. Under the bill, a fair share fee does not include the cost of any political activities, lobbying, organizing, charity, donations, or community service activities undertaken by the labor union or labor organization, and in no case will the fair share fee exceed 60 percent of dues required of a similarly situated member of such labor union or labor organization. (20100668D)

**SB 427** (Saslaw) (SCL) prohibits an employer from discharging, taking other retaliatory personnel action, or otherwise discriminating against an employee solely on the basis that such employee has filed for or has been issued an emergency protective order or a preliminary protective order against the employer or another employee of such employer. The bill establishes an administrative process for an employee that believes he has been discharged or discriminated against in violation against such prohibition. (20101732D)

**SB 770** (Boysko) (SFIN) requires the Virginia Employment Commission to establish and administer a paid family and medical leave program with benefits beginning January 1, 2023. 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 2022. 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. (20104823D)

### *Collective Bargaining*

**HB 582** (Guzman) (Reported from HAPP) repeals the existing prohibition on collective bargaining by public employees. The bill creates the Public Employee Relations Board, which will determine appropriate bargaining units and provide for certification and decertification elections for exclusive bargaining representatives of state employees and local government employees. The measure requires public employers and employee organizations that are exclusive bargaining representatives to meet at reasonable times to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment. The measure repeals a provision enacted in 2013 that declares that, in any procedure providing for the designation, selection, or authorization of a labor organization to represent employees, the right of an individual employee to vote by secret ballot is a fundamental right that shall be guaranteed from infringement. (20106939D-H1)

**SB 939** (Saslaw) (SCL) permits counties, cities, and towns to adopt local ordinances authorizing them to (i) recognize any labor union or other employee association as a bargaining agent of any public officers or employees, including public school employees, and (ii) collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment. (20102021D)

**SB 1022** (Boysko) (SCL) repeals the existing prohibition on collective bargaining by public employees. The bill creates the Public Employee Relations Board, which will determine appropriate bargaining units and provide for certification and decertification elections for exclusive bargaining representatives of state employees and local government employees. The measure requires public employers and employee organizations that are exclusive bargaining representatives to meet at reasonable times to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment. The measure repeals a provision enacted in 2013 that declares that, in any procedure providing for the designation, selection, or authorization of a labor organization to represent employees, the right of an individual employee to vote by secret ballot is a fundamental right that shall be guaranteed from infringement. (20104615D)

### **Environment**

**HB 504** (Hope) (Passed House) adds the preservation of mature trees, both as a stormwater management tool and as a means of providing other benefits, to the list of activities that the State Water Resources Board is directed to encourage and promote as it adopts criteria for local governments to use as they consider development in Chesapeake Bay Preservation Areas. (20102168D-E)

**HB 1136** (Lopez) (HAG) directs the Department of Environmental Quality (DEQ) to publish and update annually a Virginia Nonfederally Managed Hazardous Waste Site Inventory, consisting of a list of sites of which DEQ is aware that meet certain criteria regarding the presence of hazardous wastes or other hazardous substances but are not listed on the federal National Priorities List. The bill authorizes DEQ to identify by regulation other categories of waste site to add to the inventory. The bill requires an owner of an inactive nonfederally managed hazardous waste site, defined in the bill, to notify DEQ of its existence. A violation of the notification requirement is subject to a civil penalty of not more than \$5,000 per day. (20101647D)

**HB 1205** (Tran) (Reported from HAG) decreases from 24 hours to eight hours the time frame for any person who unlawfully discharges any deleterious substance into state waters to give notice to the Director of the Department of Environmental Quality (DEQ) or the local coordinator of emergency services. The bill also requires DEQ to give the reported discharge information to the Virginia Department of Health, local newspapers, television stations, and radio stations, and disseminate via commonly used social media platforms and email notification lists within eight hours of receipt of such information. Current law only requires certain of these disclosures and only when the Virginia Department of Health determines that the discharge may be detrimental to the public health or the State Water Control Board determines that the discharge may impair beneficial uses of state waters. The bill also requires the Department of Environmental Quality, if the Virginia Department of Health determines that the discharge may be detrimental to the public health, to provide information regarding such determination to the same recipients within eight hours of receipt of such determination. (20106881D-H1)

**HB 1314** (Hodges) (HAG) directs the Secretary of Public Safety and Homeland Security to designate a Chief Resiliency Officer. The Chief Resiliency Officer, who shall hold no other position, shall serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience and recurrent flooding. The bill adds the Chief Resiliency Officer as a member of the Secure and Resilient Commonwealth Panel. (20104821D)

**HB 1329** (Kory) (Reported from HAG) directs the State Water Control Board, when developing criteria for use by localities in addressing Resource Protection Areas (RPAs) under the Chesapeake Bay Preservation Act, to require that any local ordinance addressing permitted modifications of the buffer area include specific penalties for the removal of trees from an RPA without the prior approval of the locality. (20106882D-H1)

**HB 1364** (Hodges) (HAG) directs the State Water Control Board, in promulgating regulations that establish criteria for use by local governments to determine the ecological and geographic extent of Chesapeake Bay Preservation Areas, to provide that any owner of land in a Resource Protection Area may improve such area using native plants and mixtures of organic material. The bill requires that such criteria provide that prior to implementation of such improvement, a landowner obtain a water quality impact assessment and an improvement plan with a professional stamp from a qualified landscape architect, engineer, or other relevant professional. The bill also directs the Board to approve any improvement project that has a net positive benefit to water quality. (20103134D)

**SJ 38** (Cosgrove) (SRUL) directs the Joint Commission on Technology and Science (JCOTS) to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. In conducting its study, JCOTS shall examine (i) the negative impacts of weather, and geological and climate-related events, including displacement, economic loss, and damage to health or infrastructure; (ii) the area or areas and the number of citizens affected by such impacts; (iii) the frequency or probability and the time dimensions, including near-term, medium-term, and long-term probabilities of such impacts; (iv) alternative actions available to remedy or mitigate such impacts and their expected cost; (v) the degree of certainty that each of these impacts and alternative actions may reliably be known; and (vi) the technical resources available, either in state or otherwise, to effect such alternative actions and improve our knowledge of their effectiveness and cost. (20105279D)

### **Gaming**

**SB 960** (Ruff) (SFIN) authorizes the manufacture, distribution, operation, hosting, and playing of dominant skill video games, defined in the bill, in the Commonwealth, to be regulated by the Virginia Lottery Board. The bill specifies the licensing requirements for the manufacture, distribution, operation, and hosting of dominant skill video games and imposes criminal and civil penalties for violations of the law and regulations related to dominant skill video games. The bill imposes a 20 percent tax on all gross profits generated from the play of dominant skill video games and the sale of fills, defined in the bill, by distributor licensees to operator licensees and provides for how the tax proceeds are disbursed. The bill also establishes the Problem Gambling Treatment and Support Fund, administered by the Commissioner of Behavioral Health and Developmental Services to provide counseling and other support services for compulsive and problem gamblers, develop problem gambling treatment and prevention programs, and provide grants to support organizations that provide assistance to compulsive gamblers. (20104736D)

### **Freedom of Information Act**

**SB 1051** (Deeds) (SGL) provides that all records of grand juries held before January 1, 1901, and all records sealed by law or by order of a court entered before January 1, 1901, shall be open for public access irrespective of who or what agency has custody of such records. The bill also provides that any images of records created prior to January 1, 1901, shall be in the public domain and that neither the Commonwealth nor its political subdivisions, nor any agency thereof, shall charge a fee or require an agency, organization, or entity to request permission to publish or display such records. (20105260D)

### **Health and Human Services**

**HB 580** (Guzman) (HHWI) expands the definition of "abused or neglected child" to include any child whose parents, or other person responsible for his care, create or inflict, threaten to create or inflict, or allow to be created or inflicted upon such child a physical or mental injury on the basis of the child's gender identity or sexual orientation. (20102121D)

**HB 809** (Delaney) (HHWI) requires a local department of social services to conduct an investigation or family assessment when, among other things, a report or complaint of child abuse

or neglect is received in which the alleged abuser (i) is the child's relative by blood, marriage, or adoption; (ii) is the child's caretaker or has supervisory control over such child; or (iii) resides or is regularly present in the same household as the child. The bill also amends the definition of "abused or neglected child" to accommodate this directive. Under current law, local departments are only required to conduct an investigation or family assessment when the alleged abuser is the child's parent or other caretaker. (20103251D)

**HB 1452** (Hope) (HHWI)/**SB 738** (Deeds) (SFIN) clarifies that a person can be subject to a temporary detention order for observation and treatment related to intoxication, upon a finding that (i) probable cause exists to believe the person is incapable of making or communicating an informed decision regarding treatment due to intoxication and (ii) that observation, testing, or treatment is necessary within the next 24 hours to prevent injury, disability, death, or other harm to the individual resulting from such intoxication. The bill also provides for the tolling of an emergency custody order for the period during which the person who is the subject of the emergency custody order is also subject to a temporary detention order for observation and treatment. (20105329D, 20106084D-S1)

**SB 668** (Boysko) (SRSS) requires certain child care providers and employees or volunteers thereof to submit to background checks that include a criminal history record information check and sex offender registry check in any state in which the applicant has resided in the preceding five years. (20102503D)

**SB 739** (Deeds) (Reported from SEH) adds information about the (i) total number of licensed beds, (ii) total number of staffed beds, (iii) current bed utilization, (iv) change in bed utilization since the most recent update, (v) number of beds actually available, (vi) number of requests for admission received since the most recent update, (vii) number of individuals admitted since the most recent update, and (viii) number of requests for admission denied since the most recent update and the reason for each such denial to the list of information that must be submitted to the acute psychiatric bed registry (the registry) daily by each public and private inpatient psychiatric facility and every public and private residential crisis stabilization unit in the Commonwealth. The bill also directs the Department of Behavioral Health and Developmental Services to create a work group to evaluate the purpose, structure, and effectiveness of the registry and make recommendations for statutory, budgetary, or other actions necessary to redefine the purpose of the registry and improve its structure and effectiveness. The work group shall report its findings, conclusions, and recommendations to the Governor and the Chairmen of the Senate Committee on Education and Health, House Committee on Health, Welfare and Institutions, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century by November 1, 2020. (20106120D-S1)

**SB 903** (Vogel) (Passed Senate) requires the Board of Health to amend regulations governing hospitals to require each hospital that provides emergency treatment to an individual experiencing a substance use-related emergency to (i) complete a comprehensive assessment to identify appropriate medical interventions necessary for the treatment of the individual; (ii) complete a comprehensive behavioral health assessment to determine whether additional treatment may be appropriate; (iii) initiate pharmacotherapy for treatment of drug or alcohol dependence, where appropriate; and (iv) provide the patient with naloxone or other opioid antagonist used for overdose

reversal. Such regulations shall also require each hospital that provides emergency treatment to an individual experiencing a substance use-related emergency to establish and implement a protocol for connecting such patients receiving emergency treatment with appropriate community-based providers of behavioral health services upon discharge. (20106163D-S1)

### *Mandatory Outpatient Treatment*

**HB 699** (Hope) (HHWI) clarifies the types of evidence that may be considered by a court in determining whether continued mandatory outpatient treatment is warranted; clarifies the criteria that a court is required to consider when reviewing or determining whether to rescind or continue a mandatory outpatient order or order for mandatory outpatient treatment following inpatient treatment; provides that if a person who is the subject of a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment files a petition for rescission of the order, the court shall appoint an examiner to personally examine the person to determine whether he meets the criteria for inpatient admission or mandatory outpatient treatment; limits the frequency with which a person who is the subject of a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment may petition for review of such order to no more than once during each 90-day period following entry of such order; and makes clear that a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment remains in full force and effect unless rescinded by the court and that revocation of a person's agreement to abide by a mandatory outpatient treatment plan or discharge plan that has been approved by the court shall not rescind the mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment. (20104876D)

**HB 702** (Hope) (HHWI) clarifies that a community services board must make efforts to assist a person with complying with the provisions of a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment and that only in cases in which a person fails to comply with a mandatory outpatient treatment or order authorizing discharge to mandatory outpatient treatment following inpatient treatment despite efforts of the community services board to assist the person may the community services board petition for review of the mandatory outpatient order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment. (20102364D)

### *Vaping*

**HB 1185** (Lopez) (HFIN) limits the sale of (i) flavored nicotine vapor products, including mint and menthol but not tobacco flavors, and (ii) high-nicotine vapor products above 30 mg strength to retail establishments that sell to persons 21 years of age or older and have proven age restriction processes. The bill requires such retail establishments to prove valid identification checks at the door upon entry and again before any transaction is processed and to maintain required age verification documentation for every transaction. The bill also prohibits all direct-to-consumer online sales that are intended to deliver nicotine vapor products and prohibits the sale of nicotine vapor products with additives other than traditional e-liquid ingredients (e.g., propylene glycol, vegetable glycerin, flavoring) that alter the performance characteristics of nicotine (e.g., benzoic

acid). The bill further requires a person selling a tobacco product, nicotine vapor product, or alternative nicotine product to obtain identification as proof of a buyer's age in any circumstance. Under current law, such identification is not required from an individual who the person has reason to believe is at least 21 years of age or who the person knows is at least 21 years of age. (20104944D)

**HB 1283** (Hope) (HFIN) the bill prohibits any person from selling any tobacco product at retail (i) without first obtaining a permit from the Department of Taxation and (ii) at a location within 1,000 feet of a youth-oriented facility, defined in the bill. The bill prohibits Internet sales of tobacco products, except to a permit-holding retailer, and prohibits the sale of tobacco products from vending machines. The bill imposes civil penalties of up to \$1,500 for selling tobacco products without a permit and up to \$2,000 for selling tobacco products to persons under age 21. Permits would be subject to annual renewal and subject to revocation for violations of federal, state, or local laws related to tobacco products. The bill imposes recordkeeping requirements and makes it a Class 1 misdemeanor to engage in fraud or misrepresentation in connection with an application for a permit. The bill updates, for the purpose of the crime of selling or distributing tobacco products to a person younger than 21 years of age, the definition of "tobacco products" by including in such definition products currently defined as "nicotine vapor products" or "alternative nicotine vapor products." The bill also removes provisions prohibiting the attempt to purchase, purchase, or possess tobacco products by persons younger than 21 years of age. The bill provides that the punishment of a retail establishment that sells, gives, or furnishes a tobacco product to a person younger than 21 years of age or to a person who does not demonstrate that such person is at least 21 years of age is a civil penalty of \$500 for a first offense, a civil penalty of \$1,000 for a second offense, and a civil penalty of \$2,500 and a suspension or revocation of such establishment's distributor's license for a third or subsequent offense, regardless of the type of tobacco product. Under current law, such penalties apply only to the sale, distribution, or purchase of a bidi and do not require a suspension or revocation of the establishment's distributor's license, while violations involving all other products are punishable by a civil penalty of \$100 for a first offense, a civil penalty of \$200 for a second offense, and a civil penalty of \$500 for a third or subsequent offense. The bill also removes the exception allowing the sale, giving, or furnishing of any tobacco product, nicotine vapor product, or alternative nicotine vapor product to active-duty military personnel who are 18 years of age or older. Finally, the bill requires agents of the Virginia Alcoholic Beverage and Control Authority to conduct a minimum number of two compliance checks each year on any retailer selling tobacco products and to use a person younger than 21 years of age to conduct such checks. (20105166D)

**HB 1365** (Leftwich) (HCT) prohibits the manufacture, sale, or distribution of any imitation nicotine vapor product, defined in the bill as any (i) counterfeit nicotine vapor product, also defined in the bill, or (ii) any liquid nicotine or nicotine vapor product that was not manufactured, prepared, compounded, or processed by a person registered with the U.S. Food and Drug Administration (FDA). The bill makes a first violation a Class 1 misdemeanor and a second or subsequent offense a Class 6 felony, provided that the accused was at liberty between each conviction and it is admitted, or found by the jury or judge before whom the person is tried, that the accused was previously convicted of a violation. (20101170D)

**HB 1570** (VanValkenburg) (HHWI) provides an exception to the law prohibiting possession of tobacco products, nicotine vapor products, or alternative nicotine products by a person less than 21 years of age when such possession is part of a scientific study being conducted by an organization for the purpose of medical research to further efforts in cigarette and tobacco use prevention and cessation and tobacco product regulation, provided that such medical research has been approved by an institutional review board pursuant to applicable federal regulations or by a research review committee. (20104330D)

### **Housing**

**HB 854** (Murphy) (HRUL) directs the Department of Housing and Community Development and the Virginia Housing and Development Authority to convene a stakeholder advisory group to (i) determine the quantity and quality of affordable housing across the Commonwealth, (ii) conduct a review of current programs and policies to determine the effectiveness of current housing policy efforts, (iii) develop an informed projection of future housing needs in the Commonwealth and determine the order of priority of those needs, and (iv) make recommendations for the improvement of housing policy in the Commonwealth. (20104978D)

**SB 708** (McClellan) (Reported from SGL) requires that any housing authority required to submit an application to the U.S. Department of Housing and Urban Development to demolish, liquidate, or otherwise dispose of a housing project serve a notice of intent to demolish, liquidate, or otherwise dispose of such housing project, containing specified information, at least 12 months prior to any application submission date to (i) the Virginia Department of Housing and Community Development, (ii) the clerk of the city or county in which the housing project is located, (iii) any agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from the housing project, and (iv) each tenant residing in the housing project. The bill requires the authority to also serve such notice on any prospective tenant who is offered a rental agreement subsequent to the initial notice. During the 12-month period subsequent to the initial notice of intent to demolish, liquidate, or otherwise dispose of a housing project, the housing authority is prohibited from (a) increasing rent for any tenant above the amount authorized by any federal assistance program applicable to the housing project; (b) changing the terms of the rental agreement for any tenant, except as permitted under the existing rental agreement; or (c) evicting a tenant or demanding possession of any dwelling unit in the housing project, except for a lease violation or violation of law that threatens the health and safety of the building residents. (20105098D)

**SB 905** (Stanley) (SGL) permits a tenant, where there is a violation of the landlord's duty to maintain fit and habitable premises, to have the condition remedied by a third party. In such a case, provided that the tenant has given the landlord documentation of the repair by a third party and an itemized bill reflecting the actual and reasonable costs of the repair, the tenant may deduct such costs from subsequent periodic rent payments until they are recuperated. (20104774D)

## Land Use

**HB 505** (Knight) (House Floor) provides that once the circuit court issues an allowance of a writ of certiorari in response to a petition from a party aggrieved by a board of zoning appeals decision, the board of zoning appeals shall have 21 days to respond. (20102600D-E)

**HB 554** (VanValkenburg) (HCCT) authorizes a locality to disapprove an application submitted for an administrative review-eligible project or for any zoning approval required for a standard process project that proposes to locate a new structure, or to co-locate a wireless facility, in an area where all cable and public utility facilities are required to be placed underground by a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning proceeding as set forth in objectives contained in a comprehensive plan, on grounds that an applicant has not given written notice to adjacent landowners at least 15 days before it applies to locate a new structure in the area. (20102447D)

**HB 665** (Mullin) (HLC) requires the State Corporation Commission (SCC), prior to approving the construction of any electrical transmission lines of 138 kilovolts or more, to determine that the corridor or route chosen for the line will avoid any adverse impact on the scenic assets, historic resources, and environment of the area concerned. If the SCC determines that no route or corridor exists that can avoid any such adverse impact, the SCC is directed to choose the corridor or route that minimizes such adverse impacts to the greatest extent reasonably practicable. Currently, the SCC is required to determine that such a line's corridor or route will reasonably minimize adverse impact on the scenic assets, historic districts, and environment of the area concerned. (20102992D)

**HB 831** (Carroll Foy) (HLC) declares that it is the policy of the Commonwealth that easements be used to provide communications services, that such use is in the public interest, and that such use of the easements where no new poles are erected does not constitute a change in the physical use of the easement or interfere with, impair, or take any vested or other rights of the owner or occupier of the servient estate, or place any additional burden on the servient estate. The measure further provides that the installation and operation of communications services within any such electric easements are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology, and absent any express prohibition contained in the easement itself, will be deemed, as a matter of law, to be a permitted use within the scope of every easement for the location and use of electric utility facilities. The measure limits the damages that may be recovered in any trespass action arising from such use of an easement to the lesser of actual damages based on any reduction in the value of the land as a result of the existence, installation, construction, maintenance, modification, operation, repair, or replacement of communications facilities, or \$2,000 per tract of land. (20106174D-H1)

**HB 1068** (Kory) (HTECH) provides that if a public service company has acquired a prescriptive easement pursuant to which it has the right to poles and wires to provide electric service, its rights under that prescriptive easement shall be deemed to include the right to grant to a provider of broadband or other telecommunications services the rights to attach its wires and facilities to the public service company's poles and to enter upon the right-of-way to install and maintain the wires and facilities, without the approval of the owner of the servient tract of land. (20102905D)



**SB 302** (Stanley) (SCL) provides that any utility easement, granted before, on, or after July 1, 2020, whether granted publicly or privately, by statute, local ordinance, deed, or other recorded instrument, or by prescription, shall be deemed to include the laying, hanging, and maintenance of fiber optic cable. The bill further provides that any utility easement shall also be deemed to include access over private or public lands to permit the grantee to have physical access to such cable, unless the instrument granting the easement was recorded prior to July 1, 2020, and specifically states otherwise. (20100783D)

**SB 673** (Mason) (Passed Senate) prohibits any person from constructing a well in a ground water management area for nonagricultural irrigation purposes except in the surficial aquifer. The bill authorizes the State Water Control Board (the Board) to adopt regulations to develop a general permit for the regulation of irrigation withdrawals from the surficial aquifer greater than 300,000 gallons in any one month. The bill directs the Board to promulgate regulations establishing criteria for determining whether the quantity or quality of the ground water in a surficial aquifer is adequate to meet a proposed beneficial use. (20105741D-S1)

**SB 674** (Mason) (Passed Senate) authorizes the Secretary of Natural Resources, the Secretary of Agriculture and Forestry, or any agency within those secretariats, or the Virginia Outdoors Foundation to enter into an agreement, with certain provisions, with the owner or operator of construction projects to accomplish forest mitigation, as defined in the bill. The bill provides that no such agreement shall (i) include any waiver of liability for environmental damage caused by the construction project or (ii) guarantee regulatory approval for a construction project by any state agency. (20106282D-S1)

**SB 792** (Lewis) (SJUD) allows a 501(c)(4) social welfare organization to obtain a land use permit from the Department of Transportation to use rights-of-way to operate a wholesale open-access fiber network. (20103864D)

**SB 794** (Lewis) (SCL) declares that it is policy of the Commonwealth that (i) existing easements for the location and use of electric facilities be used to provide or expand broadband services; (ii) such use of existing easements to provide or expand broadband services is in the public interest; (iii) the use of such existing easements for the provision of broadband services, where no additional poles are erected, does not constitute a change in the physical use of the easement, interfere with or impair any vested rights of the owner or occupier of the servient estate, or place any additional burden on the servient estate; and (iv) the installation and operation of broadband services within an existing electric easement are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology. The measure also establishes that in the absence of any express prohibition on the installation and operation of broadband services in an existing electric easement, the installation and operation of broadband services within the existing electric easement shall be deemed as a matter of law to be permitted uses within the scope of every easement for the location and use of electricity facilities. The measure also limits the damages that a landowner may be awarded in any trespass action against a public utility arising from the installation, maintenance, or operation of any utility poles, wires, conduit, or other infrastructure or fiber optic cabling to the lesser of actual damages or \$2,000 per landowner bringing a claim. (20104980D)

*Monuments*

**HB 1537** (McQuinn) (HCCT) provides that a locality may remove, relocate, or alter any monument or memorial for war veterans located in its public space, regardless of when erected. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials. (20102770D)

**SB 183** (Locke) (SLG) provides that a locality may remove, relocate, or alter any monument or memorial for war veterans located in its public space, regardless of when erected. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials. (20101204D)

**SB 560** (Spruill) (SLG) provides that a locality may remove, relocate, or alter any monument or memorial for war veterans located in its public space, regardless of when erected. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials. (20102772D)

**SB 620** (Deeds) (SLG) removes a prohibition on (i) disturbing or interfering with any war monument or memorial erected by a locality or (ii) preventing citizens from maintaining such monument or memorial. The bill authorizes a locality to alter, move, or remove any monument or memorial from the locality's public property and removes certain criminal and civil penalties for such. (20104349D)

**Opioids**

**HB 605** (Brewer) (HCT) provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another and (i) such other person's death results from his use of the controlled substance and (ii) the controlled substance is the proximate cause of his death. The bill also provides that venue for a prosecution of this crime shall lie in the locality where the underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. This bill serves to overrule the Court of Appeals of Virginia decision in *Woodard v. Commonwealth*, 61 Va. App. 567, 739 S.E.2d 220 (2013), *aff'd*, 287 Va. 276, 754 S.E.2d 309 (2014). (20103238D)

**SB 667** (Boysko) (SJUD) provides that no individual shall be subject to arrest or prosecution 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 (a) seeks or obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose, or (b) is experiencing an overdose and another individual seeks or obtains emergency medical attention for him; (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 an individual seeking or obtaining emergency medical attention. Current law provides an affirmative defense to such offenses only when an individual seeks or obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose. (20104169D)

### **Procurement and Contracts**

**HB 847** (Runion) (HCT)/**SB 195** (Cosgrove) (SJUD)/**SB 607** (Norment) (SJUD) provides that no action may be brought by a public body on any construction contract, including construction management and design-build contracts, unless such action is brought within five years after completion of the work on the project, and provides that no action may be brought by a public body on a warranty or guaranty in such construction contract more than one year from the breach of that warranty, but in no event more than one year after the expiration of such warranty or guaranty. The bill also limits the time frame during which a public body, other than the Department of Transportation, may bring an action against a surety on a performance bond to within one year after completion of the work on the project. Current law allows a public body, other than the Department of Transportation, to bring such an action within one year after (i) completion of the contract, including the expiration of all warranties and guaranties, or (ii) discovery of the defect or breach of warranty that gave rise to the action. The bill contains technical amendments. (20102838D, 20102791D, 20102689D)

**HB 1300** (Hurst) (HCT) provides that no action may be brought by a public body on any construction, architectural, or engineering contract, including construction management and design-build contracts, unless such action is brought within five years after completion of the work on the project, and provides that no action may be brought by a public body on a warranty or guaranty in such construction contract more than one year from the breach of that warranty, but in no event more than one year after the expiration of such warranty or guaranty. The bill also limits the time frame during which a public body may bring an action against a surety on a performance bond to within one year after completion of the work on the project. Current law allows a public body, other than the Department of Transportation, to bring such an action within one year after (i) completion of the contract, including the expiration of all warranties and guaranties, or (ii) discovery of the defect or breach of warranty that gave rise to the action. The bill contains technical amendments. (20105008D)

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

**HB 1035** (Simon) (HCT) prohibits the Compensation Board, when determining staffing and funding levels for offices of attorneys for the Commonwealth, from (i) considering the number of charges brought or the number of convictions obtained by such attorney for the Commonwealth; (ii) relying on standards devised or recommended by the attorney for the Commonwealth, law-enforcement agencies, or professional associations representing attorneys for the Commonwealth or law-enforcement officers; or (iii) using measures that increase if an attorney for the Commonwealth (a) elects to prosecute a more serious charge, (b) elects to prosecute additional

charges from a single arrest or criminal incident, (c) obtains convictions rather than dismissing charges or offering reduced charges, or (d) proceeds with prosecution rather than diversion. The bill also requires attorneys for the Commonwealth to pay all fees collected by them in consideration of the performance of official duties or functions into the state treasury, instead of only half of such fees. The bill requires the State Treasurer to pay to the treasuries of the respective counties and cities of the attorneys for the Commonwealth a proportion of half of all such fees collected by all attorneys for the Commonwealth, as determined by each county or city's crime rate, criminal incident rate, or arrest rate. Finally, the bill changes the fees collected by attorneys for the Commonwealth on trials of felony indictments from \$40 on each count to \$120 for each trial of a Class 1 or Class 2 felony indictment, or other felony that carries a possible penalty of life in prison, except robbery, and \$40 for each trial on robbery and all other felony indictments regardless of the number of counts. The bill contains technical amendments. (20102861D)

**SB 798** (Morrissey) (SJUD) specifies that a person is guilty of an offense of driving or operating a motor vehicle (i) after his driver's license has been revoked for certain offenses; (ii) in violation of the terms of a restricted license; (iii) without an ignition interlock system if one is required; or (iv) if the person's license had been restricted, suspended, or revoked for certain driving under the influence offenses, with a blood alcohol content of 0.02 percent or more, only if such person was driving or operating the motor vehicle on a highway, as defined in Title 46.2, Motor Vehicles. (20100954D)

**SB 844** (Mason) (SJUD) expands the crime of computer trespass to provide that the prohibited actions that constitute computer trespass are criminalized if done through intentionally deceptive means and without authority and specifies that a computer hardware or software provider, an interactive computer service, or a telecommunications or cable operator does not have to provide notice of its activities to a computer user that a reasonable computer user should expect may occur. (20101866D)

**SB 999** (Chase) (SJUD) makes several changes to the process and procedures afforded to law-enforcement officers under the Law-Enforcement Officers Procedural Guarantee Act, clarifying several existing rights and setting forth specific procedures for the questioning of officers and the conduct of a disciplinary hearing. (20104805D)

*Driver's License Suspension – Non-Driving Related Offenses*

**SB 512** (Edwards) (SJUD) removes the existing provisions that allow a person's driver's license to be suspended (i) when he is convicted of or placed on deferred disposition for a drug offense and (ii) for violations not pertaining to the operator or operation of a motor vehicle. The provisions of this bill have a delayed effective date of September 1, 2020. (20101874D)

**SB 513** (Edwards) (SJUD) removes the existing provisions that allow a person's driver's license to be suspended (i) when he is convicted of or placed on deferred disposition for a drug offense; (ii) for non-payment of certain fees owed to a local correctional facility or regional jail; and (iii) for shoplifting motor fuel. (20102914D)

**SB 711** (McClellan) (SJUD) eliminates the mandatory minimum term of confinement in jail of 10 days for a third or subsequent conviction of driving on a suspended license. (20104841D)

*Schools and Law Enforcement*

**SB 3** (McClellan) (SJUD) eliminates the Class 1 misdemeanor for disrupting willfully or while intoxicated, whether willfully or not, the operation of any school or any school activity conducted or sponsored by any school if the disruption (i) prevents or interferes with the orderly conduct of the operation or activity or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed. (20100173D)

**Transportation**

**HB 1427** (Krizek) (HTRAN) authorizes a private vendor operating a video monitoring system for a school division for the purpose of recording those illegally passing stopped school buses to impose and collect an administrative fee to recover the cost of collecting the civil penalty to be paid by the operator of the vehicle. The bill contains technical amendments. (20102272D)

**HB 1439** (Jones) (HTRAN) adopts several initiatives related to transportation and safety, including: (i) making it illegal to possess an open container of alcohol in a motor vehicle, (ii) requiring all passengers in a vehicle to wear safety belts and making failure to wear a safety belt a primary offense, (iii) prohibiting the use of handheld personal communication devices, (iv) establishing a speed monitoring program in highway safety corridors that uses a vehicle sensor to take a picture of a vehicle traveling more than 10 miles over the speed limit, subjecting the driver to a monetary fine, and (v) allowing localities to lower the speed limit below 25 miles per hour in business and residential districts. The Commissioner of the Department of Motor Vehicles will establish an advisory committee to oversee education and enforcement of policies such as the seatbelt and hands-free provisions. The bill also changes the vehicle inspection safety program to only require inspections of salvage vehicles that have been rebuilt for highway use, converted electric vehicles, and off-road motorcycles that have been converted to on-road use. The bill contains numerous technical amendments. (20104140D)

**HB 1442** (Jones) (HTRAN) authorizes law-enforcement officers to operate handheld photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 12 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such highway work zone is indicated by conspicuously placed signs displaying the maximum speed limit and the use of such handheld photo speed monitoring device. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$125, if such vehicle is found to be traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit by the handheld photo speed monitoring device. The bill provides that if the summons for a violation is issued by mail the violation shall not be reported on the driver's operating record or to the driver's insurance agency, but if the violation is personally issued by an officer at the time of the violation, such violation shall be part of the driver's record and used for insurance purposes. The bill provides that the civil penalty will be paid to the locality in which the violation occurred. (20102488D)

**SB 125** (Suetterlein) (STRAN) abolishes the state motor vehicle safety inspection program. (20103748D)

**SB 907** (Lucas) (STRAN) adopts several initiatives related to transportation and safety, including: (i) making it illegal to possess an open container of alcohol in a motor vehicle, (ii) requiring all passengers in a vehicle to wear safety belts and making failure to wear a safety belt a primary offense, (iii) prohibiting the use of handheld personal communication devices, (iv) establishing a speed monitoring program in highway safety corridors that uses a vehicle sensor to take a picture of a vehicle traveling more than 10 miles over the speed limit, subjecting the driver to a monetary fine, and (v) allowing localities to lower the speed limit below 25 miles per hour in business and residential districts. The Commissioner of the Department of Motor Vehicles will establish an advisory committee to oversee education and enforcement of policies such as the seatbelt and hands-free provisions. The bill also changes the vehicle inspection safety program to only require inspections of salvage vehicles that have been rebuilt for highway use, converted electric vehicles, and off-road motorcycles that have been converted to on-road use. The bill contains numerous technical amendments. (20104138D)

**SB 911** (Hashmi) (STRAN) prohibits a person from parking a vehicle not capable of receiving an electric charge in a space reserved for charging electric vehicles. A violation is subject to a civil penalty of \$500, and the vehicle may be towed or impounded. (20103753D)

**SB 1038** (Lucas) (STRAN) creates the Hampton Roads Transportation District Regional Transit Program to develop, maintain, and improve a regional network of transit routes and related infrastructure, rolling stock, and support facilities. The program would be funded by an additional regional motor vehicle fuels sales tax at a rate of 1.9 percent of the wholesale cost of unleaded gasoline and 0.9 percent of the wholesale cost of diesel fuel. The moneys would be deposited into the Hampton Roads Regional Transit Fund, created by the bill. (20105538D)

### *Distracted Driving*

**HB 675** (Robinson) (HTRAN) clarifies that the prohibition on the use of a wireless communications device by the holder of a provisional driver's license applies whether or not the device is being used for communication purposes. The bill exempts the use of applications for solely navigation purposes and global positioning systems provided that the driver does not enter information into or manually manipulate the device or system while operating the vehicle. (20101547D)

**HB 874** (Bourne) (HTRAN) prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. This bill has a delayed effective date of January 1, 2021. (20101920D)

**SB 160** (Surovell) (Passed Senate) prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. This bill has a delayed effective date of January 1, 2021. (20106310D-S1)

**SB 437** (Surovell) (Passed Senate) provides that a person who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, defined in the bill as a pedestrian or a person operating a bicycle, electric wheel chair, electric bicycle, wheelchair, skateboard, skates, motorized skateboard or scooter, or animal-drawn vehicle or riding an animal, is guilty of a Class 1 misdemeanor. The bill also prohibits the driver of a motor vehicle from crossing into a bicycle lane to pass or attempt to pass another vehicle, except in certain circumstances. (20100562D)

**SB 932** (Kiggans) (Passed Senate) adds school crossing zones and school property to the locations in which a driver is prohibited from holding a handheld personal communications device in his hand while driving a motor vehicle, with certain exceptions. The bill provides that a violation is punishable by a mandatory fine of \$250. Current law prohibits (i) the reading of an email or text message on the device and manually entering letters or text in the device as a means of communicating and (ii) the holding of a handheld personal communication device in a highway work zone, with the same exceptions. (20104574D-E)

#### *Peer-to-Peer Vehicles*

**SB 735** (Newman) (SCL) establishes insurance, taxation, recordkeeping, disclosure, and safety recall requirements for peer-to-peer vehicle sharing platforms, defined in the bill. (20105109D)

#### *Undergrounding*

**SB 782** (Saslaw) (Passed Senate) specifies that one of the two projects that may be included in the pilot program for the undergrounding of electric transmission lines shall be for the relocation or conversion of an existing 230-kilovolt overhead line to an underground line. The measure provides that such a project may be approved if the estimated additional cost of placing the line, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the costs of placing the same line overhead, which costs are borne by all of the utility's ratepayers through a rate adjustment clause. Currently the cost of such a project is ineligible if it exceeds 2.5 times the cost of placing the same line overhead. The measure provides that such a project may be approved for participation in the pilot program if its primary need is related to the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed. The measure exempts a project that satisfies the criteria for participation in the pilot project from the requirement that the State Corporation Commission find that the transmission line is needed. The measure adds that the pilot

program is created to further understanding of the benefits of undergrounding existing electric transmission lines to promote economic development. (20102023D)

**Workers' Compensation**

**HB 617** (Guzman) (HAPP) provides that a physical injury, including the condition of carpal tunnel syndrome, that results from repetitive motion shall be treated as an injury by accident for purposes of the Virginia Workers' Compensation Act. The bill also removes a provision that declares carpal tunnel syndrome to be an ordinary disease of life. (20100192D)



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

### **Miscellaneous**

**HB 154** (Kilgore) (Passed House; SCL) conforms Virginia's law regarding credits to insurers for reinsurance ceded to approved assuming insurers to the provisions of the Credit for Reinsurance Model Law of the National Association of Insurance Commissioners. The bill eliminates the reinsurance collateral requirements for assuming insurers that are domiciled in or have their head office in a reciprocal jurisdiction, which is defined in the bill. Under the bill, such assuming insurers are required to maintain a minimum capital and surplus, maintain a minimal solvency and capital ratio, and provide notice to the State Corporation Commission in the event of noncompliance of any requirements. The bill requires the Commission to create and publish a list of reciprocal jurisdictions and assuming insurers. (20104676D-H1)

**HB 166** (Knight) (House Floor) provides that if a locality has submitted a timely notice request related to a planning or zoning matter to a newspaper of general circulation and the newspaper fails to publish the notice, a locality shall be deemed to have met public hearing notice requirements so long as notice of the agenda, including the item intended for publication in the newspaper, was published on the locality's website at least three weeks before the hearing. (20103028D-E)

**HB 172** (Krizek) (Reported from HAPP) creates the Virginia State Police Electronic Summons System Fund, which is funded by a \$5 fee required by the bill to be assessed as court costs in each criminal or traffic case in which the Virginia State Police issued the summons, ticket, or citation; executed the warrant; or made the arrest. The bill directs that the Fund be used for the purposes of funding software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. Under current law, localities may charge a fee of up to \$5 for each criminal or traffic case to be used for such purposes. (20103771D)

**HB 319** (Levine) (HPE)/**SB 516** (Edwards) (SPE) provides for the preparation of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. The bill provides that a person incarcerated in a correctional facility whose legal residence prior to entering custody was located within the Commonwealth will be deemed to reside at such residence, and a person incarcerated in a correctional facility whose legal residence prior to entering custody was located outside of the Commonwealth or whose legal residence prior to entering custody cannot be determined will not be included in the population count for the locality in which the facility is located; instead, such persons shall be allocated to a state unit not tied to a specific determined geographic location in the same manner as other state residents with an unknown address are allocated. Under the current residence criteria of the U.S. Bureau of the Census, incarcerated persons are counted at the facility in which they are incarcerated. The bill directs the Division of Legislative Services to prepare the adjusted population data, and the General Assembly and local governing bodies are required to use this data as the basis for reapportioning and drawing new districts. The Director of the Department of Corrections and the Board of Corrections are required to provide to the Division certain information about each person incarcerated who was incarcerated in a state or local correctional facility on the day the decennial census is taken, April 1 of a year ending in zero, for

these purposes. The Division is directed to request such information from each agency operating a federal correctional facility in the Commonwealth, and persons incarcerated in a federal correctional facility for whom a record is not received shall be deemed to have a legal residence prior to entering custody that cannot be determined. (20102052D, 20102409D)

**HB 1254** (Price) (HPE) provides for the preparation of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in state and local correctional facilities. The bill provides that a person incarcerated in a state or local correctional facility whose legal residence prior to entering custody was located within the Commonwealth will be deemed to reside at such residence, and a person incarcerated in a state or local correctional facility whose legal residence prior to entering custody was located outside of the Commonwealth or whose legal residence prior to entering custody cannot be determined will be deemed to reside at the location of the facility in which he is incarcerated. Under the U.S. Census Bureau's current residence criteria, incarcerated persons are counted at the facility in which they are incarcerated. The bill directs the Division of Legislative Services to prepare the adjusted population data, and the General Assembly and local governing bodies are required to use this data as the basis for reapportioning and drawing new districts. The Director of the Department of Corrections and the Board of Corrections are required to provide to the Division certain information about each person incarcerated who was incarcerated in a state or local correctional facility on the day the decennial census is taken, April 1 of a year ending in zero, for these purposes. (20100640D)

**HB 1407** (Ward) (Reported from HFIN) prohibits an employer from classifying an individual as an independent contractor if he is an employee. An individual shall be considered an employee of the party that pays the remuneration for purposes of Titles 40.1 (Labor and Employment), 58.1 (Taxation), 60.2 (Unemployment Compensation), and 65.2 (Workers' Compensation) unless and until it is shown to the satisfaction of the Department of Taxation that such individual is an independent contractor under Internal Revenue Service guidelines. Violators are subject to civil penalties and debarment from public contracts. The bill has a delayed effective date of January 1, 2021. (20105144D)

**SJ 35** (Edwards) (SRUL) establishes a joint subcommittee to study the Commonwealth's requirements related to barrier crimes and criminal history records checks. The resolution directs the joint subcommittee to, in conducting its study, develop recommendations related to (i) whether statutory provisions related to criminal history records checks, barrier crimes, and barrier crime exceptions should be reorganized and consolidated into a central location in the Code of Virginia; (ii) whether certain crimes should be removed from the list of barrier crimes; (iii) whether barrier crime exceptions and waiver processes should be broadened; (iv) whether the required amount of time that must lapse after conviction of certain barrier crimes should be shortened; and (v) other changes that could be made to criminal history records check and barrier crimes requirements that would improve the organization, effectiveness, and fairness of such provisions. (20102494D)

### **Administration of Government**

**HB 106** (Cole, M.) (Passed House) provides that an ordinance that requires buildings to have visible numbering may include provisions for a civil penalty not to exceed \$100 for a violation that has not been corrected within 15 days of notice of such violation. Civil penalties assessed

under this provision shall be paid into the treasury of the locality where the violation occurred. (20100850D)

**HB 150** (Samirah) (House Floor) allows certain localities to impose a civil penalty not exceeding \$1,000 per month on owners of derelict residential property that have not submitted a required plan to renovate or demolish the derelict structure. (20101974D)

**HB 420** (Price) (HAPP) directs the Department of Emergency Management (the Department) to ensure that the model school crisis and emergency management plan developed by the Board of Education in consultation with the Department is designed to include and reach individuals with limited English proficiency, disabilities, and other special needs. The bill also directs the Department to develop an emergency response plan to (i) address the needs of such individuals in the event of a disaster, including the provision of competent interpretation services and translated documents, and (ii) assist and coordinate with local agencies in developing similar emergency response plans for such individuals. The bill requires that every local and interjurisdictional emergency management agency include in its emergency operations plan provisions to ensure that adequate and timely emergency relief assistance, including competent interpretation services and translated documents, is provided to such individuals. The bill requires the governing body of each locality that is required to establish an alert and warning plan to ensure that such plan provides adequate and timely warnings for such individuals. The bill contains technical amendments. (20100642D)

**HB 515** (Bulova) (House Floor) requires a county operating under the urban county executive form of government (Fairfax County) to designate an additional seat on the board of social services for a qualified citizen of each city to which the county is contractually obligated to provide social services. (20103041D)

**HB 1213** (Heretick) (HCT) permits localities to appoint and train local government employees to enforce local ordinances by issuing summonses for violations of ordinances that are within the purview of the employee's employment. (20102237D)

### **Affordable Housing**

**HJ 2** (Bourne) (HRUL) provides that the General Assembly may authorize a locality to fully or partially exempt affordable housing, as such term may be defined by statute, from real property taxation. (20100429D)

### **Courts**

**HB 127** (Miyares) (HCT) provides that a bystander who witnesses, live and in-person, an event during which the intentional or negligent infliction of injury to or death of a victim occurs may recover damages for resulting emotional distress, proven by a preponderance of the evidence, with or without a physical impact or physical injury to the bystander, if (i) the bystander is related to the victim or (ii) although not related to the victim, the bystander is in close proximity to the victim at the time the event occurs and is aware that such event is causing injury to or the death of the victim. (20101772D)

**HB 266** (Heretick) (HCT) eliminates the accrual of interest on any fine or costs imposed in a criminal case or in a case involving a traffic infraction. The bill provides that any such fine or costs that have accrued interest prior to July 1, 2020, shall cease to accrue interest on July 1, 2020, and such accrued interest may be waived by any court. A person who owes fines and costs on which interest has accrued may move any court in which he owes fines and costs to waive the interest that accrued on such fines and costs and shall have such interest waived for any period of incarceration. (20100931D)

**HB 1605** (Hope) (HCT)/**SB 553** (Ruff) (SJUD) creates the Uniform Partition of Heirs Property Act to preserve the right of a cotenant to sell his interest in inherited real estate while ensuring that the other cotenants will have the necessary due process, including notice, appraisal, and right of first refusal, to prevent a forced sale. If the other cotenants do not exercise their right to purchase property from the seller, the court must order a partition in kind if feasible, and if not, a commercially reasonable sale for fair market value. The provisions of the bill apply to partition actions filed on or after July 1, 2020. (20105499D, 20103964D)

**HB 1725** (Campbell, J.) (House Floor) provides that a judicial assistant serving a circuit court judge and whose position is funded in whole or in part by a county or city shall serve at the pleasure and under the sole management and supervision of the presiding judge of the circuit court. (20105510D)

**SB 401** (Hashmi) (SJUD) allows for the award of reasonable attorney fees and costs to any person who has a subpoena against him quashed in an action for statements made at a public hearing before the governing body of a locality or other local entity when he is immune from liability for such statements. Current law provides for the award of attorney fees and costs upon the dismissal of such an action. (20100737D)

**SB 684** (Mason) (SJUD) responds to the holding in *Paugh v. Henrico Area Mental Health and Developmental Services*, Record No. 121562 (2013), in which the Supreme Court of Virginia held that on appeal by trial de novo in circuit court of an order of involuntary commitment by a district court, upon the circuit court's finding that the appellant no longer meets the criteria for involuntary commitment, the proper remedy is dismissal of the Commonwealth's petition for involuntary commitment, thereby rendering the original commitment order a nullity. As such, because the original petition would in effect never have existed, forfeiture of the right to possess a firearm as required by § 18.2-308.1:3 upon involuntary commitment would no longer be in effect. Section 18.2-308.1:3 requires that a person who has been involuntarily committed and seeks to have his firearm rights restored petition a district court for restoration of his firearm rights. The ruling in *Paugh*, by requiring dismissal of the original petition for commitment, removes that requirement even though on the date of the original commitment hearing the person did meet the criteria for commitment and was, in fact, involuntarily committed. The bill provides that notwithstanding the outcome of any appeal (trial de novo on the petition for commitment) taken pursuant to § 37.2-821, the appellant shall be required to seek restoration of his firearm rights. The bill also provides that upon a finding by the circuit court that the appellant no longer meets the criteria for involuntary commitment or mandatory outpatient treatment, the court shall reverse the order of the district court but shall not dismiss the Commonwealth's petition. As a consequence of these changes, a

person who is involuntarily committed would be required to petition for restoration of his firearm rights notwithstanding the reversal of the commitment order by a circuit court. (20104751D)

### *Specialty Dockets*

**SB 499** (Reeves) (Passed Senate) provides that any veterans docket authorized and established as a local specialty docket in accordance with the Rules of Supreme Court of Virginia shall be deemed a "Veterans Treatment Court Program," as that term is used under federal law or by any other entity, for the purposes of applying for, qualifying for, or receiving any federal grants, other federal money, or money from any other entity designated to assist or fund such state programs. The bill contains an emergency clause. (20103355D)

**SB 618** (Deeds) (SJUD) provides that any court may refer a defendant to a local specialty docket if such specialty docket exists within that jurisdiction. The bill provides that a court that has received a referral shall have jurisdiction over the defendant for any matter that does not dispose of a charge or defense for the duration of the referral and shall enter an order making a recommendation for disposing the matter, including any proposed findings of fact, at the end of the referral or any other time as necessary. (20104266D)

**SB 818** (Morrissey) (SJUD) establishes, by the Behavioral Health Docket Act (the Act), behavioral health courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have mental illness and co-occurring substance abuse issues. The bill establishes a state behavioral health docket advisory committee and requires localities intending to establish such dockets to establish local behavioral health docket advisory committees. The bill gives the Supreme Court of Virginia administrative oversight of the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§ 18.2-254.1). (20103858D)

**SB 819** (Morrissey) (SJUD) provides that any jurisdiction or jurisdictions intending or proposing to establish a drug treatment court shall not be denied permission under the Code of Virginia to establish such court solely on the basis of funding such court. The bill also provides that a drug treatment court shall be available to every defendant irrespective of the jurisdiction. (20103860D)

### **Early Childhood Care**

**SB 599** (Hanger) (SRUL) requires the Superintendent of Public Instruction and the Commissioner of Social Services to (i) convene a stakeholder group to consider the development of a statewide unified public-private system for early childhood care and education in the Commonwealth and (ii) collaborate to develop a uniform quality rating and improvement system with required participation by publicly funded early childhood care and education programs and voluntary participation by privately funded providers. (20104233D)

## **Education and Schools**

**HB 256** (Mullin) (House Floor) provides that a student at any elementary or secondary school is not guilty of disorderly conduct in a public place if the disorderly conduct occurred on school property or a school bus. (20105154D-H1)

**SJ 28** (Reeves) (SRUL) requires the Joint Legislative Audit and Review Commission to study the feasibility of adjusting the composite index of local ability to pay by (i) reviewing current statutory, constitutional, and budgetary provisions governing the calculation of Standards of Quality costs and funding; (ii) examining the components of the composite index of local ability to pay; (iii) evaluating other states' public school funding formulas; (iv) hearing local concerns and seeking input from various state and national experts, as applicable; and (v) determining the feasibility of reducing the local share under the Local Composite Index (LCI) in school divisions in which the locality is determined to have above-average fiscal stress or high fiscal stress by the Virginia Commission on Local Government in its most recent "Report on the Comparative Revenue Capacity, Revenue Effort, and Fiscal Stress of Virginia Counties and Cities." (20102344D)

**HJ 41** (Scott) (HRUL) directs the Joint Legislative Audit and Review Commission to study teacher salaries and benefits in the Commonwealth, including the regional competitiveness of such salaries and benefits, by analyzing the relationship between (i) salaries and benefits provided to teachers in the Commonwealth, states adjoining the Commonwealth, and the District of Columbia and (ii) the recruitment and retention of teachers in each such state and the District of Columbia. (20102006D)

## **Elections**

**HB 108** (Lindsey) (HRUL) designates Election Day, the Tuesday after the first Monday in November, as a state holiday and removes Lee-Jackson Day as a state holiday. (20101370D)

**HB 202** (Tran) (HPE) requires the additional training for officers of elections occurring after a change in an election law or regulation to take place not less than three days prior to the first election occurring after the law or regulation has taken effect. Under current law, such training is required to take place not later than three days prior to the November general election following the enactment of the law or regulation. (20103596D)

**HB 1643** (Ayala) (HPE)/**HB 1678** (Lindsey) (HPE) extends from 7:00 p.m. to 8:00 p.m. the time at which polls close on election day. The bill aligns candidate filing deadlines and party nomination deadlines with the closing of polls. (20105493D, 20102034D)

**SB 131** (Chase) (SPE) provides that any candidate for a constitutional office who has been nominated by a political party or in a primary election shall be identified on the ballot by the name of his political party. Currently, only candidates for federal, statewide, and General Assembly offices nominated by a political party or in a primary election are so identified. (20102423D)

*Absentee Voting*

**HB 220** (Krizek) (HAPP) requires the envelope provided to an absentee voter for the return of the absentee ballot to include prepaid postage. (20100609D)

**SB 46** (Spruill) (Passed Senate) removes the requirement that a person applying for an absentee ballot provide supporting information regarding the reason he is eligible for an absentee ballot. The applicant will still be required to provide the reason he will be absent or unable vote at his polling place on the day of the election. (20100471D)

**Environment**

**SB 704** (Mason) (SACNR) requires any operator of at least 50 acres of cropland in the Chesapeake Bay watershed to submit a nutrient management plan for such cropland by July 1, 2026, to the Department of Conservation and Recreation (DCR). DCR shall review such plans and provide technical assistance, and the operator shall have an affirmative defense if he has applied for cost-share funding and is waiting to receive such funds. The bill requires any person who owns 20 or more bovines in the watershed, beginning July 1, 2026, to install stream exclusion practices that satisfy regulations adopted by the Department of Environmental Quality (DEQ). The person shall have an affirmative defense if he has applied for cost-share funding and is waiting to receive such funds, or if his installed stream exclusion practices were damaged or destroyed. The bill authorizes DCR and DEQ to adopt regulations to carry out its provisions. The bill provides that if the Secretary of Natural Resources determines that sufficient numbers of stream exclusion practices or nutrient management plans have been put in place to satisfy the Commonwealth's commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan, he shall, on or before December 31, 2025, recommend that all or part of the bill be repealed. (20105196D)

*Environmental Justice*

**SB 406** (Hashmi) (Reported from SGL) establishes the Virginia Environmental Justice Act to promote the fair treatment and meaningful involvement of all people regardless of race, color, national origin, income, faith, or disability with respect to the development, implementation, and enforcement of environmental laws and policies. Under the bill, state agencies are required to examine any new regulation or policy or amendment to an existing regulation or policy involving state action or funds in relation to its impact on environmental justice prior to adoption of the regulation or policy. The bill requires the Governor's Secretaries to develop a policy or strategy to promote environmental justice in ways that are tailored to the specific authority, mission, and programs under their Secretariat no later than January 1, 2021. (20107107D-S1)

**SB 883** (Locke) (Passed Senate) establishes the Virginia Council on Environmental Justice, consisting of 24 members, to advise the Governor and provide recommendations intended to protect vulnerable communities from disproportionate impacts of pollution and provide such communities meaningful involvement in the decision-making process. The bill provides that 18 members of the Council are appointed by the Governor and six are specified Cabinet Secretaries. The bill has an expiration date of July 1, 2023. (20106392D-S1)

## **Firearms**

**HB 78** (Kory) (HPS) prohibits a person who has been convicted of a misdemeanor violation of assault and battery of a family or household member from possessing or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor. The bill provides for a process by which a person convicted of such crime may petition the circuit court for a reinstatement of his right to possess or transport a firearm. (20100165D)

**HB 425** (Simon) (HPS) requires any dealer who sells, trades, or transfers more than two firearms to an individual in a single transaction to report such transaction to the Department of State Police. The bill also provides that the State Police shall maintain multiple firearms transaction records for 12 months. Current law states that State Police shall maintain multiple handgun transaction records for 12 months. (20100289D)

**HB 427** (Simon) (HPS) creates a Class 5 felony for any person who manufactures, imports, sells, transfers, or possesses any firearm that, after removal of all parts other than a major component, defined in the bill, is not detectable as a firearm by the types of detection devices, including X-ray machines, commonly used at airports for security screening. The bill updates language regarding the types of detection devices that are used at airports for detecting plastic firearms. (20101586D)

**HB 600** (Hope) (HPS) requires that during the hours of operation of a family day home, all firearms be stored unloaded in a locked container, compartment, or cabinet and that ammunition be stored in a separate locked container, compartment, or cabinet. (20102002D)

**HB 900** (Levine) (HPS) prohibits a person who has been convicted of stalking, sexual battery, assault and battery of a family or household member, brandishing a firearm, or two or more convictions of assault and battery from possessing or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor or, upon a third or subsequent conviction of this or certain other firearms offenses, is guilty of a Class 6 felony. (20104904D)

**HB 961** (Levine) (HPS) expands the definition of "assault firearm" and prohibits any person from importing, selling, transferring, manufacturing, purchasing, possessing, or transporting an assault firearm. A violation is a Class 6 felony. The bill prohibits a dealer from selling, renting, trading, or transferring from his inventory an assault firearm to any person. The bill also prohibits a person from carrying a shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered in a public place; under existing law, this prohibition applies only in certain localities. The bill makes it a Class 6 felony to import, sell, transfer, manufacture, purchase, possess, or transport large-capacity firearm magazines, silencers, and trigger activators, all defined in the bill. Any person who legally owns an assault firearm, large-capacity firearm magazine, silencer, or trigger activator on July 1, 2020, may retain possession until January 1, 2021. During that time, such person shall (i) render the assault firearm, large-capacity firearm magazine, silencer, or trigger activator inoperable; (ii) remove the assault firearm, large-capacity firearm magazine, silencer, or trigger activator from the Commonwealth; (iii) transfer the assault firearm, large-capacity firearm magazine, silencer, or trigger activator to a person outside the Commonwealth who is not prohibited from possessing it; or (iv) surrender the assault firearm, large-capacity firearm magazine, silencer, or trigger activator to a state or local law-enforcement



agency. The bill further states that any person who legally owns an assault firearm on July 1, 2020, may retain possession of such assault firearm after January 1, 2021, if such person has obtained a permit from the Department of State Police to possess an assault firearm in accordance with procedures established in the bill. A person issued such permit may possess an assault firearm only under the following conditions: (a) while in his home or on his property or while on the property of another who has provided prior permission, provided that the person has the landowner's written permission on his person while on such property; (b) while at a shooting range, shooting gallery, or other area designated for the purpose of target shooting or the target range of a public or private club or organization whose members have organized for the purpose of practicing shooting targets or competing in target shooting matches; (c) while engaged in lawful hunting; or (d) while surrendering the assault firearm to a state or local law-enforcement agency. A person issued such permit may also transport an assault firearm between any of those locations, provided that such assault firearm is unloaded and secured within a closed container while being transported. The bill also provides that failure to display the permit and a photo identification upon demand by a law-enforcement officer shall be punishable by a \$25 civil penalty, which shall be paid into the state treasury. The bill also requires the Department of State Police to enter the name and description of a person issued a permit in the Virginia Criminal Information Network (VCIN) so that the permit's existence and current status will be made known to the law-enforcement personnel accessing VCIN for investigative purposes. (20104855D)

**HB 1447** (Sickles) (HPS) provides that it is a Class 1 misdemeanor for a person under the influence of alcohol or illegal drugs to carry a loaded firearm on or about his person in a public place and that a person found guilty of such act is ineligible to apply for a concealed handgun permit for a period of five years. Current law provides that such prohibition applies only to persons permitted to carry a concealed handgun. (20102163D)

**SB 14** (Saslaw) (SJUD) prohibits the manufacture, importation, sale or offer to sell, possession, transfer, or transportation of a trigger activator, defined in the bill as (i) a device designed to be attached to a semi-automatic firearm, which allows the firearm to discharge two or more shots in a burst by activating the device, including a bump-fire device or a binary trigger, but does not convert the semi-automatic firearm into a machine gun or (ii) a manual or power-driven trigger activating device designed so that when attached to a semi-automatic firearm it increases the rate of fire of that firearm, including a trigger crank, but does not convert the semiautomatic firearm into a machinegun. A violation is punishable as a Class 6 felony. (20100506D)

**SB 71** (Lucas) (SJUD) adds public, private, or religious preschools and child day centers that are not operated at the residence of the provider or of any of the children to the list of schools where possessing a firearm on school property or on a school bus is prohibited. Under current law, the list of such schools only includes public, private, or religious elementary, middle, or high schools. (20101206D)

**SB 173** (Hanger) (Passed Senate) allows the holder of a valid concealed handgun permit to possess a stun weapon on school property while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school. (20101379D-E)

**SB 248** (Favola) (SFIN) establishes the Virginia Gun Violence Intervention and Prevention Fund to be administered by the Department of Criminal Justice Services for the purpose of supporting gun violence intervention and prevention programs, including street outreach, hospital-based violence intervention, and group violence intervention programs. (20106494D-S1)

**SB 263** (Bell) (Passed Senate) removes the option for concealed handgun permit applicants to demonstrate competence with a handgun by completing an electronic, video, or online course conducted by a state-certified or National Rifle Association-certified firearms instructor. The bill does not affect any in-person means of satisfying the requirement to demonstrate competence with a handgun under current law. (20102385D-E)

**SB 353** (Bell) (SJUD) prohibits the operation of an outdoor shooting range, defined in the bill, within 500 yards of any property zoned for residential use unless the Range Design Criteria developed by the U.S. Department of Energy, Office of Health, Safety and Security have been met. The bill provides that any person who violates the provisions of this section is subject to a civil penalty of not less than \$1,000 nor more than \$100,000 for the initial violation and \$5,000 per day for each day of violation thereafter. (20102617D)

**SB 436** (Surovell) (SJUD) creates the Virginia Voluntary Do Not Sell Firearms List (the List) that prohibits the possession, transportation, and sale of firearms to any person who voluntarily registers himself to be enrolled into the List. The List shall be maintained and updated by the Department of State Police. The bill makes it a Class 3 misdemeanor for any person enrolled into the List to purchase, possess, or transport a firearm. The bill disqualifies any person enrolled into the List from obtaining a concealed handgun permit and prohibits such person from being employed by a firearms dealer. The bill also makes it a Class 1 misdemeanor for any person who sells, barter, gives, or furnishes, or has in his possession or under his control with the intent of selling, bartering, giving, or furnishing, any firearm to any person he knows is enrolled into the List. The bill has a delayed effective date of July 1, 2021. (20100159D)

**SB 476** (Chase) (SGL) provides that the risk management plan established by the Division of Risk Management shall include coverage for any claim made by or on behalf of any person who is injured or killed upon any buildings, grounds, or properties owned or leased by a public elementary or secondary school or institution of higher education as a result of the criminal act of a third party if an armed security officer was not present on the premises and the carrying of a concealed handgun on such buildings, grounds, or properties was prohibited by regulation. The bill also provides that, in addition to providing for the actual damages arising from the person's injury or death, the coverage shall include an additional amount of \$350,000. (20104934D)

**SB 490** (Favola) (SJUD) prohibits a person who has been convicted of stalking, sexual battery, or assault and battery of a family or household member from purchasing, possessing, or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor. The bill provides for a process by which a person convicted of such crime may petition the circuit court for a reinstatement of his right to possess or transport a firearm and the factors a court shall consider in determining such reinstatement. (20104748D)

**SB 543** (Edwards) (SJUD) requires the Department of State Police to perform a criminal history record information check on the prospective purchaser or transferee prior to the completion of any firearms transaction at a firearms show held in the Commonwealth. Current law requires the Department of State Police to be available at every firearms show held in the Commonwealth to perform criminal history record information checks but does not require such checks to be performed unless requested by a party involved in the transaction. (20101849D)

*Protective Orders and Firearms*

**HJ 43** (Sullivan) (HRUL) directs the Department of Criminal Justice Services to study the enforcement of the law prohibiting individuals subject to permanent protective orders for family abuse from possessing firearms while such order is in effect. (20103875D)

**Health and Human Services**

**SB 128** (Suetterlein) (SEH) requires the Department of Education and relevant local school boards to develop and implement a pilot program for up to four years in two to eight local school divisions in the Commonwealth. In developing the pilot, the Department is required to partner with the appropriate school board employees in each such local school division to (i) identify the resources, services, and supports required by each student who resides in each such local school division and who is educated in a private school setting pursuant to his Individualized Education Program; (ii) study the feasibility of transitioning each such student from his private school setting to an appropriate public school setting in the local school division and providing the identified resources, services, and supports in such public school setting; and (iii) recommend a process for redirecting federal, state, and local funds, including funds provided pursuant to the Children's Services Act, provided for the education of each such student to the local school division for the purpose of providing the identified resources, services, and supports in the appropriate public school setting. The bill requires the Department of Education to make a report to the Governor, the Senate Committees on Education and Health and Finance, and the House Committees on Education and Appropriations on the findings of each pilot program after two and four years. (20100802D)

**SB 482** (Favola) (Passed Senate) creates the Developmental Disabilities Mortality Review Committee to review the death of any person with a developmental disability who was receiving services from a provider licensed by the Department of Behavioral Health and Developmental Disabilities or in a training center or other state facility at the time of his death to ensure that the deaths of such persons are reviewed and analyzed in a systematic way. (20104862D)

**SB 734** (Deeds) (SRUL) directs the Secretaries of Education and Health and Human Resources to establish a work group to study the current process for approval of residential psychiatric services for children and adolescents and requires the work group to report its findings and recommendations to the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020. (20104744D)

**SB 930** (Stuart) (SJUD) directs the Virginia Fusion Intelligence Center to (i) establish a 24-hour-a-day, seven-day-a-week toll-free Mental Health Crisis Intervention Hotline (the Hotline) to

receive anonymous tips regarding individuals suspected to be in need of mental health treatment to facilitate mental health treatment, crisis intervention, and prevention of tragedies and (ii) develop and implement policies and procedures for referring tips received through the Hotline to state or local law enforcement, as may be appropriate, in a timely manner for follow-up and investigation. (20104477D)

### **Land Use**

**SB 360** (Cosgrove) (Passed Senate) provides that a locality may require a subdivider or developer to install reasonable and necessary sewerage and water facilities located on or outside the property limits of the land owned or controlled by the subdivider or developer that is necessitated or required, at least in part, by the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area. Such subdivider or developer is entitled to reimbursement of its costs by any subsequent subdivider or developer that utilizes the installed sewerage or water facility, except for those costs associated with the installing developer's pro rata share. (20106122D-S1)

**SB 24** (Petersen) (Passed Senate) adds horseback riding or stabling to the definition of "agritourism activity." Agritourism activities have limited liability for the inherent risks of the activity under certain conditions. (20100596D-E)

**SB 28** (Petersen) (SJUD) eliminates specific provisions for the assessment of costs in eminent domain proceedings where the condemnor is a public service company, public service corporation, railroad, or government utility corporation and provides that all costs shall be assessed in the same manner, regardless of the identity of the condemnor. (20100603D)

**SB 314** (Stanley) (Passed Senate) removes the requirement that in order for a wall build on residential property to be grandfathered as a valid nonconforming use, the residential property owner must have been informed by a local official that such wall required no permit. (20103346D)

### **Procurement and Contracts**

**SB 487** (Bell) (Passed Senate) increases from four to five the number of times that a public body may renew a one-year term contract for architectural or professional engineering services related to multiple construction projects. The bill also adds an alternative option for public bodies to instead choose one five-year term contract for such services with no option for renewals. The bill increases the aggregate limit for architectural and engineering services contracts for localities for projects performed in a one-year contract term from \$6 million to \$10 million. The bill also increases the aggregate limit for architectural and engineering services contracts for environmental location, design, and inspection work regarding highways and bridges by the Commissioner of Highways for projects performed in an initial two-year term contract from \$5 million to \$10 million. (20105815D-S1)

**Public Safety/Criminal Justice**

**HB 470** (Mullin) (HCT) allows an employee of a local department of social services (local department) to petition a court on behalf of an incapacitated person for a preliminary protective order in cases of family abuse or non-family abuse. If the court finds by a preponderance of the evidence that the person is an incapacitated person and lacks the capacity to file such petition for himself, the court shall grant a guardian ad litem to represent the interests of the incapacitated person and may issue an order granting the preliminary protective order if other conditions required for the issuance of a preliminary protective order are met. The bill allows the employee of a local department who filed the petition to testify on behalf of the incapacitated person at any hearing for the preliminary protective order and at the full hearing on the petition. At the full hearing on the petition, the court may issue a protective order for a specified period of time, up to a maximum of two years, if the court finds by a preponderance of the evidence that the employee of a local department who filed the petition has proven the allegation of abuse or that the incapacitated person has been subjected to an act of violence, force, or threat. (20100646D)

**HB 551** (Ward) (HPS) changes the name of "juvenile correctional centers" to "juvenile community correctional centers." The bill further provides that any juvenile community correctional center established after July 1, 2020, shall (i) be located within a locality in which at least five percent of all juvenile commitments occur statewide, using an average of the rate of commitments of three consecutive years, and (ii) be designed to confine 30 juveniles or fewer. The bill also states that the Department shall place children at the juvenile community correctional center located closest to their primary residence and within one hour of such residence via motor vehicle and within one and one-half hours of such residence via public transportation. If such placement is not available, the Department shall use an alternative placement that is closest to the juvenile's primary residence, such as a local juvenile detention center. Under current law, the Department may place such children at such facilities as are available. (20101567D)

**SB 148** (Stuart) (SJUD) provides that the provisions regarding driving or operating a motor vehicle, engine, or train while intoxicated and the provisions regarding operating a motor vehicle by a person under the age of 21 after illegally consuming alcohol shall not apply to any person driving or operating a motor vehicle on his own residential property or the curtilage thereof. (20101417D)

**Taxation**

**HB 1268** (Helmer) (HPE) provides for a referendum at the November 3, 2020, election to approve or reject a personal property tax exemption for a motor vehicle that is owned and used primarily by or for a veteran of the armed forces of the United States or the Virginia National Guard who has a one hundred percent service-connected, permanent, and total disability. (20102109D)

**SB 446** (Reeves) (SFIN) provides for a referendum at the November 3, 2020, election to approve or reject a personal property tax exemption for a motor vehicle that is owned and used primarily by or for a veteran of the armed forces of the United States or the Virginia National Guard who has a one hundred percent service-connected, permanent, and total disability. (220107037D-S1)

**HJ 103** (Helmer) (HPE) provides that one motor vehicle of a veteran who has a 100 percent service-connected, permanent, and total disability shall be exempt from state and local taxes. The amendment provides that only automobiles and pickup trucks qualify for the exemption. Additionally, the exemption is only applicable on the date the motor vehicle is acquired or the effective date of the amendment, whichever is later, and is not applicable for any period of time prior to the effective date of the amendment. (20101916D)

**SJ 58** (Morrissey) (SFIN) provides that one motor vehicle of a veteran who has a 100 percent service-connected, permanent, and total disability shall be exempt from state and local taxes. The amendment provides that only automobiles and pickup trucks qualify for the exemption. Additionally, the exemption is only applicable on the date the motor vehicle is acquired or the effective date of the amendment, whichever is later, and is not applicable for any period of time prior to the effective date of the amendment. (20107038D-S1)

### **Transportation**

**HB 561** (Brewer) (HTRAN) adds primary evacuation routes to the factors that must be considered by the Commonwealth Transportation Board in the statewide prioritization process, commonly known as SMART SCALE. (20103235D)

**HB 1635** (Lopez) (HTRAN)/**SB 995** (Surovell) (STRAN) repeals enactments adopted in 2018 as part of the Washington Metropolitan Area Transit Authority (WMATA) funding bills related to bidders, offers, contractors, and subcontractors to WMATA projects located in the Commonwealth participating with labor organizations. (20105970D, 20105402D)

**SB 230** (Petersen) (Passed Senate) provides that, for purposes of the grantor's tax and regional transportation improvement fee (the regional WMATA capital fee), the grantor and grantee may arrange that the grantee pay all or a portion of the tax or fee. Current law requires the grantor to pay the tax or fee. (20102139D)

**SB 452** (Edwards) (SFIN) imposes an additional 2.1 percent wholesale gas tax to any county or city outside of the Northern Virginia or Hampton Roads regions or the Interstate 81 Corridor, where such a tax is already imposed. The revenues will be returned to the transportation district in which the revenues are generated via the construction district grant program.

**SB 596** (Hanger) (SFIN) imposes an additional 2.1 percent wholesale gas tax to any county or city outside of the Northern Virginia or Hampton Roads regions or the Interstate 81 Corridor, where such a tax is already imposed. The revenues will be returned to the transportation district in which the revenues are generated via the construction district grant program. The bill also requires the Secretary of Transportation to develop a plan to ensure a fair, equitable, and sustainable mode of highway-use taxation. (20103287D)

**SB 692** (Obenshain) (SFIN) limits the application of the additional motor vehicle fuels sales tax imposed under current law in all counties and cities in Planning Districts 3, 4, 5, 6, and 7 to those counties or cities in Planning District 3, 4, 5, 6, or 7 in which a portion of Interstate 81 is located. (20100662D)

### *Undergrounding*

**HB 576** (Keam) (Reported from HLC) specifies that one of the two projects that may be included in the pilot program for the undergrounding of electric transmission lines shall be for the relocation or conversion of an existing 230-kilovolt overhead line to an underground line. The measure provides that such a project may be approved if the estimated additional cost of placing the line, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the costs of placing the same line overhead, which costs are borne by all of the utility's ratepayers through a rate adjustment clause. Currently the cost of such a project is ineligible if it exceeds 2.5 times the cost of placing the same line overhead. The measure provides that such a project may be approved for participation in the pilot program if its primary need is related to the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed. The measure exempts a project that satisfies the criteria for participation in the pilot project from the requirement that the State Corporation Commission find that the transmission line is needed. The measure adds that the pilot program is created to further understanding of the benefits of undergrounding existing electric transmission lines to promote economic development. (20102639D)

**SB 784** (Saslaw) (SCL) requires that any transmission line of 230 kilovolts or less that is proposed to connect to a proposed new substation that has received local final development plan approval be placed underground if (i) such line would extend from an existing substation that will be powered by a transmission line of 230 kilovolts or less, (ii) such line received a certificate of public convenience and necessity from the Commission to be placed underground prior to December 31, 2018; (iii) the portion of such line between the existing substation and the proposed new substation is not more than 4,500 linear feet; and (iv) the total cost of undergrounding the proposed relocated transmission line does not exceed \$40 million. The bill requires that existing overhead transmission lines that meet such criteria be replaced and relocated with a new underground transmission line and that the location of the new underground transmission line be consistent with the comprehensive plan and the economic development priorities of the governing body of the locality in which the new underground transmission line is to be placed. The bill has an expiration date of December 31, 2021. (20102022D)

### **Legislation Provided for Information**

**HB 394** (Ward) (HGL) establishes the position of Director of Diversity, Equity, and Inclusion (the Director), to be appointed by the Governor. The Director is empowered to (i) develop a sustainable framework to promote inclusive practices across state government; (ii) implement a measurable, strategic plan to address systemic inequities in state government practices; and (iii) facilitate methods to turn feedback and suggestions from state employees, external stakeholders, and community leaders into concrete equity policy. (20102312D)

**SB 17** (Ebbin) (Passed Senate) repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage. These prohibitions are no longer valid due to the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (June 26, 2015). (20105902D-S1)

**SB 62** (Suetterlein) (Passed Senate) eliminates the requirement that the race of married parties be included in marriage records, divorce reports, and annulment reports filed with the State Registrar. The bill also removes the requirement that the State Registrar include race data in the compilation and posting of marriage, divorce, and annulment data. (20105900D-S1)

**SB 188** (Peake) (SRUL) requires legislation with a negative local fiscal impact to be filed no later than the December 15 immediately preceding the first day of a regular session of the General Assembly. If a standing committee of the General Assembly to which a bill is referred that was not introduced by December 15 determines that a bill has a negative local fiscal impact, the bill shall be rereferred to the House or Senate Committee on Rules as appropriate. If the Committee on Rules determines that there is a negative local fiscal impact, the bill shall be ruled out of order. The bill also requires the Commission on Local Government to work with the Virginia Association of Counties and the Virginia Municipal League to develop processes and procedures for a review of fiscal impact of legislation. (20104186D)

**SB 292** (Deeds) (Passed Senate) authorizes a member of a board of zoning appeals to be appointed to also serve as an officer of election. (20101853D)

**SB 335** (Stuart) (Reported from SFIN) requires the Board of Game and Inland Fisheries to waive fees to obtain a hunting or fishing license for active duty military personnel and veterans. (20106153D-S1)

**SB 465** (Reeves) (Passed Senate) expands the scope of permitted in-kind donations by a locality to include the provision of in-kind resources for contract management services for capital projects; assistance in preparing requests for information, bids, or proposals; and budgeting services to any association or other organization furnishing voluntary firefighting services or a nonprofit or volunteer emergency medical services agency. (20102326D)

### **Administration of Government**

**HB 321** (Levine) (HTECH) adds to current provisions regarding meetings that a public body may conduct through electronic communication means a meeting for which on or before the day of a meeting a member of the public body holding the meeting notifies the chair of the public body that such member is unable to attend the meeting due to a serious medical condition of an immediate family member. The bill also clarifies that participation in an electronic meeting by a member of a public body due to an inability to attend because of a personal matter is limited each calendar year to either two meetings or 10 percent of the meetings held that calendar year, whichever is greater. (20104275D)

### **Campaign Finance**

**SB 57** (Suetterlein) (Passed Senate) requires candidates for local and constitutional offices to file campaign finance reports by computer or electronic means. Under current law, only candidates for local and constitutional offices in localities with a population exceeding 70,000 are required to file campaign finance reports electronically. (20100810D)



**SB 166** (Saslaw) (SPE) amends the current laws regarding the disbursement of surplus funds at the dissolution of a campaign or political committee so that such restrictions would apply throughout the life of a campaign or political committee. Such restrictions include the prohibition against the conversion of any money, securities, or like intangible personal property that has been contributed to a campaign or political committee to the personal use of any person. (20100595D)

**SB 217** (Suetterlein) (Passed Senate) requires any single contribution of \$1,000 or more that is knowingly received or reported by a candidate for statewide office or the General Assembly during the period beginning January 1 and ending on the day immediately before the first day of a regular session of the General Assembly to be reported to and received by the State Board of Elections by the end of the following day. The bill requires these contributions to also be reported on the first regular report following the date of the contribution. (20106179D-S1)

### Courts

**HB 100** (Lindsey) (House Floor) allows the court and counsel for either party in a criminal case to (i) ask potential jurors any relevant question to ascertain whether the juror can sit impartially in either the guilt or sentencing phase of the case and (ii) inform any potential juror as to the potential range of punishments to ascertain if the person or juror can sit impartially in the sentencing phase of the case. (20106547D-H1)

**HB 305** (Hope) (Passed House) increases from \$2 to \$5 the fee that the circuit court clerk is required to charge for lodging, indexing, and preserving a will. (20102664D)

**HB 306** (Hope) (Passed House) increases by \$2 the fees for the recording and indexing of certain documents. The bill further increases from \$1.50 to \$3.50 the portion of the recording and indexing fee collected by circuit court clerks that is designated for use in preserving the permanent records of the circuit courts. (20102666D)

**HB 477** (Guzman) (House Floor) increases from age 14 to age 16 the minimum age at which a juvenile must be tried as an adult in circuit court for murder or aggravated malicious wounding or for certain charges requiring notice of intent to try such juvenile as an adult by the attorney for the Commonwealth. In order to be tried as an adult in circuit court for charges that require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires that (i) a report of the juvenile be prepared by probation services or other qualified agency and (ii) the attorney for the Commonwealth review such report prior to filing his notice of intent to proceed with a preliminary hearing for trial of such juvenile as an adult. (20106147D-H1)

**HB 995** (Lindsey) (House Floor) increases from \$500 to \$1,000 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes. (20106688D-H1)

**SB 133** (Stuart) (SJUD) allows a court to defer and dismiss a criminal case where the defendant has been diagnosed with autism or an intellectual disability. (20101156D)

**SB 491** (Surovell) (SJUD) removes provisions requiring (i) jail officers to ascertain the citizenship of any inmate taken into custody at a jail, (ii) probation and parole officers to inquire as to the citizenship status of an individual convicted of a felony in circuit court and referred to such officers, and (iii) officers in charge of correctional facilities to inquire as to the citizenship of any person committed to a correctional facility, and therefore such information is not required to be reported to the Central Criminal Records Exchange of the Department of State Police. The bill also removes the mandatory duty of the clerk of a court committing a convicted alien to a correctional facility to furnish related court records to a United States immigration officer and the requirement that an intake officer report to the Bureau of Immigration and Customs Enforcement of the U.S. Department of Homeland Security any juvenile detained on an allegation that the juvenile, believed to be in the United States illegally, committed a violent felony. (20104908D)

*Discovery*

**HB 873** (Bourne) (HCT) establishes requirements and procedures for discovery by an accused and by the Commonwealth in a criminal case. The bill requires a party requesting discovery to request that the other party voluntarily comply with such request prior to filing any motion before a judge. Upon receiving a negative or unsatisfactory response, or upon the passage of seven days following the receipt of the request without response, the party requesting discovery may file a motion for discovery with the court. The bill details information that is subject to discovery and provides a mechanism for redaction of certain personal identifying information. The bill also creates a procedure whereby the parties may conduct depositions of witnesses prior to trial and use statements obtained during such depositions for impeachment at trial as a prior inconsistent statement. The bill creates a procedure for either party to move the court to enter a protection order with regard to discovery and, if granted, the court may order any condition limiting, but not preventing, disclosure, so long as the condition is necessary to the orderly adjudication of the case or to the fair administration of justice. Finally, the bill (i) makes it a Class 6 felony for any person to willfully omit or misrepresent evidence or information required to be disclosed to the accused, (ii) makes it a Class 1 misdemeanor for any person to willfully omit or misrepresent any other evidence of information required to be disclosed, and (iii) grants the court the ability to impose additional remedies it deems just if a party fails to comply with any of the requirements. (20101904D)

**HB 1153** (Lopez) (HCT)/**HB 1444** (Cole, J) (HCT) requires the attorney for the Commonwealth, upon written notice by an accused to the court and to the attorney for the Commonwealth, to permit the accused to inspect and copy or photograph (i) any relevant written or recorded statements or confessions made by the accused and the substance of any oral statements or confessions made by the accused to any law-enforcement officer; (ii) any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, and other scientific reports and written reports of a physical or mental examination of the accused or the alleged victim; (iii) any books, papers, documents, tangible objects, buildings, or places, or copies or portions thereof, that are within the possession, custody, or control of the Commonwealth; (iv) any relevant police reports, as defined in the bill; and (v) all relevant statements, as defined in the bill, of any non-expert witness whom the Commonwealth is required to designate on a witness list. The bill also provides that if the accused files a written notice the accused shall (a) permit the Commonwealth to inspect, copy, or photograph any written reports of autopsy examinations,

ballistic tests, fingerprint, blood, urine, and breath analyses, and other scientific tests that are within the possession, custody, or control of the accused and that the accused intends to introduce in evidence at the trial or sentencing; (b) disclose whether he intends to introduce evidence to establish an alibi; and (c) if he intends to rely upon a defense of insanity, permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the accused made in connection with the case. The bill provides that for good cause a party may withhold or redact certain information from such disclosures and the opposing party may file a motion to compel disclosure or to remove any restriction. The accused's duty to provide discovery shall be in addition to any duty to provide reciprocal discovery pursuant to Rule 3A:11 of the Rules of Supreme Court of Virginia. The bill also provides that a person who was convicted of a felony or who was adjudicated delinquent by a circuit court of an offense that would be a felony if committed by an adult may petition for a writ of actual innocence based on previously unknown, untested, or unavailable biological evidence or nonbiological evidence regardless of the type of plea he entered at trial. Under current law, such person may petition for either writ if he entered a plea of not guilty, and any person, regardless of the type of plea he entered at trial, may petition for writ based on biological evidence if he is sentenced to death or convicted or adjudicated delinquent of murder or a felony for which the maximum punishment is imprisonment for life. The bill also eliminates the provision that limits a petitioner to only one writ of actual innocence based on nonbiological evidence for any conviction. Finally, the bill clarifies that the Attorney General may join a petition for a writ of actual innocence filed in connection with an adjudication of delinquency. (20101673D, 20101558D)

**SB 775** (Edwards) (SJUD) establishes requirements and procedures for discovery by an accused and by the Commonwealth in a criminal case. The bill requires a party requesting discovery to request that the other party voluntarily comply with such request prior to filing any motion before a judge. Upon receiving a negative or unsatisfactory response, or upon the passage of seven days following the receipt of the request without response, the party requesting discovery may file a motion for discovery with the court. The bill details information that is subject to discovery and provides a mechanism for redaction of certain personal identifying information. The bill also creates a procedure whereby the parties may conduct depositions of witnesses prior to trial and use statements obtained during such depositions for impeachment at trial as a prior inconsistent statement. The bill creates a procedure for either party to move the court to enter a protection order with regard to discovery and, if granted, the court may order any condition limiting, but not preventing, disclosure, so long as the condition is necessary to the orderly adjudication of the case or to the fair administration of justice. Finally, the bill (i) makes it a Class 6 felony for any person to willfully omit or misrepresent evidence or information required to be disclosed to the accused, (ii) makes it a Class 1 misdemeanor for any person to willfully omit or misrepresent any other evidence or information required to be disclosed, and (iii) grants the court the ability to impose additional remedies it deems just if a party fails to comply with any of the requirements. (20102987D)

### *Expungement*

**HB 31** (Lindsey) (HCT) allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's twenty-first birthday; all court

costs, fines, and restitution have been satisfied; and five years have elapsed since the date of completion of all terms of sentencing and probation. (20100625D)

**HB 91** (Cole, M.) (HCT) allows a person convicted of certain offenses, or charged with such offenses which charges were deferred and dismissed, who was under 21 years of age at the time of the offense, and who has successfully completed all terms of probation to file a petition for expungement after at least seven years have passed since (i) the date of dismissal of the charge; (ii) the date of conviction, if no active sentence of incarceration was imposed; or (iii) the date of completion of an active sentence of incarceration, if an active term of incarceration was imposed as a result of the conviction. Any conviction that is expunged will be considered a prior conviction for purposes of prosecution of any subsequent offense for which the prior conviction statutorily enhances punishment. Convictions for violent felony offenses and offenses for which registration with the Sex Offender and Crimes Against Minors Registry is required are not eligible for expungement under the bill. (20102579D)

**HB 102** (Lindsey) (HCT) allows a person to petition for expungement of convictions and deferred disposition dismissals for simple larceny or concealment of goods or merchandise when (i) the goods or merchandise consisted of food or medically necessary supplies, (ii) the offense occurred prior to the person's twenty-first birthday, and (iii) five years have passed since the date of completion of all terms of sentencing and probation. (20101397D)

**HB 254** (Simon) (HCT) allows a person to petition for expungement of a deferred disposition dismissal for underage alcohol possession or using a false ID to obtain alcohol when the offense occurred prior to the person's twenty-first birthday, all court costs and fines and orders of restitution have been satisfied, and the person seeking the expungement is at least 21 years of age and has no other alcohol-related convictions. The bill provides that any person seeking expungement of an alcohol-related charge shall be assessed a \$150 fee, which shall be paid into the state treasury and credited to the Department of State Police. (20101845D)

**HB 255** (Simon) (HCT) allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's twenty-first birthday; all court costs, fines, and restitution have been paid; and five years have elapsed since the date of completion of all terms of sentencing and probation. The bill provides that any person seeking expungement of a marijuana possession or alcohol-related charge shall be assessed a \$150 fee, which shall be paid into the state treasury and credited to the Department of State Police. (20101847D)

**HB 267** (Heretick) (HCT) provides that a court that enters a nolle prosequi for a criminal charge or dismisses such charge for any reason may, upon motion of the person charged, enter an order requiring the expungement of the police and court records relating to the charge. (20102962D)

**HB 268** (Heretick) (HCT) allows any person who was a victim of human trafficking at the time of an offense that led to a criminal charge or conviction of certain crimes to petition the court to vacate such conviction and expunge the police and court records related to such conviction or to expunge the police and court records related to such charge. The bill provides that there is a rebuttable presumption that a person's participation in an offense was a result of having been a

victim of human trafficking if there is official documentation, defined in the bill, of the petitioner's status as a victim of human trafficking at the time of the offense. (20103429D)

**HB 293** (Scott) (HCT) provides that a court that takes a nolle prosequi or enters a judgment acquitting a person of a criminal charge shall, upon motion of the person, enter an order requiring the expungement of the police and court records relating to the charge. Currently, such a person may file a separate petition for the expungement of such records; however, except in certain cases involving misdemeanor charges, the person is not entitled to an order of expungement, and the court hearing the petition must find that the continued existence and possible dissemination of such records causes or may cause circumstances that constitute a manifest injustice to such person before such an order will be entered. (20102010D)

**HB 294** (Scott) (HCT) allows a person convicted of a misdemeanor to file a petition requesting expungement of the police and court records relating to the conviction if (i) such person has been free from any term of incarceration, probation, and post-release supervision imposed as a result of such conviction for at least two years and (ii) such person has no pending criminal proceeding. The bill also requires the court to grant such petition for expungement of police and court records if such petition is for a misdemeanor arrest, charge, or conviction. Currently, except in certain cases, the person is not entitled to an order of expungement, and the court hearing the petition must find that the continued existence and possible dissemination of such records causes or may cause circumstances that constitute a manifest injustice to such person before such an order will be entered. (20102009D)

**HB 320** (Levine) (HCT) allows a person who has been convicted of (i) a felony or misdemeanor offense that has been decriminalized or otherwise made lawful or (ii) a felony offense that has been statutorily reduced to a misdemeanor offense since the conviction of such person to file a petition requesting (a) expungement of the police records and the court records relating to any misdemeanor or felony charge that has been decriminalized or otherwise made lawful or (b) reclassification of the police records and the court records relating to a felony offense that has been statutorily reduced to a misdemeanor offense. The bill requires the court to enter an order reclassifying the offense, in the case of a felony offense that has been statutorily reduced to a misdemeanor offense, or requiring the expungement of the police and court records of an offense that has been decriminalized or otherwise made lawful, if the court finds that the offense for which the person was convicted has since been decriminalized or otherwise made lawful, or has been statutorily reduced from a felony to a misdemeanor offense. (20101963D)

**SB 118** (Peake) (SJUD) allows a person to petition for expungement of a deferred disposition dismissal for underage alcohol possession or using a false ID to obtain alcohol when the offense occurred prior to the person's twenty-first birthday, all court costs and fines and orders of restitution have been satisfied, and the person seeking the expungement is at least 21 years of age and has no other alcohol-related convictions. The bill provides that any person seeking expungement of an alcohol-related charge shall be assessed a \$150 fee, which shall be paid into the state treasury and credited to the Department of State Police. (20104018D)

**SB 223** (Favola) (SJUD) provides for the expungement of juvenile records for offenses that would be felony larceny if committed by an adult. Under current law, juvenile records of all delinquent acts that would be a felony if committed by an adult are retained. (20103104D)

**SB 287** (Deeds) (SJUD) provides that a court shall enter an order of destruction for police and court records, in the absence of good cause shown to the contrary by the Commonwealth, for a deferred disposition dismissal of (i) underage alcohol possession when one year has passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied or (ii) possession of marijuana when three years have passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied. The bill also provides that any person who has received such deferred disposition dismissals may file a petition with the court that disposed of such charge for an order of destruction at any time provided that all court costs and fines and all orders of restitution have been satisfied. This bill is a recommendation of the Virginia Criminal Justice Conference. (20104300D)

**SB 306** (Stanley) (SJUD) provides that a court shall enter an order of destruction for police and court records, in the absence of good cause shown to the contrary by the Commonwealth, for a deferred disposition dismissal of (i) underage alcohol possession when one year has passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied or (ii) possession of marijuana when three years have passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied. The bill also provides that any person who has received such deferred disposition dismissals may file a petition with the court that disposed of such charge for an order of destruction at any time provided that all court costs and fines and all orders of restitution have been satisfied. This bill is a recommendation of the Virginia Criminal Justice Conference. (20100961D)

**SB 309** (Stanley) (SJUD) provides that a court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation subject to terms and conditions for a first offense misdemeanor larceny provided such person has not previously been convicted of any felony or had a prior deferred disposition for the same offense. This bill is a recommendation of the Virginia Criminal Justice Conference. (20100965D)

**SB 517** (McDougle) (SJUD) allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's twenty-first birthday, all court costs, fines, and restitution have been paid, and five years have elapsed since the date of completion of all terms of sentencing and probation. The bill provides that any person seeking expungement of a marijuana possession or alcohol-related charge shall be assessed a \$150 fee, which shall be paid into the state treasury and credited to the Department of State Police. (20101476D)

**SB 608** (Norment) (SJUD) allows a person to petition for the expungement of the police and court records relating to such person's conviction for misdemeanors and certain felonies if he has been granted a simple pardon for the crime. Under current law, police and court records relating to

convictions are only expunged if a person received an absolute pardon for a crime he did not commit. (20103840D)

**SB 808** (Morrissey) (SJUD) Allows a person convicted of a criminal offense to file a petition requesting expungement of the police and court records relating to the conviction if such person (i) has been free from any term of incarceration, probation, and postrelease supervision imposed as a result of such conviction for (a) at least eight years for a misdemeanor offense or (b) at least 12 years for a felony offense, (ii) has no subsequent convictions other than traffic infractions, and (iii) has no pending criminal proceeding. (20103819D)

### **Elections**

**HB 241** (Sickles) (HPE) removes the requirement that a person who is in fear for his personal safety from another person who has threatened or stalked him must provide evidence that he has filed a complaint with a magistrate or law-enforcement official against such other person in order to be granted protected voter status. The bill does not eliminate the requirement that he submit a signed written statement that he is in fear for his personal safety for him to be granted protected voter status. (20101468D)

**HB 540** (Carr) (HPE) directs the Department of Elections to employ a Director of Operations, who will be responsible for managing the day-to-day operations at the Department and ensuring (i) fulfillment of the Department's mission and responsibilities; (ii) compliance with state and federal election laws and regulations; and (iii) compliance with the Department's business, administrative, and financial policies. The bill provides that the Director of Operations position is a full-time classified position subject to the Virginia Personnel Act. This bill is a recommendation of the Joint Legislative Audit and Review Commission. (20102246D)

**HB 541** (Carr) (HPE) provides that the Governor shall appoint only a Commissioner of Elections and shall not appoint any other persons to the Department of Elections. This bill is a recommendation of the Joint Legislative Audit and Review Commission. (20104008D)

**HB 1103** (Hudson) (HPE) provides that elections for local governing bodies may be conducted by ranked choice voting, which the bill defines as the method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in rounds in each of which either a candidate or candidates are elected or the last-place candidate is defeated, (iii) votes for voters' next-ranked candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number of candidates elected equals the number of offices to be filled. The bill allows any local governing body to decide to conduct such election by ranked choice voting and requires any such decision to be made in consultation with the local electoral board and general registrar and by a majority vote of the governing body. The bill authorizes the State Board of Elections to promulgate regulations for the proper and efficient administration of elections determined by ranked choice voting. The bill provides that any costs incurred by the Department of Elections related to technological changes necessary for the implementation of ranked choice voting pursuant to the bill shall be charged to the localities exercising the option to proceed with ranked choice voting. The bill has a delayed effective date of July 1, 2021, and sunsets on July 1, 2031. (20101509D)

**HB 1285** (Wilt) (HPE) provides that if a member of a local electoral board ceases to be a qualified voter of the county or city for which he was appointed, his office is vacated and such vacancy is to be filled as provided by law. (20100224D)

**HB 1362** (Aird) (HPE) provides for a certification program to be conducted by the State Board of Elections for the general registrars. The bill requires each general registrar to complete the certification program and receive his certification within the 12 months following initial appointment or any subsequent reappointment; failure to do so shall result in removal from office. The State Board is required to develop a training curriculum for the certification program and standards for completing the program and maintaining certification, including required hours of training. No fees shall be charged to a general registrar for any required training as part of the certification program. (20102712D)

**SB 126** (Suetterlein) (SPE) removes the power of incumbent officeholders in some cases to insist on a primary as the method of nominating political party candidates and removes the power of General Assembly incumbents seeking reelection to determine the method of nomination. These provisions of law were held to be unconstitutional by the United States Court of Appeals for the Fourth Circuit in *6th Cong. Dist. Republican Comm. v. Alcorn*, 913 F.3d 393 (January 9, 2019). The bill does not affect the current power of duly constituted authorities of the political party to determine the method of nominating party candidates. (20101816D)

**SB 469** (Reeves) (Passed Senate) provides that the name of any person who does not file his written statement of qualification or statement of economic interests by the relevant deadline, or by the end of an extension period if an extension of the deadline has been granted by the State Board, shall not be printed on the primary election ballot. (20102330D)

#### *Absentee Voting*

**HB 207** (VanValkenburg) (Passed House) permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code. The bill also provides for a special application by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote. A voter on the permanent absentee voter list remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or an absentee ballot sent to the voter is returned as undeliverable. (20102060D-E)

**HB 239** (Sickles) (Passed House) extends the deadline for a voter to apply for an absentee ballot that is to be cast by mail from the seventh day prior to the election to the eleventh day prior to the election. The bill also adjusts the deadline for applications for multiple elections for uniformed and overseas voters and for emergency applications and absentee ballots for persons incapacitated or hospitalized. (20101270D)

**HB 872** (Bourne) (HPE) adds to the list of exceptions to the requirement that first-time voters who registered to vote by mail must vote in person those voters who are entitled under current law to



vote by absentee ballot because they are confined while awaiting trial or for having been convicted of a misdemeanor. (20101730D)

*State Board of Elections*

**HB 236** (Sickles) (HPE) increases the membership of the State Board of Elections from three members to five members and increases the terms of Board members from four years to five years. Representation is given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the preceding gubernatorial election, with three Board members being of the party of the Governor. Terms are initially staggered. The bill provides that a Commissioner of Elections, who acts as the principal administrative officer of the Department of Elections, shall be appointed by the Governor. Persons engaging in certain partisan activities, persons related to persons engaging in certain partisan activities, and persons related to members of the State Board are prohibited from serving as the Commissioner of Elections. (20100375D)

**HB 539** (Carr) (HPE) requires that the State Board of Elections' supervision of the work of the local electoral boards and general registrars ensure that major risks to election integrity are identified and assessed and addressed as necessary to promote election uniformity, legality, and purity. The bill authorizes the State Board to develop and implement a certification program for general registrars to ensure that the general registrars are sufficiently trained to effectively administer elections. This bill is a recommendation of the Joint Legislative Audit and Review Commission. (20102244D)

**Environment and Energy**

**HB 389** (Miyares) (HAG) establishes the Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2020, which establishes the Commonwealth of Virginia as a nonfederal sponsor of hurricane and flooding risk reduction projects. There is also established the Virginia Hurricane and Flood Risk Reduction Authority (the Authority) and a board of directors (the Board) of the Authority. The Board shall exercise for the Governor executive authority over all phases of hurricane and flood risk reduction programs, including investigations, construction, operations, and maintenance. The Authority shall be established to fulfill the directives of the Board. The Authority shall be hosted by a department of the Commonwealth as designated by the Governor. That department shall provide support to the Authority, including budgeting, work facilities, administrative management, logistics, human resources, legal, contracts, and information resources. The Joint Legislative Audit and Review Commission (JLARC) shall consult with Louisiana's Legislative Fiscal Office to assess the increased state and local tax flows in Louisiana that resulted from post-Katrina federal spending, including spending for civil works storm and flooding risk reduction projects. The bill requires JLARC to report to the General Assembly no later than November 1, 2020, on the results of its initial assessment. (20100851D)

**HB 520** (Bulova) (Passed House) directs the Department of Environmental Quality (DEQ) to convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as a land cover type and as a stormwater best management practice (BMP). The bill provides that the stakeholder group shall be composed of development and construction industry representatives, environmental technical experts, local government representatives, and others and

that technical assistance shall be provided to DEQ by the Department of Forestry and the Department of Conservation and Recreation. The bill directs DEQ to report the findings of the stakeholder group by November 1, 2020, and to include a recommendation as to whether the planting or preservation of trees shall be deemed a creditable land cover type or BMP and, if so, how much credit shall be given for its optional use. (20106166D-H1)

**HB 573** (Keam) (HLC) requires each incumbent electric utility to select for dedication to its community solar development pilot program one or more eligible generating facilities that are located within a low-income community as a condition for the utility's selection for dedication to its program any eligible generating facility that is located outside a low-income community. The bill requires the costs of the selected facilities in low-income communities to equal or exceed the costs of the eligible generating facility that is located outside a low-income community. These requirements apply to facilities selected on or after July 1, 2020. The bill defines a low-income community as a census tract that is designated in 2019 or thereafter as a qualified census tract for purposes of the Low-Income Housing Tax Credit. Such census tracts are required to have 50 percent of households with incomes below 60 percent of the area median gross income or have a poverty rate of 25 percent or more. (20100585D)

**HB 656** (Heretick) (HAG)/**SB 875** (Marsden) (SCL) authorizes a locality to include in its zoning ordinance provisions to incorporate generally accepted national standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects. The bill contains an enactment clause that applies such generally accepted national standards to any such projects in the Commonwealth, notwithstanding any other provision of law, general or special. (20102660D, 20102705D)

**HB 751** (Jones) (HAPP)/**SB 320** (Lewis) (SFIN) continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund for the purpose of creating a low-interest loan program to help inland and coastal communities that are subject to recurrent flooding. Moneys from the Fund may be used to mitigate future flood damage, with priority given to projects that implement community-scale mitigation activities or use nature-based solutions. Any locality using moneys from the Fund to provide loans may also forgive the principal of such loans, with the total amount of loans forgiven by all localities not to exceed 30 percent of the total amount appropriated to the Fund in that fiscal year. (20106847D-H1, 20106966D-S1)

**HB 882** (Bulova) (Passed House) directs the State Water Control Board to adopt regulations providing reciprocity with only those state, regional, or national certification programs that verify and certify nutrient removal best management practices. (20106106D-H1)

**HB 1310** (Webert) (HAG) requires the Department of Environmental Quality to establish a process whereby if private contractors and agencies of the Commonwealth or its contractors that receive a general construction permit from the Department shall be disposing excess non-agricultural fill as part of its work, the contractor or agency shall disclose such fact to all localities where such fill shall be disposed. The disclosure shall include information regarding the source of the material to be disposed, the contents of the material, and the location of the disposal. In addition, all landowners adjacent to the location where the material is to be disposed shall receive the same information. (20104870D)

**HB 1352** (Gooditis) (Reported from HAG) prohibits the disposal of solid waste in an unpermitted facility and provides that the presence of unpermitted solid waste on a person's property is prima facie evidence that the person allowed solid waste to be disposed of on his property without a permit. The bill adds open dumps to the types of site that the Department of Environmental Quality is authorized to require to be cleaned up and provides that the party responsible for such cleanup shall include any party who caused the site to become an open dump or caused the improper management of waste at the site. The bill includes technical amendments. (20102922D)

**HB 1366** (Hodges) (HAG) directs the Commissioner of Health and the Director of the Department of Environmental Quality to develop a program to remediate septic systems in recurrently flooded areas of Resource Protection Areas by allowing owners of septic systems located in portions of Resource Protection Areas that are subject to recurrent flooding to add soil over the septic system tank and to the septic system drainfield to improve septic system drainfield absorption and protect the public health and safety. (20104816D)

**HB 1609** (Mugler) (HAG) provides that when a publicly owned wastewater treatment works conducts land-disturbing activities in order to construct or expand a facility, it may comply with the water quality requirements associated with such land-disturbing activities by generating and using point source nutrient credits through the operation of its existing treatment facilities. The bill requires the treatment works to notify the Department of Environmental Quality of its plan and to adopt a ratio of 10 point source nitrogen credits for each point source phosphorus credit used. The bill contains technical amendments. (20105450D)

**HJ 47** (Sickles) (HRUL) directs the Joint Commission on Technology and Science (JCOTS) to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. In conducting its study, JCOTS shall examine (i) the negative impacts of weather, and geological and climate-related events, including displacement, economic loss, and damage to health or infrastructure; (ii) the area or areas and the number of citizens affected by such impacts; (iii) the frequency or probability and the time dimensions, including near-term, medium-term, and long-term probabilities of such impacts; (iv) alternative actions available to remedy or mitigate such impacts and their expected cost; (v) the degree of certainty that each of these impacts and alternative actions may reliably be known; and (vi) the technical resources available, either in state or otherwise, to effect such alternative actions and improve our knowledge of their effectiveness and cost. (20104996D)

**SB 769** (Reeves) (SACNR) directs the Department of Environmental Quality (DEQ) to give deference to findings of fact by a presiding officer explicitly based on the evidence presented in any formal proceeding. The bill directs DEQ to include in its case decision the factual and legal basis for any decision that rejects a recommendation from the hearing officer or presiding officer. The bill requires a court hearing any decision on review in which a hearing officer has made a recommendation to DEQ on a factual issue to defer to such recommendation. A violation on account of gross negligence is a Class 1 misdemeanor. The bill also directs a court, hearing any decision on review for a formal proceeding initiated prior to July 1, 2020, in which DEQ rejected a recommendation from a hearing officer or presiding officer and for which a final adjudication has not been rendered, to remand the proceeding to establish the findings of fact by a presiding

officer explicitly based on the evidence presented at the hearing and to establish the factual and legal basis for the decision prior to rendering such final adjudication. (20104943D)

### **Firearms**

**SB 207** (Petersen) (Passed Senate) removes the requirement that a sworn law-enforcement officer be employed in a full-time capacity at the time of his retirement to purchase his service handgun. (20101711D)

### **Health and Human Services**

**SB 501** (Reeves) (SFIN) allows home studies for purposes of adoption or foster care placements to be conducted by any person who has completed the home study training program established by regulations of the Board of Social Services. Under current law, such home studies must be conducted by a local board of social services or licensed child-placing agency. (20103296D)

**HB 586** (Guzman) (Reported from HHWI) directs the Commissioner of Health to convene a work group to study the occurrence of perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), and other perfluoroalkyl and polyfluoroalkyl substances (PFAS) in the Commonwealth's public drinking water and to develop recommendations for specific maximum contaminant levels for PFOA, PFOS, and other PFAS for inclusion in regulations of the Board of Health applicable to waterworks. (20106820D-H1)

**HB 687** (Aird) (HHWI) directs the Department of Health to adopt regulations governing the certification and practice of doulas and to develop and make available on its website a registry of certified doulas. (20102733D)

**HB 728** (Hope) (HHWI) directs the Secretaries of Education and Health and Human Resources to establish a work group to study the current process for approval of residential psychiatric services for children and adolescents and requires the work group to report its findings and recommendations to the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020. (20103288D)

**HB 737** (Watts) (HAPP) requires regulations establishing the staffing and care standards in nursing homes to require a minimum number of hours of direct care services to each resident per 24-hour period, which minimum increases in specified phases from 3.5 hours to 4.1 hours. (20102533D)

**HB 826** (Carroll Foy) (HHWI) directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to include a provision for the payment of medical assistance for antepartum, intrapartum, and postpartum services provided to a pregnant person by a perinatal birth worker who has education and training in the provision of culturally sensitive care, including services for labor and delivery support and at least four visits during the antenatal period and at least seven visits during the postpartum period. The bill also directs the Department of Medical Assistance Services to conduct a rate study to determine appropriate reimbursement rates for services provided to Medicaid recipients by perinatal birth workers, including doulas and

community health workers, and to report its findings to the Governor and the General Assembly by December 1, 2020. (20104932D)

**HB 887** (Filler-Corn) (HHWI) provides that the beneficiary of an ABLÉ savings trust account may appoint a survivor. In the event of the beneficiary's death, the survivor becomes the new beneficiary of the account if he is eligible under federal law to be a beneficiary of an ABLÉ savings trust account. The bill provides that if the survivor is ineligible, then any proceeds remaining in the account are distributed to the survivor and the account is closed. Under current law, if the beneficiary of an ABLÉ savings trust account dies, his state of residence becomes a creditor of the account and may seek payment under federal law for Medicaid benefits provided to the beneficiary while he was alive. The bill prohibits the Commonwealth from seeking estate recovery or payment from the proceeds of the deceased beneficiary's account for benefits provided to him. (20102066D)

**HB 1209** (Tran) (HAPP) establishes the Office of New Americans within the Department of Social Services, as well as an advisory board, to assist immigrant integration within the Commonwealth on an economic, social, and cultural level. The Office shall provide (i) advice and assistance regarding the citizenship application process; (ii) assistance with securing employment, housing, and services for which such persons may be eligible; (iii) information to localities and immigration service organizations about state programs that help such persons find and secure employment, housing, and services for which they may be eligible; and (iv) information to localities and immigration service organizations regarding health epidemics and unlawful predatory actions, such as human trafficking, gang recruitment, and fraudulent financial and other schemes, to which communities of such persons may be especially vulnerable. The Advisory Board shall report to the Director of the Office, who will submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Board no later than the first day of each regular session of the General Assembly. The bill renames the Office of Newcomer Services as the Division of Newcomer Services and establishes the division as a subdivision of the Office of New Americans. (20106907D-H1)

**SB 991** (Hashmi) (SRSS) establishes the Office of New Americans within the Department of Social Services, as well as an advisory board, to assist immigrant integration within the Commonwealth on an economic, social, and cultural level. The Office shall provide (i) advice and assistance regarding the citizenship application process; (ii) assistance with securing employment, housing, and services for which such persons may be eligible; (iii) information to localities and immigration service organizations about state programs that help such persons find and secure employment, housing, and services for which they may be eligible; and (iv) information to localities and immigration service organizations regarding health epidemics and unlawful predatory actions, such as human trafficking, gang recruitment, and fraudulent financial and other schemes, to which communities of such persons may be especially vulnerable. The Advisory Board shall report to the Director of the Office, who will submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Board no later than the first day of each regular session of the General Assembly. The bill renames the Office of Newcomer Services as the Division of Newcomer Services and establishes the division as a subdivision of the Office of New Americans. (20105427D)

**HB 1387** (Leftwich) (HHWI) adds to the list of medical care facilities for which a certificate of public need is required any facility that has common ownership with an affiliated licensed hospital located within 35 miles of the facility and that includes, as part of the facility, a dedicated emergency department as defined in 42 C.F.R. § 489.24(b) that is subject to the requirements of the federal Emergency Medical Treatment and Active Labor Act. (20104028D)

**HB 1719** (McQuinn) (HRUL) directs the Commissioner of Health to establish a work group to develop a plan for the licensure of prescribed pediatric extended care centers in the Commonwealth. The work group shall report the plan to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2020. (20105454D)

**SB 425** (DeSteph) (SRSS) directs the Board of Social Services (the Board) to promulgate regulations by July 1, 2021, governing audio-visual recording of residents in assisted living facilities and requires the Department of Social Services to convene a workgroup of stakeholders to make recommendations on such regulations. The workgroup shall report its recommendations to the Board and the General Assembly by December 1, 2020. (20102643D)

**SB 656** (Boysko) (Passed Senate) provides that a health care provider who has been notified that a person to whom he has provided services is committed to a local or regional correctional facility must disclose to the person in charge of the facility any information necessary and appropriate for the continuity of care of the person committed. The bill also provides protection from civil liability for such health care provider, absent bad faith or malicious intent. (20106615D-S1)

**SB 675** (Mason) (Passed Senate) repeals the sunset and contingency expiration of the requirement that the following individuals undergo fingerprint-based national criminal history background checks: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure due to its operation by a religious institution, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as agents of such applicants and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant Act, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home. (20102501D)

**SB 686** (Mason) (SRSS) requires the Board of Social Services to amend its regulations governing assisted living facility individualized service plans to require (i) that individualized service plans be reviewed and updated (a) at least once every 12 months or (b) sooner if modifications to the plan are needed due to a significant change in the resident's condition; and (ii) that any deviation from the individualized service plan (a) be documented in writing or electronically, (b) include a description of the circumstances warranting deviation and the date such deviation will occur, (c) certify that notice of such deviation was provided to the resident or his legal representative, (d) be included in the resident's file, and (e) in the case of deviations that are made due to a significant

change in the resident's condition, be signed by an authorized representative of the assisted living facility and the resident or his legal representative. (20104983D)

**SB 715** (McClellan) (SFIN) requires the Board of Social Services to provide monthly payments for feminine hygiene products in the amount of \$10 to each female who is at least 10 years of age but not older than 55 years of age and is considered part of the Temporary Assistance for Needy Families (TANF) public assistance unit. The bill also allows such payments to be made to females who are younger than 10 years of age or older than 55 years of age upon written certification by a licensed physician that the female has a need for feminine hygiene products. (20104304D)

**SB 937** (Surovell) (SEH) directs the Virginia Community College System (VCCS) to establish and administer a two-year Temporary Assistance for Needy Families (TANF) Scholarship Pilot Program, beginning in 2020, for the purpose of providing access to postsecondary educational opportunities to students living in poverty. The Program would provide scholarships to select comprehensive community colleges in the maximum amount of \$4,000 per year to 200 selected students who meet TANF eligibility requirements. The Program would be funded by the unexpended balance in federal TANF block grant funds. The bill directs VCCS to report to the Governor and the General Assembly no later than December 1 of each year of the Program regarding the effectiveness of and other information about the Program. (20105208D)

**SB 1033** (Locke) (SRSS) changes the term "juvenile correctional centers and facilities" to "juvenile community correctional centers and facilities." The bill further provides that any juvenile community correctional center established after July 1, 2020, shall (i) be located within a locality in which at least five percent of all juvenile commitments occur statewide, using an average of the rate of commitments of the three most recent consecutive years, and (ii) be designed to confine 30 juveniles or fewer. The bill also states that the Department of Juvenile Justice shall place children at the juvenile community correctional center located closest to their primary residence and within one hour of such residence via motor vehicle and within one and one-half hours of such residence via public transportation. If such placement is not available, the Department shall use an alternative placement that is closest to the juvenile's primary residence, such as a local juvenile detention center. Under current law, the Department may place such children at such facilities as are available. (20104653D)

**SB 1034** (Chafin) (SRUL) directs the Department of Education to review and revise the Guidelines for Conducting Functional Behavioral Assessment and Developing Positive Behavior Intervention Supports and Strategies to align with research-based behavior science and best practices for functional behavior analysis. The bill also requires the Department to review and revise the content of the in-depth training provided to local school divisions on conducting functional behavioral analysis and developing quality behavior intervention plans. (20104702D)

#### *Geriatric and Terminally Ill Prisoners*

**SB 493** (Bell) (Passed Senate) provides that any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, who is terminally ill or permanently physically disabled is eligible for consideration by the Parole Board for conditional release. The bill also provides that any person serving such sentence (i) who is 65 years of age or older and has

served at least five years of the sentence imposed or (ii) who is 60 years of age or older and has served at least 10 years of the sentence imposed is eligible for consideration by the Parole Board for conditional release without the need to petition the Parole Board. (20102904D-E)

**SB 624** (Spruill) (Reported from SFIN) allows any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, who (i) is 55 years of age or older and has served at least 15 years of the sentence imposed or (ii) is 50 years of age or older and has served at least 20 years of the sentence imposed, to petition the Parole Board for conditional release. (20105021D)

### **Land Use**

**HB 1655** (Orrock) (HCCT) provides that, in any instance in which a parcel of real estate is (i) located within an undeveloped common area in a subdivision, (ii) located in a subdivision with a homeowners' association that has been previously dissolved, and (iii) tax delinquent, a locality may choose to offer for sale such tax delinquent property in whole or in part to adjacent property owners prior to any public auction of the tax delinquent property. The locality may waive any liens associated with the property in order to facilitate the sale and may further waive payment of any past taxes, penalties, and interest with regard to any new owner. (20104419D)

**SB 647** (Boysko) (Passed Senate) provides for the transition of certain existing development approvals when a subject property shifts from one jurisdiction to another due to annexation, boundary adjustment, or other cause. The bill contains a grandfather clause for certain existing provisions. (20103043D)

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

**HB 1150** (Lopez) (HCT) removes provisions requiring (i) jail officers to ascertain the citizenship of any inmate taken into custody at a jail, (ii) probation and parole officers to inquire as to the citizenship status of an individual convicted of a felony in circuit court and referred to such officers, and (iii) officers in charge of correctional facilities to inquire as to the citizenship of any person committed to a correctional facility, and therefore such information is not required to be reported to the Central Criminal Records Exchange of the Department of State Police. The bill also removes the mandatory duty of the clerk of a court committing a convicted alien to a correctional facility to furnish related court records to a United States immigration officer and the requirement that an intake officer report to the Bureau of Immigration and Customs Enforcement of the U.S. Department of Homeland Security any juvenile detained on an allegation that the juvenile, believed to be in the United States illegally, committed a violent felony. (20101666D)

### *Hate Crimes*

**HB 276** (Sullivan) (Passed House) includes within the definition of "hate crime" a criminal act committed against a person because of sexual orientation or gender identification and requires the reporting of the commission of such crime to the State Police. (20106263D-H1)



**SB 179** (Favola) (SFIN) adds gender, disability, gender identity, and sexual orientation to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds gender, disability, gender identity, and sexual orientation to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by gender, disability, gender identity, or sexual orientation, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of gender, disability, gender identity, or sexual orientation. (20105706D-S1)

### **Transportation**

**HB 465** (Keam) (Passed House) extends from January 1, 2020, to October 1, 2020, the prohibition on offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire in any locality that has not enacted any licensing ordinance, regulation, or other action regulating such business. The bill clarifies that localities are authorized to create or amend such ordinances, regulations, or actions even after any such business is operating in the locality and exercise authority otherwise authorized by law. The bill contains an emergency clause. (20103293D)

**HB 511** (Bulova) (Passed House) authorizes any agency of state government to locate and operate a retail fee-based electric vehicle charging station on property the agency controls. The bill exempts state agencies from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity. Currently state-operated charging stations may be operated by the Department of Conservation and Recreation, Department of General Services, Department of Motor Vehicles, Department of Transportation, and public institutions of higher education. (20100946D-E)

**HB 772** (LaRock) (HTRAN) transfers enforcement and oversight authority of the Virginia Highway Corporation Act of 1988 from the State Corporation Commission to the Department of Transportation. (20101613D)

**HB 1560** (Brewer) (HTRAN) directs the Virginia Department of Transportation (the Department), in consultation with the Department of Emergency Management, to develop, maintain, and make publicly available a map of primary evacuation routes in the Commonwealth. The bill requires the Department to review the transportation infrastructure along such routes and submit a report with such findings and any recommended improvements to the General Assembly at least once every five years. (20104515D)

**SB 1011** (McDougle) (STRAN) authorizes a resident administrator of the Virginia Department of Transportation to approve modifications to the Department's design standards in certain situations. (20105282D)

**HB 1726** (Askew) (HFIN) raises additional revenues for the Hampton Roads Transportation Fund by levying a regional grantors tax and a regional transient occupancy tax, and a tax on transportation network providers of transportation for compensation originating or terminating in a locality in Planning District 23. The bill also the existing regional gas tax to 3.1 percent per gallon of gasoline or diesel fuel and indexes the tax rate annually beginning July 1, 2021. The bill establishes a tax on Transportation Network Providers, with allocation of the revenues to transit across the Commonwealth. The bill provides that the new revenues generated shall be used operate a regional system of inter-jurisdictional, high-frequency bus service in the region. (20105233D)

**HJ 73** (Delaney) (HRUL) requests the Commonwealth Transportation Board to study safety, congestion, and tolling concerns on Interstate 66 and to develop and adopt an Interstate 66 Corridor Improvement Plan. (20103256D)

**SB 623** (Deeds) (STRAN) authorizes the Department of State Police and local law-enforcement agencies to operate handheld photo speed monitoring devices, defined in the bill, in or around highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit within such highway work zone when (i) workers are present, (ii) such highway work zone is indicated by conspicuously placed signs displaying the maximum speed limit and the use of such handheld photo speed monitoring device, and (iii) a law-enforcement vehicle is present and displaying blue lights. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$125, if such vehicle is found to be traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit by the handheld photo speed monitoring device, but that the violation shall not be reported on the driver's operating record or to the driver's insurance agency. (20103306D)

**SB 1021** (Cosgrove) (STRAN) declares that the Kings Highway Bridge, located in the City of Suffolk, is eligible for state of good repair funds. The bill also directs the Commonwealth Transportation Board, the City of Suffolk, and members of the House of Delegates and Senate of Virginia representing the City of Suffolk to work together to identify potential funding sources for the replacement of the bridge. (20105379D)

#### *Reckless Driving*

**HB 885** (Sickles) (HCT) raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour if the applicable speed limit is in excess of 65 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged. (20106070D-H1)