

**Legislation Requiring Further Review, Staff “Watch List” and  
Legislation Provided for Information  
Board of Supervisors Legislative Committee  
January 24, 2020**

**Legislation Requiring Further Review**

**HB 154** (Kilgore) (Passed House) 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 ration, 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 322** (Ayala) (HTECH) creates the Cybersecurity Advisory Council to (i) assist the Chief Information Officer (CIO) of the Virginia Information Technologies Agency with the development of policies, standards, and guidelines for assessing security risks, determining appropriate security measures, and performing security audits of government electronic information; (ii) make recommendations to the CIO regarding strategies to strengthen the Commonwealth's cybersecurity; and (iii) analyze and investigate breaches of the information technology security of any independent agency or any agency or other entity within the executive branch, legislative branch, or judicial branch of state government. The bill requires the Council to submit an annual report to the Governor and the General Assembly. (20100246D)

**SB 465** (Reeves) (Senate Floor) 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)

**SB 639** (Surovell) (SFIN) requires that at least 25 percent of grants received by a region from the Virginia Growth and Opportunity Fund be used to support the creation of jobs in qualified opportunity zones in the region. (20100636D)

**Administration of Government**

**HB 166** (Knight) (HCCT) 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)

**HB 588** (Guzman) (HCT) provides that, where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement may instead be published in an online publication. The bill further specifies the requirements for such online publication. (20103342D)

**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)

**HB 1302** (Hurst) (HCCT) provides that the minimum salary for all deputy sheriffs, both law enforcement and non-law enforcement, shall be set at the compensation board minimum plus a 20 percent supplement. The bill provides that in any locality designated as high or above average according to the Commission on Local Government's Fiscal Stress Index as of July 1, 2020, the Commonwealth shall pay the entire sum of the difference between the current salary paid in such locality and the compensation board minimum plus the 20 percent supplement. (20104937D)

### 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 127** (Miyares) (HCT)/**SB 285** (Deeds) (SJUD) 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, 20101719D)

**HB 289** (Gooditis) (HCT) requires that interviews of child victims of alleged sexual abuse be conducted as a forensic interview at the local child advocacy center in accordance with the center's protocol, unless a forensic interview is not appropriate based on the child's age and development or the center's protocol. The bill allows such interviews to be conducted at a nearby child advocacy center if no child advocacy center exists in the locality where the alleged abuse occurred. (20102448D)

**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 1165** (Wampler) (HCT) directs the Supreme Court of Virginia to establish and operate a system for electronic filing for civil and criminal proceedings for all circuit courts, general district courts, and juvenile and domestic relations district courts on or before July 1, 2026. The bill further directs the Supreme Court to promulgate rules to govern such filing system. (20103563D)

**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 305** (Stanley) (SJUD) provides that any law-enforcement officer shall, if practicable, make an audiovisual recording of any custodial interrogation of a person conducted in a place of detention. The bill provides that if an audiovisual recording is unable to be made, the law-enforcement officer shall make an audio recording of the custodial interrogation. The bill provides that the failure of a law-enforcement officer to make such a recording shall not affect the admissibility of the statements made during the custodial interrogation, but the court or jury may consider such failure in determining the weight given to such evidence. This bill is a recommendation of the Virginia Criminal Justice Conference. (20100960D)

**SB 334** (Stuart) (SJUD) creates the Virginia Board for Court Reporters as an independent board to establish the qualification of applicants for licensure or registration of court reporters in the state. Beginning July 1, 2021, no person may engage in or offer to engage in work as a court reporter unless he has been licensed by the Board. The bill establishes principles of conduct for court reporters and creates the Board for Court Reporters Fund to receive licensing and registration fees to fund the licensure and registration program. (20103488D)

**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 483** (DeSteph) (SJUD) provides that any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission interferes with such child's contact and relationship with the other parent, guardian, or other person responsible for the care of such child, including unreasonably denying the other parent, guardian, or other person responsible for the care of such child access to or visitation with such child, is guilty of a Class 6 felony. (20104057D)

**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)

**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)

**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. (20103964D)

**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)

### *Court Fines*

**HB 261** (Lopez) (HCT) removes the requirement that a court suspend the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs. The bill allows a court, after 90 days of nonpayment where the court finds the nonpayment was not an intentional refusal to obey the sentence of the court, to provide additional time for payment, reduce the amount of each payment installment, assign community service in lieu of payment, or waive the unpaid portion in whole or in part. Upon a finding that the nonpayment was an intentional refusal to obey the sentence of the court, a court may suspend the defendant's driver's license until payment in full or until the defendant enters into a payment plan. (20101641D)

**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 277** (Price) (HCT) 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. (20102588D)

**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)

*Expungement*

**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)

**HJ 28** (Mullin) (HRUL) directs the Virginia State Crime Commission to study expungement of criminal records. (20100686D)

**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)

#### *Protective Orders*

**SB 144** (Stuart) (SJUD) authorizes a court to issue a protective order upon convicting a defendant for a felony offense of (i) violating a protective order, (ii) homicide, (iii) kidnapping, (iv) assaults and bodily woundings, (v) extortion, or (vi) criminal sexual assault. The bill provides that the duration of such protective order can be for any period of time, including up to the lifetime of the defendant, that the court deems necessary to protect the health and safety of the victim and may only prohibit (a) acts of family abuse or of violence, force, or threat against the victim or criminal offenses that may result in injury to the person or property of the victim and (b) such contacts by the defendant with the victim as the court deems necessary for the health or safety of the victim. The bill provides that a violation of a protective order issued upon conviction of one of the enumerated offenses is punishable as contempt of court or in the same manner as criminal violations of other protective orders are punished. (20101423D)

**SB 145** (Stuart) (SJUD) provides that any person who commits any assault, assault and battery, or bodily wounding upon any party protected by a protective order is guilty of a Class 6 felony. Currently, the Class 6 felony is only applicable if the person commits an assault and battery that results in serious bodily injury to the protected party. (20101426D)

**HB 498** (Hope) (HAPP)/**SB 534** (Vogel) (SJUD) requires the Office of the Executive Secretary of the Supreme Court of Virginia to develop and implement a Hope Card Program (the Program) for the issuance of a Hope Card to any person who has been issued a permanent protective order by any general district court, juvenile and domestic relations court, or circuit court. The bill states that a Hope Card issued pursuant to the Program shall be a durable, plastic, wallet-sized card containing essential information about the protective order, such as the identifying information and characteristics of the person subject to the protective order, the issuance and expiration date of the protective order, the terms of the protective order, and the names of any other persons protected by the protective order. (20101268D, 20102502D)

#### *Specialty Dockets*

**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)

*Temporary Detention Orders*

**SB 602** (Hanger) (SJUD) establishes procedures for changing the transportation provider designated to provide transportation to a minor or a person who is the subject of a temporary detention order. (20105320D)

**SB 603** (Hanger) (SJUD) provides that in cases in which an alternative transportation provider providing transportation of a minor or a person who is subject to an involuntary admission order becomes unable to continue providing transportation, local law enforcement shall take custody of the minor or person and provide transportation to the proper facility. (20105321D)

**Education and Schools**

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

**HB 695** (Simonds) (HED) excludes from the incident reports required to be made to division superintendents and principals or their designees incidents involving the possession, for personal use and without the indicia of an intent to distribute, of less than one-quarter of one ounce of marijuana on a school bus, on school property, or at a school-sponsored activity. (20104088D)

**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)

**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)

*School Buses*

**HB 15** (Krizek) (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) (HED) 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)

**HB 1208** (Tran) (HED) requires each school board to establish a process for assisting any student whose family members have one or more medical conditions that preclude them from providing transportation for the student to attend school to apply for and obtain a pass to ride a regionally operated or locally operated bus to school. (20103654D)

*Studies*

**HJ 20** (Cole, M.) (HRUL) directs the Joint Legislative Audit and Review Commission to study the feasibility of adjusting the composite index of local ability to pay and expanding access to the cost of competing adjustment 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 and the cost of competing adjustment; (iii) evaluating other states' public school funding formulas; and (iv) hearing local concerns and seeking input from various state and national experts, as applicable. (20102571D)

**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**

### *Absentee Voting*

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

**HB 238** (Sickles) (HPE) 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)

**SB 46** (Spruill) (Reported from SPE) 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)

### *Absentee Voting – Military/Overseas*

**HB 203** (Tran) (HPE) 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. (20102099D)

**SB 455** (Reeves) (Reported from SPE) 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)

### *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) Senate Floor) 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)

### *Redistricting*

**HB 381** (Cole, M.) (HPE) establishes the Virginia Redistricting Commission (the Commission) pursuant to Article II, Sections 6 and 6-A of the Constitution of Virginia. The Commission, tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the

Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The bill contains eligibility requirements for the citizen commissioners, including restrictions on holding or having held partisan national or state public office. As part of the application process for service on the Commission, the Division of Legislative Services acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications. The applications of the citizen candidates selected by political leadership and submitted for consideration to the selection committee are public records. The bill also directs the Division of Legislative Services to provide staff support to the Commission in the redistricting of congressional and state legislative districts. The Commission is required to submit to the General Assembly plans of districts within certain time periods, and the bill sets out criteria by which the districts are to be drawn, including equal population, racial and ethnic fairness, respect for existing political boundaries, contiguity, compactness, and communities of interest. Provisions to ensure public participation in the redistricting process are included. If efforts to establish districts fail, the Supreme Court of Virginia is responsible for establishing districts, and the bill directs the Court to enact a rule by March 1, 2021, establishing a procedure for implementing this requirement. Additionally, the bill requires the establishment of local redistricting commissions in each county, city, and town in which members of the governing body are elected from districts or wards and other than entirely at large. These commissions will each consist of four commissioners appointed by the governing body, with equal representation given to the political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. The bill has a contingent effective date of November 15, 2020, provided that the voters approve the amendments to Article II of the Constitution of Virginia, amending Section 6 and adding Section 6-A, at the November 2020 general election. (20100230D)

**SB 56** (Suetterlein) (SPE) provides criteria by which congressional and state legislative districts are to be drawn, including equal population, racial and ethnic fairness, respect for existing political boundaries, contiguity, compactness, and communities of interest. (20100803D)

**SB 175** (Chase) (SPE) provides criteria for the General Assembly to observe in drawing districts, including respect for political boundaries, equal population, racial and ethnic fairness, contiguity, compactness, and communities of interest. The bill prohibits use of political data or election results unless necessary to determine if racial or ethnic minorities can elect candidates of their choice. (20102420D)

**SB 203** (Lucas) (SPE) establishes the Virginia Redistricting Commission (the Commission) pursuant to Article II, Sections 6 and 6-A of the Constitution of Virginia. The Commission, tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the

Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The bill contains eligibility requirements for the citizen commissioners, including restrictions on holding or having held partisan national or state public office. As part of the application process for service on the Commission, the Division of Legislative Services acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications. The applications of the citizen candidates selected by political leadership and submitted for consideration to the selection committee are public records. The bill also directs the Division of Legislative Services to provide staff support to the Commission in the redistricting of congressional and state legislative districts. The Commission is required to submit to the General Assembly plans of districts within certain time periods, and the bill sets out criteria by which the districts are to be drawn, including equal population, contiguity, compactness, racial and ethnic fairness, respect for existing political boundaries, and respect for existing communities of interest. The bill prohibits districts from being drawn for the purpose of favoring or disfavoring any political party, incumbent legislator or member of Congress, or other individual or entity. Provisions to ensure public participation in the redistricting process are included. If efforts to establish districts fail, the Supreme Court of Virginia is responsible for establishing districts, and the bill directs the Court to enact a rule by March 1, 2021, establishing a procedure for implementing this requirement. The bill has a contingent effective date of November 15, 2020, provided that the voters approve the amendments to Article II of the Constitution of Virginia, amending Section 6 and adding Section 6-A, at the November 2020 general election. (20102515D)

**SB 236** (Barker) (SPE) provides for a referendum at the November 3, 2020, election to approve or reject amendments to the Constitution of Virginia establishing the Virginia Redistricting Commission and providing for the reapportionment of the Commonwealth to be done by such Commission. If approved by the voters, the amendments would become effective on November 15, 2020. (20101035D)

**SB 241** (Barker) (SPE) provides criteria by which congressional and state legislative districts are to be drawn, including equal population, racial and ethnic fairness, protection of racial and language minorities to participate and elect a preferred candidate, contiguity, and compactness. (20104257D)

**SB 358** (Cosgrove) (SPE) provides for a referendum at the November 3, 2020, election to approve or reject amendments to the Constitution of Virginia establishing the Virginia Redistricting Commission and providing for the reapportionment of the Commonwealth to be done by such Commission. If approved by the voters, the amendments would become effective on November 15, 2020. (20101800D)

**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. (20102409D)

**SB 535** (Peake) (SPE) provides that, for purposes of congressional, Senate, and House of Delegates districts, if a boundary of such a district virtually coincides with the boundary between two or more localities, the boundary of the district shall conform to the boundary between the localities that has been (i) agreed upon by those localities, (ii) adopted in ordinances by those localities, (iii) reported by those localities to the United States Bureau of the Census, and (iv) the population of the district as a result of the boundary adjustment is within the allowable deviation for that type of district. The bill requires the State Board of Elections to review any change of boundary to determine whether there is evidence that the change was made with fraudulent intent, and if it appears there was fraudulent intent, to refer the matter to a circuit court to approve or deny the change. If two or more localities sharing a boundary cannot agree on the true boundary line between them, the boundary shall be that which was in existence on April 1, 2011, and was reported by the United States Bureau of the Census in the 2010 Census reports provided pursuant to United States Public Law 94-171. The bill provides a process by which a voter who believes he has been incorrectly assigned to an election district or precinct may request and have his assignment reviewed by the general registrar and, if necessary, the governing body of the county or city. (20104037D)

**SB 717** (McClellan) (SPE) provides criteria by which congressional and state legislative districts are to be drawn, including compactness and contiguity, racial and ethnic fairness, protection of the rights of racial and language minorities to participate and elect a preferred candidate, and consideration of existing political boundaries and communities of interest. The bill requires the most recent decennial population figures reported by the United States Bureau of the Census to be used in drawing districts, except that incarcerated persons are to be counted at their last known legal residence. The bill prohibits the use of political data when drawing districts. (20103882D)

**SJ 12** (Cosgrove) (SPE) establishes the Virginia Redistricting Commission, a 16-member Commission tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly. The Commission consists of eight legislative members and eight citizen members. The legislative members consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal



representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen members are selected by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The Commission is required to submit to the General Assembly plans of districts for the Senate and the House of Delegates of the General Assembly no later than 45 days following the receipt of census data and plans of districts for the United States House of Representatives no later than 60 days following the receipt of census data, or July 1 of that year, whichever occurs later. The measure requires certain vote thresholds for plans, depending on the type of district, in order to be submitted to the General Assembly. No amendments may be made to a plan by the General Assembly, and any plan approved by the General Assembly becomes law without the signature of the Governor. The measure requires additional plans to be submitted, or additional time to be given to submit a plan, in certain circumstances, and further provides that districts will be drawn by the Supreme Court of Virginia if such efforts fail. (20101797D)

**SJ 18** (Barker) (SPE) establishes the Virginia Redistricting Commission, a 16-member Commission tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly. The Commission consists of eight legislative members and eight citizen members. The legislative members consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen members are selected by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The Commission is required to submit to the General Assembly plans of districts for the Senate and the House of Delegates of the General Assembly no later than 45 days following the receipt of census data and plans of districts for the United States House of Representatives no later than 60 days following the receipt of census data, or July 1 of that year, whichever occurs later. The measure requires certain vote thresholds for plans, depending on the type of district, in order to be submitted to the General Assembly. No amendments may be made to a plan by the General Assembly, and any plan approved by the General Assembly becomes law without the signature of the Governor. The measure requires additional plans to be submitted, or additional time to be given to submit a plan, in certain circumstances, and further provides that districts will be drawn by the Supreme Court of Virginia if such efforts fail. (20101031D)

#### *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) (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. (20101202D)

**SB 113** (Deeds) (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. (20100906D)

**SB 123** (Barker) (SPE) provides that the expiration date on a Virginia driver's license offered for voting identification purposes shall not be considered when determining the validity of the license. (20103295D)

#### *Voter Registration*

**HB 26** (Lindsey) (HPE) reduces the period of time that registration records must be closed before a general or primary election from 21 days to 13 days. The bill adjusts other deadlines to reflect this change. The period of time that the registration records must be closed before a special election remains the same. (20100510D)

**HB 185** (Simon) (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. (20100412D)

**HB 187** (Simon) (HPE) provides an exception to the closing of registration records for any person who (i) is qualified to register to vote, (ii) is unregistered or registered in a locality in which the person no longer resides but is otherwise entitled to vote by absentee ballot, (iii) desires to vote absentee in person at the time that they present themselves to be registered, and (iv) provides proof of residency. The bill also permits same-day registrants to vote absentee and provides an excuse for election day absentee voting for such voters. The bill requires all voters who register to vote under the provisions of this bill to fill out an absentee application, including the required oath, in order to vote. (20104016D)

**HB 201** (Ayala) (HPE) provides an exception to the closing of registration records for any person who (i) is qualified to register to vote, (ii) is unregistered or registered in a locality in which the person no longer resides but is otherwise entitled to vote by absentee ballot, (iii) desires to vote absentee in person at the time that they present themselves to be registered, and (iv) provides proof of residency. The bill also permits same-day registrants to vote absentee and provides an excuse for election day absentee voting for such voters. The bill requires all voters who register to vote under the provisions of this bill to fill out an absentee application, including the required oath, in order to vote. This bill has a delayed effective date of July 1, 2022. (20103011D)

**HB 215** (Lopez) (HPE) permits a person who is otherwise qualified to register to vote and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, to preregister to vote. The preregistration does not entitle such 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. (20101633D)

**HB 219** (Lopez) (HPE) provides for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain information for any individual who (i) is not registered to vote; (ii) is of sufficient age to register to vote; (iii) conducts a transaction with the Department of Motor Vehicles to apply for a new driver's license or special identification card or replace, renew, or update an existing driver's license or special identification card; and (iv) in the course of such transaction provides documentation demonstrating United States citizenship or answers affirmatively when asked if he is a United States citizen. Any such individual is given a printed registration notice that (a) states that the individual will be registered to vote based on the information provided and that the individual should decline registration if he does not meet eligibility requirements, (b) explains the eligibility requirements, and (c) provides instructions for how he may decline registration. The Department of Elections is required to transmit the information to the appropriate general registrar, along with any information indicating ineligibility. The Department of Elections is required to establish security requirements for transmission of information about potential registered voters and to report certain information regarding voter registration. The bill removes the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications. (20103478D)

**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)

**SB 74** (Deeds) (SPE) requires the State Board of Elections to develop a pilot program for election day voter registration, by which a person who (i) offers to vote on election day but is not a registered voter, (ii) provides one of the allowable forms of identification specified by law, and (iii) provides proof of his residency, in a form specified by the State Board for this purpose, in the precinct in which he offers to vote, shall be permitted to register to vote and to cast a ballot. The

bill provides a process by which the validity of such votes is determined. The bill requires participating localities to provide information on the implementation of the pilot program in its locality to the State Board by December 1 of each year in which it participates. The bill requires the State Board to submit a report on the pilot program to the Governor, the General Assembly, and the House and Senate Committees on Privileges and Elections, including a recommendation as to whether there should be statewide election day voter registration. The bill has an expiration date of December 31, 2022. (20100903D)

**SB 92** (Marsden) (SPE) permits a person who is otherwise qualified to register to vote and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, to preregister to vote. The preregistration does not entitle such 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) (SPE) 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. (20100923D)

**SB 278** (Barker) (SPE) 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. (20103590D)

**SB 666** (Boysko) (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 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 232** (Willett) (HPE) requires the Department of Elections to provide a reasonable number of mail voter registration application forms to public institutions of higher education, nonprofit private institutions of higher education that are eligible to participate in the Tuition Assistance Grant Program, and any other education institution that is authorized to issue bonds. The bill requires the State Council of Higher Education for Virginia to assist the Department by providing a list of such institutions and by requesting those institutions to make the mail voter registration application forms available to students. (20100301D)

**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)

**HB 1210** (Tran) (HPE) requires the State Board of Elections to prescribe, and a covered locality to provide, voting and election materials in languages other than English. A county, city, or town is designated by the State Board as a covered locality if the State Board determines, in consultation with the Director of the Census, based on the 2010 American Community Survey census data and subsequent American Community Survey data in five-year increments, or comparable census data, that (i) either (a) more than five percent of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process; (b) more than 10,000 of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process; or (c) in the case of a county, city, or town containing all or any part of an Indian reservation, more than five percent of the American Indian citizens of voting age within the Indian reservation are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process and (ii) the illiteracy rate of the citizens of the language minority as a group is higher than the national illiteracy rate. The bill also allows the State Board to make available voting and election materials in any additional languages other than those required as it deems necessary and appropriate. The State Board may accept voting and election materials translated by volunteers but shall verify the accuracy of such translations prior to making the translated materials available to a county, city, or town, or any voter. (20103702D)

**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)

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

**SB 466** (Reeves) (SPE) directs the Department of Elections to provide lists of registered voters to the courts of the Commonwealth and the United States for jury selection purposes at no charge. Currently, such lists are provided for a reasonable price. (20102332D)

**SB 555** (Spruill) (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)

**HB 140** (Davis) (HGL)/**HB 757** (Aird) (HGL) prohibits state agencies and localities from including on any employment application a question inquiring whether the prospective employee has ever been arrested for, charged with, or convicted of any crime. A prospective employee may not be asked if he has ever been arrested or charged with or convicted of any crime unless the inquiry takes place during or after a staff interview of the prospective employee. The prohibition does not apply to applications for employment with law-enforcement agencies or positions related to law-enforcement agencies. The prohibition also does not apply to applications for state agency positions designated as sensitive or to state agencies that are expressly permitted to inquire into an individual's criminal arrests or charges for employment purposes pursuant to any provision of federal or state law. (20101346D, 20101284D)

**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 838** (Ebbin) (SCL) provides that an employee has a private cause of action against an employer who fails to pay wages to recover the amount of wages due plus interest at eight percent annually from the date the wages were due. If the court finds that the employer knowingly failed to pay wages to an employee, the court shall award the employee (i) reasonable attorney fees and other costs and (ii) unless the court finds that the employer's failure to pay was because of a bona fide dispute between the employer and employee, an amount equal to triple the amount of wages due. The measure provides that an employer that knowingly fails or refuses to pay wages, unless the failure to pay was because of a bona fide dispute between the employer and its employee, is guilty of a Class 1 misdemeanor if the value of the wages earned and not paid by the employer is less than \$10,000 or a Class 6 felony if the value of the wages earned and not paid is \$10,000 or more or if the conviction is a second or subsequent conviction. Currently, criminal liability attaches if



an employer's nonpayment of wages is willful and with intent to defraud. The measure also provides that construction contracts entered into on or after July 1, 2018, shall be deemed to include a provision under which the general contractor and subcontractor at any tier are jointly and severally liable to pay the wages due to any subcontractor's employees. If the wages due to the subcontractor's employees are not paid, the general contractor is subject to criminal and civil penalties for which an employer is liable for failing or refusing to pay wages. The measure requires the subcontractor to indemnify the general contractor for wages, damages, interest, penalties, or attorney fees owed as a result of the subcontractor's failure to pay the wages unless the subcontractor's failure to pay wages was because of the general contractor's failure to pay moneys due to the subcontractor. The measure also provides that the lack of privity between the general contractor and the employees of the subcontractor is not a defense in an action against the general contractor arising from nonpayment of wages to the subcontractor's employees. (20104975D)

**SB 894** (Saslaw) (SCL) authorizes an individual who has not been properly classified as an employee to bring a civil action for damages against his employer for failing to properly classify the employee if the employer had knowledge of the individual's misclassification. The court may award damages in the amount of any wages, salary, employment benefits, including expenses incurred by the employee that would otherwise have been covered by insurance, or other compensation lost to the individual, a reasonable attorney fee, and the costs incurred by the employee in bringing the action. The measure provides that an individual who performs services for a person for remuneration shall be presumed to be an employee unless it is shown that the individual is an independent contractor as determined under the Internal Revenue Service guidelines. (20105117D)

**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 411** (Hashmi) (SCL) requires the Safety and Health Codes Board to adopt regulations establishing reasonable standards designed to protect employees from heat illness. The measure directs the standards to require employers to provide water, shade, rest periods, training, and emergency response procedures. The standards are also directed to require employers in certain industries to implement high-heat procedures when the temperature is 90 degrees Fahrenheit or warmer. The measure requires employers to pay employees one additional hour of pay at his regular compensation for each workday that it fails to provide the employee with five-minute rest period every hour or every half hour if the temperature is 90 degrees Fahrenheit or warmer. (20104779D)

### **Environment**

**HB 504** (Hope) (Reported from HAG) 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)

**HB 1192** (Lopez) (HCT) directs the State Water Control Board to regulate aboveground storage tanks that measure more than 1,320 gallons in capacity and are used to contain hazardous substances other than oil. The bill directs the Board to adopt regulations that establish requirements for registration, certification, and inspection, and other requirements of tank owners, and that establish a schedule of fees. The bill authorizes the Board to undertake corrective action, or to require the owner to undertake corrective action, in the event of a discharge of a hazardous substance. The bill requires tank owners to register their tanks, pay certain registration fees, develop release response plans, upgrade certain older tanks, install containment infrastructure for certain aboveground storage tanks, notify certain parties in the event of a release of a regulated substance, and demonstrate their financial responsibility. The bill also creates the Hazardous Substance Aboveground Storage Tank Fund for the administration of the bill and provides for civil and criminal penalties for violations of requirements of the bill, with the moneys received to be deposited into the existing Virginia Environmental Emergency Response Fund. (20105199D)

**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 320** (Lewis) (SACNR) 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. (20103519D)

**SB 626** (Surovell) (SACNR) directs the State Water Control Board to regulate aboveground storage tanks that measure more than 1,320 gallons in capacity and are used to contain hazardous substances other than oil. The bill directs the Board to adopt regulations that establish requirements for registration, certification, and inspection, and other requirements of tank owners, and that establish a schedule of fees. The bill authorizes the Board to undertake corrective action, or to require the owner to undertake corrective action, in the event of a discharge of a hazardous substance. The bill requires tank owners to register their tanks, pay certain registration fees, develop release response plans, upgrade certain older tanks, install containment infrastructure for

certain aboveground storage tanks, notify certain parties in the event of a release of a regulated substance, and demonstrate their financial responsibility. The bill also creates the Hazardous Substance Aboveground Storage Tank Fund for the administration of the bill and provides for civil and criminal penalties for violations of requirements of the bill, with the moneys received to be deposited into the existing Virginia Environmental Emergency Response Fund. (20104897D)

**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)

**SB 747** (Hanger) (SACNR) limits certain transfers of nonpoint nutrient credits to those credits generated by the private sector. The bill provides that while any locality may, without the involvement of a third party, generate its own nutrient or sediment credits and request that such credits be certified by the Department of Environmental Quality, such certifications shall only be used for the purpose of determining whether the project complies with credit generation requirements. (20103284D)

**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)

### *Studies*

**SB 361** (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. (20102978D)

**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)

### **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 674** (Sullivan) (HPS) creates a procedure by which any attorney for the Commonwealth or any law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. If an emergency substantial risk order is issued, a judge or magistrate may issue a search warrant to remove firearms from such person. An emergency substantial risk order shall expire on the fourteenth day following issuance of the order. The bill requires a court hearing in the circuit court for the jurisdiction where the order was issued within 14 days from issuance of an emergency substantial risk order to determine whether a substantial risk order should be issued. Seized firearms shall be retained by a law-enforcement agency for the duration of an emergency substantial risk order or a substantial risk order or, for a substantial risk order and with court approval, may be transferred to a third party 21 years of age or older chosen by the person from whom they were seized. The bill allows the complainant of the original warrant to file a motion for a hearing to extend the substantial risk order prior to its expiration. The court may extend the order for a period not longer than 180 days. The bill provides that persons who are subject to a substantial risk order, until such order has been dissolved by a court, are guilty of a Class 1 misdemeanor for purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person he knows has been served with a warrant or who is the subject of an order is guilty of a Class 4 felony. The bill creates a computerized substantial risk order registry for the entry of orders issued pursuant to provisions in the bill. (20104741D)

**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) (SJUD) 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)

**SB 240** (Barker) (Senate Floor) creates a procedure by which any attorney for the Commonwealth or any law-enforcement officer may apply to a general district court, circuit court, or juvenile and

domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. If an emergency substantial risk order is issued, a judge or magistrate may issue a search warrant to remove firearms from such person. An emergency substantial risk order shall expire on the fourteenth day following issuance of the order. The bill requires a court hearing in the circuit court for the jurisdiction where the order was issued within 14 days from issuance of an emergency substantial risk order to determine whether a substantial risk order should be issued. Seized firearms shall be retained by a law-enforcement agency for the duration of an emergency substantial risk order or a substantial risk order or, for a substantial risk order and with court approval, may be transferred to a third party 21 years of age or older chosen by the person from whom they were seized. The bill allows the complainant of the original warrant to file a motion for a hearing to extend the substantial risk order prior to its expiration. The court may extend the substantial risk order for a period not longer than 180 days. The bill provides that persons who are subject to a substantial risk order, until such order has been dissolved by a court, are guilty of a Class 1 misdemeanor for purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person he knows has been served with a warrant or who is the subject of a substantial risk order is guilty of a Class 4 felony. The bill creates a computerized substantial risk order registry for the entry of orders issued pursuant to provisions in the bill. (20105922D-S3)

**SB 248** (Favola) (SJUD) 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. (20103329D)

**SB 263** (Bell) (SJUD) 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)

**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) (SJUD) 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)

**SB 593** (Hanger) (SJUD) requires that all firearms in a licensed family day home be stored unloaded in a locked container, compartment, or cabinet. The bill also requires that, during the family day home's hours of operation, ammunition be stored separate from all firearms in a locked container, compartment, or cabinet. (20101435D)

#### *Protective Orders and Firearms*

**HB 1004** (Mullin) (HPS)/**SB 479** (Howell) (SJUD) prohibits any person subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) from knowingly possessing a firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order such person may continue to possess such firearm for the purposes of selling or transferring it to any person who is not otherwise prohibited by law from possessing such firearm. A violation of this provision is a Class 6 felony. The bill also provides that a court shall order a person subject to a permanent protective order to (i) within 24 hours, surrender any firearm possessed by such person to a designated local law-enforcement agency or sell or transfer any firearm possessed by such person to a dealer or to any person who is not otherwise prohibited by law from possessing such firearm and (ii) certify in writing that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order



within 48 hours after being served with a protective order. The bill provides that any person who fails to certify in writing in accordance with this section that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms is guilty of a Class 1 misdemeanor. The bill provides procedures for designating a local law-enforcement agency to receive and store firearms, as well as a process to return such surrendered firearms. The bill also makes it a Class 4 felony for any person to sell, barter, give, or furnish any firearm to any person he knows is prohibited from possessing or transporting a firearm who is the subject to a permanent protective order. (20103358D, 20103357D)

**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**

**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 860** (Bell) (HHWI) provides that a prescriber may authorize pursuant to a written order or standing protocol issued within the course of the prescriber's professional practice, and with the consent of the student's parents, an employee of (i) a school board, (ii) a school for students with disabilities, or (iii) an accredited private school who is trained in the administration or supervision of self-administered inhaled asthma medications to administer or supervise the self-administration of such medication to a student diagnosed with a condition requiring inhaled asthma medications when the student is believed to be experiencing or about to experience an asthmatic crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication. (20104680D)

**HB 1687** (Rasoul) (HFIN) establishes the Violence Intervention and Prevention Fund (the Fund), to be administered by the Department of Criminal Justice Services (the Department), to distribute grants to localities and organizations for the purpose of improving public health and safety by supporting effective violence reduction initiatives in communities that are disproportionately impacted by violence, particularly homicides, shootings, and aggravated assaults. Funds may also be used to finance the hiring of counselors in public elementary and secondary schools and research initiatives that have the objective of reducing gun violence. The bill provides that the

Department shall issue grants on a competitive basis. As a condition of receiving a grant, a locality or organization must commit a cash or in-kind contribution equivalent to the amount of the grant, with waivers allowed for good cause, and report on its progress toward achieving the grant's objectives. The bill requires the Department to provide public access to such reports. The bill imposes a 15 percent tax on the sale of any firearm or ammunition, with all revenue from the tax accruing to the Fund. Sales to state or local agencies or law-enforcement officers are exempt from the tax. (20100209D)

**SB 501** (Reeves) (SRSS) 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)

**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)

**SB 1046** (Deeds) (SEH) adds clinical social workers to the list of eligible providers that includes treating physicians and clinical psychologists who can disclose or recommend the withholding of patient records, face a malpractice review panel, and provide recommendations on involuntary temporary detention orders. (20104401D)

**SB 1049** (Deeds) (SEH) clarifies the role of family members and other individuals authorized to receive medical records and information about a person who is involved in the involuntary commitment process, including the family member or other person's right to receive medical records, notice of hearings, and copies of orders and to participate in hearings and the discharge planning process. (20105346D)

**SB 1050** (Deeds) (SEH) extends the maximum period of time during which a person may be involuntarily held pursuant to an emergency custody order from eight hours, or in some cases 12 hours, to 24 hours and requires the Board of Health to include in regulations governing hospitals a requirement that every hospital be licensed for and actually capable of accepting from law enforcement the transfer of custody of a person who is the subject of an emergency custody order. (20105345D)

#### *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) (HCT) 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) (HCT) 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) (HCT) 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. (2010433)

### **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) (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 778** (Lewis) (SLG) extends the sunset date for several measures related to various land use approvals from July 1, 2020, to July 1, 2023. The bill also expands the scope of such measures that will be subject to the extension to include those measures approved by January 1, 2020. (20104089D)

**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) (HCCT) 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)

**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 831** (Carroll Foy) (HTECH) 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. (20104845D)

**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)

**HB 1685** (Knight) (HCCT) provides that no locality shall require a person to register a short-term rental pursuant to the locality's land use and zoning authority if the person meets certain criteria set out in the bill. (20105804D)

**SB 24** (Petersen) (Reported from SACNR) 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)

**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 509** (Reeves) (SJUD) prohibits any city or county east of the Interstate 95 corridor from prohibiting otherwise lawful hunting of migratory game birds in the jurisdictional waters of the Commonwealth and provides that no stake or stationary waterfowl blind that is erected in such public waters shall be located less than 150 yards from any occupied residence, church, or

commercial building, unless the owner gives written permission to locate the blind or stake closer to the residence, church, or commercial building. (20103794D)

**SB 621** (Deeds) (SACNR) provides that if language in an open-space or conservation easement acquired pursuant to state law is ambiguous, such language shall be construed against the grantor and in favor of the grantee. (20102937D)

**SB 647** (Boysko) (Senate Floor) 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)

**SB 673** (Mason) (SACNR) 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. (20102478D)

**SB 674** (Mason) (SACNR) 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. (20102486D)

**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)

### *Eminent Domain*

**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)

### *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)

### **Marijuana**

**HB 87** (Carter) (HCT) eliminates criminal penalties for possession of marijuana for persons who are 21 years of age or older. The bill also decriminalizes marijuana possession for persons under 21 years of age and provides a civil penalty of no more than \$100 for possession of (i) two and one-half ounces or less of marijuana or (ii) 12 or fewer marijuana plants and a civil penalty of no more than \$500 for possession of more than (a) two and one-half ounces of marijuana or (b) 12 marijuana plants. Under current law, a first offense is punishable by a maximum fine of \$500 and a maximum jail sentence of 30 days, and subsequent offenses are a Class 1 misdemeanor. The bill



also modifies several other criminal penalties related to marijuana. The bill establishes a regulatory scheme for the regulation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana secure transporters, marijuana testing facilities, retail marijuana stores, and marijuana microbusinesses by the Board of Agriculture and Consumer Services. The bill imposes an additional tax of 10 percent on retail marijuana and retail marijuana products sold by retail marijuana stores and microbusinesses and directs the first \$20 million of such revenues, after expenses of the Board are paid, to the Veterans Treatment Fund, established in the bill. The remaining tax receipts will be distributed to the localities in which the businesses operate, toward the state's share of Standards of Quality basic aid payments, and to the Commonwealth Mass Transit Fund. The bill also expands the legal medical uses of marijuana and tetrahydrocannabinol from only cancer and glaucoma to any use to alleviate the symptoms of any diagnosed condition or disease determined by the prescribing doctor to benefit from the use of such substance. (20100835D)

**HB 265** (Heretick) (HCT) decriminalizes marijuana possession and provides a civil penalty of no more than \$25. Under current law, a first offense is punishable by a maximum fine of \$500 and a maximum jail sentence of 30 days, and subsequent offenses are a Class 1 misdemeanor. The bill creates a rebuttable presumption that a person who possesses no more than one-half ounce of marijuana possesses it for personal use and provides that the existing suspended sentence and substance abuse screening provisions apply only to criminal violations or to civil violations by a minor. The bill decreases from a Class 5 felony to a Class 6 felony the penalty for distribution or possession with intent to sell more than one-half ounce but not more than five pounds of marijuana. (20100927D)

**HB 269** (Heretick) (HCT) eliminates criminal penalties for possession of marijuana for persons who are 21 years of age or older. The bill also decriminalizes marijuana possession for persons under 21 years of age and provides a civil penalty of no more than \$50 for a first violation, \$100 for a second violation, and \$250 for a third or subsequent violation. Under current law, a first offense is punishable by a maximum fine of \$500 and a maximum jail sentence of 30 days, and subsequent offenses are a Class 1 misdemeanor. The bill also modifies several other criminal penalties related to marijuana. The bill establishes a regulatory scheme for the regulation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana testing facilities, and retail marijuana stores by the Board of Agriculture and Consumer Services. The bill imposes a tax on retail marijuana and retail marijuana products sold by a retail marijuana store at a rate of 9.7 percent (for a total sales tax of 15 percent) and provides that 67 percent of the revenues collected from the tax be deposited into the general fund and 33 percent of the revenues be deposited into a "Retail Marijuana Education Support Fund" to be used solely for purposes of public education. (20100185D)

**HB 301** (Levine) (HCT) decriminalizes simple marijuana possession and provides a civil penalty, payable to the Literary Fund, of no more than \$100 for a first violation, \$250 for a second violation, and \$500 for a third or subsequent violation. Under current law, a first offense is punishable by a maximum fine of \$500 and a maximum 30-day jail sentence, and subsequent offenses are a Class 1 misdemeanor. The bill reduces the criminal penalties for distribution and possession with intent to sell, give, or distribute marijuana. The bill creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use and provides that the

suspended sentence/substance abuse screening provisions apply only to criminal violations or to civil violations by a minor. The bill also limits forfeiture of property from the sale or distribution of marijuana to quantities of more than one pound; currently there is no minimum amount. (20101961D)

**HB 481** (Kory) (HCT) decriminalizes simple marijuana possession and provides a civil penalty of no more than \$50 for a first violation, \$100 for a second violation, and \$250 for a third or subsequent violation. Current law imposes a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that the suspended sentence/substance abuse screening provisions and driver's license suspension provisions apply only to criminal violations or to civil violations by a juvenile. The bill provides that a court may suspend a driver's license for a civil violation committed by an adult. A civil violation will be treated as a conviction for prohibitions on the purchase or transport of a handgun and disqualification for a concealed handgun permit. (20103114D)

**HB 972** (Herring) (HCT) decriminalizes simple marijuana possession and provides a civil penalty of no more than \$50 or, if such person is smoking, consuming, or otherwise ingesting marijuana in a public place at the time of the violation, no more than \$250. Current law imposes a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that any person who knowingly or intentionally smokes, consumes, or otherwise ingests marijuana while driving or operating a motor vehicle, engine, train, watercraft, or motorboat is guilty of a misdemeanor and shall be confined in jail not more than 30 days and fined not more than \$500, either or both, and subsequent convictions are a Class 1 misdemeanor. The bill also provides that the suspended sentence/substance abuse screening provisions and driver's license suspension provisions apply only to criminal violations or to civil violations by a juvenile. A civil violation will be treated as a conviction for prohibitions on the purchase or transport of a handgun and disqualification for a concealed handgun permit. The bill also (i) makes records relating to the arrest, criminal charge, or conviction of possession of marijuana not open to public inspection and disclosure, except in certain circumstances; (ii) prohibits employers and educational institutions from requiring an applicant for employment or admission to disclose information related to such arrest, criminal charge, or conviction; and (iii) prohibits agencies, officials, and employees of the state and local governments from requiring an applicant for a license, permit, registration, or governmental service to disclose information concerning such arrest, criminal charge, or conviction. Finally, the bill requires the Secretaries of Agriculture and Forestry, Finance, Health and Human Resources, and Public Safety and Homeland Security to convene a work group to study the impact on the Commonwealth of legalizing the sale and personal use of marijuana and report the recommendations of the work group to the General Assembly and the Governor by November 1, 2021. (20103384D)

**HB 1507** (Carroll Foy) (HCT) Possession of marijuana. (20105399D)

**HJ 130** (Heretick) (HRUL) establishes the Joint Subcommittee to Study the Development of a Framework for Regulated Adult-Use of Cannabis and Medical Cannabis (Joint Subcommittee). The bill requires the Joint Subcommittee to (i) study and provide guidance on the potential creation of a Cannabis Control Commission to oversee licensing and regulation of industrial hemp, medical cannabis, and adult-use of cannabis; (ii) provide regulatory guidance on potential tax rates and

revenue forecasts for retail and wholesale products; (iii) study and make recommendations regarding the issuance of initial cultivation and retail licenses; (iv) develop and recommend a fee structure and grandfathering process for current pharmaceutical processors; (v) study and recommend potential marijuana advertising regulations; (vi) study and determine appropriate public consumption venues and personal cultivation allowances; (vii) study funding and processing requirements for expungement of criminal records and rights restoration related to marijuana decriminalization; (viii) study and recommend methods for diversifying ownership of the marijuana market; (ix) assess the California, Massachusetts, and Illinois marijuana programs and their effectiveness in transferring economic prosperity to disproportionately affected areas; (x) study the potential development of a community reinvestment fund; and (xi) review and analyze National Highway Traffic Safety Administration studies on marijuana-related impairment. (20105363D)

**HJ 132** (Herring) (HRUL) Study; Joint Subcommittee to Study the Development of a Framework for Regulated Adult-Use of Cannabis and Medical Cannabis; report. (20105549D)

**SB 2** (Ebbin) (SJUD) decriminalizes simple marijuana possession and provides a civil penalty of no more than \$50. Current law imposes a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that the suspended sentence and substance abuse screening provisions and driver's license suspension provisions apply only to criminal violations or to civil violations by a juvenile. The bill defines marijuana to include hashish oil. The bill raises the threshold amount of marijuana subject to the offense of distribution or possession with intent to distribute from one-half ounce to one ounce. The bill also allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession when all court costs and fines and orders of restitution have been paid. The bill contains technical amendments. (20100705D)

**SB 815** (Morrissey) (SJUD) decriminalizes simple marijuana possession and provides a civil penalty of no more than \$50 for a first violation, \$100 for a second violation, and \$250 for a third or subsequent violation. Current law imposes a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that the suspended sentence/substance abuse screening provisions apply only to criminal violations or civil violations by a juvenile, and the driver's license suspension provisions apply only to criminal violations. A civil violation will be treated as a conviction for prohibitions on the purchase or transport of a handgun and disqualification for a concealed handgun permit. (20103848D)

**SJ 66** (Ebbin) (SRUL) establishes the Joint Subcommittee to Study the Development of a Framework for Regulated Adult-Use of Cannabis and Medical Cannabis (Joint Subcommittee). The bill requires the Joint Subcommittee to (i) study and provide guidance on the potential creation of a Cannabis Control Commission to oversee licensing and regulation of industrial hemp, medical cannabis, and adult-use of cannabis; (ii) provide regulatory guidance on potential tax rates and revenue forecasts for retail and wholesale products; (iii) study and make recommendations regarding the issuance of initial cultivation and retail licenses; (iv) develop and recommend a fee structure and grandfathering process for current pharmaceutical processors; (v) study and recommend potential marijuana advertising regulations; (vi) study and determine appropriate public consumption venues and personal cultivation allowances; (vii) study funding and

processing requirements for expungement of criminal records and rights restoration related to marijuana decriminalization; (viii) study and recommend methods for diversifying ownership of the marijuana market; (ix) assess the California, Massachusetts, and Illinois marijuana programs and their effectiveness in transferring economic prosperity to disproportionately affected areas; (x) study the potential development of a community reinvestment fund; and (xi) review and analyze National Highway Traffic Safety Administration studies on marijuana-related impairment. (20105313D)

**SJ 67** (McClellan) (SRUL) redress impacts of marijuana prohibition; report. (20105391D)

### **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)

**SB 487** (Bell) (Reported from SGL) 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. (20104942D)

**SB 645** (Surovell) (SGL) requires a locality, for any procurement contract for goods and services and any purchasing decision, to ensure that solicitations require the bidder to disclose certain information regarding pre-dispute arbitration clauses and consider each bidder's policies and practices related to arbitration. The bill requires each locality to seek to contract with qualified entities and business owners that can demonstrate or will certify that they do not use pre-dispute arbitration clauses in contracts with employees or consumers, and evaluate bidders based on disclosures required under the bill, in the event no bidder can demonstrate or will certify that they do not use pre-dispute arbitration clauses in contracts with employees or consumers. The bill authorizes a locality to cancel, terminate, or suspend, in whole or in part, the contract of any contractor who violates a provision of the bill, and declare the contractor ineligible for further contracts with such locality. (20104696D)

**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)

**HB 1044** (Krizek) (HCT) increases from a Class 3 misdemeanor to a Class 1 misdemeanor the punishment for a person who installs or places an electronic tracking device through intentionally deceptive means and without consent, or causes an electronic tracking device to be installed or placed through intentionally deceptive means and without consent, and uses such device to track the location of any person. (20104618D)

**SB 64** (Lucas) (SJUD) provides that a person is guilty of unlawful paramilitary activity if such person assembles with another person with the intent of intimidating any person or group of persons by drilling, parading, or marching with any firearm, any explosive or incendiary device, or any components or combination thereof. Such unlawful paramilitary activity is punishable as a Class 5 felony. (20101207D)

**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)

**SB 169** (DeSteph) (SJUD) provides that a magistrate may not issue an arrest warrant for a misdemeanor offense where the accused is a law-enforcement officer and the alleged offense arises out of the performance of his public duties upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization by the attorney for the Commonwealth or by a law-enforcement agency. The bill provides for the appointment of

an attorney for the Commonwealth from outside the jurisdiction if a conflict of interest exists for the attorney for the Commonwealth having jurisdiction. (20101140D)

**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 1018** (Stanley) (SJUD) allows a convicted person's sentence to be reduced by the sentencing court if the court determines such person provided substantial assistance in the furtherance of the investigation or prosecution of another person engaged in an act of grand larceny of a firearm, criminal street gang participation, or recruitment of persons for criminal street gangs. Consideration of sentence reduction can occur only upon motion of the attorney for the Commonwealth. (20105189D)

*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*

**HB 8** (Bourne) (HCT)/**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. (20100560D, 20100173D)

**HB 256** (Mullin) (HCT) 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. (20100028D)

**HB 1419** (Jones) (HCT) requires school resource officers and school security officers to receive training specific to the role and responsibility of a law-enforcement officer working with students in a school environment that includes training on (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research. (20102267D)

**SB 59** (Hanger) (SJUD) changes from discretionary to mandatory that the chief of police of a city or chief of police or sheriff of a county disclose to a school principal all instances where a juvenile at the principal's school is a suspect in or has been charged with a violent juvenile felony, an arson offense, or a concealed weapon offense and adds an offense that requires a juvenile intake officer to make a report with the school division superintendent to the list of such instances that must be disclosed to a school principal for the protection of the juvenile, his fellow students, and school personnel. (20100294D)

**SB 197** (Cosgrove) (SJUD) provides that any person who orally threatens another person in person to kill or do bodily injury to such other person or any member of the other person's family, and the threat places such other person in reasonable apprehension of death or bodily injury to himself or his family member, is guilty of a Class 5 felony. The bill also provides that any person who orally threatens to kill or do bodily harm to another person in person (i) on the grounds or premises of any elementary, middle, or secondary school property; (ii) at any elementary, middle, or secondary school-sponsored event; or (iii) on a school bus to any person or persons is guilty of a Class 6 felony. (20103754D)

### **Taxation**

**HJ 103** (Helmer) (HRUL)/**SJ 58** (Morrissey) (SPE) 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, 20103837D)

**SB 273** (Bell) (Reported from SFIN) extends the sunset date for the classification of tangible personal property used in manufacturing, testing, or operating satellites within a Multicounty



Transportation Improvement District as a separate class of property from June 30, 2019, to June 30, 2029. (20102630D)

**SB 332** (Stuart) (SFIN) allocates sales tax revenues collected from remote sellers, pursuant to Chapters 815 and 816 of the Acts of Assembly of 2019, to the Transportation Trust Fund to be used for the maintenance and repair of existing highways. (20104209D)

**SB 820** (Morrissey) (SPE) 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. (20104381D)

### **Transportation**

**HB 130** (McNamara) (HTRAN) abolishes the state motor vehicle safety inspection program. (20101215D)

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

**HB 767** (LaRock) (HTRAN) decreases from 12,000 to 10,000 pounds the minimum gross vehicle weight rating for which certain localities may regulate or prohibit the parking of a vehicle on a public highway in a residence district. The bill adds Frederick County to the list of localities that are permitted to regulate or prohibit the parking on any public highway of watercraft, boat trailers, motor homes, and camping trailers and to regulate or prohibit the parking of commercial vehicles on any public highway in a residence district. (20100853D)

**HB 1390** (O'Quinn) (HFIN) establishes the Rural Transportation Fund, to be funded by transferring 10 percent of annual lottery revenues in fiscal years 2020 through 2024 from the Lottery Proceeds Fund. All lottery revenues transferred to the Rural Transportation Fund shall be used solely for the purposes of funding transportation projects in (i) Planning District 1, 2, 3, 4, 5, or 6 or (ii) any locality with a population of no greater than 100,000. (20102156D)

**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)

**HB 1714** (Wyatt) (HTRAN)/**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. (20104947D, 20105282D)

**SB 230** (Petersen) (SFIN) 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 659** (Surovell) (SJUD) provides that the negligence of a pedestrian, bicyclist, or other person lawfully using a device other than a motor vehicle on a public highway who is involved in a collision with a motor vehicle shall not bar a plaintiff's recovery in any civil action unless the plaintiff's negligence is (i) a proximate cause of the plaintiff's injury and (ii) greater than the aggregated total amount of negligence of all the defendants that proximately caused the plaintiff's injury. (20101064D)

**SB 758** (Marsden) (STRAN) makes several changes related to electric personal delivery devices, including changing the term used to refer to such devices to "personal delivery devices" and changing the weight limit of such devices from 50 to 200 pounds. The bill eliminates the ability of localities to regulate or prohibit the use of personal delivery devices on sidewalks, crosswalks, or roadways. The bill also changes the restriction on the transport of hazardous materials by a personal delivery device to only limit the transport of hazardous materials in a form and quantity that would pose an unreasonable risk to health, safety, or property. (20105149D)

**HB 543** (Carr) (HTRAN) amends the definition of "electric power-assisted bicycle" to include three classes of such bicycles, based upon the type of motor and the maximum miles per hour that the motor is capable of propelling the bicycle. The bill also provides that electric power-assisted bicycles and operators are afforded the same rights and privileges as bicycles and operators and limits local and state regulation of the operation of such electric power-assisted bicycles to certain bicycle paths, shared-use paths, and trails. The bill requires manufacturers and distributors of electric power-assisted bicycles to include (i) on each electric power-assisted bicycle, a label indicating certain technical specifications and (ii) on each class three electric power-assisted bicycle, a miles-per-hour speedometer. The bill requires persons operating or riding on a class three electric power-assisted bicycle to wear a helmet. (20102771D)

**SB 871** (Marsden) (STRAN) amends the definition of "electric power-assisted bicycle" to include three classes of such bicycles, based upon the type of motor and the maximum miles per hour that the motor is capable of propelling the bicycle. The bill also provides that electric power-assisted bicycles and operators are afforded the same rights and privileges as bicycles and operators and limits local and state regulation of the operation of such electric power-assisted bicycles to certain bicycle paths, shared-use paths, and trails. The bill requires manufacturers and distributors of electric power-assisted bicycles to include (i) on each electric power-assisted bicycle, a label indicating certain technical specifications and (ii) on each class three electric power-assisted bicycle, a miles-per-hour speedometer. The bill requires persons operating or riding on a class three electric power-assisted bicycle to wear a helmet. (20102647D)

**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 377** (Willett) (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. (20102351D)

**HB 512** (Bulova) (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. (20101521D)

**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)

**HB 978** (LaRock) (HTRAN) Provides that a person is guilty of improper driving if he drives without (i) giving his full time and attention to the operation of the vehicle or (ii) keeping the vehicle under proper control at all times. Current law allows a court to lower a charge of reckless driving to improper driving but does not allow law enforcement to charge a person with improper driving, under the bill a traffic infraction punishable by a fine of not more than \$500. (20104178D)

**SB 136** (Stuart) (STRAN) 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. (20101412D)

**SB 160** (Surovell) (STRAN) 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. (20100741D)

**SB 437** (Surovell) (STRAN) 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) (STRAN) 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)

**SB 944** (Saslaw) (STRAN) 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. (20104384D)

#### *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*

**HB 576** (Keam) (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 782** (Saslaw) (SCL) 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)

**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)

### **Workers' Compensation**

**SB 741** (McPike) (SFIN) establishes a presumption that if certain firefighters, law-enforcement officers, hazardous materials officers, animal protection police officers, or 9-1-1 emergency call takers, dispatchers, or similarly situated employees (i) receive a diagnosis of post-traumatic stress disorder (PTSD) from a licensed physician, licensed clinical psychologist, licensed professional counselor, or licensed clinical social worker; (ii) suffer death or any impairment resulting in total or partial disability from work caused by the PTSD; and (iii) receive a statement from such a provider that the PTSD was caused by a single critical event or multiple exposures to critical events that occurred in the course of the employment, then the PTSD is an occupational disease, suffered in the line of duty, that is covered by the Virginia Workers' Compensation Act unless such presumption is overcome by a preponderance of competent evidence to the contrary. The measure provides that a "critical event" includes an event that results in serious injury or death to an individual; deals with a minor who has been injured, killed, abused, exploited, or a victim of a crime; deals with mass casualties; results in injury to or the death of a coworker; involves an immediate threat to the life of the claimant or another individual; or involves the abuse, cruelty, injury, exploitation, or death of an animal. (20101165D)

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

### **Miscellaneous**

**HB 172** (Krizek) (HCT) 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 1407** (Ward) (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)

**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)

**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 321** (Levine) (HCECH) 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)

**HB 515** (Bulova) (HCCT) 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)

### Courts

**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)

#### *Specialty Dockets*

**SB 499** (Reeves) (SJUD) 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 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)

### **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)

**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)

### **Health and Human Services**

**SB 128** (Suetterlein) (SRUL) 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 716** (McClellan) (SRUL) requires the Secretary of Public Safety and Homeland Security to create and implement policies that recognize and make accommodations for people encountering the criminal justice system with developmental disabilities. The bill also requires the Office of the Executive Secretary to create and implement policies that recognize and make accommodations for people with developmental disabilities, for use by judges in determining case outcomes. (20104287D)

**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)

### Land Use

**HB 1191** (Heretick) (HCCT)/**SB 360** (Cosgrove) (SLG) 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. (20105020D, 20102768D)

**SB 314** (Stanley) (SLG) 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)

### Taxation

**HB 1268** (Helmer) (HPE)/**SB 446** (Reeves) (SPE) 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, 20101760D)

**SJ 33** (Reeves) (SPE) 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. (20101742D)

### Transportation

**HB 497** (Marshall) (HTRAN) exempts trucks weighing less than 26,000 pounds from the additional truck registration fee. The bill also exempts trucks, regardless of weight, that are driven less than 25,000 miles per year. (20100907D)

**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 768** (LaRock) (HFIN) authorizes counties and cities in Planning District 3, 4, 5, 6, or 7 to impose an additional real estate tax on commercial and industrial property at a rate of up to \$0.10 per \$100 of assessed value. Any revenue raised from such tax would be required to be used to pay for transportation costs. Under current law, only localities within the Northern Virginia Transportation Authority or the Hampton Roads metropolitan planning area are authorized to impose such tax. The bill contains technical amendments. (20102654D)

**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)

**HB 1702** (Tran) (HTRAN) requires the Virginia Department of Transportation to assess the speed limit of any road in Planning District 8 that has a speed limit of 55 miles per hour and has an intersection within 1,000 feet of any public elementary or secondary school and within 2,000 feet of a road curvature. (20105455D)

**HB 1729** (LaRock) (HTRAN) adds two non-legislative citizen members who reside in suburban areas and are designated as suburban at-large members to the Commonwealth Transportation Board. Current law provides for two urban at-large members and two rural at-large members. (20104313D)

**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)

**SB 1010** (McDougle) (STRAN) directs the Commonwealth Transportation Board to allocate \$80 million in funding to the Robert O. Norris Bridge and Statewide Special Structure Fund in fiscal year 2021. (20104797D)

## **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)

**HB 850** (Runion) (HGL) requires the Virginia Economic Development Partnership Authority to develop a scoring system to identify high-impact projects to use in the awarding of funds pursuant to the Virginia Jobs Investment Program. The bill also requires companies that receive workforce retraining funding to submit data to the Authority regarding credentials and wage increases received by trained employees. (20103464D)

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

**SB 335** (Stuart) (SACNR) 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. (20100145D)

## **Campaign Finance**

**SB 57** (Suetterlein) (Reported from SPE) 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) (Reported from SPE) 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. (20101820D)

**SB 883** (Locke) (Reported from SGL) 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)

### **Education/Schools**

**SB 80** (Marsden) (SEH) declares that, except in certain limited circumstances, a student journalist at a public middle school or high school or public institution of higher education has the right to exercise freedom of speech and the press in school-sponsored media, including determining the news, opinion, feature, and advertising content of school-sponsored media, regardless of whether the media is supported financially by the school board or governing board, supported through the use of school or campus facilities, or produced in conjunction with a class or course in which the student is enrolled. The bill defines "school-sponsored media" as any material that is prepared, substantially written, published, or broadcast by a student journalist at a public middle school or high school or public institution of higher education under the direction of a student media adviser and distributed or generally made available to members of the student body. (20101479D)

### **Elections**

**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) (SPE) 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)

### **Firearms**

**SB 207** (Petersen) (SJUD) 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**

**HB 586** (Guzman) (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. (20104407D)

**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) (HHWI) 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 883** (Subramanyam) (HHWI) directs the Department of Criminal Justice Services to evaluate the costs and benefits of implementing a deflection to treatment program for individuals with substance use disorder or mental illness generally, and the Five Deflection Pathways in accordance with the Police, Treatment and Community Collaborative specifically, and to report its findings and recommendations to the Governor and the General Assembly by December 1, 2020. (20104910D)

**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 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)

**HB 1722** (Roem) (HED) requires the Department of Education to develop and publish no later than November 16, 2020, guidance and resources relating to the provision of applied behavior analysis services in public schools for students who are in need of such services. (20105382D)

**SB 61** (Marsden) (SJUD) provides that the use of cannabidiol oil or THC-A oil by a parent in a custody or visitation case shall not serve as the sole basis for the denial or restriction of custody or visitation, if such parent has a written certification by a practitioner attesting to the benefit of such use. The bill further provides that such use by a foster parent shall not be the sole reason a child is removed from a foster parent and that such use by a prospective foster parent shall not be the sole reason to deny such prospective foster parent eligibility to become a foster parent. The bill also provides that such use by a petitioner for adoption shall not be the sole reason for the denial of a final order of adoption by a circuit court. (20100579D)

**SB 1031** (Barker) (SCL) eliminates the exemption from the requirements to provide coverage for the diagnosis and treatment of autism spectrum disorder for insurers, corporations, and organizations issuing policies, contracts, and plans in the individual and small group markets. Under current law, only policies, contracts, and plans issued in the large group market are required to provide such coverage. (20102988D)

**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)

### **Taxation**

**HB 736** (Watts) (HFIN) reinstates the estate tax for persons dying on and after July 1, 2020. No estate tax shall be imposed on a gross estate if the majority of the assets of the estate are an interest in a closely held business or a working farm. The bill designates revenues from the estate tax to be used for health care purposes. (20104337D)



## **Transportation**

**HB 465** (Keam) (HTRAN) 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) (HTRAN) 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)

**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 1243** (Heretick) (HTRAN) requires a private entity requesting approval to develop and operate a qualifying transportation facility under the Public-Private Transportation Act of 1995 or a qualifying project under the Public-Private Education Facilities and Infrastructure Act of 2002 to include an economic impact analysis identifying any potentially adverse economic or revenue impacts a potential comprehensive agreement may have on all affected local jurisdictions. The bill further provides that affected local jurisdictions be given reasonable opportunity to consult with the parties concerning the nature and scope of the impacts and regarding measures that may be taken to avoid or mitigate the impacts or make the agreement revenue-neutral. The bill directs each responsible public entity to certify compliance with the review of the economic impact analysis provisions. (20105276D)

**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 468** (Reeves) (STRAN) provides that the designation of a highway lane as an HOV lane shall not apply to the use of such lane by autocycles. (20102327D)

**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) (HTRAN) 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. (20102149D)