

**Legislation Requiring Further Review, Staff “Watch List” and Legislation
Provided for Information
Board of Supervisors Legislative Committee
January 22, 2021**

Legislation Requiring Further Review

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

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

Administration of Government

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

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

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

Animals

SB 1135 (Marsden) (SACNR) restructures the procedure for adjudication of a dog as a dangerous dog to provide for (i) written notice by an animal control officer to the owner of the dog that he has applied for a summons, and a prohibition on disposal of the dog by the owner for 30 days; (ii) the issuance of a summons with an option rather than a requirement that the officer confine the dog, a prohibition on the disposal of the dog other than by euthanasia, and an authorization for the court to compel the implanting of electronic identification; (iii) the holding of a hearing within 30 days unless good cause is shown; (iv) the authority of the court if deferring further proceedings without adjudicating to compel the implanting of electronic identification; and (v) a limit of 30 days for any appeal of a dangerous dog adjudication. The bill authorizes an officer to obtain a summons for a hearing to determine whether a dog that has been surrendered is a dangerous dog and provides that any dangerous dog not reclaimed from the animal control officer within 10 days of notice shall be considered abandoned. The bill imposes new requirements for the transfer of dangerous dogs, requiring a releasing agency that is transferring or releasing for adoption a dangerous dog in the Commonwealth to notify the receiving party of the legal requirements for keeping a dangerous dog. If the agency is transferring the dog outside the Commonwealth, it is required to notify the appropriate animal control officer of the dog's adjudication as dangerous. An owner who is bringing a dog found to be dangerous in another state to reside in the Commonwealth shall notify the local animal control officer. Any owner who disposes of a dangerous dog by gift, sale, transfer, trade, or surrender shall notify the receiver in writing of the dog's adjudication as dangerous, with a violation penalized as a Class 3 misdemeanor. Finally, the bill provides that if a dangerous dog adjudication occurred within 60 days of the end of the calendar year, the first renewal of the dangerous dog registration shall be included in the initial registration at no additional charge. The bill contains technical amendments. (21100694D)

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

SB 1412 (Stanley) (SACNR) requires pet shops, dealers, and commercial dog breeders to obtain a signed statement from any prospective owner, director, officer, manager, member, operator, member of staff, or animal caregiver of such pet shop, dealer, or commercial dog breeder, respectively, that such person has never been convicted of animal cruelty, neglect, or

abandonment. The bill prohibits pet shops from selling or giving for adoption an animal without first obtaining such statement from the purchaser or adopter and prohibits dealers and commercial dog breeders from importing, selling, or offering for sale any dog to a pet shop without first obtaining such statement from each owner, director, officer, manager, member, operator, member of staff, and animal caregiver of the pet shop. Failure by such person to provide, or by such pet shop, dealer, or dog breeder to obtain, such statement is a Class 1 misdemeanor. (21100834D)

SB 1417 (Stanley) (SACNR) requires any animal testing facility, defined in the bill, that no longer has need for a dog or cat in its possession that does not pose a health or safety risk to the public to offer, for a reasonable period of time prior to euthanasia, such dog or cat for adoption to a releasing agency or through a private placement. The bill authorizes an animal testing facility to enter into an agreement with a releasing agency for the implementation of the adoption. Violation is subject to a civil penalty of not more than \$5,000 and any court costs and attorney fees. (21100835D)

Broadband

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

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

Courts

HB 1814 (Krizek) (Reported from HCT) provides that the Virginia minimum hourly wage shall be used to calculate the amount of a person's aggregate disposable earnings protected from garnishment if it is greater than the federal minimum hourly wage. (21100334D)

HB 1856 (Sullivan) (HCT) permits trusts, advance medical directives, and refusals to make anatomical gifts to be signed and notarized, as appropriate, by electronic means. The bill also codifies the Uniform Electronic Wills Act, which permits a testator to execute a will by electronic means. The Act requires that the will be signed by two witnesses who are in the physical or electronic presence of the testator and acknowledged by the testator and attesting witnesses in the physical or electronic presence of a notary public. (21102283D)

HB 1866 (Delaney) (HCT) permits court-appointed special advocates to participate in and share information with family partnership meetings and in meetings of family assessment and planning teams, multidisciplinary child sexual abuse response teams, individualized education program teams, and multidisciplinary teams related to child abuse. (21101961D)

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

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

HB 2017 (Mullin) (HCT) authorizes any jurisdiction to establish a youth court program, defined in the bill as a diversionary program that (i) is monitored by a local youth court program advisory committee; (ii) uses juvenile volunteers as lawyers, jurors, and other court personnel; (iii) uses volunteer attorneys or judicial officers as judges; (iv) conducts peer trials, subject to the juvenile and domestic relations court's jurisdiction, of juveniles who are assigned to the program by the court; and (v) imposes various sentences emphasizing restitution, rehabilitation, accountability, competency building, and education, but not incarceration. The bill provides that a jurisdiction may establish a youth court program upon establishment of a local youth court advisory committee and approval of the youth court program by the juvenile and domestic relations court that serves such jurisdiction. The bill requires each local youth court program advisory committee to establish criteria for the eligibility and participation of juveniles who have committed nonviolent offenses in the youth court program as well as policies and procedures for the operation of such program. The bill provides that whenever an intake officer takes informal action on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer may refer the juvenile to a youth court program. (21101705D)

HB 2056 (Scott) (HCT) removes the option for a court to order that a status offender be detained in a secure facility for a willful and material violation of a court order or term of probation. (21101687D)

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

HB 2190 (Leftwich) (HCT) provides that an award in a wrongful death action, where there is no surviving spouse of the decedent, children of the decedent, or children of a deceased child of the decedent, shall be distributed to the parents, brothers and sisters of the decedent, and any other family member who is primarily dependent on the decedent and the same member of the decedent's household. (21100833D)

HB 2193 (Leftwich) (HCT) provides that, in any case in which a creditor is seeking a money judgment against a debtor, if the parties indicate that they have entered into a written settlement agreement, the court shall indicate that dismissal of such case is contingent upon compliance with such agreement and provide for a continuance of the case to allow for full payment pursuant to the agreement. The bill requires a creditor to file a motion to dismiss with the court once full payment is made by the debtor. The bill allows a creditor to file a motion to enforce the terms of such settlement agreement if a debtor is in default of any terms of such agreement. (21101027D)

HB 2236 (Bell) (HCT) provides that if an offender determined to be eligible to participate in a behavioral health docket resides in a locality other than that in which the behavioral health docket is located, or such offender desires to remove to a locality other than that in which the behavioral health docket is located, and the local behavioral health docket advisory committee determines it is practicable and appropriate, such offender may still participate in the behavioral health docket and the committee may transfer all or part of the offender's supervision to the local probation and pretrial agency for the locality in which the offender resides or to which he desires to remove. The bill provides that the local community probation and pretrial agency shall report concerning the conduct and condition of the offender at regular intervals to the local behavioral health docket advisory committee that approved the defendant's participation in the behavioral health docket and that the local behavioral health docket advisory committee may impose terms and conditions of the transfer of supervision as it deems appropriate, including a requirement that the offender participate in meetings or appointments with a member of the local behavioral health docket advisory committee by telephone, video conference, or similar electronic means. (21101813D)

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

SB 1108 (Stanley) (SFIN) increases from \$25,000 to \$50,000 the maximum civil jurisdictional limit of general district courts. (21103157D-S1)

SB 1184 (Deeds) (SJUD) adds the detention, incarceration, or deportation of a parent to the list of triggering events for which a parent may designate a standby guardian to be appointed for the care of the parent's minor child. (21100004D)

SB 1213 (Edwards) (SJUD) authorizes the Department of Motor Vehicles to issue restricted driving credentials to individuals with driver's license suspensions resulting from drug-related offenses. (21102088D)

SB 1241 (Stuart) (Senate Floor) provides that in a civil action for personal injuries sustained from a motor vehicle accident, regardless of the amount of losses sustained by an injured person, an insurance company shall disclose the policy limits of an alleged tortfeasor who has been charged with an offense of driving under the influence within 30 days of a request for such disclosure. Under current law, such disclosure is required only if the alleged tortfeasor is convicted of such an offense. The bill also adds the offense of refusal to submit to a breath or blood test to the list of driving under the influence offenses for which disclosure of the insurance policy limits is required. (21100784D)

SB 1244 (Morrissey) (SJUD) repeals sections of the Code of Virginia authorizing civil commitment of sexually violent predators. (21100900D)

SB 1248 (Deeds) (SJUD) requires the appointed evaluator or the director of the community services board, behavioral health authority, or hospital to acknowledge receipt of the court order requiring a competency evaluation to be performed to the clerk of the court on a form developed by the Office of the Executive Secretary of the Supreme Court of Virginia as soon as practicable but no later than the close of business on the next business day following receipt of the court order. (21101003D)

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

requires an expedited review of appeals of permanent protective orders and of bond validation proceedings. (21101357D)

SB 1262 (Morrissey) (SJUD) provides that any person who is otherwise eligible to receive a restricted permit to operate a motor vehicle shall not be required to pay in full his fines and costs before being issued such restricted permit. (21101088D)

SB 1266 (Deeds) (SJUD) eliminates provisions regarding the rebuttable presumptions against being admitted to bail. (21101327D)

SB 1272 (Mason) (SJUD) provides that a court may commit a capital murder defendant to the inpatient custody of the Commissioner of the Department of Behavioral Health and Developmental Services provided that such defendant has remained unrestorably incompetent for a period of five years. The bill provides that after such defendant has been committed to the inpatient custody of the Commissioner, he may make interfacility transfers and treatment and management decisions regarding such defendant after obtaining prior approval of or review by the committing court. This bill is a recommendation of the Virginia Criminal Justice Conference. (21101328D)

SB 1315 (McClellan) (SJUD) permits the admission of evidence concerning a defendant's mental condition at the time of an alleged offense, including expert testimony, if such evidence (i) tends to show the defendant did or did not have the specific mental state required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. If a defendant intends to present expert testimony evidence, the bill requires him or his counsel to give notice in writing to the attorney for the Commonwealth. The bill also clarifies that a diagnosis of an intellectual or developmental disability shall be considered by a judicial officer for the purpose of rebuttal of a presumption against bail and that a court may order that a sentencing report prepared by a probation officer contain any diagnoses of an intellectual or developmental disability. Lastly, the bill adds to the requirements to be met for qualification as a court-appointed attorney two hours of continuing legal education, which shall cover the representation of individuals with behavioral or mental health disorders and individuals with intellectual or developmental disabilities. (21102652D)

SB 1336 (Stuart) (SFIN) provides that in any criminal case where a defendant's license to operate a motor vehicle, engine, or train is subject to revocation or suspension and the court orders a defendant, as a condition of probation or otherwise, to enter into and successfully complete an alcohol safety action program, the court may issue the defendant a restricted license to operate a motor vehicle where the only restriction is to prohibit the defendant from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for a period of not less than 12 consecutive months without alcohol-related violations of the interlock requirements. (21100657D)

SB 1340 (Hashmi) (SJUD) provides that the statute of limitations for an action on any contract, written or unwritten, to collect medical debt, including actions brought by the Commonwealth, is three years. (21101308D)

SB 1371 (Ruff) (SJUD) provides an affirmative defense in certain criminal prosecutions and civil proceedings regarding child abuse or neglect to a parent who safely delivers his child within the

first 14 days of the child's life to a newborn safety device located at a hospital that provides 24-hour emergency services or at an attended emergency medical services agency that employs emergency medical services personnel. The bill also provides civil and criminal immunity to such hospitals and emergency medical services agencies for injuries to children received through such newborn safety devices, provided that (i) the injuries are not the result of gross negligence or willful misconduct and (ii) the hospital or emergency medical services agency meets certain requirements regarding the establishment, functioning, and testing of the device. (21100286D)

SB 1415 (Stanley) (SJUD) changes the punishment and sentencing requirements for a violation of a preliminary child protective order so that the maximum penalty is a Class 1 misdemeanor and the court is no longer required to enter a permanent family abuse protective order (i.e., a protective order with a maximum duration of two years) upon a conviction of a violation of a preliminary child protective order. The bill provides that a violation of a preliminary child protective order is punishable as contempt of court; however, if the violation involves an act or acts of commission or omission that endanger the child's life, health, or normal development or result in bodily injury to the child, it is punishable as a Class 1 misdemeanor. Under current law, violations of preliminary child protective orders constitute contempt of court and are also subject to the same penalties as violations of preliminary, emergency, and permanent family abuse protective orders, including enhanced penalties for certain violations. This bill is a recommendation of the Virginia Criminal Justice Conference. (21101189D)

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

Expungement

SB 1283 (Morrissey) (SJUD) establishes a process for the automatic expungement of criminal records for misdemeanors, certain felony convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also provides a process for the automatic expungement of criminal records for charges arising from mistaken identity or the

unauthorized use of identifying information. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill. (21102250D)

SB 1294 (DeSteph) (SJUD) provides that the fee for filing a petition for expungement is \$25. The bill also eliminates the provision that requires the clerk of the court to refund a petitioner any filing costs paid if such petitioner's expungement petition is granted. (21102002D)

SB 1339 (Surovell) (SJUD) establishes a process for the sealing of police and court records, defined in the bill, of criminal records for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also allows a person to petition for the expungement of the police and court records relating to convictions of marijuana possession, underage alcohol or tobacco possession, and using a false ID to obtain alcohol and for deferred disposition dismissals for possession of controlled substances or marijuana, underage alcohol or tobacco possession, and using a false ID to obtain alcohol. The bill creates the Expungement Fee Fund, which is funded by all collected expungement fees. The bill provides that expungement fees shall not be refundable, but persons who are indigent or represented by court-appointed counsel shall not be required to pay such fees. The Fund is administered by the Executive Secretary of the Supreme Court and used to fund the costs of court-appointed counsel. The bill also requires a business that collects and sells or licenses the public record information of a consumer to implement security practices to protect the accuracy of a consumer's public record information, obtain express consent of a parent of a minor before selling the public record information of such minor, provide access to consumers to their own public record information that is held by the entity, refrain from maintaining or selling information that it knows to be inaccurate, and provide a means by which a consumer can opt out of the sale of his public record information. The bill provides that a violation could result in a civil penalty of up to \$7,500 or damages to be awarded to a consumer. The bill also provides for the award of attorney fees and costs. With the exception of the provisions regarding the Expungement Fee Fund, and the funding provisions of such fund, the bill has delayed effective date of July 1, 2022. The bill directs the Department of Criminal Justice Services to adopt emergency regulations to implement the provisions of the bill. (21100793D)

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

Education and Schools

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

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

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

Elections

HB 1746 (Cole, M.) (HPE) requires the general registrar of each county and city to provide for a live video recording of each polling place while absentee ballots are cast, votes are counted, and returns are completed, and of each central absentee precinct while ballots are handled and returns are completed. The general registrars are required to ensure the video coverage is recorded and retained until the deadline to request a recount has passed and, if any contest or recount is pending thereafter, until it has been concluded. The bill provides that each live video recording must include date and time indicators and be linked to the official website of the county or city. The Department of Elections is required to post links on its official website to the video coverage for viewing by the public. The bill provides that any disruption in video coverage shall not affect or prevent the continued casting of absentee ballots, counting of votes, or completion of returns, and is not grounds for an election contest. (21100832D)

HB 1758 (Campbell) (HPE)/**SB 1422** (Kiggans) (SPE) requires the State Registrar of Vital Records to transmit to the Department of Elections a weekly list of decedents from the previous week. Currently, this list is transmitted monthly. The bill requires the general registrars to use this information to conduct list maintenance and to promptly cancel the registration of a person on the list. (21102151D, 21102610D)

HB 1883 (VanValkenburg) (HPE) requires the governing body of a covered jurisdiction, prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, to either (i) institute an action in the Circuit Court of the City of Richmond for a declaratory judgment that the covered practice neither has the purpose or effect of denying or abridging the right to vote on account of race or color or membership in a language minority group nor will result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise or (ii) submit such covered practice to the Office of the Attorney General for issuance of a certification of no objection. No covered practice can be given effect until the Circuit Court of the City of Richmond has entered such judgment or the Attorney General has issued such certification. The bill permits certain persons to institute an action to compel the governing body of a covered jurisdiction to institute an action in the Circuit Court of the City of Richmond or to seek issuance of a certification of no objection and provides for appeals by the governing body or certain persons to decisions made by the Attorney General. A covered jurisdiction is defined by the bill as any

county or city that is determined by the Attorney General using annual American Community Survey data to have a voting age population that contains two or more racial or ethnic groups, each constituting at least 20 percent of its voting age population, but excludes any county or city that, on or after January 1, 2008, was exempt from the preclearance requirements of § 5 of the Voting Rights Act of 1965, as amended, pursuant to a declaratory jurisdiction issued by the United States District Court for the District of Columbia under § 4 of that Act. (21102660D)

HB 1890 (Price) (HPE)/**SB 1395** (McClellan) (SPE) prohibits any voting qualification or any standard, practice, or procedure related to voting from being imposed or applied in a manner that results in the denial or abridgment of the right of any United States citizen to vote based on his race or color or membership in a language minority group. The bill further prohibits at-large methods of election from being imposed or applied in a locality in a manner that impairs the ability of a protected class, defined in the bill, to elect candidates of its choice or to influence the outcome of an election, by diluting or abridging the rights of voters who are members of a protected class. Prior to enacting or administering a covered practice, defined in the bill, the governing body of a locality is required to publish the proposed covered practice and accept public comment for a minimum of 30 days on the proposed covered practice; after the public comment period, a 30-day waiting period is required. During this period, any person who will be subject to or affected by the covered practice may challenge the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. The bill permits the local governing body to instead submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection and, once such certification is issued, to enact or administer the covered practice. Certain unlawful actions, including knowingly communicating false information to voters, that are currently subject to criminal penalties will create civil causes of action under the bill. Current provisions related to language minority accessibility are moved to a newly created chapter relating to the rights of voters. (21102178D, 21102738D)

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

HB 2125 (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 person to vote in any election except as already permitted by law. The bill requires the Department of Elections to maintain a record of all preregistered voters in the Virginia voter registration system, which shall

automatically register a person who is preregistered upon that person reaching 18 years of age or becoming eligible for advance registration as already permitted by law, whichever comes first. The bill requires the Department to provide to the general registrars voter confirmation documents for such voters. (21100907D)

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

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

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

Emergency Operations and Services

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

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

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

Employment Issues and Grievances

HB 1785 (Ward) (HLC) requires the Safety and Health Codes Board to adopt regulations establishing standards designed to protect employees from heat illness, defined in the bill. The measure authorizes an employee to bring an action based on a violation of such standards in which injunctive relief and monetary damages may be sought. (21101346D)

HB 1977 (Askew) (HLC) provides that if an individual receives an overpayment of unemployment benefits under the state program that occurred due to an administrative error, the individual is not required to repay the overpayments. (21101673D)

Workers' Compensation – COVID-19

HB 1985 (Hurst) (HLC) establishes a presumption that COVID-19 causing the death or disability of health care providers who as part of the provider's employment are directly involved in diagnosing or treating persons known or suspected to have COVID-19 is an occupational disease compensable under the Workers' Compensation Act. The provisions of the bill will be effective retroactive to January 1, 2020. (21101723D)

SB 1342 (Vogel) (SCL) establishes a presumption that COVID-19 causing the death or disability of firefighters, emergency medical services personnel, law-enforcement officers, and correctional officers is an occupational disease compensable under the Workers' Compensation Act. The bill provides that the COVID-19 virus is established by a positive diagnostic test for COVID-19, an incubation period consistent with COVID-19, and signs and symptoms of COVID-19 that require medical treatment. The bill provides that such presumption applies to any death or disability occurring on or after March 12, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after March 12, 2020, and prior to December 31, 2021, the claimant received a diagnosis of COVID-19 from a licensed physician, after either a presumptive positive test or a laboratory confirmed test for COVID-19, and presented with signs and symptoms of COVID-19 that required medical treatment. (21101518D)

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

Environment

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

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

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

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

HB 2052 (Samirah) (HCCT) requires localities that have established a land bank to establish a procedure whereby the land bank shall have a right of first refusal for tax delinquent parcels prior to such property being sold at auction. The price for any such purchase by the land bank shall be \$1 and any court and transaction expenses. If a land bank exercises its right of first refusal to purchase a property from the locality and, in the judgment of the locality, fails to begin rehabilitation of the property or fails to take other action to cause reuse of the property within one year, such as transferring the property to a nonprofit entity, ownership of the property shall revert back to the locality. These provisions may be utilized for any parcel with a value that does not exceed 80 percent of the median value of parcels in the locality. (21102503D)

HB 2129 (Lopez) (HAG)/**SB 1354** (Hanger) (SACNR) requires the State Water Control Board to adopt by June 30, 2022, regulations establishing a Phase III Watershed Implementation Plan Enhanced Nutrient Removal Certainty Program (ENRC Program), consisting of a number of total nitrogen and total phosphorous waste load allocation reductions assigned to particular water treatment facilities with schedules for compliance. The bill provides that the ENRC Program shall operate in lieu of certain Chesapeake Bay waste load regulations. The bill directs the Board to modify affected discharge permits to incorporate the provisions of the ENRC Program and requires certain compliance plans due from treatment works by February 1, 2023, to address the requirements of the ENRC Program. The bill provides that the funding of certain design and installation costs for implementing nutrient upgrades pursuant to the ENRC Program shall be eligible for grants from the Water Quality Improvement Fund. The ENRC Program is required to proceed regardless of whether such grants will exceed the available funds in the Fund for a given fiscal year. The bill lists the projects and the total nitrogen or total phosphorus waste load allocation reductions that specified facilities are to complete. The bill provides that when grants to finance nutrient removal technology reach a sum sufficient to fund the completion of the ENRC Program at all publicly owned treatment works, certain General Assembly committees shall review funding needs and mechanisms. Finally, the bill directs the State Water Control Board to convene a stakeholder group during the adoption of regulations required to carry out the provisions of the bill

and provides that such adoption by the Board shall be exempt from certain procedures of the Administrative Process Act. The bill provides that the priority projects and waste load allocation reductions that it sets forth shall be deemed to implement goals of the Chesapeake Bay Phase III Watershed Implementation Plan. (21102709D, 21101859D)

HB 2173 (Plum) (Reported from HAG)/**SB 1164** (Hanger) (SACNR) defines "advanced recycling" as a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials and other materials. The bill also defines "gasification," "post-use polymer," and other terms related to advanced recycling. (21102840D, 21101637D)

HB 2187 (Hodges) (HAPP) directs the Commonwealth Center for Recurrent Flooding Resiliency to (i) undertake certain topics of study to assist the Commonwealth and achieve the mission of the Center, (ii) oversee the development of a Flood Resiliency Clearinghouse Program, (iii) research and provide recommendations for solutions that manage both water quality and flooding and emphasize nature-based solutions, and (iv) make final recommendations for solutions to be approved for flood mitigation that are deemed appropriate for permitting by certain agencies of the Commonwealth. (21103241D-H1)

HJ 552 (Levine) (HRUL) establishes a two-year joint subcommittee, consisting of eight legislative members and five nonlegislative citizen members, to study the development of a comprehensive and coordinated planning effort to address recurrent flooding in inland and urban areas across the Commonwealth. The joint subcommittee shall complete its work by November 30, 2022, and submit its findings and recommendations by the first day of the 2023 Session of the General Assembly. (21102098D)

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

HJ 569 (Jones) (HRUL) requests the Department of Forestry to convene a stakeholder advisory group for the purposes of studying and evaluating Virginia's current enabling statutes for local ordinances related to the preservation, planting, and replacement of trees during the land development process. (21102114D)

SB 1210 (Petersen) (SACNR) directs the Virginia Waste Management Board to adopt regulations to collect from any person operating certain facilities permitted for the disposal, storage, or treatment of nonhazardous solid waste such annual fees as are necessary to provide funding for the total direct costs of the nonhazardous solid waste management program when aggregated and combined with other existing fees. The bill also directs the State Water Control Board to adopt regulations specifying permit maintenance fees that each permitted facility shall pay to the Board for certain water quality or withdrawal permits. The bill requires the fee amounts to be set at an amount that is necessary to collect no less than 40 percent and no greater than 50 percent of the direct costs required for the administration, compliance, and enforcement of such permits. The bill

contains enactment clauses that (i) direct the relevant Boards to adopt such regulations by January 1, 2022, and (ii) provide for the expiration of existing provisions for similar permit fees contingent upon the adoption of such regulations. (21101993D)

SB 1258 (Marsden) (SFIN) requires the State Water Control Board to administer a Virginia Erosion and Sediment Control Program (VESCP) on behalf of any locality that notifies the Department of Environmental Quality that it has chosen not to administer a VESCP for any solar photovoltaic (electric energy) project with a rated electrical generation capacity exceeding five megawatts. The provisions of the bill become effective only when an appropriation effectuating funding of one full-time position to carry out the purposes of the bill on behalf of the State Water Control Board is included in a general appropriation act. (21103291D-S1)

SB 1311 (McClellan) (SACNR) requires the Department of Environmental Quality (the Department) to revise the applicable erosion and sediment control plan or stormwater management plan when a stop work order has been issued for violations related to certain pipelines to ensure compliance with state water quality standards. The bill changes from the Department to the State Water Control Board (the Board) the entity that approves such water quality standards and specifications for certain pipelines. The bill requires an applicant seeking modification or revocation of certain approvals or conditions from another state or federal agency that is likely to result in an adverse impact to state water quality to submit to the Board a copy of the request for such modification or revocation along with certain information. (21102522D)

SB 1373 (McClellan) (SACNR) requires the applicant for any (i) new or major modified stationary air pollution source, (ii) new landfill or transfer station, (iii) certification of site approval for a hazardous waste facility, (iv) new individual Virginia Pollutant Discharge Elimination System permit, (v) new individual Virginia Water Protection permit, (vi) new individual Virginia Stormwater Management Program permit, (vii) new individual Virginia Pollution Abatement permit, or (viii) individual ground water withdrawal permit for a new ground water withdrawal to complete certain public notice requirements, including (a) holding a public hearing; (b) publishing notices in English and Spanish in a newspaper, on social media, and on signage at the site location at least 60 days prior to such public meeting; (c) mailing notices to interested parties; (d) accepting written comments; (e) transcribing meeting information; and (f) responding to community concerns to the satisfaction of the Department of Environmental Quality. The bill removes an exemption for applicants for a permit to operate a new captive industrial landfill or a new construction-demolition-debris landfill from certain provisions relating to new landfills or transfer stations. The bill also removes an exemption from certain public notice requirements granted to local government or public authority applicants for a permit to operate a landfill or transfer station. (21102638D)

SB 1396 (Hashmi) (SACNR) authorizes the State Board of Health to use the Onsite Sewage Indemnification Fund to provide grants and loans to property owners with income at or below 200 percent of the federal poverty guidelines to repair failing onsite sewage systems or install onsite sewage systems on properties that lack adequate sewage disposal. The bill provides that no expenses shall be paid from the Fund to support the program for training and recognition of onsite soil evaluators, or to provide grants or loans to repair failing onsite sewage systems or install onsite sewage systems on properties that lack adequate sewage disposal in lieu of payment to any owner

or owners qualified to receive payment from the Fund. The bill also directs the Board to adopt regulations that include consideration of the impacts of climate change on proposed treatment works. The bill sets out the policy of the Commonwealth regarding wastewater infrastructure and establishes the four-member Wastewater Infrastructure Policy Working Group as an advisory board in the executive branch of state government to continually assess wastewater infrastructure needs and develop policy recommendations. The bill provides that the Working Group shall expire in 2030. The bill also directs the Department of Environmental Quality, in partnership with the Virginia Department of Health and in consultation with stakeholders, to estimate and report every four years the amount of wastewater infrastructure funding that is necessary to meet policy goals but is not eligible to be covered by grant funding pursuant to the Virginia Water Quality Improvement Act of 1997. (21102943D)

Energy

HB 1859 (Guy) (Passed House) changes the parameters for local ordinances authorizing loan contracts for the installation by property owners of clean energy, resiliency, or stormwater management improvements. The bill provides that if the property owner incurred the costs of improvements to be refinanced or reimbursed within the two years prior to the closing date of the financing, the loan amount may include the total costs of the improvements to be refinanced or reimbursed. The bill removes the requirement that the applicable local ordinance include the proposed interest rate for the loan program and the maximum aggregate dollar amount that may be financed with respect to a property, and it provides that no loan offered under the program shall be used to improve a residential dwelling that contains fewer than five dwelling units or a residential condominium. The bill alters the fee options available to the locality and provides that the placement of a voluntary special assessment lien does not require a new assessment of the value of the real property. The bill contains technical amendments. (21103098D-H1)

HB 2067 (Webert) (HAG) lowers from 150 to 50 megawatts the maximum generation capacity of an electrical generation facility that generates electricity only from sunlight to qualify for issuance of a permit by rule. (21101021D)

HB 2148 (Willett) (HAG) includes in the definition of a "small renewable energy project" certain energy storage facilities and projects that include storage facility components. Such facilities are eligible for special permitting, review, and inspection requirements. The bill directs the Department of Environmental Quality to promulgate initial regulations to implement the provisions of the bill by January 1, 2022. (21102904D)

Firearms

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

FOIA

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

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

Health and Human Services

HB 1874 (Coyner) (Reported from HHWI) provides that the State Board of Local and Regional Jails, in establishing the minimum standards for behavioral health services in local correctional facilities, shall include a requirement that if a behavioral health screening indicates that the person may have a mental illness, an assessment of his need for mental health services shall be conducted within 72 hours of the time of the screening. (21102895D-H1)

HB 2191 (Leftwich) (HHWI) provides that the local department of social services shall disclose to the parents of a child in the local department's custody the location of the child, unless the local department finds that such disclosure is not in the best interests of the child. (21100860D)

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

HJ 577 (Price) (HRUL) establishes a joint subcommittee to study oversight of Medicaid managed care organizations and provider networks in the Commonwealth, including (i) the current process by which the Department of Medical Assistance Services enters into contracts with managed care organizations for the delivery of services to Medicaid enrollees and the requirements of such

contracts; (ii) the process by which managed care organizations enter into and terminate contracts with providers in the Commonwealth, including any procedural requirements that must be met before a provider agreement is terminated and any opportunity for communication and correction by the provider; (iii) managed care organizations' provider networks, including demographic information about enrolled providers and recent changes in managed care organizations' provider networks, including demographic information about providers that have been added to or removed from provider networks in recent years; and (iv) whether changes should be made to contracts between the Department of Medical Assistance Services and managed care organizations to ensure providers are able to meet agreements set forth in provider agreements while ensuring the safety and well-being of Medicaid enrollees, and to develop recommendations for improving the process by which providers of Medicaid services are recruited, enrolled in, participate in, and are terminated from provider networks to ensure access to a diverse array of services and providers for all Medicaid enrollees in the Commonwealth. The joint subcommittee shall complete its meetings by November 30, 2021, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2022 Regular Session of the General Assembly. (21102249D)

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

SB 1302 (McPike) (SFIN) provides that the crisis call center, which under current law is administered by the Department of Behavioral Health and Developmental Services (the Department), shall be designated as the 9-8-8 Crisis Hotline Center for purposes of participating in the National Suicide Prevention Lifeline. The bill directs the Department, in its development of the crisis call center, community care teams, and mobile crisis teams, to comply with any applicable requirements of the National Suicide Hotline Designation Act of 2020, and to provide for consistency with federal guidelines promulgated under such law. The bill increases from \$0.75 to \$0.94 the wireless E-911 surcharge and increases from \$0.50 to \$0.63 the prepaid wireless E-911 charge. The bill provides that part of the revenue attributable to the increase would be distributed to the Crisis Call Center Fund, established by the bill, to fund the Department's costs in establishing and administering the call center, and that the remainder of the revenue would be distributed to public safety answering points (PSAPs). (21103475D-S1)

Children's Services Act

HB 2117 (VanValkenburg) (HED) requires that funds expended for special education services under the Children's Services Act only be expended on educational programs that are licensed by the Department of Education. The bill adds children and youth previously placed in approved private school educational programs for at least six months, who will receive transitional services in a public school setting for no longer than 12 months, to the target population for eligibility for the state pool of funds. The bill requires the Secretary of Education, in conjunction with the Office of Children's Services and the Department of Education, to establish a work group (the Work Group) with appropriate stakeholders to develop a detailed plan to direct the transfer of Children's Services Act funds currently reserved for children requiring an educational placement in a private

special education day school or residential facility to the Department of Education and to develop a standardized reporting process, template, and reporting requirement for private special education day school tuition rates to ensure that tuition rates can be accurately compared across schools and over time. The bill requires that the Work Group submit its plan and recommendations to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance and Appropriations by November 1, 2021. (21102547D)

SB 1313 (Mason) (SEH) requires that funds expended for special education services under the Children's Services Act only be expended on educational programs that are licensed by the Department of Education. The bill adds children and youth previously placed in approved private school educational programs for at least six months, who will receive transitional services in a public school setting for no longer than 12 months, to the target population for eligibility for the state pool of funds. The bill requires the Secretary of Education, in conjunction with the Office of Children's Services and the Department of Education, to establish a work group (the Work Group) with appropriate stakeholders to develop a detailed plan to direct the transfer of Children's Services Act funds currently reserved for children requiring an educational placement in a private special education day school or residential facility to the Department of Education and to develop a standardized reporting process, template, and reporting requirement for private special education day school tuition rates to ensure that tuition rates can be accurately compared across schools and over time. The bill requires that the Work Group submit its plan and recommendations to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance and Appropriations by November 1, 2021. (21102548D)

SB 1133 (Suetterlein) (SFIN) expands eligibility for use of the state pool of funds under the Children's Services Act to services that are provided in a public school setting and requires that private day schools be approved and licensed by the Department of Education or an equivalent out-of-state licensing agency to be eligible for the state pool of funds. The bill requires the Department of Education and relevant local school boards to develop and implement a pilot program for up to four years in two to eight local school divisions in the Commonwealth. In developing the pilot, the Department is required to partner with the appropriate school board employees in each such local school division to (i) identify the resources, services, and supports required by each student who resides in each such local school division and who is educated in a private school setting pursuant to his Individualized Education Program; (ii) study the feasibility of transitioning each such student from his private school setting to an appropriate public school setting in the local school division and providing the identified resources, services, and supports in such public school setting; and (iii) recommend a process for redirecting federal, state, and local funds, including funds provided pursuant to the Children's Services Act, provided for the education of each such student to the local school division for the purpose of providing the identified resources, services, and supports in the appropriate public school setting. The bill requires the Department of Education to make a report to the Governor, the Senate Committees on Education and Health and Finance and Appropriations, and the House Committees on Education and Appropriations on the findings of each pilot program after two and four years. (21103477D-S1)

Housing

HB 2046 (Bourne) (HGL) prohibits any locality, its employees, or its appointed commissions from discriminating (i) in the application of local land use ordinances or guidelines, or in the permitting of housing developments, on the basis of race, color, religion, national origin, sex, elderliness, familial status, or handicap or (ii) in the permitting of housing developments because the housing development contains or is expected to contain affordable housing units occupied or intended for occupancy by families or individuals with incomes at or below 80 percent of the median income of the area where the housing development is located or is proposed to be located. The bill also requires the Fair Housing Board, after determining the existence of an unlawful discriminatory housing practice and after consultation with the Attorney General, to immediately refer the matter to the Attorney General for civil action. (21101269D)

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

Land Use

HB 1738 (Wampler) (HGL)/**HB 2051** (Bourne) (HGL) defines "outdoor refreshment area" and permits the governing body of any locality in the Commonwealth to designate, by ordinance, up to three outdoor refreshment areas within such locality. The bill provides that such ordinance would permit the consumption of alcoholic beverages within the outdoor refreshment area, provided that such alcoholic beverages are purchased from a permanent retail on-premises licensee located within such designated area and are contained in disposable containers with a maximum capacity of no more than 16 fluid ounces that clearly display the selling licensee's name or logo. The bill requires the locality, prior to adopting such an ordinance, to create a public safety plan for each outdoor refreshment area. (21100448D, 21101653D)

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

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

Marijuana

HB 1860 (Guy) (HCT) makes it a Class 6 felony for any person to obtain or attempt to obtain any drug or procure or attempt to procure the administration of any controlled substance or marijuana by means of the Internet, United States Postal Service, or other commercial delivery provider without a valid prescription or order of a practitioner while acting in the course of his professional practice, with some exceptions provided for in the bill. (21101812D)

SB 1406 (Ebbin) (SRSS) eliminates criminal penalties for possession of marijuana for persons who are 21 years of age or older. The bill also modifies several other criminal penalties related to marijuana and provides for an automatic expungement process for those convicted of certain marijuana-related crimes. The bill establishes a regulatory scheme for the regulation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana testing facilities, marijuana wholesalers, and retail marijuana stores by the Virginia Alcoholic Beverage Control Authority, renamed as the Virginia Alcoholic Beverage and Cannabis Control Authority. The bill imposes a tax on retail marijuana, retail marijuana products, and marijuana paraphernalia sold by a retail marijuana store, as well as non-retail marijuana and non-retail marijuana products at a rate of 21 percent and provides that localities may by ordinance levy a three percent tax on any such marijuana or marijuana products. The bill provides that net profits attributable to regulatory activities of the Authority's Board of Directors pursuant to this bill shall be appropriated as follows: (i) 40 percent to pre-kindergarten programs for at-risk three and four year olds, (ii) 30 percent to the Cannabis Equity Reinvestment Fund, established in the bill, (iii) 25 percent to substance use disorder prevention and treatment programs, and (iv) five percent to public health programs. The bill creates the Cannabis Control Advisory Board, the Cannabis Equity Reinvestment Board, and the Cannabis Public Health Advisory Council. The bill has a delayed effective date of January 1, 2023, with provisions for the Authority's Board of Directors to promulgate regulations for the implementation of the bill and for implementation of the automatic expungement process to begin in due course. In addition, the bill establishes three work groups to begin their efforts in due course: one focused on public health and safety issues, one focused on providing resources for teachers in elementary and secondary schools, and one focused on college-aged individuals. (21101512D)

Public Safety/Criminal Justice

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

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

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

HB 1938 (Wyatt) (HCT) increases from a Class 1 misdemeanor to a Class 6 felony the penalty for injuring, destroying, removing, or tampering with any firefighting equipment or apparatus, emergency medical services vehicle, or law-enforcement vehicle or equipment. The bill also adds to this prohibition such interference with any other equipment or apparatus used by emergency medical services personnel or law-enforcement officers. (21102624D)

HB 1941 (Rasoul) (HCT) requires that, whenever a law-enforcement officer (i) discharges a firearm or (ii) uses a stun weapon or chemical irritant on a person resulting in death or serious bodily injury, any video or audio recording that relates to such incident produced or obtained by a law-enforcement officer be open to inspection and available for release and posted on a website that is maintained by the law-enforcement agency or on any other website on which the law-enforcement agency generally posts information and that is available to the public or that clearly describes how the public may access such data within 15 days of producing or obtaining such video or audio recording. The bill includes exceptions to such release. The bill also provides that any person denied the rights and privileges conferred may proceed to enforce such rights and

privileges by filing a petition for mandamus or injunction pursuant to the Virginia Freedom of Information Act. (21100443D)

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

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

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

HB 2047 (Bourne) (HCT) permits the admission of evidence concerning a defendant's mental condition at the time of an alleged offense, including expert testimony, if such evidence (i) tends to show the defendant did or did not have the specific mental state required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. If a defendant intends to present such evidence, the bill requires him or his counsel to give notice in writing to the attorney for the Commonwealth. The bill also clarifies that a diagnosis of an intellectual or developmental disability shall be considered by a judicial officer for the purpose of rebuttal of a presumption against bail and that a court may order that a sentencing report prepared by a probation officer contain any diagnosis of an intellectual or developmental disability. (21101702D)

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

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

HJ 530 (Hudson) (HRUL) directs the Virginia State Crime Commission to study the propriety and effectiveness of alternative approaches to the Commonwealth's enforcement scheme for the possession of controlled substances, including decriminalization of the possession of such substances. (21102140D)

HJ 568 (Delaney) (HRUL) directs the Virginia State Crime Commission to study methods and solutions to prevent girls who are victims of violence from entering the juvenile justice system. The Commission shall collect and disaggregate data that assists the Commission in developing recommendations for policies to ensure that girls are provided with the services and support needed for healing from violence when such girls come into contact with the juvenile justice system and policies that prevent girls who experience violence from coming into contact with the juvenile justice system. (21102084D)

SB 1306 (Morrissey) (SJUD) eliminates the mandatory minimum term of confinement of six months for an assault and battery committed against a judge, magistrate, law-enforcement officer, correctional officer, person directly involved in the care, treatment, or supervision of inmates, firefighter or volunteer firefighter, or emergency medical services personnel. The bill removes simple assault from enhanced punishment and provides that the enhanced punishment applies for assault and battery only when it results in bodily injury. The bill also provides that a jury or the court may find any person charged with such offense where the degree of culpability is slight, due to diminished physical or mental capacity or an autism spectrum disorder, not guilty of such offense but guilty of a simple assault or assault and battery, punishable as a Class 1 misdemeanor. The bill also provides that before any arrest, indictment, or service of a petition in the case of a juvenile is made for an alleged assault and battery against a law-enforcement officer, (i) such alleged assault and battery shall be investigated by another law-enforcement officer who was not the subject of such alleged assault and battery and (ii) the arrest, indictment, or service of a petition shall be approved by the attorney for the Commonwealth. (21102781D)

SB 1391 (Lucas) (SJUD) requires the Virginia Criminal Sentencing Commission to collect and disseminate, on an annual basis, statewide and locality-level data related to adults charged with criminal offenses punishable by confinement in jail or a term of imprisonment. The bill provides that any personal or case identifying information within the data shall not be subject to the Virginia Freedom of Information Act and shall not be made publicly available. The bill does not require that the Virginia Criminal Sentencing Commission submit such annual report prior to December 1, 2022. Additionally, the bill requires the Virginia State Crime Commission to provide the Virginia Criminal Sentencing Commission with the final dataset of all adults charged with a criminal offense punishable by confinement in jail or a term of imprisonment as of October 2017 and that the Virginia Criminal Sentencing Commission make such statewide and locality-level data publicly available on a website established and maintained by the Virginia Criminal Sentencing Commission as (i) an electronic dataset, excluding any personal and case identifying

information, that may be downloaded by members of the public and (ii) an electronic interactive data dashboard tool that displays aggregated data based on characteristics or indicators selected by the user, by October 1, 2021. This bill is a recommendation of the Virginia State Crime Commission. (21102813D)

SB 1443 (Edwards) (SJUD) eliminates all mandatory minimum sentences of confinement from the Code of Virginia. The bill also provides a petition process for a person who was convicted or adjudicated delinquent of a felony offense committed prior to July 1, 2021, except for a Class 1 felony or any felony that was punishable by a mandatory minimum term of confinement for life, and sentenced to a mandatory minimum term of confinement for such felony offense and who remains incarcerated in a state or local correctional facility serving the mandatory minimum term of confinement for such felony offense to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such mandatory minimum sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed. The bill provides that such petition shall be filed by July 1, 2024. This bill is a recommendation of the Virginia State Crime Commission. (21102953D)

Transportation

HB 1868 (Delaney) (Reported from HTRAN) disqualifies for life from holding a commercial driver's license persons convicted of a felony involving an act or practice of severe forms of trafficking in persons while driving a commercial motor vehicle. The bill prohibits the Department of Motor Vehicles and every district court or circuit court or the clerk thereof from reducing, dismissing, deferring, or otherwise concealing a conviction of any offense committed while operating a commercial motor vehicle or of any holder of a commercial driver's license or permit charged with any offense committed while operating a noncommercial motor vehicle and requires the Department and the courts to comply with federal laws and regulations regarding such convictions. The bill also authorizes Class A driver training schools to administer the commercial driver's license knowledge examinations. (21102058D)

HB 2026 (Tyler) (HTRAN) exempts motor vehicles equipped with side mirrors from the prohibition on applying or affixing sun-shading or tinting films to the rear side windows or rear windows of such motor vehicles. Current law prohibits such films that reduce the total light transmittance of such window to less than 35 percent. The bill also decreases from 50 percent to 35 percent the amount of total light transmittance that can be reduced by such films on the front side windows of motor vehicles equipped with side mirrors. (21101960D)

HB 2262 (Hurst) (HTRAN)/**SB 1263** (Morrissey) (Reported from STRAN) permits operators of bicycles to treat a stop sign as a yield sign in certain situations. The bill requires the driver of a motor vehicle to change lanes when overtaking a bicycle or certain other vehicles when the lane of travel is not wide enough for the overtaking motor vehicle to pass at least three feet to the left of the overtaken vehicle. The bill also removes the limitations on riding bicycles and certain other vehicles two abreast. (21101122D, 21101348D)

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

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

Department of Motor Vehicles

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

HB 2163 (Tran) (HTECH) limits the release of Department of Motor Vehicles (DMV) privileged information to government entities and law-enforcement agencies for the purpose of civil immigration enforcement unless (i) the subject of the information provides consent or (ii) the requesting agency presents a lawful judicial order, judicial subpoena, or judicial warrant. The bill requires the DMV to notify the subject of the request that such a request was made and the identity of the entity that made the request. The bill requires any entity receiving privileged information from the DMV to enter into a written agreement with the DMV prior to such release of such information and prohibits any entity from rereleasing any such DMV information to any third party unless explicitly permitted to do so in the entity's agreement with the DMV. The bill contains requirements for any such written agreement between the DMV and the Department of State Police. (21102762D)

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

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

Miscellaneous

HB 2031 (Aird) (House Floor) allows a locality or a public institution of higher education to authorize a local law-enforcement agency or campus police department to purchase or deploy facial recognition technology, which is defined in the bill. The bill prohibits a local law-enforcement agency or public institution of higher education currently using facial recognition technology from continuing to use such technology without such authorization after July 1, 2021. (HB2031E)

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

Courts/Public Safety

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

HB 2073 (Convriss-Fowler) (HCT) provides that, in a civil action for the wrongful death of an injured person, such an action may be brought by a personal representative of a decedent within two years of the conclusion of a criminal investigation of such death, if applicable. Under current law, a wrongful death action must be brought within two years of the death of the decedent. (21101459D)

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

Elections

HB 2082 (Levine) (HPE) requires meetings and hearings of the Virginia Redistricting Commission to be livestreamed, whether held virtually or in person, and to allow for public comment. Meetings and hearings that are held in person are required to be conducted in different regions of the Commonwealth, including the Northern Virginia region, the Central Virginia region, the Hampton Roads region, the Southside region, and the Southwest region. An additional public hearing is required to be held in the event that the initial plan for districts submitted by the Commission is rejected by the General Assembly. If adjustments are made to a proposed plan at any stage in response to public comment, the adjusted proposed plan is required to be published on the

Commission's website and a public hearing is required to be held. The bill subjects the Supreme Court of Virginia and the special masters appointed by the Court for the establishment of districts to the same requirements and restrictions to which the Commission is subject, including provisions related to the Virginia Freedom of Information Act and the ban on ex parte communications. Additionally, the bill changes the reallocation of persons incarcerated in federal, state, or local correctional facilities whose address at the time of incarceration was located outside of the Commonwealth or cannot be determined. Currently, such persons are counted as residing at the location of the facility in which he's incarcerated; under the bill, such persons would not be included in the locality's population count and instead would be allocated to a state unit not tied to a specific determined geographic location. (21102783D)

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

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

SB 1348 (Newman) (SPE) provides for an exception to the rule that prohibits a referendum from being placed on the ballot unless specifically authorized by statute or by charter, allowing each locality to provide by ordinance a process for holding an advisory referendum provided such advisory referendum is placed on the ballot not more than once per calendar year. (21101151D)

Absentee Voting

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

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

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

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

preprocessing, the bill requires a central absentee voter precinct to be established in the office of the general registrar. Additional central absentee voter precincts may be established at the discretion of the governing body. (21100746D)

SB 1376 (Saslaw) (SPE) requires certain actions to be taken to process absentee ballots returned before the day of the election, including opening sealed ballot envelopes and inserting the ballot into a ballot container or counting machine. The bill requires the establishment of a central absentee voter precinct in each locality; currently, establishment is optional. On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of the polls but that no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct before the close of the polls; a violation of such prohibition is a Class 1 misdemeanor. When reporting election results to the Department of Elections, the general registrars are required to report absentee ballots cast early in person separately from all other absentee ballots. The bill contains technical amendments for organizational and readability purposes. (21101782D)

FOIA

HJ 564 (Mullin) (HRUL) directs the Virginia Freedom of Information Advisory Council (FOIA Council) to study whether the provisions of the Virginia Freedom of Information Act (FOIA) allowing public bodies to charge requesters for the production of public records should be amended to make access to public records easier for requesters. The study further directs the FOIA Council to examine the current FOIA provisions on charges and make recommendations on ways to amend such provisions to make the assessment of charges by public bodies for the production of public records more uniform, more transparent, easier to understand, and less costly. The study directs the FOIA Council to consider comments from and seek participation in the study by citizens of the Commonwealth, representatives of state and local government entities, broadcast, print, and electronic media sources, open government organizations, and other interested parties. (21102750D)

Health and Human Services

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

Land Use

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

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

Taxation

HJ 536 (Mugler) (HRUL) directs the Joint Legislative Audit and Review Commission (JLARC) to study the distribution of remote sales and use taxes to localities. JLARC shall determine whether current practices are distributing the proper amount of revenue to each locality and recommend to the General Assembly any changes needed to improve the system. (21100847D)

Legislation Provided for Information

HB 1778 (Ward) (HCCT) provides that a locality may by ordinance require the removal of clutter from property, or may, whenever the governing body deems it necessary, after reasonable notice, have such clutter removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected. The bill defines "clutter" as including mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate. Violations of the bill are subject to the existing civil penalty applicable to violations of provisions relating to the removal of trash, garbage, refuse, litter, and similar substances from property. (21101674D)

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

Courts

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

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

Education/Schools

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

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

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

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

Elections

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

Environment and Energy

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

HB 1934 (Simon) (HLC) prohibits a public service corporation or other utility from constructing or installing a gas pipeline greater than 12 inches in diameter under any public road or state highway within a residential subdivision including under the median or any sidewalk running parallel to any such public road or state highway without prior written application and approval by the board of supervisors or other governing body of the locality in which such public road or state highway is located. Violations of the prohibitions are subject to a penalty of \$10,000 per each day of noncompliance. The bill also provides that any land use permit or other permit or any grant of use of right-of-way issued prior to July 1, 2021, by any agency or department of the Commonwealth, including the Department of Transportation, or of any locality, in connection with the construction or installation of any pipeline subject to the provisions of this bill, shall be void until the public service company or other utility has met the requirements of this bill. (21100166D)

HB 2030 (Krizek) (HAG) requires a person who uses a neonicotinoid pesticide, defined in the bill, to give prior written notice at every address within one-half mile and authorizes the Board of Agriculture and Consumer Services to adopt regulations to enforce the provisions of the bill. A violation of the failure to give notice is a Class 1 misdemeanor and shall be subject to an additional fine of up to \$500,000 if death or serious physical harm to any person is caused by the violation. The bill also authorizes any locality to regulate or prohibit the distribution, possession, or sale of any neonicotinoid or other pesticide that the locality deems harmful to pollinators or to regulate or prohibit any outdoor use in an area that is zoned for residential, business, commercial, or industrial use. A person who violates such ordinance shall be subject to a civil penalty, not to exceed \$50 for the first violation or violations arising from the same set of operative facts, and \$200 for subsequent violations within a 12-month period, but not to exceed \$3,000 within a 12-month period. (21102676D)

SB 1265 (Deeds) (SACNR) authorizes the Department of Environmental Quality to conduct inspections of the land-disturbing activities related to construction of any natural gas transmission pipeline equal to or greater than 24 inches inside diameter. Current law authorizes such inspections only if such inside diameter is greater than 36 inches. The bill also specifies certain instances that

may give rise to such inspection and authorizes the Department to issue a stop work order for every work area in Virginia in the event that adverse impacts or likely adverse impacts are found on a repeated, frequent, and widespread basis. (21101609D)

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

Firearms

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

Health and Human Services

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

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

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

Land Use

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

Public Safety/Criminal Justice

HB 1753 (Webert) (HAPP) establishes the Virginia Law Enforcement Professional Standards Commission Accreditation Grant Fund (the Fund) and the Virginia Law Enforcement Professional Standards Commission Accreditation Grant Program (the Program). The Fund and Program shall be overseen by the Department of Criminal Justice Services. Disbursements from the Fund shall be made to law-enforcement agencies to pursue accreditation from the Virginia Law Enforcement Professional Standards Commission. (21100771D)

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

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

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

HB 1894 (Kory) (Passed House) authorizes employees of the Department of Juvenile Justice designated as probation and parole officers or as juvenile correctional officers to possess and administer naloxone or other opioid antagonist for overdose reversal pursuant to an oral or written

order or standing protocol issued by the prescriber within the course of his professional practice. (21101928D)

HB 1909 (Subramanyam) (HPS) permits any school board to deem any non-school zone property that it owns or leases as a gun-free zone and prohibit any individual from knowingly possessing any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such individual is upon such property, except certain individuals such as law-enforcement officers and qualified retired law-enforcement officers. (21100496D)

HB 1951 (Simon) (Reported from HCT) abolishes the common-law crime of suicide. Suicide is currently a common-law crime in Virginia, although there is no statutorily prescribed punishment. (21100986D)

HB 1992 (Murphy) (HPS) prohibits a person who has been convicted of assault and battery of a family or household member from purchasing, possessing, or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor. (21100815D)

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

Transportation

HB 1801 (Edmunds) (HCT) increases the fine for dumping or disposing of litter, trash, or other unsightly matter on public or private property from a minimum of \$250 and a maximum of \$2,500 to a minimum of \$500 and a maximum of \$5,000. The bill also increases the mandatory minimum period of community service in lieu of confinement in jail from 10 hours to 40 hours. (21101638D)

HB 1828 (Roem) (Reported from HTRAN) authorizes the Commissioner of the Department of Motor Vehicles, for the duration of a declared state of emergency and for up to 90 days after it has been rescinded or expires, to (i) extend the validity or delay the cancellation of driver's licenses, special identification cards, and vehicle registrations; (ii) extend the time frame during which a driver improvement clinic or payment plan may be completed; (iii) extend the maximum number of days of residency permitted before a new resident must be licensed in Virginia to operate a motor vehicle in the Commonwealth; and (iv) extend the time frame during which a new resident may operate a motor vehicle in the Commonwealth that has been registered in another jurisdiction before registering the vehicle in the Commonwealth. (21102068D)

HB 1832 (Subramanyam) (HTRAN) requires any application for a transfer, extension, or amendment of a certificate of authority issued under the Virginia Highway Corporation Act to include information demonstrating the financial fitness of the entity applying to operate the roadway. The bill requires an applicant for a toll increase to provide a forward-looking analysis return that will be reviewed by the Department of Transportation that demonstrates that the proposed rates will be reasonable to the user in relation to the benefit obtained, not likely to

materially discourage use of the roadway, and provide the operator no more than a reasonable return. The bill also prohibits the State Corporation Commission from authorizing a toll increase if these criteria are not met or if the proposed increase is for more than one year. The bill requires an operator to receive approval from the Commission prior to refinancing any existing debt. (21101393D)

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

HB 1846 (Robinson) (Reported from HTRAN) clarifies that the prohibition on the use of a handheld personal communications device or other wireless communications device by the holder of a provisional driver's license applies regardless of whether or not the device is being used for communication purposes. The bill exempts the use of such device's 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. (21101770D)

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

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

HB 2106 (Fariss) (HTRAN) provides that the Commonwealth Transportation Board may name highways, bridges, interchanges, and other transportation facilities after living or deceased persons. (21101404D)

HB 1910 (Cole, J.) (HTRAN) authorizes two or more adjacent counties or cities to form a regional transportation authority to engage in regional transportation projects. The bill sets forth the procedures for forming such authority and determining the membership of its governing board. Ordinances adopted by each member of such authority would set forth the local taxes, fees, and revenues to be contributed by each locality to such authority. (21100751D)

HB 1893 (Hurst) (HAPP)/**SB 1212** (SFIN) authorizes the creation of a regional passenger rail station authority in Planning District 4 to assist in the creation and maintenance of passenger rail in the region. The authority would be authorized to enter into revenue sharing agreements and to

issue revenue bonds. The authority would be governed by a board consisting of members of each participating locality and institution of higher education. (21100517D, 21102192D)

HB 2077 (Marshall) (HTRAN) prohibits operating a motor vehicle while holding a companion animal. (21101801D)

HB 2253 (Wampler) (HTRAN) imposes a 48-month moratorium on the repayment of funds allocated to a locality for a bonded project pursuant to the Economic Development Access Program, provided that the conditions of the Commonwealth Transportation Board's economic development access policy are met. The bill has an emergency clause. (21102971D)

SB 1253 (McPike) (Reported from STRAN) directs the Commonwealth Transportation Board, in consultation with the Secretaries of Transportation and Commerce and Trade, to develop criteria to be used in the award of funds for access roads to economic development sites. The criteria shall take into account job creation, capital investment, and other relevant economic development considerations. (21100973D)

SB 1335 (Stuart) (Reported from STRAN) makes all use, except in a driver emergency or when the vehicle is lawfully parked or stopped, of a personal communications device by a holder of a learner's permit a primary offense. Current law creates a primary offense for holding a handheld personal communications device while driving a motor vehicle. (21100741D)