



Virginia Sexual and Domestic Violence
ACTIONALLIANCE

LEG UPDATE: 2023 GENERAL ASSEMBLY SESSION



**ON THE
DOCKET
WITH JPT**

First Friday
of every
month
12pm-1pm

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LEGISLATIVE UPDATE 2023 GENERAL ASSEMBLY SESSION



This year, the General Assembly Session ran from January 11th to February 25th

- In Virginia, odd numbered years (2021, 2023) are called “short sessions”, with 45 total calendar days to work on bills and state budget revisions.
- A state budget **was not agreed on**, so the work of Senate Finance and House Appropriations members continues past the 45-day period in order to reconcile a \$1 billion dollar gap between the Senate and House budgets.
- This year, 2200 bills were filed or introduced with only 867, or **39%** of these, being passed.
- This year, **25 delegates** are either retiring or seeking another office **and 10 senators** (with more than 160 years of combined legislative experience!) are not seeking re-election this Fall. This means that at least 25% of Virginia’s legislature, or 1 in 4 members, will be new in 2024!



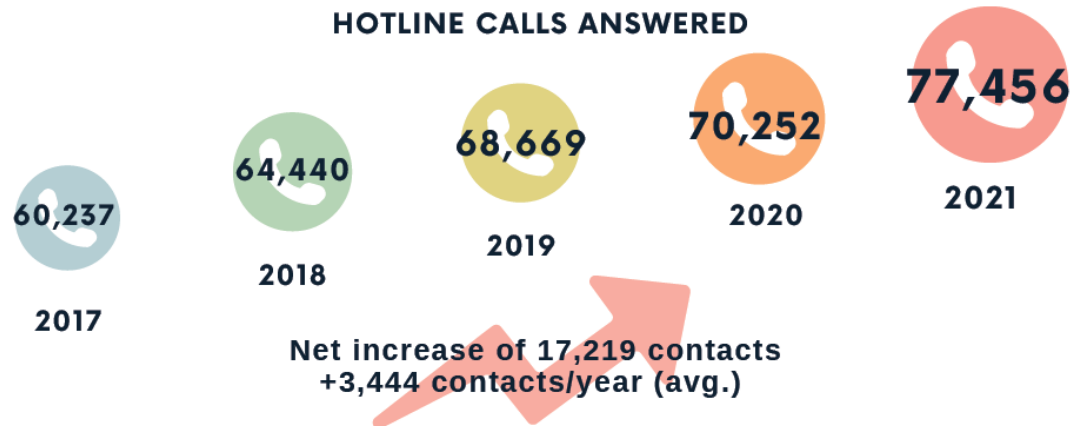
FUND THE PHONES!

SUSTAIN VIRGINIA'S 24/7 SEXUAL AND DOMESTIC VIOLENCE HOTLINE

An **annual investment of \$1.2M** can fully staff the Hotline with sexual and domestic violence advocates and sustain life-saving coverage across the state, 24/7, 365 days a year.

Support Budget Items **408 #4h** (Del. Morefield) and **408 #1s** (Sen. Favola)

5-YEAR HOTLINE TRENDS 2017-2021



THE HOTLINE SAVES LIVES AND RESTORES HOPE.

In 2021, survivors of violence reported that their advocate helped them to...



WHAT DO YOU THINK YOU WOULD HAVE DONE IF THESE SERVICES DIDN'T EXIST?

"I would have likely given up, stayed in an abusive relationship, and I might have been killed."

"My initial phone call gave me the courage to leave the abusive house with my children. The follow up care is helping me to stay out of the house and plan for the future."


"I spent 42 years with an abusive man. I didn't know that I was a victim of domestic violence. Not even when he put the gun to my head. I would probably be dead if these services did not exist."

"I didn't have anyone that I could talk to about my rape. I don't know what I would have done if these services didn't exist."

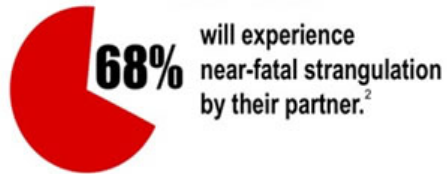
FUND THE PHONES!

ADDRESSING THE RISE IN DANGEROUS ACTS OF SUFFOCATION

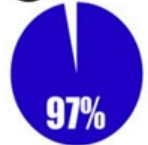
STRANGULATION: the obstruction of blood vessels and/or airflow in the neck resulting in asphyxia.

 **1 in 4** women will experience intimate partner violence (IPV) in their lifetime.¹

Of women at high risk, up to...



 **Loss of consciousness can occur within 5 - 10 seconds. Death within minutes.²**



are strangled manually (with hands).³



report losing consciousness.⁴



are strangled along with sexual assault/abuse.⁵ 9% are also pregnant.⁴



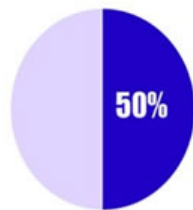
of strangled women believed they were going to die.⁶

And odds for homicide increase **750%**

for victims who have been previously strangled, compared to victims who have never been strangled.⁷

HOWEVER...

Oftentimes, even in fatal cases, there are **NO EXTERNAL SIGNS** of injury.³



Only half of victims have visible injuries



Of these, only 15% could be photographed

HB 1673 (Del. Bell) SB 1156 (Sen. Boysko)

Close the dangerous loophole in Virginia's strangulation statute

- ✓ A bill to amend Virginia's strangulation statute to include the lethal act of suffocation.

TALKING POINTS:

Throughout the pandemic, both frequency and lethality of intimate partner violence has been on the rise. Suffocation is an increasingly used and lethal tactic employed by abusers. However, given Virginia's current definition of strangulation, the specific act of restricting oxygen to someone's airways is not captured under current law, allowing many abusers to evade criminal charges and prosecution after committing these incredibly dangerous acts.

Status: **APPROVED** by Gov and goes into effect July 1st

An amended version passed out of the Senate and the bill passed as is in the House. We preferred the original version but Senator Surovell, Morrissey, and Petersen would not vote for it as is.





ALIGN FIREARMS SURRENDER PROTOCOL ACROSS VIRGINIA CODE

Guns and domestic violence are a lethal combination.

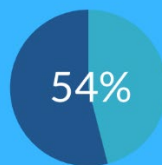


4.5m women have been threatened with a gun by an intimate partner.



→  The presence of a gun, **regardless of who owns it**, makes it five times more likely that a victim will be killed.

Domestic violence, sexual assault, and stalking offenders account for 54% of all mass shootings.



HB 1729 (Del. Bennett-Parker) SB 909 (Sen. Favola)

Ensure safe and lawful firearms transfer for those subject to final protective orders and those convicted of domestic violence

- ✓ A bill to clarify and align protocol for firearms transfer across Virginia code sections.

TALKING POINTS:

State and federal law prohibits respondents to final protective orders and those convicted of domestic violence from purchasing, possessing, or transporting firearms. But right now, our courts and law enforcement have no way of ensuring that firearms transfer is happening, leaving victims vulnerable to increasingly lethal threats of violence. Aligning protocol across code sections will not only create greater clarity, but it will also support robust implementation of the laws statewide.

Status: **FAILED** in House. Both bills passed out of the Senate, but failed in a House subcommittee on party-line votes

Much like abortion access and LGBTQ rights, firearms issues were hotly debated and unable to be passed through both chambers.



REPEAL VA'S PROHIBITION ON LGBTQ MARRIAGE

We support healthy relationships between consenting adults and believe that ALL Virginians have the right to safe, respectful, and violence free relationships and homes. Advancing equality and respect for LGBTQ Virginians is integral to creating communities free from sexual and domestic violence.

SJ 242 (Sen. Ebbin) and HJ 460 (Del. Anderson), bi-partisan effort to repeal the 2006 amendment to VA's Constitution.

Status: **FAILED** in House. Both passed out of Senate on party-line vote and failed in a House Subcommittee.

OTHER BILLS OF INTEREST



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- HB 1416 (Del. Brewer), SB 1436 (Sen. Dunnavant)** Reinstatement of STI testing for defendants in sexual assault cases
 - We **supported** w/OAG, VVAN, etc. These bills **PASSED** and go into effect July 1st

- HB 2129 (Delaney)** Child victims, expands eligible age for use of two-way closed-circuit TV.
 - We **supported** w/VVAN, VACA, VA NOW, etc. This bill **FAILED** to pass in the final hours of session.

- HB 2150 (Del. Delaney)** Trace Evidence Collection Kits
 - We **supported** w/FNEs, VVAN, etc. This bill **PASSED** and has a delayed enactment of July 1, 2025

2023 LEGISLATIVE PRIORITIES

We support ✓

- HB 1673 (Bell)/SB 1156 (Boysko) Close the loophole in VA's strangulation law
- HB 1789 (Bennett-Parker)/SB 909 (Favola) Clarify and align firearms transfer for DV
- Budget Item 408 #4h (Del. Moorefield) and 408 #1s (Sen. Favola) \$1.2M annually to sustain the Statewide SV/DV Hotline
- HJ 460 (Anderson) Repeal VA's discriminatory ban on LGBTQ marriage

We Oppose ✗

- HB 1707 (Durant) Forces school officials to out students who they believe may be presenting as anything other than their assigned sex at birth
- HB 1493 (Davis) Shared parenting presumption in child custody cases
- HB 2278 (Byron)/SB 1385 (Newman) 15-week abortion ban, criminalizes healthcare providers

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OTHER BILLS OF INTEREST



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- ✘ **HB 1493** (Davis) creating “Shared Parenting” presumption in child custody cases
 - We **opposed** w/VPLC, Family Law Coalition, etc. This bill **FAILED to pass** in House Committee.
- ✘ **HB 1707** (Durrant), **HB2432** (LaRock) forced outing for Trans youth in schools
 - We **opposed** w/EV, ACLU, and others. These bills **FAILED to pass** on party-line vote in Senate.
- ✘ **HB 2278** (Byron), **SB 1385** (Newman) 15-week ban on abortion access, criminalizes providers
 - We **opposed** along with repro advocates. These bills **FAILED to pass** on party-line vote in Senate.

2023 LEGISLATIVE PRIORITIES

We support (green circle with checkmark)

- Budget Item 408 #4h (Del. Moorefield) and 408 #1s (Sen. Favola) \$1.2M annually to sustain the Statewide SV/DV Hotline
- HJ 460 (Anderson) Repeal VA's discriminatory ban on LGBTQ marriage
- HB 1789 (Bennett-Parker)/SB 909 (Favola) Clarify and align firearms transfer for DV
- HB 1673 (Bell)/SB 1156 (Boysko) Close the loophole in VA's strangulation law

We Oppose (red circle with X)

- HB 1707 (Durrant) Forces school officials to out students who they believe may be presenting as anything other than their assigned sex at birth
- HB 1493 (Davis) Shared parenting presumption in child custody cases
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SO, WHAT'S NEXT/ON THE HORIZON?

Veto session, Wednesday April 12th

- This is where lawmakers consider the Governor's suggested amendments to bills and decide to accept, reject, or modify further. This is a marathon day that usually includes a few surprises.

Waiting on that final state budget...

- Lawmakers are set to return to Richmond on April 12 to take up vetoes and legislative amendments from Gov. Glenn Youngkin. If there's no budget to vote on by then, the next big deadline is June 30, when the state's current budget year ends.

NEW VIRGINIA LAWS 2023

- An annual legislative guide for sexual and domestic violence advocates and survivors intended to provide updates on what new laws will impact our work to respond to and prevent violence in Virginia. For previous guides, visit: <https://vsdvalliance.org/advancing-policy/legislative-advocacy/>



SO, WHAT'S NEXT/ON THE HORIZON?

A 10-year Sustainability Plan for Virginia's Movement to End Sexual and Domestic Violence

- The Sustainability Planning Alliance, a small group of SDVA Directors and Action Alliance leadership, have been meeting for the past 18-months to map out a plan that involves local and state partners, private and public funders, lawmakers, etc. in sustaining the future of our work.

Ongoing policy study groups

- Issue-specific inter-agency working groups will continue to examine issues like protective orders and firearms, criminal/legal systems reform, sustainability planning, etc. with the intention of building policy and practice-based solutions for the field.

Engaging the 35 new legislators this Fall and Winter!

- Given that 25% of our legislature will be brand new and we're losing quite a few SA/DV champions, it's imperative that we build new and meaningful relationships across the political and geographic spectrum





TRAUMA-INFORMED LAWYERING, SPRING SERIES

A trauma-informed legal practice helps to reduce re-traumatization and recognize the role trauma plays in the lawyer-client relationship. Integrating trauma-informed practices provides lawyers with the opportunity to increase connections to their clients and improve advocacy and outcomes. Training lawyers to be trauma informed in their approach will lead to improved services for survivors.

In this training, attendees will learn to recognize trauma in victims of domestic violence and understand its impact on memory, behavior, and the criminal justice process. Additionally, attendees will be introduced to trauma-informed approaches to representing survivors of domestic violence and the value of being a trauma-informed attorney

This 2-part series is geared towards lawyers working with survivors of domestic and/or sexual violence. It will be hosted virtually on May 12 and May 19 from 12-1pm. **The event is CLE approved!** Please let us know if you are seeking a CLE.

Next **On the Docket w/JPT** dates and topics include:

May 5th Protective Orders and Firearms
Restrictions in Virginia

June 2nd Tech Facilitated Abuse

July 7th Best Practices in Confidentiality
for SDV Advocates

August 4th Making Coordinated
Community Response (CCR) Teams
Work in your community

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