



2020 Legislative Update

INDEX

Alcoholic Beverage	2
Animals, Hunting & Fishing	2
Asset Forfeiture	4
Casino Gaming, Gambling & Lottery	4
Correctional Facilities	6
Crimes & Offenses	8
Criminal Procedure	10
Domestic Violence/Family Abuse	12
Drugs, Hemp & Tobacco	13
Fingerprints	15
Firearms & Concealed Weapons	16
Immigration Status	19
Investigations	20
Juveniles – Victims & Offenders	21
Law Enforcement – Protections, Requirements & Restrictions	24
Mental Health, Specialty Dockets & Detention Orders	27
Miscellaneous	29
Motor Vehicles – Driver's Licenses, Driver Privilege Cards & ID's	30
Motor Vehicles – Traffic Safety & Impaired Driving	31
Motor Vehicles – Vehicle Regulations	33
Parole & Early Release	34
Post-trial Provisions	35
Schools & Higher Education	36
Sex Offenses & Human Trafficking	37
Victims' Rights	39



2020 Legislative Update

Alcoholic Beverage Control (ABC)

HB 0923 **Alcoholic beverage control; interdiction; habitual drunkard; repeal.** Repeals the provision allowing a court to enter an order of interdiction prohibiting the sale of alcoholic beverages to any person who has shown himself to be a habitual drunkard. The bill also repeals the provision that disqualifies habitual drunkards from being able to obtain a concealed handgun permit.

Animals, Hunting & Fishing

HB 0388/SB 0262 **Special license to hunt elk.** Authorizes the Board of Game and Inland Fisheries (the Board) to create a special license for hunting elk in the elk management zone that is required in addition to a general hunting license. The bill authorizes the Board to establish (i) quotas and procedures for selection to purchase a special elk license, (ii) a nonrefundable application fee of \$15 for residents and \$20 for nonresidents and a special elk license fee at no more than \$40 for residents and \$400 for nonresidents, and (iii) guidelines permitting the transfer of special elk licenses to individuals, cooperators who assist in meeting agency hunting objectives, or wildlife conservation organizations whose mission is to ensure the conservation of Virginia's wildlife resources. The bill clarifies that a separate special license to hunt elk is not required to hunt elk outside of the designated elk management zone. This bill is identical to [SB 262](#).

HB 0449 **Unlawful hunting, fishing, or trapping; prohibition upon conviction.** Provides that any person convicted of violating a hunting, fishing, or trapping law may also be prohibited by the court from hunting, fishing, or trapping for a period of one to five years.

HB 1074 **Harassing animals; certain species.** Changes from "molest" to "harass" the term used in describing certain unlawful acts against animals of certain species.

HB 1096 **Injuries to churches or church property; dead animals.** Makes it a Class 1 misdemeanor for any person to maliciously place a dead animal within any church or on church property.

HB 1272 **Hunting license; senior resident lifetime license for hunting bear, deer, and turkey.** Directs the Board of Game and Inland Fisheries to provide a basic senior resident lifetime hunting license that includes both a basic hunting license and a special bear, deer, and turkey license. The license shall be available only to a resident of the Commonwealth who is 80 years of age or older and shall cost \$200.

HB 1552/SB 0272 **Tethering animals; adequate shelter and space.** Provides that the outdoor tethering of an animal does not meet the requirement of adequate shelter during a hurricane warning or tropical storm warning or if the animal is not safe from predators or well suited or equipped to tolerate its environment. The bill provides that unless an animal control officer has inspected an animal's individual circumstances and determined it to be safe from predators and well suited and equipped to tolerate its environment, no such outdoor tethering during a heat advisory, a severe weather warning, or a period when the temperature is 85 degrees Fahrenheit or higher or 32 degrees Fahrenheit or lower shall constitute the provision of adequate shelter. The measure increases the minimum tether length required to constitute adequate space to 15 feet in length or four times the length of the animal, whichever is greater. Current law requires the tether to be at least 10 feet in length or three times the length of the animal, whichever is greater. The bill provides an exception for a case in which an animal control officer, having inspected an animal's individual circumstances, determines that a shorter tether of at least 10 feet or three times the length of the animal makes the animal safer, more suited, and better equipped to tolerate its environment than a longer tether would.



HB 1573 Rabid animals. Makes it a Class 1 misdemeanor for an owner of a dog or cat who permits such dog or cat to stray from his premises when he knows or has been told by the local health department, law-enforcement agency, animal control agency, or any other person who has a duty to control or respond to a risk of rabies exposure that the dog or cat is suspected of having rabies.

SB 0303 Import and sale of dogs from certain breeders; penalty. Prohibits any dealer or commercial dog breeder from importing for sale, selling, or offering for sale any dog bred by a person who has received certain citations pursuant to enforcement of the federal Animal Welfare Act. A violation is a Class 1 misdemeanor.

SB 0336 Special fishing permits for certain youth camps. Authorizes employees of an organized nonprofit tax-exempt youth camp that holds a special fishing permit for certain youth camps to fish without a license in public waters adjacent to property owned by the camp. Current law only authorizes camp members under 18 years of age at such camp to fish without a license.

SB 0616 Department of Game and Inland Fisheries; name change. Renames the Department of Game and Inland Fisheries as the Department of Wildlife Resources and the Board of Game and Inland Fisheries as the Board of Wildlife Resources.

SB 0742 Rental or lease of dog or cat prohibited; civil penalty. Prohibits the rental or lease of a dog or cat to a consumer, including by a purported sale of the animal in a manner that vests less than full equity in the consumer at the time of the purported sale. The bill prohibits the sale of a dog or cat in which the animal is subject to repossession upon default of the agreement and prohibits any financial institution from offering a loan for which the animal is subject to repossession upon default of the loan. The bill provides that a violation of the provisions of the bill is a violation of the Consumer Protection Act and a business that violates the provisions of the bill may also have its retail license suspended or revoked. The bill exempts certain animals from its prohibitions, including purebred dogs leased for breeding; dogs or cats used in spectator events, motion pictures, racing, or other entertainment; and service dogs, guide or leader dogs, security dogs, law-enforcement dogs, military working dogs, and certified facility dogs. The bill has a delayed effective date of January 1, 2021.

SB 0772 Transportation of bait fish for sale; penalty. Prohibits the transportation for sale outside of the Commonwealth of river herring, alewife, threadfin shad, or gizzard shad, or the carcass or any part thereof, collected from the inland waters for use as bait fish. A violation of the provisions of the bill constitutes a Class 1 misdemeanor. The bill contains an emergency clause.

SB 0774 Big game hunting; guaranteed kills prohibited; penalty. Prohibits offering for sale, selling, offering to purchase, or purchasing a hunt guaranteeing the killing of a deer, bear, or wild turkey. The bill does not prevent a landowner from leasing land for hunting. A violation is punishable as a Class 1 misdemeanor; when the aggregate of such sales or purchases, or any combination thereof, by any person totals \$500 or more during any 90-day period, such violation is punishable as a Class 6 felony.

SB 0987 Hunting waterfowl; duck blinds. Prohibits hunting or shooting migratory waterfowl in the public waters of the Commonwealth from a boat, float, raft, or other buoyant craft or device within 150 yards of a residence without the consent of the landowner, except when in active pursuit of a visibly crippled waterfowl that was legally shot by the person. The bill requires a person hunting waterfowl or applying to license a stationary blind in public waters to also have a state and federal duck stamp.

SB 1030 Dangerous captive animal exhibits; penalty. Prohibits a keeper of dangerous captive animals, defined in the bill, from providing or offering to provide to any member of the public, for free or for a cost, direct contact with such dangerous captive animal. The bill provides that a violation is a Class 3 misdemeanor and that the keeper is subject to a fine of not more than \$500. The bill has a delayed effective date of July 1, 2021.



Asset Forfeiture

HB 1522 Forfeiture of property used in connection with the commission of crimes; finding of guilt required. Requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been found guilty of the crime authorizing the forfeiture, regardless of whether he has been sentenced. The bill provides that property may be forfeited even though no finding of guilt is made if (i) the forfeiture is ordered by the court pursuant to a plea agreement or (ii) the owner has not submitted a written demand for the return of the property within 21 days from the date the stay terminates. This bill incorporates [HB 225](#).

Casino Gaming, Gambling & Lottery

HB 0004/SB 0036 Lottery Board; regulation of casino gaming. Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board. The bill specifies the requirements for licensure of casino gaming operators and the conduct of casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. The location of casino gaming establishments shall be limited to eligible host cities that meet specified criteria: the Cities of Portsmouth, Richmond, Norfolk, Danville, and Bristol. The bill requires each eligible host city to hold a referendum on the question of whether to allow casino gaming in the city and, with the exception of the City of Richmond, to hold such referendum at the November 2020 general election. The bill imposes a tax ranging from 18 to 30 percent of the adjusted gross receipts of licensees, based upon a licensee's annual adjusted gross receipts, and provides for disbursement of the tax revenues. The bill requires the Board to establish a voluntary exclusion program allowing individuals to voluntarily list themselves as being barred from entering a casino gaming establishment or other facility under the jurisdiction of the Board. The bill establishes the Problem Gambling Treatment and Support Fund, administered by the Commissioner of Behavioral Health and Developmental Services, and the Virginia Indigenous People's Trust Fund, both of which are funded by proceeds from the casino gaming tax revenues. The bill also establishes the Regional Improvement Commission, consisting of a representative of each jurisdiction composing the transportation district in which the City of Bristol is located, to receive disbursements of gaming tax revenues and to prioritize and fund improvements in those jurisdictions. The bill requires the Virginia Racing Commission to authorize an additional 600 historical horse racing terminals each time a local referendum held by an eligible host city is approved, provided that the total number of additional machines does not exceed 2,000 statewide, and includes other provisions relating to the placement of historical horse racing terminals in the Commonwealth. The bill incorporates [HB 374](#), [HB 428](#), [HB 560](#), [HB 1343](#), and [HB 1661](#).

HB 0881/SB 0971 Illegal gambling; skill games; exception. Includes the playing or offering for play of any skill game in the definition of "illegal gambling." The bill also includes skill games within the definition of "gambling devices." The bill defines a "skill game" as an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash; cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; merchandise; or anything of value whether the payoff is made automatically from the device or manually. The bill exempts family entertainment centers from the prohibition against the playing or offering of any skill game, provided the prize won or distributed to a player by the skill games offered by such centers is a noncash, merchandise prize or a voucher, billet, ticket, token, or electronic credit redeemable only for a noncash, merchandise prize that also meets certain other requirements.



The provisions related to the prohibition of skill games have a delayed effective date of July 1, 2021. The bill provides for a one-year phase-out of currently existing skill games. Each distributor, defined as a person who distributes skill games to Virginia Alcoholic Beverage Control Authority (ABC) licensees and truck stops, would pay a monthly tax of \$1,200 for each skill game provided for play during the previous month. Revenues would accrue two percent to the Problem Gambling Treatment and Support Fund, two percent to the ABC for administering the bill's provisions, 12 percent to localities in which the skill games are located, and 84 percent to the COVID-19 Relief Fund, created by the bill. The COVID-19 Relief Fund would be used by the Governor solely for the purposes of responding to the Commonwealth's needs related to the Coronavirus Disease of 2019 pandemic.

Distributors would be required to report monthly to the ABC the number of skill games provided for play. Distributors would be prohibited from increasing the number of machines above the number provided for play as of July 1, 2020 and would be prohibited from operating new skill games. Distributors would be subject to a civil penalty of up to \$50,000 for violations the provisions of the bill. The remaining provisions of the bill, which prohibit skill games, would become effective on July 1, 2021.

HB 0896/SB 0384 Sports betting; Problem Gambling Treatment and Support Fund; penalties. Directs the Virginia Lottery (the Lottery) to regulate sports betting. The bill prohibits the Lottery from issuing any permits to conduct sports betting until it has developed and published a consumer protection bill of rights.

Before administering a sports betting operation, an entity is required to apply for a three-year permit and pay a nonrefundable application fee of \$250,000 as well as an additional \$250,000 fee if its application is approved. Permit holders must apply for renewal of a permit every three years, which includes a nonrefundable renewal fee of \$200,000. The Director of the Virginia Lottery may issue from four to 12 permits at one time and is directed to issue a number of permits that will maximize tax revenue collected pursuant to the bill. In issuing permits, the Director is required to give preferred consideration to applicants that are (i) certain major league sports franchises and (ii) certain casino operators.

The bill prohibits betting on Virginia college sports and youth sports and prohibits proposition bets on all college sports. The bill prohibits betting by Lottery employees, permit holders and certain related persons, athletes and coaches with respect to events in their league, and persons under age 21. The penalty for engaging in prohibited betting is a Class 1 misdemeanor.

The bill prohibits betting on the biometric data of an athlete without his consent and includes provisions for the Lottery to investigate prohibited conduct, such as attempting to influence an athlete or the outcome of an athletic event.

The bill directs the Lottery to establish a voluntary exclusion program, which allows individuals to request that the Lottery exclude them from engaging in various kinds of betting activity.

The bill allows the governing body of a sports league to request that the Lottery (a) limit or prohibit people from betting on events of the league that it governs and (b) restrict the information sources used to resolve bets that are placed after a sports event has begun.

The bill imposes a 15 percent tax on a permit holder's adjusted gross revenue, defined in the bill. The bill authorizes permit holders to carry over and deduct net losses for up to 12 months.

The bill creates the Problem Gambling Treatment and Support Fund, administered by the Department of Behavioral Health and Developmental Services. The Fund is established to provide counseling to compulsive gamblers, implement problem gambling treatment and prevention programs, and provide grants to organizations that assist problem gamblers. The Fund is funded by 2.5 percent of the revenue generated from sports betting, with the remaining 97.5 percent accruing to the general fund.



[SB 0199](#) Conduct of charitable gaming. Removes restrictions regarding (i) the number of calendar days that charitable gaming may be conducted, (ii) the number of bingo sessions that may be played in any calendar day and the number of bingo games that may be played during each session, and (iii) the locations at which games may be played.

Correctional Facilities

[HB 0659](#) Department of Corrections; workgroup; recommendations to assist people with developmental disabilities. Directs the Department of Corrections to create a workgroup to review current guidelines and develop recommendations that recognize and make accommodations for people with developmental disabilities.

[HB 1093](#) Prisoners; obtaining certain identification documentation upon release. Requires the Department of Corrections and the sheriff, jail superintendent, or other jail administrator of a local correctional facility to provide the assistance necessary for any prisoner who does not already possess a government-issued identification card to apply for and obtain such identification. The requirement would apply for any prisoner who has been confined for a period of 90 days or more. If a prisoner is unable to obtain a government-issued identification, the Department would provide a Department of Corrections Offender Identification form. The bill further requires all costs and fees associated with obtaining such identification documentation to be paid by the prisoner unless the prisoner is determined to be indigent. Current law authorizes local correctional institutions to issue special identification cards prior to the release of any prisoner and requires the prisoner to pay all costs and fees associated with obtaining such card. This bill is identical to [HB 1467](#).

[HB 1284](#) Correctional facilities; use of isolated confinement. Directs the Board of Corrections, in consultation with a stakeholder work group, to conduct a review of the standards and requirements governing, and the application and use of, isolated confinement in local correctional facilities.

[HB 1544](#) Strip searches of children. Provides that no child under the age of 18 shall be strip searched or subjected to a search of any body cavity by a law-enforcement officer or a jail officer. The bill provides exceptions for (i) children committed to the Department of Juvenile Justice or confined or detained in a secure local facility for juveniles or a jail or other facility for the detention of adults; (ii) persons taken into custody by or remanded to a law-enforcement officer pursuant to a circuit or district court order; and (iii) children in custodial arrest when there is reasonable cause to believe on the part of a law-enforcement officer or jail officer authorizing the search that the child is concealing a weapon.

[HB 1648](#) State correctional facilities; treatment of prisoners known to be pregnant or who are parents of minor children. Provides for rules and regulations regarding the treatment, control, and education of prisoners known to be pregnant and prisoners who are primary caretakers of minor children in state correctional facilities. The bill requires the Department of Corrections to include in the training it provides for state correctional officers and juvenile correctional officers who may have contact with pregnant inmates training on the general care of pregnant women and the impact of restraints, restrictive housing or solitary confinement, and body cavity searches on such inmates. The bill requires the Director of the Department of Corrections, after accounting for safety, security, and operational factors, to place prisoners who are known primary caretakers of minor children in a facility as close as possible to such children. The bill also requires correctional officers, when (i) contact is required between such officer and an inmate, (ii) the inmate is required to disrobe, and (iii) the officer is not the same gender as the inmate, to submit a written report to the official in charge of the state or local correctional facility within 72 hours following the incident containing the justification for the suspension of the requirement that such incident occur only during the period of a declared emergency. The bill further authorizes the Director of the Department of Corrections to prescribe reasonable rules regarding visitation that include authorization of visitation by



minor dependents of prisoners who are primary caretakers of minor children with Level 1 or Level 2 security classifications.

SB 0215 Review of death of inmates in local correctional facilities; report. Provides that the Board of Corrections shall publish, on its website, an annual report summarizing the jail death reviews conducted by the Board within that year. The bill provides that such report shall include any trends or similarities among the deaths of inmates in local correctional facilities and present recommendations on policy changes to reduce the number of deaths in local correctional facilities.

SB 0622 State Board of Corrections; rename as the State Board of Local and Regional Jails; powers and duties. Authorizes the Director of the Department of Corrections to develop and establish operating procedures to maintain prisoners residing in state correctional facilities and under the supervision of Department of Corrections probation and parole, including establishing regulations for human research, prescribing rules to govern home/electronic incarceration programs, and prescribing rules regarding the wages paid to persons participating in programs under the supervision of probation and parole. The bill requires the State Board of Corrections, upon determining that a local correctional facility is not in compliance with the minimum standards for construction, equipment, administration, or operation of local correctional facilities, to provide written notice of such determination to the local correctional facility. The bill also renames the State Board of Corrections as the State Board of Local and Regional Jails (the Board), authorizes the Board to appoint and employ an executive director, and requires the Board to report annually to the General Assembly and the Governor on the results of inspections and audits of local, regional, or community correctional facilities and the reviews of the deaths of inmates that occur in any local, regional, or community correctional facility.

SB 1023 State correctional facilities; visitation. Sets visitation and search policies for visitors to state correctional facilities, including the circumstances under which visits may include or exclude personal contact. The bill prohibits strip searches and searches of any body cavity of any child under 18 years of age and provides that visitors will not be barred from future visits if they (i) stop a search prior to the discovery of contraband or (ii) refuse to be searched.

SB 1024 Detector canines and detector canine handlers; training and database. Requires the Department of Criminal Justice Services to establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of canines used by the Department of Corrections, and a database on the performance and effectiveness of detector canines. The bill requires that correctional officers employed by the Department of Corrections comply with such requirements.

SB 1089 Visiting state correctional facilities; strip searches of those entering. Provides that no child under the age of 18 who is seeking entrance to a state correctional facility shall be strip searched or subjected to a search of any body cavity under any circumstances. The bill also provides that the Department may not permanently ban any person, or insinuate that any person will be permanently banned, from seeking entrance to a state correctional facility on the basis of such person's refusal to consent to a strip search or a search of any body cavity when such person is seeking to enter the interior of any state correctional facility. The bill provides that the Department may deny such person entry to the facility, unless otherwise provided by law, but may not deny such person any future entry on the basis of a prior refusal to consent.



Crimes & Offenses

HB 0276 Virginia State Police; reporting hate crimes. Includes within the definition of "hate crime" a criminal act committed against a person or the person's property because of disability, as defined in the bill, sexual orientation, gender, or gender identification and requires the reporting of the commission of such crime to the State Police. This bill incorporates [HB 1058](#).

HB 0618 Hate crimes; gender, disability, gender identity, or sexual orientation; penalty. Adds gender, disability, gender identity, and sexual orientation to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds gender, disability, gender identity, and sexual orientation to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by gender, disability, gender identity, or sexual orientation, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of gender, disability, gender identity, or sexual orientation. The bill also eliminates the mandatory minimum terms of confinement for such hate crimes. The provisions of the bill are contingent on funding in a general appropriation act. This bill incorporates [HB 488](#).

Further, the bill makes applicable to all persons, regardless of the gender of the victim, the crimes of (i) assisting or aiding in the abduction of or threatening to abduct a female under 16 years of age for the purpose of concubinage or prostitution; (ii) placing or leaving one's wife in a bawdy place; and (iii) defaming the chaste character of a female. The bill provides that a defendant placed on probation may be ordered to provide support for the defendant's spouse; currently, the law only provides for support of a defendant's wife. The bill also amends various criminal and criminal procedure laws to make them applicable to both same-sex and opposite-sex married couples.

HB 0833/SB 0008 Prevailing wage; public works contracts; penalty. Requires contractors and subcontractors under any public contract with a state agency, or with a locality that has adopted an ordinance requiring the payment of prevailing wages, for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. The provisions of the bill would not apply to any contract for public works of \$250,000 or less. The Commissioner of Labor and Industry is required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act. A contractor or subcontractor who willfully employs any mechanic, laborer, or worker to perform work contracted to be done under the public contract at a rate that is less than the prevailing wage rate is guilty of a Class 1 misdemeanor. In addition, such a contractor or subcontractor shall be liable to such individuals for the payment of all wages due plus interest and shall be disqualified from bidding on public contracts with any public body until full restitution has been paid to the individuals. This bill is identical to [SB 8](#).

HB 0995/SB 0788 Grand larceny; threshold. Increases from \$500 to \$1,000 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes. This bill incorporates [HB 263](#).

HB 1044 Unauthorized use of electronic tracking device; penalty. Increases from a Class 3 misdemeanor to a Class 1 misdemeanor the punishment for a person who installs or places an electronic tracking device through intentionally deceptive means and without consent, or causes an electronic tracking



device to be installed or placed through intentionally deceptive means and without consent, and uses such device to track the location of any person.

HB 1071 Profane swearing in public. Removes the crime of profane swearing in public, which is currently punishable as a Class 4 misdemeanor. This bill incorporates [HB 132](#).

HB 1244/SB 0812 Virginia Telephone Privacy Protection Act. Provides that for the purposes of the Virginia Telephone Privacy Act (the Act), "telephone solicitation call" includes any text message sent to any wireless telephone with a Virginia area code, or to a wireless telephone registered to any natural person who is a resident of the Commonwealth, for the purpose of offering or advertising any property, goods, or services for sale, lease, license, or investment, including offering or advertising an extension of credit or for the purpose of fraudulent activity. The bill prohibits a telephone solicitor from engaging in any conduct that results in the display of false or misleading caller identification information on the called party's telephone. The bill increases the amount of damages and the amount of the civil penalty for violations of the Act from \$500 for each such violation to \$500 for a first violation, \$1,000 for a second violation, and \$5,000 for each subsequent violation and increases to \$5,000 the maximum civil penalty the court may impose for a willful first or second violation.

HB 1627 Threats and harassment of certain officials and property; venue. Provides that certain crimes relating to threats and harassment may be prosecuted in the City of Richmond if venue cannot otherwise be established and the victim is (i) the Governor, Governor-elect, Lieutenant Governor, Lieutenant Governor-elect, Attorney General, or Attorney General-elect, a member or employee of the General Assembly, a justice of the Supreme Court of Virginia, or a judge of the Court of Appeals of Virginia and (ii) such official or employee was threatened or harassed while engaged in the performance of his public duties or because of his position with the Commonwealth. In addition, threats to damage property may be prosecuted in the City of Richmond if venue cannot otherwise be established and the property is owned by the Commonwealth and located in the Capitol District.

SB 0064 Paramilitary activities; penalty. Provides that a person is guilty of unlawful paramilitary activity if such person brandishes a firearm or any air-operated or gas-operated weapon or any object similar in appearance while assembled with one or more persons for the purpose of and with the intent to intimidate any person or group of persons. Such unlawful paramilitary activity is punishable as a Class 5 felony.

SB 0179 Hate crimes; gender, disability, gender identity, or sexual orientation; penalty. Adds gender, disability, gender identity, and sexual orientation to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds gender, disability, gender identity, and sexual orientation to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by gender, disability, gender identity, or sexual orientation, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of gender, disability, gender identity, or sexual orientation. The bill also eliminates the mandatory minimum terms of confinement for such hate crimes.

SB 0378 Computer trespass; penalty. Expands the crime of computer trespass to provide that the prohibited actions that constitute computer trespass are criminalized if done through intentionally deceptive means and without authority and specifies that a computer hardware or software provider, an interactive computer service, or a telecommunications or cable operator does not have to provide notice of its activities



to a computer user that a reasonable computer user should expect may occur. This bill incorporates [SB 844](#).

[SB 0391](#) Adult abuse; financial exploitation; required report by financial institution. Requires financial institutions to report to the local department of social services or the adult protective services hotline within five business days any refusal to execute a transaction, delay of a transaction, or refusal to disburse funds based on a good faith belief that such transaction or disbursement may involve financial exploitation of an adult.

[SB 1003](#) Computer crimes; monetary harm; penalty. Provides that it is a Class 1 misdemeanor for any person who, without the intent to receive any direct or indirect benefit, maliciously sends an electronically transmitted communication containing a false representation intended to cause another person to spend money, and such false representation causes such person to spend money.

Criminal Procedure

[HB 0100/SB 0325](#) Voir dire examination of persons called as jurors; criminal case. Allows the court and counsel for either party in a criminal case to (i) ask potential jurors any relevant question to ascertain whether the juror can sit impartially in either the guilt or sentencing phase of the case and (ii) inform any potential juror as to the potential range of punishments to ascertain if the person or juror can sit impartially in the sentencing phase of the case.

[HB 0113](#) Protected information; newsmen engaged in journalism. Provides that no newsmen engaged in journalism shall be compelled by the Commonwealth or a locality in any criminal proceeding to testify about, disclose, or produce protected information, as defined in the bill, except when the court finds that (i) the protected information is necessary to the proof of an issue material to an administrative or criminal proceeding; (ii) the protected information is not obtainable from any alternative source; (iii) the Commonwealth or locality exhausted all reasonable methods for obtaining the protected information from all relevant alternative sources, if applicable; and (iv) there is an overriding public interest in the disclosure of the protected information, including preventing harm to or death of a person. The bill further provides that any information obtained in violation of the provisions of the bill shall be inadmissible for any purpose in an administrative or criminal proceeding.

[HB 0780](#) Returns of service; acceptance of copies of proofs of service. Provides that a photocopy, facsimile, or other copy of the original proof of service shall be accepted by the clerk's office as if it were an original proof of service for the purposes of complying with the return of service process to the clerk's office, provided that the proponent provides a statement that any such copy is a true copy of the original.

[HB 0792/SB 0545](#) Appeals of right in general district court; appeals of final orders or judgements entered in the same action or related action. Provides that there shall be an appeal of right to a court of record from any order entered or judgment rendered in a general district court that alters, amends, overturns, or vacates any prior final order. The bill further provides that if any party timely notices such an appeal, such notice of appeal shall be deemed a timely notice of appeal by any other party on a final order or judgment entered in the same or a related action arising from the same conduct, transaction, or occurrence as the underlying action. As introduced, the bill was a recommendation of the Boyd-Graves Conference.

[HB 0824](#) Ex parte requests for expert assistance in criminal cases. Provides that in any case in which a defendant is charged with a felony offense or a Class 1 misdemeanor and determined to be indigent by the court, the defendant or his attorney, upon notice to the Commonwealth, may move the court to designate



another judge in the same circuit to hear an ex parte request for appointment of a qualified expert to assist in the defense. For a motion for expert assistance, the bill requires a defendant or his attorney to state under oath or in a sworn declaration that a need for confidentiality exists. Upon receiving the defendant's or his attorney's declaration of need for confidentiality, the court is required to conduct an ex parte hearing as soon as practicable on the request for authorization to obtain expert assistance. After a hearing upon the motion, the court is required to authorize the defendant or his attorney to obtain expert assistance upon a showing that the requested assistance would materially assist the defendant and that the denial of such services would result in a fundamentally unfair trial.

Under current law, in a capital case, a defendant or his attorney is required to show, in an adversarial proceeding before the trial judge, a particularized need for confidentiality of the request for expert assistance. Upon a finding, by clear and convincing evidence, that a particularized need for confidentiality of the expert services exists, the court holds an ex parte hearing and may order the appointment of a qualified expert upon a showing that the provision of the requested expert services would materially assist the defendant in preparing his defense and the lack of such confidential assistance would result in a fundamentally unfair trial. There is no such procedure to appoint a qualified expert in noncapital cases.

HB 0873 Discovery in criminal cases. Establishes requirements and procedures for discovery by an accused and by the Commonwealth in a criminal case. The bill requires a party requesting discovery to request that the other party voluntarily comply with such request prior to filing any motion before a judge. Upon receiving a negative or unsatisfactory response, or upon the passage of seven days following the receipt of the request without response, the party requesting discovery may file a motion for discovery with the court. The bill details information that is subject to discovery and provides that discovery shall be provided at a reasonable time before trial but that in no case shall it be provided later than (i) 14 days before trial on a misdemeanor in circuit court, (ii) 30 days before trial on a felony or multiple felony counts punishable by confinement in a state correctional facility for an aggregate of 30 years or less, or (iii) 90 days before trial on a felony or multiple felony counts punishable by confinement in a state correctional facility for an aggregate of more than 30 years. The bill also provides a mechanism for redaction of certain personal identifying information and creates a procedure for either party to move the court to enter a protection order with regard to discovery. Finally, the bill grants the court the ability to impose various remedies it deems just if a party fails to comply with any of the requirements. This bill incorporates [HB 1153](#).

HB 1213 Authority of local government employees to issue summonses for misdemeanor violations of local ordinances. Permits localities to appoint and train local government employees to enforce local ordinances by issuing summonses for misdemeanor violations of ordinances that are within the scope of the employee's employment with the exception of traffic offenses and those offenses set forth in Title 18.2, Crimes and Offenses Generally. The bill provides that such employees shall not have the power and authority of constables at common law and their power shall be limited to issuing such summonses in their locality.

HB 1462 Admission to bail; rebuttable presumptions against bail. Eliminates the provision prohibiting a judicial officer who is a magistrate, clerk, or deputy clerk of a district court or circuit court from admitting to bail, that is not set by a judge, any person who is charged with an offense giving rise to a rebuttable presumption against bail without the concurrence of an attorney for the Commonwealth. The bill also eliminates the requirement that notice be provided to the attorney for the Commonwealth before such judicial officer may set or admit a person to bail.

SB 0801 Subpoena duces tecum; attorney-issued subpoena duces tecum; criminal cases. Provides that in any criminal case a subpoena duces tecum may be issued by the attorney of record who is an active member of the Virginia State Bar at the time of issuance, as an officer of the court. The bill provides that any such subpoena duces tecum shall be on a form approved by the Executive Secretary of the Supreme Court of Virginia, signed by the attorney as if a pleading, shall include the attorney's address, and shall be mailed or delivered to the adverse party. The bill also provides that the law governing subpoenas duces



tecum issued pursuant to Rule 3A:12(b) shall apply and provides a process for objection to such attorney-issued subpoenas.

Domestic Violence/Family Abuse

HB 0880 **Protective orders; motions to dissolve filed by petitioner; ex parte hearing and issuance of order.** Provides that, upon motion by a petitioner to dissolve a protective order, a dissolution order may be issued on an ex parte basis with or without a hearing and that a hearing on such a motion shall be heard by the court as soon as practicable. The bill further provides that a dissolution order granted on an ex parte basis shall be served upon the respondent.

HB 1004/SB 0479 **Protective orders; possession of firearms; surrender or transfer of firearms; penalty.** Prohibits any person subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) from knowingly possessing a firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order such person may continue to possess such firearm for the purposes of selling or transferring it to any person who is not otherwise prohibited by law from possessing such firearm. A violation of this provision is a Class 6 felony. The bill also provides that a court shall order a person subject to a permanent protective order to (i) within 24 hours, surrender any firearm possessed by such person to a designated local law-enforcement agency or sell or transfer any firearm possessed by such person to a dealer or to any person who is not otherwise prohibited by law from possessing such firearm and (ii) certify in writing that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order within 48 hours after being served with a protective order. The bill provides that the willful failure of any person to certify in writing that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms shall constitute contempt of court. The bill provides procedures for designating a local law-enforcement agency to receive and store firearms, as well as a process to return such surrendered firearms. The bill also makes it a Class 4 felony for any person to sell, barter, give, or furnish any firearm to any person he knows is prohibited from possessing or transporting a firearm who is subject to a permanent protective order. This bill incorporates [HB 856](#).

HB 1181 **Violation of provisions of protective order; venue.** Provides that a violation of a protective order may be prosecuted in the jurisdiction where the protective order was issued or in any county or city where any act constituting the violation of the protective order occurred.

SB 0144 **Protective orders; issuance upon convictions for certain felonies; penalty.** Authorizes a court to issue a protective order upon convicting a defendant for an act of violence and upon the request of the victim or the attorney for the Commonwealth on behalf of the victim. The bill provides that the duration of such protective order can be for any reasonable period of time, including up to the lifetime of the defendant, that the court deems necessary to protect the health and safety of the victim. The bill provides that a violation of a protective order issued upon a conviction for an act of violence is punishable as a Class 1 misdemeanor.

SB 0408 **Appeal from district court; protective orders; notice of hearing.** Provides that the clerk of the appellate court to which an order of protection is appealed shall have the parties served with notice of the appeal stating the date and time of the hearing and that such a hearing shall not take place unless the appellee has been served or has waived service.



Drugs, Hemp & Tobacco

HB 0648/SB 0575 Prescription Monitoring Program; information disclosed to the Emergency Department Care Coordination Program; redisclosure. Provides for the mutual exchange of information between the Prescription Monitoring Program and the Emergency Department Care Coordination Program and clarifies that nothing shall prohibit the redisclosure of confidential information from the Prescription Monitoring Program or any data or reports produced by the Prescription Monitoring Program disclosed to the Emergency Department Care Coordination Program to a prescriber in an electronic report generated by the Emergency Department Care Coordination Program so long as the electronic report complies with relevant federal law and regulations governing privacy of health information. This bill is identical to [SB 575](#).

HB 0942 Industrial hemp; federal regulations; adoption in Virginia. Directs the Board of Agriculture and Consumer Services to conform the regulations of the Department of Agriculture and Consumer Services to any federal regulation adopted by the U.S. Department of Agriculture, immediately upon publication in the Federal Register, that materially expands opportunities for growing, producing, or dealing in industrial hemp in the Commonwealth. The bill exempts such regulatory amendments by the Board from the Administrative Process Act. The bill contains an emergency clause.

HB 0962 Hemp products intended for smoking. Prohibits the sale to persons under age 21 of hemp products intended for smoking.

HB 0972/SB 0002 Possession and consumption of marijuana; penalty. Decriminalizes simple marijuana possession and provides a civil penalty of no more than \$25. Current law imposes a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that any violation of simple possession of marijuana may be charged by a summons in form the same as the uniform summons for motor vehicle law violations and that no court costs shall be assessed for such violations. The bill also provides that a person's criminal history record information shall not include records of any charges or judgments for such violations and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange. Also, the bill states that the procedure for appeal and trial of any violation of simple possession of marijuana shall be the same as provided by law for misdemeanors. The bill also provides that if requested by either party on appeal to the circuit court, trial by jury shall be provided and the Commonwealth shall be required to prove its case beyond a reasonable doubt. Additionally, the bill provides that the suspended sentence/substance abuse screening provisions and driver's license suspension provisions apply only to criminal violations or to civil violations by a juvenile. The bill defines "marijuana" to include hashish oil and creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use. The bill also (i) makes records relating to the arrest, criminal charge, or conviction of possession of marijuana not open to public inspection and disclosure, except in certain circumstances; (ii) prohibits employers and educational institutions from requiring an applicant for employment or admission to disclose information related to such arrest, criminal charge, or conviction; and (iii) prohibits agencies, officials, and employees of the state and local governments from requiring an applicant for a license, permit, registration, or governmental service to disclose information concerning such arrest, criminal charge, or conviction. Also, the bill allows a person charged with a civil offense who is acquitted, a nolle prosequi is taken, or the charge is otherwise dismissed to file a petition requesting expungement of the police records and court records related to the charge. Finally, the bill requires the Secretaries of Agriculture and Forestry, Finance, Health and Human Resources, and Public Safety and Homeland Security to convene a work group to study the impact on the Commonwealth of legalizing the sale and personal use of marijuana and report the recommendations of the work group to the General Assembly and the Governor by November 30, 2020. This bill incorporates [HB 265](#), [HB 301](#), and [HB 481](#).

HB 1263/SB 0538 Drug Control Act; Schedule I. Adds certain chemicals to Schedule I of the Drug Control Act. The Board of Pharmacy has added these substances to Schedule I in an expedited regulatory



process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the substance to the schedule.

HB 1430/SB 0918 Industrial hemp extract; approval as food or ingredient; regulations; fund; emergency. Provides that an industrial hemp extract, as defined in the bill, is a food and is subject to applicable laws and regulations. The bill establishes (i) requirements for the production of an industrial hemp extract or a food containing an extract and (ii) conditions under which a manufacturer of such extract or food shall be considered an approved source. The bill authorizes the Board of Agriculture and Consumer Services to adopt regulations establishing contaminant tolerances, labeling requirements, and batch testing requirements, and it provides that moneys collected under the chapter shall be deposited in the Virginia Industrial Hemp Fund, created by the bill. The bill directs the Secretary of Agriculture and Forestry to report by November 1, 2020, a plan for the long-term sustainability of funding for the industrial hemp program. The bill contains an emergency clause.

HB 1460 Dispensing cannabidiol oil and THC-A oil; non-Virginia residents. Provides that in addition to a patient or a patient's legal guardian who is a Virginia resident, a pharmaceutical processor may dispense in person to a patient or a patient's legal guardian who temporarily resides in Virginia as made evident to the Board of Medicine with a certification for cannabidiol oil and THC-A oil from a Virginia practitioner. The bill also makes clear that a practitioner who issues a written certification for cannabidiol oil must use his professional judgment to determine the manner and frequency of patient care and evaluation and authorizes such practitioner to utilize telemedicine, consistent with federal requirements for the prescribing of Schedule II through V controlled substances.

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

SB 0566 Naloxone; possession and administration. Provides that a person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose, provided that the administration is in good faith and absent gross negligence or willful and wanton misconduct.

SB 0646 Tetrahydrocannabinol concentration; definition. Clarifies that certain uses of "tetrahydrocannabinol concentration" refer to delta-9-tetrahydrocannabinol. The bill contains an emergency clause.

SB 0667 Arrest and prosecution when experiencing or reporting overdoses. Provides that no individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or consumption of alcohol; possession of a controlled substance; possession of marijuana; intoxication in public; or possession of controlled paraphernalia if (i) such individual (a) seeks or obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose, or (b) is experiencing an overdose and another individual seeks or obtains emergency medical attention for him; (ii) such individual remains at the scene of the overdose or at any location to which he or the individual requiring emergency medical attention has been transported; (iii) such individual identifies himself to the law-enforcement officer who responds; and (iv) the evidence for a prosecution of one of the enumerated offenses would have been obtained only as a result of an individual



seeking or obtaining emergency medical attention. The bill also provides that no law-enforcement officer acting in a good faith shall be found liable for false arrest if it is later determined that the person arrested was immune from prosecution. Current law provides an affirmative defense to such offenses only when an individual seeks or obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose.

SB 0836 Naloxone; possession and administration; employee or person acting on behalf of a public place. Provides that an employee or other person acting on behalf of a public place who has completed a training program on the administration of naloxone or other opioid antagonist may possess and administer naloxone or other opioid antagonist, other than naloxone in an injectable formulation with a hypodermic needle or syringe, in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. The bill defines "public place" as any enclosed area that is used or held out for use by the public, whether owned or operated by a public or private interest.

SB 0976 Board of Pharmacy; pharmaceutical processors; cannabis dispensing facilities. Defines "cannabis dispensing facilities" and allows the Board of Pharmacy to issue up to five permits for cannabis dispensing facilities per health service area. The bill requires the Board to establish a ratio of one pharmacist for every six pharmacy interns, technicians, and technician trainees for pharmaceutical processors and cannabis dispensing facilities. The bill directs the Board of Pharmacy to require that, after processing and before dispensing cannabis oil, a pharmaceutical processor make a sample available from each homogenized batch of product for testing at an independent laboratory located in Virginia that meets Board requirements. The bill requires that the Board promulgate regulations that include an allowance for the sale of devices for administration of dispensed products and an allowance for the use and distribution of inert product samples containing no cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis dispensing facility, and not for further distribution or sale, without the need for a written certification. The bill also requires the Board to adopt regulations for pharmaceutical processors that include requirements for (i) processes for safely and securely cultivating cannabis plants intended for producing cannabis oil; (ii) a maximum number of marijuana plants a pharmaceutical processor may possess at any one time; (iii) the secure disposal of plant remains; (iv) dosage limitations, which shall provide that each dispensed dose of cannabis oil not exceed 10 milligrams of tetrahydrocannabinol; and (v) a process for registering cannabis oil products. The bill requires the Board of Pharmacy to promulgate required regulations within 280 days of the bill's enactment.

SB 1015 Possession of marijuana; cannabidiol oil or THC-A oil. Provides that a person who possesses marijuana in the form of cannabidiol oil or THC-A oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice shall not be prosecuted for simple possession of marijuana. The bill also provides that no agent or employee of a pharmaceutical processor shall be prosecuted for possession or manufacture of marijuana or for possession, manufacture, or distribution of cannabidiol oil or THC-A oil, or subject to any civil penalty, denied any right or privilege, or subject to any disciplinary action by a professional licensing board if such agent or employee (i) possessed or manufactured such marijuana for the purposes of producing cannabidiol oil or THC-A oil or (ii) possessed, manufactured, or distributed such cannabidiol oil or THC-A oil in accordance with law. Current law provides that such possession of marijuana in the form of cannabidiol oil or THC-A oil in such circumstances is an affirmative defense to such charges.

Fingerprints

HB 0997/SB 0675 Child care providers; fingerprint-based criminal background checks; repeals sunset and contingency expiration. Repeals the sunset and contingency expiration of the requirement that the following individuals undergo fingerprint-based national criminal history background checks: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with



any licensed family day system, child day center exempt from licensure due to its operation by a religious institution, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as agents of such applicants and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant Act, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home.

[HB 1047/SB 0926](#) Fingerprints and photographs by police authorities; reports to the Central Criminal Records Exchange. Provides that all duly constituted police authorities having the power of arrest may take the fingerprints and photographs of persons who plead guilty or are found guilty for driving while intoxicated when charged by summons. The bill also provides that such summons information may be entered into the Virginia Criminal Information Network. This bill is a recommendation of the Virginia State Crime Commission.

[HB 1048/SB 0925](#) Fingerprints and photographs by police authorities. Provides that all duly constituted police authorities having the power of arrest may take the fingerprints and photographs of any person found in contempt or in violation of the terms or conditions of a suspended sentence or probation for a felony offense. This bill is a recommendation of the Virginia State Crime Commission.

Firearms & Concealed Weapons

[HB 0002/SB 0070](#) Firearm sales; criminal history record information checks; penalty. Requires a background check for any firearm sale and directs the Department of State Police (the Department) to establish a process for transferors to obtain such a background check from licensed firearms dealers. A person who sells a firearm to another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill also provides that a purchaser who receives a firearm from another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary. The bill also provides that the Department shall have three business days to complete a background check before a firearm may be transferred. This bill incorporates [SB 12](#).

[HB 0009](#) Reporting lost or stolen firearms; civil penalty. Requires that, if a firearm is lost or stolen from a person who lawfully possessed it, such person shall report the loss or theft of the firearm to any local law-enforcement agency or the Department of State Police within 48 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. The bill requires the relevant law-enforcement agency to enter the report information into the National Crime Information Center. A violation is punishable by a civil penalty of not more than \$250. The bill provides that a person who, in good faith, reports the loss or theft is immune from criminal or civil liability for acts or omissions that result from the loss or theft. The immunity does not apply to a person who knowingly gives a false report. The bill does not apply to the loss or theft of an antique firearm.

[HB 0264/SB 0263](#) Concealed handgun permits; demonstration of competence. Removes the option for concealed handgun permit applicants to demonstrate competence with a handgun by completing an electronic, video, or online course conducted by a state-certified or National Rifle Association-certified firearms instructor. The bill does not affect any in-person means of satisfying the requirement to demonstrate competence with a handgun under current law. The bill has a delayed effective date of January 1, 2021.



[HB 0421/SB 0035](#) Control of firearms by localities. Authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned or operated by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. Provisions limiting the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others are also repealed. The bill also provides that any firearm received by the locality pursuant to a gun buy-back program shall be destroyed by the locality unless the person surrendering such firearm requests in writing that such surrendered firearm be sold. The provisions of the bill do not apply to the activities of a Senior Reserve Officers' Training Corps program operated at a public or private institution of higher education or (ii) any intercollegiate athletics program operated by a public or private institution of higher education and governed by the National Collegiate Athletic Association or any club sports team recognized by a public or private institution of higher education where the sport engaged in by such program or team involves the use of a firearm. The bill contains technical amendments.

[HB 0600/SB 0593](#) Family day homes; storage of firearms. Requires that during hours of operation, all firearms in a licensed family day home, registered family day home, or family day home approved by a family day system be stored unloaded in a locked container, compartment, or cabinet, and that all ammunition be stored in a separate locked container, compartment, or cabinet. The bill requires that the key or combination to such locked containers, compartments, or cabinets be inaccessible to all children in the home.

[HB 0674/SB 0240](#) Firearms; removal from persons posing substantial risk; penalties. Creates a procedure by which any attorney for the Commonwealth or law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. Upon service of an emergency substantial risk order, the person who is subject to the order shall be given the opportunity to voluntarily relinquish any firearm. An emergency substantial risk order shall expire on the fourteenth day following issuance of the order. The bill requires a court hearing in the circuit court for the jurisdiction where the order was issued within 14 days from issuance of an emergency substantial risk order to determine whether a substantial risk order should be issued. Seized firearms shall be retained by a law-enforcement agency for the duration of an emergency substantial risk order or a substantial risk order or, for a substantial risk order and with court approval, may be transferred to a third party 21 years of age or older chosen by the person from whom they were seized. The bill allows the complainant of the original warrant to file a motion for a hearing to extend the substantial risk order prior to its expiration. The court may extend the substantial risk order for a period not longer than 180 days. The bill provides that persons who are subject to a substantial risk order, until such order has been dissolved by a court, are guilty of a Class 1 misdemeanor for purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person he knows has been served with a warrant or who is the subject of a substantial risk order is guilty of a Class 4 felony. The bill creates a computerized substantial risk order registry for the entry of orders issued pursuant to provisions in the bill. **[HB 0812/SB 0069](#) Purchase of handguns; limitation on handgun purchases; penalty.** Prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms. This bill incorporates [HB 1502](#).



[HB 1004/SB 0479](#) Protective orders; possession of firearms; surrender or transfer of firearms; penalty. Prohibits any person subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) from knowingly possessing a firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order such person may continue to possess such firearm for the purposes of selling or transferring it to any person who is not otherwise prohibited by law from possessing such firearm. A violation of this provision is a Class 6 felony. The bill also provides that a court shall order a person subject to a permanent protective order to (i) within 24 hours, surrender any firearm possessed by such person to a designated local law-enforcement agency or sell or transfer any firearm possessed by such person to a dealer or to any person who is not otherwise prohibited by law from possessing such firearm and (ii) certify in writing that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order within 48 hours after being served with a protective order. The bill provides that the willful failure of any person to certify in writing that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms shall constitute contempt of court. The bill provides procedures for designating a local law-enforcement agency to receive and store firearms, as well as a process to return such surrendered firearms. The bill also makes it a Class 4 felony for any person to sell, barter, give, or furnish any firearm to any person he knows is prohibited from possessing or transporting a firearm who is subject to a permanent protective order. This bill incorporates [HB 856](#).

[HB 1076](#) Carrying concealed weapons; sling bow. Replaces "slingshot" with "sling bow" in the list of weapons a person is prohibited from carrying concealed. The bill also removes the Harbormaster of the City of Hopewell from the list of individuals who, while in the discharge of their official duties, or while in transit to or from such duties, are exempted from the prohibition on carrying a concealed weapon.

[HB 1080](#) Firearms or other weapons on school property. Provides that no school board may authorize or designate any person to possess a firearm on school property other than those persons expressly authorized by statute. The bill also clarifies that no exemption exists for a special conservator of the peace to possess a firearm or other weapon on school property.

[HB 1083](#) Allowing access to firearms by minors; penalty. Provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 14 is guilty of a Class 1 misdemeanor. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor. This bill incorporates [HB 72](#) and [HB 463](#).

[SB 0014](#) Trigger activators; prohibition; penalty. Prohibits the manufacture, importation, sale or offer to sell, possession, transfer, or transportation of a trigger activator, defined in the bill as a device designed to allow a semi-automatic firearm to shoot more than one shot with a single pull of the trigger by harnessing the recoil energy of any semi-automatic firearm to which it is affixed so that the trigger resets and continues firing without additional physical manipulation of the trigger by the shooter. A violation is punishable as a Class 6 felony.

[SB 0071](#) Firearms on school property. Adds public, private, or religious preschools and licensed child day centers that are not operated at the residence of the provider or of any of the children to the list of schools where possessing a firearm on school property or on a school bus is prohibited. The provisions of the bill regarding child day centers and preschools only apply during the regular operating hours of such child day center or preschool and shall not apply to any person (i) whose residence is on the property of a child day center or a private or religious preschool and (ii) who possesses a firearm or other prohibited weapon while in his residence. Under current law, the list of such schools only includes public, private, or religious elementary, middle, or high schools. The bill also provides that a licensed child day center or religious or private preschool may hire an armed security officer to provide security services.



SB 0173 Prohibition on possession of stun weapon on school property; exemptions. Allows the holder of a valid concealed handgun permit to possess a stun weapon on school property while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school. The bill also allows a stun weapon to be stored in a closed container in a motor vehicle while such vehicle is on school property.

SB 0436 Establishment of the Virginia Voluntary Do Not Sell Firearms List; penalty. Creates the Virginia Voluntary Do Not Sell Firearms List (the List) that prohibits the possession, transportation, and sale of firearms to any person who voluntarily registers himself to be enrolled into the List. The List shall be maintained and updated by the Department of State Police. The bill makes it a Class 3 misdemeanor for any person enrolled into the List to purchase, possess, or transport a firearm. The bill disqualifies any person enrolled into the List from obtaining a concealed handgun permit and prohibits such person from being employed by a firearms dealer. The bill also makes it a Class 1 misdemeanor for any person who sells, barter, gives, or furnishes, or has in his possession or under his control with the intent of selling, bartering, giving, or furnishing, any firearm to any person he knows is enrolled into the List. The bill has a delayed effective date of July 1, 2021.

SB 0543 Firearms shows; mandatory background check. Requires the Department of State Police to perform a criminal history record information check on the prospective purchaser or transferee prior to the completion of any firearms transaction at a firearms show held in the Commonwealth. Current law requires the Department of State Police to be available at every firearms show held in the Commonwealth to perform criminal history record information checks but does not require such checks to be performed unless requested by a party involved in the transaction.

SB 0684 Involuntary commitment and restoration of firearm rights. Responds to the holding in *Paugh v. Henrico Area Mental Health and Developmental Services*, Record No. 121562 (2013), in which the Supreme Court of Virginia held that on appeal by trial de novo in circuit court of an order of involuntary commitment by a district court, upon the circuit court's finding that the appellant no longer meets the criteria for involuntary commitment, the proper remedy is dismissal of the Commonwealth's petition for involuntary commitment, thereby rendering the original commitment order a nullity. As such, because the original petition would in effect never have existed, forfeiture of the right to possess a firearm as required by § 18.2-308.1:3 upon involuntary commitment would no longer be in effect. Section 18.2-308.1:3 requires that a person who has been involuntarily committed and seeks to have his firearm rights restored petition a district court for restoration of his firearm rights. The ruling in *Paugh*, by requiring dismissal of the original petition for commitment, removes that requirement even though on the date of the original commitment hearing the person did meet the criteria for commitment and was, in fact, involuntarily committed. The bill provides that, notwithstanding the outcome of any appeal (trial de novo on the petition for commitment) taken pursuant to § 37.2-821 or § 16.1-345.6, the appellant shall be required to seek restoration of his firearm rights. The bill also provides that, upon a finding by the circuit court that the appellant no longer meets the criteria for involuntary commitment or mandatory outpatient treatment, the court shall reverse the order of the district court but shall not dismiss the Commonwealth's petition. As a consequence of these changes, a person who is involuntarily committed would be required to petition for restoration of his firearm rights notwithstanding the reversal of the commitment order by a circuit court.

Immigration Status

HB 0262 Inquiry and report of immigration status; certain victims or witnesses of crimes. Prohibits law-enforcement officers from inquiring into the immigration status of a person who (i) reports that he is a victim of a crime or a parent or guardian of a minor victim of a crime or (ii) is a witness in the investigation of a crime or the parent or guardian of a minor witness to a crime. However, a law-enforcement officer is not prohibited from making such an inquiry if it is necessary for the enforcement or implementation of certain



criminal provisions or if the parent or guardian has been arrested for, has been charged with, or is being investigated for a crime against the minor victim.

HB 1150/SB 0491 Inquiry and report of immigration status; persons charged with or convicted of certain crimes. Provides that the provisions requiring (i) jail officers to ascertain the citizenship of any inmate taken into custody at a jail, (ii) officers in charge of correctional facilities to inquire as to the citizenship of any person committed to a correctional facility, and (iii) the mandatory duty of the clerk of a court committing a convicted alien to a correctional facility to furnish related court records to a United States immigration officer are limited to felony offenses. The bill also provides that the clerk of court report to the Bureau of Immigration and Customs Enforcement of the U.S. Department of Homeland Security any juvenile adjudicated of delinquency or finding of guilt for a violent juvenile felony. This bill incorporates [HB 244](#).

Investigations

HB 0746 Custodial interrogation of a child; parental notification and contact. Requires that prior to the custodial interrogation of a child who has been arrested by a law-enforcement officer for a criminal violation, the child's parent, guardian, or legal custodian be notified of the child's arrest and the child have contact with his parent, guardian, or legal custodian. Such notification and contact may be in person, electronically, by telephone, or by video conference. However, notification and contact prior to a custodial interrogation is not required if the parent, guardian, or legal custodian is a codefendant in the alleged offense; the parent, guardian, or legal custodian has been arrested for, has been charged with, or is being investigated for a crime against the child; the person cannot reasonably be located or refuses contact with the child; or the law-enforcement officer conducting the custodial interrogation reasonably believes the information sought is necessary to protect life, limb, or property from an imminent danger and the questions are limited to those that are reasonably necessary to obtain that information.

HB 0787 Multi-jurisdiction grand jury; hate crimes. Adds the following to the list of crimes that a multi-jurisdiction grand jury may investigate: (i) simple assault or assault and battery where the victim was intentionally selected because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin; (ii) entering the property of another for purposes of damaging such property or its contents or interfering with the rights of the owner, user, or occupant where such property was intentionally selected because of the race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin of the owner, user, or occupant; and (iii) various offenses that tend to cause violence.

HB 0821 Saliva or tissue sample required for DNA analysis after arrest for a violent felony. Clarifies that the Department of Forensic Science may retain a DNA sample from a person who was arrested for a violent felony if such person was convicted of a misdemeanor offense that would otherwise require the sample to remain in the DNA data bank.

HB 1023 Custodial interrogations; recording. Provides that any law-enforcement officer shall, if practicable, make an audiovisual recording of the entirety of any custodial interrogation of a person conducted in a place of detention. The bill provides that if an audiovisual recording is unable to be made, the law-enforcement officer shall make an audio recording of the entirety of the custodial interrogation. The bill provides that the failure of a law-enforcement officer to make such a recording shall not affect the admissibility of the statements made during the custodial interrogation, but the court or jury may consider such failure in determining the weight given to such evidence. As introduced, the bill was a recommendation of the Virginia Criminal Justice Conference.



[HB 1024](#) Department of State Police; establishment of cold case searchable database. Requires the Superintendent of State Police to establish and maintain a searchable electronic database of cold cases, available to the public through the Department of State Police official website. The bill defines "cold case" as an investigation into a homicide, missing person, or unidentified person case that has remained unsolved for at least five years after the crime occurred, the person went missing, or the unidentified body was found, whichever occurred last. The bill requires the database to include (i) the category of cold case and, in the case of a homicide or missing person, the name of the victim or missing person, unless prohibited or restricted by law; (ii) the location where the crime was committed, where the person was last seen, or where the body was found, if known; (iii) the date and time the crime occurred, the person was last seen, or the body was found, if known; (iv) the name and contact information of the investigating law-enforcement agency; (v) a brief summary of the crime or case; and (vi) any other information that the investigating law-enforcement agency determines is appropriate. The bill also allows the Department and submitting law-enforcement agencies to withhold such information, in whole or in part, from the database (a) as they deem necessary for investigative purposes, protection of privacy, or any other lawful reason or (b) upon request of the victim's or missing person's next of kin.

Juveniles – Victims and Offenders

[HB 0061/SB 0307](#) Adults sentenced for juvenile offenses; good conduct credit. Provides that an adult sentenced for a juvenile offense can earn good conduct credit at the rate of one day for each one day served, including all days served while confined in jail or secured detention prior to conviction and sentencing, in which the adult has not violated the written rules and regulations of the jail. This bill is a recommendation of the Virginia Criminal Justice Conference.

[HB 0065](#) Establishment of the Virginia Missing Child with Autism Alert Program. Creates a program for local, regional, or statewide notification of a missing child with autism. The bill defines a missing child with autism as a child (i) whose whereabouts are unknown; (ii) who has been diagnosed with autism spectrum disorder; (iii) who is 17 years of age or younger or is currently enrolled in a secondary school in the Commonwealth, regardless of age; and (iv) whose disappearance poses a credible threat as determined by law enforcement to the safety and health of the child and under such other circumstances as deemed appropriate by the Virginia State Police.

[HB 0256/SB 0003](#) Disorderly conduct; students. Provides that an elementary or secondary school student is not guilty of disorderly conduct in a public place if the disorderly conduct occurred on the property of an elementary or secondary school, on a school bus, or at any activity conducted or sponsored by any elementary or secondary school. This bill incorporates [HB 8](#).

[HB 0298/SB 0724](#) Misdemeanor sexual offenses where the victim is a minor; statute of limitations. Increases the statute of limitations for prosecuting misdemeanor violations where the victim is a minor from one year after the victim reaches the age of majority to five years after the victim reaches the age of majority if the offender was an adult at the time of the offense and more than three years older than the victim for the following misdemeanor violations: carnal knowledge of detainee by employee of bail bond company, sexual battery, attempted sexual battery, infected sexual battery, sexual abuse of a child age 13 or 14 by an adult, and tongue penetration by adult of mouth of child under age 13 with lascivious intent.

[HB 0477/SB 0546](#) Juveniles; trial as adult. Increases from 14 years of age to 16 years of age the minimum age at which a juvenile must be tried as an adult in circuit court for murder or aggravated malicious wounding; however, if the juvenile is 14 years of age or older but younger than 16 years of age, the court, on motion of the attorney for the Commonwealth, shall hold a transfer hearing. The minimum age is also raised from 14 to 16 for certain charges requiring notice of intent to try such juvenile as an adult by the



attorney for the Commonwealth. In order to be tried as an adult in circuit court for the charges that under current law require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires that (i) a report concerning the juvenile be prepared by the court services unit or other qualified agency and (ii) the attorney for the Commonwealth provide written notice that he intends to proceed with a preliminary hearing for trial of such juvenile as an adult, including affirmation that he has read the report. This bill incorporates [HB 1440](#).

[HB 0578](#) Smoking in motor vehicle with a minor present. Expands the group in the presence of whom it is illegal to smoke in a motor vehicle from minors under the age of eight to minors under the age of 15.

[HB 0744](#) Sentencing of juvenile tried as adult. Provides that a court, in the case of a juvenile tried as an adult and convicted of a felony, may depart from any mandatory minimum sentence required by law and suspend any portion of an otherwise applicable sentence. The bill also requires the court, when sentencing a juvenile as an adult, to consider the juvenile's exposure to adverse childhood experiences, early childhood trauma, or any child welfare agency and the differences between juvenile and adult offenders.

[HB 0746](#) Custodial interrogation of a child; parental notification and contact. Requires that prior to the custodial interrogation of a child who has been arrested by a law-enforcement officer for a criminal violation, the child's parent, guardian, or legal custodian be notified of the child's arrest and the child have contact with his parent, guardian, or legal custodian. Such notification and contact may be in person, electronically, by telephone, or by video conference. However, notification and contact prior to a custodial interrogation is not required if the parent, guardian, or legal custodian is a codefendant in the alleged offense; the parent, guardian, or legal custodian has been arrested for, has been charged with, or is being investigated for a crime against the child; the person cannot reasonably be located or refuses contact with the child; or the law-enforcement officer conducting the custodial interrogation reasonably believes the information sought is necessary to protect life, limb, or property from an imminent danger and the questions are limited to those that are reasonably necessary to obtain that information.

[HB 0904](#) Child abuse and neglect reporting; public sports programs. Adds to the list of mandatory reporters of suspected child abuse and neglect athletic coaches, directors, and other persons 18 years of age or older that are employed by or volunteering with a public sports organization or team. Current law applies only to such individuals involved with private sports organizations or teams.

[HB 1081/SB 0237](#) School attendance officers; petitions for violation of a school attendance order. Provides that an attendance officer, or a division superintendent or his designee when acting as an attendance officer, to complete, sign, and file with the intake officer of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, a petition for a violation of a school attendance order entered by the juvenile and domestic relations district court in response to the filing of a petition alleging the pupil is a child in need of supervision. The bill provides that such actions do not constitute the unauthorized practice of law.

[HB 1083](#) Allowing access to firearms by minors; penalty. Provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 14 is guilty of a Class 1 misdemeanor. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor. This bill incorporates [HB 72](#) and [HB 463](#).

[HB 1118/SB 0603](#) Involuntary admission; transportation; transfer to local law enforcement. Establishes procedures for changing the transportation provider designated to provide transportation to a minor or a person who is the subject of a temporary detention order and provides that in cases in which an alternative transportation provider providing transportation of a minor or a person who is subject to an



involuntary admission order becomes unable to continue providing transportation, local law enforcement shall take custody of the minor or person and provide transportation to the proper facility. This bill incorporates [HB 1117](#).

[HB 1301](#) Office of the Children's Ombudsman established. Establishes the Office of the Children's Ombudsman as a means of effecting changes in policy, procedure, and legislation; educating the public; investigating and reviewing actions of the State Department of Social Services, local departments of social services, child-placing agencies, or child-caring institutions; and monitoring and ensuring compliance with relevant statutes, rules, and policies pertaining to children's protective services and the placement, supervision, treatment, and improvement of delivery of care to children in foster care and adoptive homes. The Office of the Children's Ombudsman is headed by the Children's Ombudsman, who is appointed for a term of four years by the Governor and subject to confirmation by the General Assembly. The provisions of the bill are contingent on funding in a general appropriation act.

[HB 1324](#) Juvenile and domestic relations district court; intake. Makes various changes to the intake procedures for the domestic relations district court, including (i) providing that, if a juvenile is alleged to be a truant, the intake officer may defer filing a petition in order to develop and allow the juvenile to complete a truancy plan or program; (ii) changing the notice requirement for circumstances under which informal action has been taken on a complaint alleging that a juvenile is in need of services, in need of supervision, or delinquent so that the intake officer advises the juvenile and his parents that any subsequent complaint may result in the filing of a petition with the court; and (iii) adding possession of alcohol to the existing offense of possession of marijuana for which, if charged by summons, a juvenile is entitled to have the charge referred to intake for consideration of informal proceedings.

[HB 1330](#) Possession, distribution, production, publication, sale, financing, etc., of child pornography; venue. Provides that venue for a prosecution of child pornography possession, distribution, or production may lie in the jurisdiction where the alleged offender resides. Under current law, venue for a prosecution of such offense may lie only in the jurisdiction where the unlawful act occurs or where any sexually explicit visual material associated with the unlawful act is produced, reproduced, found, stored, or possessed. This bill incorporates [HB 478](#).

[HB 1437](#) Juvenile confinement for violation of court order. Reduces from 10 days to seven days the maximum allowable period of confinement of a juvenile in a secure facility for a contempt violation or when a child in need of supervision is found to have willfully and materially violated an order of the court. The bill also provides that any order of disposition of such violation confining the juvenile in a secure facility for juveniles shall (i) identify the valid court order that has been violated; (ii) specify the factual basis for determining that there is reasonable cause to believe that the juvenile has violated such order; (iii) state the findings of fact that support a determination that there is no appropriate less restrictive alternative available to placing the juvenile in such a facility, with due consideration to the best interest of the juvenile; (iv) specify the length of time of such confinement, not to exceed seven days; and (v) include a plan for the juvenile's release from such facility.

[SB 0668](#) Child care providers; out-of-state background checks. Requires certain child care providers and employees or volunteers thereof to submit to background checks that include a criminal history record information check and sex offender registry check in any state in which the applicant has resided in the preceding five years.



Law Enforcement – Protections, Requirements & Restrictions

HB 0051/SB 0040 Line of Duty Act; eligible dependents. Provides that children born or adopted after the death or disability of an employee covered by the Line of Duty Act are eligible for health insurance coverage if their birth or adoption occurred after the time of the employee's death or disability, but prior to July 1, 2017. Under current law, such children are not eligible unless they were adopted pursuant to a preadoptive agreement entered into prior to the death or disability.

HB 0246 Local law-enforcement agencies; body-worn camera systems. Requires localities to adopt and establish a written policy for the operation of a body-worn camera system, as defined in the bill, that follows identified best practices and is consistent with Virginia law and regulations, using as guidance the model policy established by the Department of Criminal Justice Services prior to purchasing or deploying a body-worn camera system. The bill also requires localities to make such policy available for public comment and review prior to its adoption. The bill requires the Department to establish a model policy for the operation of body-worn camera systems and the storage and maintenance of body-worn camera system records.

HB 0292/SB 0221 School boards and local law-enforcement agencies; memorandums of understanding; frequency of review and public input. Shortens from every five years to every two years the frequency of the review period for memorandums of understanding between school boards and local law-enforcement agencies. The bill also requires local school boards to conspicuously publish the current division memorandum of understanding on its division website and provide notice and opportunity for public input during each memorandum of understanding review period. This bill incorporates [HB 897](#) and [HB 1135](#).

HB 0438/SB 0561 Workers' compensation; post-traumatic stress disorder; law-enforcement officers and firefighters. Provides that post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act if a mental health professional examines a law-enforcement officer or firefighter and diagnoses the individual as suffering from post-traumatic stress disorder as a result of the individual's undergoing a qualifying event, defined as an incident or exposure occurring in the line of duty on or after July 1, 2020, (i) resulting in serious bodily injury or death to any person or persons; (ii) involving a minor who has been injured, killed, abused, or exploited; (iii) involving an immediate threat to life of the claimant or another individual; (iv) involving mass casualties; or (v) responding to crime scenes for investigation. Other conditions for compensability include (a) if the post-traumatic stress disorder resulted from the law-enforcement officer or firefighter acting in the line of duty and, in the case of a firefighter, such firefighter complied with certain federal Occupational Safety and Health Act standards; (b) if the law-enforcement officer's or firefighter's undergoing of a qualifying event was a substantial factor in causing his post-traumatic stress disorder; (c) if such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder; and (d) if the post-traumatic stress disorder did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action of the officer or firefighter. The measure also establishes requirements for resilience and self-care technique training.

HB 0664 Exposure to a decedent's body fluids; testing. Provides that, in cases in which any law-enforcement officer, salaried or volunteer firefighter, or salaried or volunteer emergency medical services provider is directly exposed to body fluids of a deceased person in a manner that may, according to the then-current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the next of kin of the deceased person shall be deemed to have consented to testing of the decedent's blood for infection with human immunodeficiency virus or hepatitis B or C viruses and release of such test results to the person who was exposed. Under current law, whenever a law-enforcement officer, salaried or volunteer firefighter, or salaried or volunteer emergency medical services provider is directly exposed to body fluids of a deceased person in a manner that may, according to the then-current guidelines of the Centers for Disease Control and Prevention, transmit human

immunodeficiency virus or hepatitis B or C viruses, consent for testing and release of the results must be obtained from the next of kin of the deceased person before testing may be initiated.

HB 0727/SB 0720 E-911 dispatchers; training in telecommunicator cardiopulmonary resuscitation and emergency medical dispatch. Requires each public safety answering point (PSAP) to provide training and equipment for each of its dispatchers in high-quality telecommunicator cardiopulmonary resuscitation (TCPR) instruction, which is defined in the measure as the delivery by trained 911 telecommunicators of high-quality cardiopulmonary resuscitation instruction for acute events requiring cardiopulmonary resuscitation, including out-of-hospital cardiac arrests. The measure (i) requires the State Board of Health to adopt regulations that establish training and equipment standards and (ii) authorizes a PSAP to enter into reciprocal agreements with another PSAP to transfer callers to the other PSAP at times that the initial PSAP does not have a trained dispatcher on duty able to provide TCPR. The measure establishes immunity from civil damages for dispatchers who instruct a caller on TCPR. The measure also requires each operator of a PSAP to implement a requirement that each of its dispatchers complete an Emergency Medical Dispatch education program by July 1, 2024, and to conduct ongoing quality assurance of its TCPR program.

HB 1024 Department of State Police; establishment of cold case searchable database. Requires the Superintendent of State Police to establish and maintain a searchable electronic database of cold cases, available to the public through the Department of State Police official website. The bill defines "cold case" as an investigation into a homicide, missing person, or unidentified person case that has remained unsolved for at least five years after the crime occurred, the person went missing, or the unidentified body was found, whichever occurred last. The bill requires the database to include (i) the category of cold case and, in the case of a homicide or missing person, the name of the victim or missing person, unless prohibited or restricted by law; (ii) the location where the crime was committed, where the person was last seen, or where the body was found, if known; (iii) the date and time the crime occurred, the person was last seen, or the body was found, if known; (iv) the name and contact information of the investigating law-enforcement agency; (v) a brief summary of the crime or case; and (vi) any other information that the investigating law-enforcement agency determines is appropriate. The bill also allows the Department and submitting law-enforcement agencies to withhold such information, in whole or in part, from the database (a) as they deem necessary for investigative purposes, protection of privacy, or any other lawful reason or (b) upon request of the victim's or missing person's next of kin.

HB 1025 Vocational rehabilitation and employment services for former law-enforcement officers with a disability. Requires the Department for Aging and Rehabilitative Services to make available to law-enforcement agencies in the Commonwealth information regarding vocational rehabilitation programs and employment services available to assist former law-enforcement officers who have a disability as a result of their service with preparing for, obtaining, and maintaining suitable employment, including information on the types of programs available and the process by which former law-enforcement officers who have a disability as a result of their service can access such programs and services, and provides that every law-enforcement agency in the Commonwealth shall provide to every law-enforcement officer who separates from the agency due to a disability resulting from his service information regarding vocational rehabilitation programs and employment services available to assist former law-enforcement officers who have a disability as a result of their service with preparing for, obtaining, and maintaining suitable employment, including information on the types of programs available and the process by which such law-enforcement officers may access such programs and services.

HB 1250 Community Policing Act; data collection and reporting requirement. Prohibits law-enforcement officers and State Police officers from engaging in bias-based profiling, defined in the bill, in the performance of their official duties. The bill directs the Department of State Police (the Department) to create the Community Policing Reporting Database into which sheriffs, police forces, and State Police

officers report certain data pertaining to motor vehicle or investigatory stops. The Department is directed to provide access to the database to the Department of Criminal Justice Services (DCJS) for the purpose of analyzing motor vehicle and investigatory stops and records of complaints alleging the use of excessive force. The data analysis shall be used to determine the existence and prevalence of the practice of bias-based profiling and the prevalence of complaints alleging the use of excessive force. The bill requires that each time a local law-enforcement officer or State Police officer stops a driver of a motor vehicle the officer collect the following data based on the officer's observation or information provided to the officer by the driver: (i) the race, ethnicity, age, and gender of the person stopped; (ii) the reason for the stop; (iii) the location of the stop; (iv) whether a warning, written citation, or summons was issued or whether any persons were arrested; (v) if a warning, written citation, or summons was issued or an arrest was made, the warning provided, violation charged, or crime charged; and (vi) whether the vehicle or any person was searched. The bill requires each state and local law-enforcement agency to also collect and report to the State Police the number of complaints the agency receives alleging the use of excessive force. The bill also requires the Director of DCJS to annually report the findings and recommendations resulting from the collection, analysis, and interpretation of the data from the Database to the Governor, the General Assembly, and the Attorney General beginning July 1, 2021. The report shall include information regarding any state or local law-enforcement agency that has failed or refused to report the required data. A copy of the report shall be provided to each attorney for the Commonwealth of the county or city in which a reporting law-enforcement agency is located.

HB 1419/SB 0171 School resource officers and school security officers; training standards.

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

HB 1495/SB 0054 Virginia Retirement System; retired law-enforcement officers employed as school security officers. Allows a retired law-enforcement officer to continue to receive his service retirement allowance during a subsequent period of employment by a local school division as a school security officer, so long as he has a break in service of at least 12 calendar months between retirement and reemployment, did not retire under an early retirement program, and did not retire under the Workforce Transition Act of 1995. The bill incorporates [HB 986](#), [HB 1368](#) and [HB 1493](#).

HB 1626/SB 0996 Capitol Police; concurrent jurisdiction. Provides that a Capitol Police officer who is a detector canine handler has concurrent jurisdiction with the law-enforcement officers of another jurisdiction that has requested the assistance of the Capitol Police in the detection of firearms, ammunition, explosives, propellants, or incendiaries.

SB 0651 Fairfax County; policemen's pension and retirement board. Increases from seven to eight the number of members on the policemen's pension and retirement board created in a county that has adopted the urban county executive form of government (Fairfax County) and increases from two to three the number of members of such board who shall be members of such retirement system and employed by the county police department as sworn police officers and who have been elected by the members of the retirement system who are employed by the police department as sworn police officers.

SB 0652 Fairfax County; policemen's retirement system. Authorizes any person who has been a member of another county retirement system and who withdraws therefrom and becomes a member of the



policemen's retirement system established by a county that has adopted the urban county executive form of government (Fairfax County) to purchase membership service credit for service rendered while a member of such other county retirement system by paying into the policemen's retirement system all contributions that would have been due from the person had the person been a member of the policemen's retirement system for each of the years for which membership service credit is sought. The bill contains technical amendments.

Mental Health, Specialty Dockets & Detention Orders

HB 0259/SB 0670 Unrestorably incompetent defendant; competency report. Provides that in cases where a defendant is likely to remain incompetent for the foreseeable future due to an ongoing and irreversible medical condition and prior medical or educational records are available to support the diagnosis, a competency report may recommend that the court find the defendant unrestorably incompetent to stand trial, and the court may proceed with the disposition of the case based on such recommendation. Under current law, the defendant is required to undergo treatment to restore his competency before the court can find a defendant unrestorably incompetent to stand trial. The bill also provides that such person who is found unrestorably incompetent to stand trial shall be prohibited from purchasing, possessing, or transporting a firearm.

HB 0639 Persons acquitted by reason of insanity; use of two-way electronic communications in proceedings. Permits the annual or biennial hearing required for persons acquitted of a criminal offense by reason of insanity to be conducted using a two-way electronic video and audio communication system unless objected to by the acquittee, the acquittee's attorney, or the attorney for the Commonwealth.

HB 0674/SB 0240 Firearms; removal from persons posing substantial risk; penalties. Creates a procedure by which any attorney for the Commonwealth or law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. Upon service of an emergency substantial risk order, the person who is subject to the order shall be given the opportunity to voluntarily relinquish any firearm. An emergency substantial risk order shall expire on the fourteenth day following issuance of the order. The bill requires a court hearing in the circuit court for the jurisdiction where the order was issued within 14 days from issuance of an emergency substantial risk order to determine whether a substantial risk order should be issued. Seized firearms shall be retained by a law-enforcement agency for the duration of an emergency substantial risk order or a substantial risk order or, for a substantial risk order and with court approval, may be transferred to a third party 21 years of age or older chosen by the person from whom they were seized. The bill allows the complainant of the original warrant to file a motion for a hearing to extend the substantial risk order prior to its expiration. The court may extend the substantial risk order for a period not longer than 180 days. The bill provides that persons who are subject to a substantial risk order, until such order has been dissolved by a court, are guilty of a Class 1 misdemeanor for purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person he knows has been served with a warrant or who is the subject of a substantial risk order is guilty of a Class 4 felony. The bill creates a computerized substantial risk order registry for the entry of orders issued pursuant to provisions in the bill.

HB 1118/SB 0603 Involuntary admission; transportation; transfer to local law enforcement. Establishes procedures for changing the transportation provider designated to provide transportation to a minor or a person who is the subject of a temporary detention order and provides that in cases in which an alternative transportation provider providing transportation of a minor or a person who is subject to an



involuntary admission order becomes unable to continue providing transportation, local law enforcement shall take custody of the minor or person and provide transportation to the proper facility. This bill incorporates [HB 1117](#).

[HB 1231/SB 0494](#) Department of Criminal Justice Services; crisis intervention team training. Adds the Department for Aging and Rehabilitative Services and brain injury stakeholders to the list of entities with whom the Department of Criminal Justice Services is required to consult in developing a training program for all persons involved in the crisis intervention team programs and requires the curriculum for such training program to include a module on brain injury as part of the four hours of mandatory training in legal issues.

[HB 1452/SB 0738](#) Temporary detention for observation and treatment. Clarifies that a person can be subject to a temporary detention order for observation and treatment related to intoxication where the person is located, upon a finding that (i) probable cause exists to believe the person is incapable of making or communicating an informed decision regarding treatment due to intoxication and (ii) the medical standard of care calls for observation, testing, or treatment within the next 24 hours to prevent injury, disability, death, or other harm to the individual resulting from such intoxication. The bill limits the duration of such temporary detention to 24 hours. The bill provides that a person subject to emergency custody due to a mental illness shall remain in custody until (a) a temporary detention order is issued in accordance with § 37.2-809; (b) an order for temporary detention for observation, testing, or treatment is entered in accordance with § 37.2-1104, ending law-enforcement custody; (c) the person is released; or (d) the emergency custody order expires. The bill directs the Department of Behavioral Health and Developmental Services to convene a work group to develop standard policies and procedures regarding medical temporary detention orders.

[HB 1453/SB 739](#) Acute psychiatric bed registry; information required to be reported. Directs the Department of Behavioral Health and Developmental Services to establish a work group to evaluate the role of, and make recommendations related to improving the structure and effectiveness of, the psychiatric bed registry in collecting and disseminating information about the availability of acute psychiatric beds in the Commonwealth. The work group shall report its findings, conclusions, and recommendations to the Governor and the Chairmen of the Senate Committee on Education and Health, the House Committee on Health, Welfare and Institutions, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by November 1, 2020.

[HB 1699/SB 0768](#) DBHDS; work group to study expanding the individuals who may conduct evaluations for temporary detention; report. Directs the Commissioner of the Department of Behavioral Health and Developmental Services to establish a work group to (i) review the current process for conducting evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention, including any challenges or barriers to timely completion of such evaluations and factors giving rise to delays in completion of such evaluations, and (ii) develop a comprehensive plan to expand the individuals who may conduct effective evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention. The work group shall report its findings and conclusions and the comprehensive plan to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions, Senate Committee on Education and Health, and Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020.

[SB 0499](#) Specialty dockets; veterans docket. Provides that any veterans docket authorized and established as a local specialty docket in accordance with the Rules of Supreme Court of Virginia shall be deemed a "Veterans Treatment Court Program," as that term is used under federal law or by any other entity, for the purposes of applying for, qualifying for, or receiving any federal grants, other federal money, or money from any other entity designated to assist or fund such state programs. The bill contains an emergency clause.



[SB 0683](#) Competency to stand trial; outpatient treatment. Clarifies that for the purposes of restorative treatment for a person incompetent but restorable to stand trial that outpatient treatment may occur in a local correctional facility or at a location determined by the appropriate community services board or behavioral health authority.

[SB 0818](#) Behavioral health dockets; established. Establishes, by the Behavioral Health Docket Act (the Act), behavioral health courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have mental illness and co-occurring substance abuse issues. The bill establishes a state behavioral health docket advisory committee and requires localities intending to establish such dockets to establish local behavioral health docket advisory committees. The bill gives the Supreme Court of Virginia administrative oversight of the implementation of the Act, which is modeled on the Drug Treatment Court Act (§ 18.2-254.1).

Miscellaneous

[HB 0108/SB 0601](#) Legal holidays; Lee-Jackson Day; Election Day. Designates Election Day, the Tuesday after the first Monday in November, as a state holiday and removes Lee-Jackson Day as a state holiday.

[HB 0172](#) Virginia State Police Electronic Summons System Fund. Creates the Virginia State Police Electronic Summons System Fund, which is funded by a \$5 fee required by the bill to be assessed as court costs in each criminal or traffic case in which the Virginia State Police issued the summons, ticket, or citation. The bill directs that the Fund be used for the purposes of funding software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. Under current law, localities may charge a fee of up to \$5 for each criminal or traffic case to be used for such purposes.

[HB 0623](#) Gender-neutral terms; prohibitions on same-sex marriage and civil unions removed from Code; certain gender-specific crimes; penalty. Replaces the terms "husband" and "wife," as well as related terms, with gender-neutral terms throughout the Code to comport with the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. ____ (June 26, 2015). The bill also repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage, and it makes conforming changes to various laws involving married individuals and their rights stemming from marriage.

[HB 0742](#) Local regulation of unmanned aircraft. Authorizes a political subdivision, by ordinance or regulation, to regulate the take-off or landing of certain unmanned aircraft on property owned by the political subdivision in accordance with the rules and regulations adopted by the Department of Aviation. The bill requires the locality to report the ordinance or regulation to the Department and directs the Department to publish a summary on the locality's website. The bill also directs the Department, by January 1, 2021, to develop rules and regulations specific to take-offs and landings in consultation with representatives of the unmanned aircraft system industry, small and medium-sized businesses utilizing unmanned aircraft systems, localities, and other stakeholders. The bill has a delayed effective date of January 1, 2021. This bill incorporates [HB 311](#) and [HB 1227](#).

[HB 1049](#) Prohibited discrimination; sexual orientation and gender identity. Prohibits discrimination in employment, public accommodation, public contracting, apprenticeship programs, housing, banking, and insurance on the basis of sexual orientation or gender identity. The bill also adds discrimination based on sexual orientation or gender identity to the list of unlawful discriminatory housing practices. The bill contains technical amendments.



SB 0149 Courthouse and courtroom security; assessment. Increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security.

SB 0153 Virginia Freedom of Information Act; cost estimates; response time. Provides that if a requester asks for a cost estimate in advance of a Virginia Freedom of Information Act request, the time to respond is tolled for the amount of time that elapses between notice of the cost estimate and the response from the requester, and that if the public body receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn. The bill clarifies that if a cost estimate exceeds \$200 and the public body requires an advance deposit, the public body may require the requester to pay the advance deposit before the public body is required to process the request. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

SB 0640 Unlawful detainer; expungement. Creates a process by which unlawful detainer actions filed in a general district court that have been dismissed or nonsuited may be expunged upon request of the defendant to such action. The bill has a delayed effective date of January 1, 2022.

Motor Vehicles – Driver's Licenses, Driver Privilege Cards & ID's

HB 0909/SB 0513 Driver's license suspensions for certain non-driving related offenses. Removes the existing provisions that allow a person's driver's license to be suspended (i) when he is convicted of or placed on deferred disposition for a drug offense, (ii) for non-payment of certain fees owed to a local correctional facility or regional jail, and (iii) for shoplifting motor fuel.

HB 1196/SB 0001 Suspension of driver's license for nonpayment of fines or costs. Repeals the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill also removes a provision allowing the court to require a defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. The bill requires the Commissioner of the Department of Motor Vehicles to return or reinstate any person's driver's license that was suspended prior to July 1, 2019, solely for nonpayment of fines or costs. Such person does not have to pay a reinstatement fee. This bill incorporates [HB 17](#).

HB 1211/SB 0034 Driver privilege cards; penalty. Authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an applicant who (i) has 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 and (ii) is not in violation of the insurance requirements for the registration of an uninsured motor vehicle. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting privileges, (b) permit an individual to waive any part of the driver examination, or (c) have their issuance be contingent upon the applicant's ability to produce proof of legal presence in the United States. The bill limits the release of certain information stored by the Department. The bill provides for the term "driver's license" to consistently refer to all driver's licenses, permits, driver privilege cards, and special identification cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill allows the issuance of a limited-duration driver's license and special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commissioner to provide to the Commissioner of the Department information sufficient to verify that an applicant for a driver privilege card or permit reported



income from Virginia sources or was claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2021.

SB 0246 Department of Motor Vehicles; sex designation. Requires the Department of Motor Vehicles to offer any applicant the option to mark "male," "female," or "non-binary" when designating the applicant's sex on an application for a driver's license or special identification card.

SB 0289 Driver's license designation; traumatic brain injury. Requires the Department of Motor Vehicles, upon the request of the applicant and presentation of a form completed by a licensed physician confirming the applicant's condition, to designate a traumatic brain injury on the applicant's driver's license.

SB 0711 Driving while license, permit, or privilege to drive suspended or revoked; mandatory minimum. Eliminates the mandatory minimum term of confinement in jail of 10 days for a third or subsequent conviction of driving on a suspended license.

SB 0761 Department of Motor Vehicles; driver's license eligibility. Authorizes the Department of Motor Vehicles to issue a limited-duration driver's license, permit, or special identification card to an applicant with a valid, unexpired Employment Authorization Document.

Motor Vehicles - Traffic Safety & Impaired Driving

HB 0034 Refusal of tests; restricted license. Allows a person convicted of a first offense of unreasonable refusal to have samples of his breath or blood taken for chemical tests to determine the alcohol content of his blood to petition the court 30 days after conviction for a restricted driver's license. The court may, for good cause shown, grant such restricted license for the same purposes as allowed for restricted licenses granted after conviction of driving under the influence if the person installs an ignition interlock system on each motor vehicle owned by or registered to the person and enters into and successfully completes an alcohol safety action program. The bill provides that such restricted license shall not permit any person to operate a commercial motor vehicle.

HB 0663 Circumvention of ignition interlock systems; venue. Provides that the venue for the prosecution of a circumvention of the operation of an ignition interlock system shall be where the offense occurred or the jurisdiction in which the order prohibiting a person from operating a motor vehicle that is not equipped with a functioning ignition interlock system was entered.

HB 0874/SB 160 Holding handheld personal communications devices while driving a motor vehicle. Prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. The bill has a delayed effective date of January 1, 2021. This bill incorporates [HB 377](#), [HB 387](#), [HB 512](#).

HB 0885/SB 0063 Reckless driving; exceeding speed limit. Raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged. The bill also provides that any person who drives a motor vehicle at a speed in excess of 80 miles per hour but below 86 miles per hour on any highway in the Commonwealth



having a maximum speed limit of 65 miles per hour shall be subject to an additional fine of \$100. This bill incorporates [HB 1374](#).

[HB 1066](#) Signals; overtaking vehicle. Removes the requirement that the driver of an overtaking vehicle use his lights or an audible method to signal to the driver of a slower vehicle to move to the right. The bill does not change the requirement that the slower-moving vehicle move to the right for an overtaking vehicle.

[HB 1442](#) Photo speed monitoring devices; civil penalty. Authorizes state and local law-enforcement agencies to operate photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such zone is indicated by conspicuously placed signs displaying the maximum speed limit and that such photo speed monitoring devices are used in the area. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$100, if such vehicle is found to be traveling at speeds of at least 10 miles per hour above the posted highway work zone or school crossing zone speed limit by the photo speed monitoring device. The bill provides that if the summons for a violation is issued by mail, the violation shall not be reported on the driver's operating record or to the driver's insurance agency, but if the violation is personally issued by an officer at the time of the violation, such violation shall be part of the driver's record and used for insurance purposes. The bill provides that the civil penalty will be paid to the locality in which the violation occurred if the summons is issued by a local law-enforcement officer and paid to the Literary Fund if the summons is issued by a law-enforcement officer employed by the Department of State Police. This bill incorporates [HB 621](#) and [HB 1721](#).

[HB 1577](#) Tow truck drivers; criminal history. Authorizes the Department of Criminal Justice Services, at its discretion, to issue a tow truck driver registration to a person who was convicted of a violent crime or a crime involving the driving of a tow truck provided that such conviction occurred more than 15 years prior to the date of application and that all conditions of probation or parole related to such conviction have been satisfied. The bill does not change the existing prohibition on issuing a tow truck driver registration to a person required to register as a sex offender.

[HB 1705](#) Yielding the right-of-way to pedestrians; stopping. Clarifies the duties of vehicle drivers to stop when yielding to pedestrians at (i) clearly marked crosswalks, whether at midblock or at the end of any block; (ii) any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block; or (iii) any intersection when the driver is approaching on a highway where the maximum speed limit is not more than 35 miles per hour. The bill also prohibits the driver of another vehicle approaching such stopped vehicle from an adjacent lane or from behind from overtaking and passing the stopped vehicle. The bill contains technical amendments.

[SB 0282](#) Ignition interlock for first offense driving under the influence of drugs. Provides that a court of proper jurisdiction may, as a condition of a restricted license, prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for a first offense of driving under the influence of drugs. Under current law, such prohibition is required to be ordered as a condition of a restricted license.

[SB 0437](#) Bicyclists and other vulnerable road users; penalty. Provides that a person who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, defined in the bill as a pedestrian; the operator of or passenger on a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, wheel chair or wheel chair conveyance, skateboard, roller skates, motorized skateboard or scooter, or animal-drawn vehicle or any attached device; or any person riding an animal, is guilty of a Class 1 misdemeanor. The bill also prohibits the driver of a



motor vehicle from crossing into a bicycle lane to pass or attempt to pass another vehicle, except in certain circumstances.

SB 0439 Driving under the influence; remote alcohol monitoring; penalty. Provides that in the case of an adult offender's first conviction of driving under the influence when the offender's blood alcohol content was less than 0.15, upon motion of the offender, the sole restriction of the offender's restricted driver's license shall be the prohibition of the offender from operating any motor vehicle not equipped with a functioning, certified ignition interlock system for one year without any violation of the ignition interlock system requirements. The bill provides that if a person is ineligible to receive a restricted license, a court may instead authorize such person to use a remote alcohol monitoring device, refrain from alcohol consumption, and participate in an alcohol safety action program; such provisions of the bill shall become effective on July 1, 2021. The bill provides that tampering with a remote alcohol monitoring device is a Class 1 misdemeanor. This bill incorporates [SB 154](#) and [SB 520](#).

SB 0556 Speeding fines; certain roads. Adds a \$15 penalty, in addition to all other penalties, for driving in excess of the posted speed limit on U.S. Routes 15 and 17 in Fauquier County, when such additional penalty is indicated by appropriately placed signs.

SB 0798 Driving after forfeiture of license. Specifies that a person is guilty of an offense of driving or operating a motor vehicle (i) after his driver's license has been revoked for certain offenses; (ii) in violation of the terms of a restricted license; (iii) without an ignition interlock system if one is required; or (iv) if the person's license had been restricted, suspended, or revoked for certain driving under the influence offenses, with a blood alcohol content of 0.02 percent or more, only if such person was driving or operating the motor vehicle on a highway, as defined in Title 46.2, Motor Vehicles.

Motor Vehicles – Vehicle Regulations

HB 0193 Vehicles used for agricultural and farm purposes; other uses. Authorizes the use of vehicles exempt from vehicle registration and used exclusively for agricultural or horticultural purposes to transport the vehicle owner between his residence and the land where such agricultural or horticultural activities take place. The bill clarifies that farm use of vehicles registered as farm motor vehicles includes transport between the operator's residence and the farm.

HB 0445 Light units; candlepower to lumens. States the limits on brightness for certain lights in vehicles in lumens. Current law provides such restrictions in candlepower only.

HB 0543/SB 0871 Electric power-assisted bicycles. Amends the definition of "electric power-assisted bicycle" to include three classes of such bicycles, based upon the type of motor and the maximum miles per hour that the motor is capable of propelling the bicycle. The bill also provides that electric power-assisted bicycles and operators are afforded the same rights and privileges as bicycles and operators and limits local and state regulation of the operation of such electric power-assisted bicycles to certain bicycle paths, shared-use paths, and trails. The bill requires manufacturers and distributors of electric power-assisted bicycles to include (i) on each electric power-assisted bicycle, a label indicating certain technical specifications and (ii) on each class three electric power-assisted bicycle, a miles-per-hour speedometer. The bill requires persons operating or riding on a class three electric power-assisted bicycle to wear a helmet.

HB 0991 Firefighting equipment; weight limitation on interstate. Requires firefighting equipment to comply with existing weight limitations for emergency vehicles on interstate highways. Current law exempts firefighting equipment from all size and weight limitations. The bill exempts emergency vehicles registered



to a federal, state, or local agency or a fire company from any fee typically charged for the issuance of an overweight permit for such vehicle.

HB 1092 Department of Motor Vehicles; release of information. Reorganizes and clarifies the responsibilities of the Department of Motor Vehicles regarding the management and distribution of information in its records. The bill limits the release of certain information in the Department's records and authorizes certain notices to be sent electronically or by postcard. The bill repeals sections of the Code (i) requiring the Department to furnish a certificate linking a license plate number to an individual and (ii) permitting the Department to publish personal information related to certain delinquent accounts online. The bill contains technical amendments and contains an emergency clause.

HB 1126 Abandoned, unattended, or immobile vehicles; minimum weight. Limits the current prohibition on and remedies for abandoned, unattended, or immobile vehicles to vehicles that weigh at least 75 pounds.

HB 1348/SB 0328 Overweight permits; forest products. Clarifies that the definition of forest products for the purpose of qualifying for an overweight permit for hauling forest products includes wood pellets.

HB 1666 Voluntary registry for people with disability that impairs communication; vehicle registration. Authorizes an individual with a disability that can impair communication to voluntarily indicate such disability on his application for registration of a motor vehicle. The bill requires the Department of Motor Vehicles to share this indication with criminal justice agencies.

SB 0758 Electric personal delivery devices. Makes several changes related to electric personal delivery devices, including changing the term used to refer to such devices to "personal delivery devices" and changing the weight limit of such devices from 50 to 500 pounds. The bill allows localities to regulate the use of personal delivery devices on sidewalks, crosswalks, or roadways but requires a locality to allow a personal delivery device to operate on the side of a roadway with a speed limit of 25 miles per hour or less if a sidewalk is not available.

Parole & Early Release

HB 29 - Budget Bill - Amendment 21 Provides authority for the Director of the Department of Corrections to discharge or lower the supervision level of certain prisoners upon the declaration of a state of emergency by the Governor due to a public health threat. Expires on July 1, 2021.

HB 0033/SB 0793 Parole; Fishback exception to limitation on the application of parole statutes. Provides that a person is eligible to be considered for parole if (i) such person was sentenced by a jury prior to the date of the Supreme Court of Virginia decision in *Fishback v. Commonwealth*, 260 Va. 104 (June 9, 2000), in which the Court held that a jury should be instructed on the fact that parole has been abolished, for a felony committed on or after the abolition of parole going into effect (on January 1, 1995); (ii) the person remained incarcerated for the offense on July 1, 2020; and (iii) the offense was not one of the following: (a) a Class 1 felony; (b) if the victim was a minor, rape, forcible sodomy, object sexual penetration, or aggravated sexual battery or an attempt to commit such act; or (c) carnal knowledge. The bill also requires the Parole Board to establish procedures for consideration of parole of persons entitled to it and also provides that any person who is eligible for parole as of July 1, 2020, shall be scheduled for a parole interview no later than July 1, 2021, allowing for extension of time for reasonable cause. The bill contains an emergency clause.



[HB 0035/SB 0103](#) Juvenile offenders; parole. Provides that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentence and any person who has active sentences that total more than 20 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentences shall be eligible for parole.

Post-trial Provisions

[HB 0369](#) Furloughs from local work release programs; notice to local sheriff. Provides that if any furlough permitted by the director of a work release program for an offender participating in a work release program under the supervision of the administrator of a regional jail would extend the limits of confinement of the offender to a locality not served by that regional jail, notice of such furlough shall be provided to the sheriff of such locality.

[HB 0660/SB 0286](#) Deferred dispositions; property crimes; larceny and receiving stolen goods. Provides that a court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation subject to terms and conditions for a first offense misdemeanor larceny provided such person has not previously been convicted of any felony or had a prior deferred disposition for the same offense. The bill also provides that deferred disposition will no longer be allowed for peeping crimes. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference. This bill incorporates [HB 1592](#).

[HB 0752/SB 0312](#) Postrelease incarceration of felons sentenced for certain offenses. Clarifies that offenders who are convicted of knowingly failing to register or reregister with, or knowingly providing materially false information to, the Sex Offender and Crimes Against Minors Registry are subject to added terms of postrelease incarceration. The bill also clarifies that when a sentence is imposed upon conviction of a felony that includes an active term of incarceration and the court does not order a suspended term of confinement of at least six months, a period of postrelease incarceration shall be imposed that is not less than six months or more than three years. The bill also clarifies that it is the period of postrelease incarceration that is required to be suspended, not the period of postrelease supervision. As introduced, this bill was a recommendation of the Judicial Council.

[HB 0974/SB 0511](#) Petition for writ of actual innocence. Provides that a person who was convicted of a felony or who was adjudicated delinquent by a circuit court of an offense that would be a felony if committed by an adult may petition for a writ of actual innocence based on biological evidence or nonbiological evidence regardless of the type of plea he entered at trial. Under current law, such person may petition for a writ based on biological evidence if he entered a plea of not guilty, and any person, regardless of the type of plea he entered at trial, may petition for such writ if he is sentenced to death or convicted or adjudicated delinquent of murder or a felony for which the maximum punishment is imprisonment for life. The bill also (i) allows a writ of actual innocence based on nonbiological evidence to be granted if scientific testing of previously untested evidence, regardless of whether such evidence was available or known at the time of conviction, proves that no trier of fact would have found proof of guilt of the person petitioning for the writ, provided that the testing procedure was not available at the time of conviction, and (ii) eliminates the provision that limits a petitioner to only one writ of actual innocence based on nonbiological evidence for any conviction. The bill provides that the petitioner must prove the allegations supporting either type of writ of actual innocence by a preponderance of the evidence. Currently, the petitioner must prove such allegations by clear and convincing evidence. Finally, the bill clarifies that the Attorney General may join a petition for a writ of actual innocence filed in connection with an adjudication of delinquency.



[HB 0277/SB 0736](#) Community service work in lieu of payment of fines and costs. Provides that a court may permit an inmate to earn credits against any fines and court costs imposed against him by performing community service. Under current law, credits may be earned only before or after imprisonment. This bill incorporates [HB 965](#).

[SB 0133](#) Deferred disposition in criminal cases. Allows a court to defer and dismiss a criminal case where the defendant has been diagnosed with autism or an intellectual disability and the court finds by clear and convincing evidence that the criminal conduct was caused by or had a direct and substantial relationship to the person's disorder or disability.

[SB 1018](#) Sentence reductions; substantial assistance to prosecution. Allows a convicted person's sentence to be reduced by the sentencing court if the court determines such person provided substantial assistance in the furtherance of the investigation or prosecution of another person engaged in an act of grand larceny of a firearm. Consideration of sentence reduction can occur only upon motion of the attorney for the Commonwealth.

[SB 1071](#) Post-conviction testing of DNA. Permits private laboratories that are accredited and follow the appropriate Quality Assurance Standards issued by the Federal Bureau of Investigation to complete post-conviction testing of DNA evidence.

Schools & Higher Education

[HB 0256/SB 0003](#) Disorderly conduct; students. Provides that an elementary or secondary school student is not guilty of disorderly conduct in a public place if the disorderly conduct occurred on the property of an elementary or secondary school, on a school bus, or at any activity conducted or sponsored by any elementary or secondary school. This bill incorporates [HB 8](#).

[HB 0257/SB 0729](#) School principals; incident reports. Eliminates the requirement that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense. This bill incorporates [HB 695](#).

[HB 0271/SB 170](#) Public schools; school resource officers; data. Requires the Department of Criminal Justice Services, in coordination with the Department of Education and the Department of Juvenile Justice, to annually collect, report, and publish data related to incidents involving students and school resource officers. The bill also requires the Virginia Center for School and Campus Safety to analyze and disseminate submitted data.

[HB 0292/SB 0221](#) School boards and local law-enforcement agencies; memorandums of understanding; frequency of review and public input. Shortens from every five years to every two years the frequency of the review period for memorandums of understanding between school boards and local law-enforcement agencies. The bill also requires local school boards to conspicuously publish the current division memorandum of understanding on its division website and provide notice and opportunity for public input during each memorandum of understanding review period. This bill incorporates [HB 897](#) and [HB 1135](#).

[HB 0913](#) Institutions of higher education; sexual violence policies; immunity from disciplinary action; certain students who make reports. Requires the governing board of each nonprofit private institution of higher education and each public institution of higher education except the Virginia Military Institute to include as part of its policy, code, rules, or set of standards governing sexual violence a provision

for immunity from disciplinary action based on personal consumption of drugs or alcohol where such disclosure is made in conjunction with a good faith report of an act of sexual violence.

HB 1081/SB 0237 School attendance officers; petitions for violation of a school attendance order.

Provides that an attendance officer, or a division superintendent or his designee when acting as an attendance officer, to complete, sign, and file with the intake officer of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, a petition for a violation of a school attendance order entered by the juvenile and domestic relations district court in response to the filing of a petition alleging the pupil is a child in need of supervision. The bill provides that such actions do not constitute the unauthorized practice of law.

HB 1419/SB 0171 School resource officers and school security officers; training standards.

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

SB 1020 Public schools; alternative school discipline process. Allows a school board to adopt an alternative school discipline process to provide a principal and parties involved in an incident involving assault, or assault and battery without bodily injury, that occurs on a school bus, on school property, or at a school-sponsored event an option to enter into a mutually agreed-upon process between the involved parties as an alternative to reporting such incident to law enforcement. The bill provides that a principal in a school division with such an alternative accountability process may attempt to engage the parties involved in such an incident in the process prior to reporting such incident to the local law-enforcement agency and prohibits, if provided for by the school board, a principal from reporting a party who successfully completes the alternative school discipline process.

Sex Offenses & Human Trafficking

HB 0245 Fornication; repeal. Repeals the crime of fornication, i.e., voluntary sexual intercourse by an unmarried person, punishable under current law as a Class 4 misdemeanor.

HB 0253 Offenses requiring registration under the Sex Offender and Crimes Against Minors Registry Act; unlawful dissemination or sale of images of another. Adds a third or subsequent conviction of unlawful dissemination or sale of images of another to the list of offenses requiring registration under the Sex Offender and Crimes Against Minors Registry if the offense was committed on or after July 1, 2020. The bill contains technical amendments.

HB 0298/SB 0724 Misdemeanor sexual offenses where the victim is a minor; statute of limitations.

Increases the statute of limitations for prosecuting misdemeanor violations where the victim is a minor from one year after the victim reaches the age of majority to five years after the victim reaches the age of majority if the offender was an adult at the time of the offense and more than three years older than the victim for the following misdemeanor violations: carnal knowledge of detainee by employee of bail bond company, sexual battery, attempted sexual battery, infected sexual battery, sexual abuse of a child age 13 or 14 by an adult, and tongue penetration by adult of mouth of child under age 13 with lascivious intent.



[HB 0475/SB 0373](#) Virginia sexual assault forensic examiner coordination program. Establishes the Virginia sexual assault forensic examiner coordination program within the Department of Criminal Justice Services. The bill requires the head of the program to create and coordinate an annual statewide sexual assault forensic nurse examiner training program; coordinate the development and enhancement of sexual assault forensic examiner programs across the Commonwealth; participate in the development of hospital protocols and guidelines for treatment of survivors of sexual assault; coordinate and strengthen communications among sexual assault nurse examiner medical directors, sexual assault response teams, and hospitals for existing and developing sexual assault nurse examiner programs; provide technical assistance for existing and developing sexual assault forensic examiner programs; create and maintain a statewide list, updated biannually, that includes pertinent information regarding sexual assault forensic examiners and nurse examiners; create sexual assault nurse examiner recruitment materials for universities and colleges with nursing programs; and support and coordinate community education and public outreach, when appropriate, relating to sexual assault nurse examiner issues for the Commonwealth. The provisions of the bill are contingent on funding in a general appropriation act.

[HB 0557](#) Carnal knowledge of pretrial or posttrial offender; bail bondsmen; penalty. Increases to a Class 6 felony from a Class 1 misdemeanor the penalty for an owner or employee of a bail bond company that posted bond for a person to carnally know such person if the owner or employee has the authority to revoke the person's bond.

[HB 1006/SB 706](#) Human trafficking assessments by local departments. Changes the name of sex trafficking assessments to human trafficking assessments and allows local departments of social services conducting such human trafficking assessments to interview the alleged child victim or his siblings without the consent and outside the presence of such child's or siblings' parent, guardian, legal custodian, or other person standing in loco parentis, or school personnel. This bill is a recommendation of the Virginia State Crime Commission.

[HB 1015/SB 0297](#) Virginia Sexual and Domestic Violence Prevention Fund; report. Creates the Virginia Sexual and Domestic Violence Prevention Fund, which shall be administered by the Department of Social Services, in coordination with the Department of Health and the Virginia Sexual and Domestic Violence Action Alliance, and used to develop, support, and evaluate programs that prevent sexual and domestic violence through strategies that (i) promote healthy practices related to relationships, sexuality, and social-emotional development and (ii) counteract the factors associated with the initial perpetration of sexual and domestic violence.

[HB 1176](#) Sexual assault nurse examiners; place of practice. Requires every hospital to report quarterly to the Department of Health information regarding the number of certified sexual assault nurse examiners employed by the hospital and the location, including street address, and contact information for the location at which each certified sexual assault nurse examiner provides services. The bill also requires the Department of Health to make information regarding the availability of certified sexual assault nurse examiners in the Commonwealth, including the name of each hospital at which a certified sexual assault nurse examiner is employed, the location, including street address, of such hospital, and the contact information for such hospital, available on the Department's website.

[HB 1330](#) Possession, distribution, production, publication, sale, financing, etc., of child pornography; venue. Provides that venue for a prosecution of child pornography possession, distribution, or production may lie in the jurisdiction where the alleged offender resides. Under current law, venue for a prosecution of such offense may lie only in the jurisdiction where the unlawful act occurs or where any sexually explicit visual material associated with the unlawful act is produced, reproduced, found, stored, or possessed. This bill incorporates [HB 478](#).

[HB 1524](#) Prostitution; touching the unclothed genitals or anus of another; penalty. Provides that any person who touches the unclothed genitals or anus of another with the intent to sexually arouse or



gratify for money is guilty of prostitution, which is punishable as a Class 1 misdemeanor. The bill also provides that any person who receives any money on account of procuring for or placing in a house of prostitution any person for the purpose of causing such person to engage in the touching of the unclothed genitals or anus of another person with the intent to sexually arouse or gratify is guilty of a Class 4 felony. As introduced, this bill is a recommendation of the Virginia State Crime Commission.

SB 0042 Aggravated sexual battery; penalty. Provides that any massage therapist, person practicing the healing arts, or physical therapist, or a person purporting to be such practitioner, who sexually abuses another person without the express consent of the complaining witness is guilty of aggravated sexual battery.

SB 0492 Sex offenses requiring registration. Clarifies the registration and reregistration obligations imposed upon a person convicted of a foreign sex offense for the purposes of registration with the Sex Offender and Crimes Against Minors Registry.

SB 0579 Sex Offender and Crimes Against Minors Registry. Makes numerous changes to the provisions governing the Sex Offender and Crimes Against Minors Registry. The bill changes the number of classifications of offenders who are required to register under the Registry to match the number of classifications under federal law and redesignates the classifications as Tier I, Tier II, and Tier III offenses. The bill also streamlines the reregistration process, eliminates the need for lower-level offenders to reregister annually, and allows offenders to electronically verify their registration information.

Victims' Rights

HB 0806/SB 0949 Criminal Injuries Compensation Fund; uncompensated medical costs; victims of sexual assault. Adds to those persons invited to participate in the annual meeting of the group led by the attorney for the Commonwealth to coordinate the multidisciplinary response to criminal sexual assault in each political subdivision (i) local health department district directors; (ii) the administrator of each licensed hospital within the jurisdiction; (iii) the director of each health safety net clinic within the jurisdiction; and (iv) any other local health care providers, or their designees, and authorizes attorneys for the Commonwealth to conduct the sexual assault response team annual meetings using other methods, such as electronic communication means, to encourage attendance. The bill also directs the Secretary of Health and Human Resources to establish a work group to evaluate the feasibility of moving responsibility for the SAFE program from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services and to provide recommendations related to (i) the feasibility and cost of expanding the type of services for which the Criminal Injuries Compensation Fund will make awards to include claims or portions of claims based on the claimant's actual expenses incurred for unreimbursed medical costs resulting from sexual abuse, including the cost of physical evidence recovery kit examinations conducted on victims of sexual assault, unreimbursed medical expenses or indebtedness reasonably incurred for medical expenses, expenses attributable to pregnancy resulting from such sexual abuse, and any other reasonable and necessary expenses and indebtedness associated with or attributable to the sexual abuse upon which such claim is based and (ii) the feasibility of transferring responsibility from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services for the Sexual Assault Forensic Examination program (the SAFE program) and related claims for medical expenses related to sexual assault, strangulation, domestic and intimate partner violence, human trafficking, and adult and child abuse. If the work group finds that it is not feasible to move responsibility for the SAFE program and related claims from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services, the work group shall develop recommendations for creation of an efficient, seamless electronic medical claim processing system for hospitals and health care providers that coordinates payments from



all available sources, suppresses explanations of benefits, and removes the patient from the medical billing and reimbursement process. The work group's report shall include specific legislative, regulatory, and budgetary changes necessary to implement the work group's recommendations. The work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, and the Joint Commission on Health Care by September 1, 2020.

HB 0988 **Compensating victims of crime; persons eligible for award; grandchildren.** Includes grandchildren of the victim of a crime, who are alive at the time of the commission of the crime, in the list of persons eligible for compensation as a result of the death of the victim (i) as a direct result of the crime or (ii) due to the victim's trying to prevent a crime or attempted crime from occurring or trying to apprehend a person who had committed a crime in his presence or had committed a felony.