

# New 2021 Virginia Law

A legal guide for sexual and domestic violence  
advocates and survivors in Virginia



Virginia Sexual and Domestic Violence  
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Greetings advocates and policy wonks!

The 2021 (entirely virtual) General Assembly Session is officially behind us. As with most everything during this pandemic, it somehow feels as though our work of tracking bills, coordinating legislative advocacy day, testifying before legislative committees, and lobbying legislators and advocates happened YEARS ago! We quickly moved from state policy to federal appropriations advocacy to working with funders and administrators on the roll-out of COVID-relief and American Rescue Act dollars and now, to a much needed [VOCA fix](#) in Congress. As our work (and time, it seems) marches on, it is important to reflect on and understand the changes that we will see in Virginia law – and particularly those changes that will benefit survivors and our work as advocates.

**To this end, this document provides a snapshot of the legislative accomplishments that occurred between January and April and those policy decisions that we expect sexual and domestic violence advocates to be able to count on in a (hopefully) post-pandemic Commonwealth.** Our field saw [several big wins in 2021](#) – including restoration of funds to the state’s sexual and domestic violence prevention fund, new firearms restrictions for those convicted of misdemeanor domestic violence crimes, abolition of the death penalty, policies to allow victims of trafficking to vacate and expunge criminal records, and more. Despite legislator bill limits and new rules governing this virtual session, there was no shortage of bills filed or hot topics to debate. Legislators [introduced 1,092 bills with 622 of these passing](#) both chambers (House and Senate) and ultimately being signed into law by the Governor.

Given the influx of federal relief dollars to Virginia (via the American Rescue Act), the General Assembly is expected to come back together sometime in early August to make important decisions regarding funding for our communities. The Action Alliance’s Public Policy Committee and staff are already working to educate our policy leaders on the need for sustainable services and prevention funding for our programs. Stay tuned for more on session and how you can best plug into these advocacy efforts!

For now, we want to pause and celebrate our collective accomplishments and thank YOU for your steadfast advocacy at the general assembly (and beyond!). **Without your support, none of our work advocating for survivors in the legislature would be possible. Thank you! Seriously.**

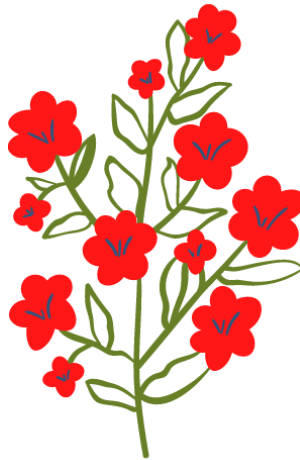


Unless noted, legislation becomes effective July 1, 2021. For more information on bills of interest, the Action Alliance's policy priorities, news from the 2021 General Assembly Session, and news on the upcoming 2021 special session, see the [Public Policy section of the Action Alliance's website](#). If you have any feedback, questions, or would like to get involved, feel free to drop us a line at [policy@vsdvalliance.org](mailto:policy@vsdvalliance.org)

Onward,

***Action Alliance Policy Staff, Public Policy Committee Members, and Allies***

**LOVE TO ALL  
ADVOCATES**



**LOVE TO ALL  
SURVIVORS**



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## CAMPUS AND UNIVERSITY ADVOCACY

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### **SNAP Benefits Program; Eligibility for Benefits, Postsecondary Education.**

Adds participation in educational activities that lead to a post-secondary credential from an accredited institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia to the list of activities to which a participant in the Virginia Initiative for Education and Work may be enrolled and directs the Board of Social Services to amend the Supplemental Nutrition Assistance Program (SNAP) benefits program to (i) establish broad-based categorical eligibility, (ii) set the gross income eligibility standard at 200 percent of the federal poverty guidelines, (iii) not impose an asset limit for eligibility, and (iv) increase opportunities for self-sufficiency through postsecondary education by allowing SNAP benefits program participants to satisfy applicable employment and training requirements through enrollment in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia.

- Passed as: [HB 1820](#)
- VA Code Section to be changed: That §§ [63.2-608](#) and [63.2-801](#) of the Code of Virginia are amended and reenacted as § [63.2-608](#).

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### **Higher Educational Institutions, Public; Admissions Applications Criminal History Questions.**

Prohibits each public institution of higher education, with the exception of the Virginia Military Institute and a law school of a public institution of higher education that is accredited by the American Bar Association, from (i) utilizing an institution-specific admissions application that contains questions about the criminal history of the applicant or (ii) denying admission to any applicant on the basis of any criminal history information provided by the applicant on any third-party admissions application accepted by the institution. The bill permits each public institution of higher education to inquire into the criminal history of any individual who has been admitted to but has yet to enroll at the institution and withdraw an offer of admission to any individual whom the institution subsequently determines to have a criminal history that poses a threat to the institution's community. The bill has a delayed effective date of January 1, 2022.

- Passed as: [HB 1930](#)
- VA Code Section to be changed: § [23.1-407.1](#)



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## CHILD CUSTODY AND CHILD WELFARE

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### **Uniform Collaborative Law Act.**

Creates the Uniform Collaborative Law Act, which provides a framework for the practice of collaborative law, a process entered into voluntarily by clients for the express purpose of reaching a settlement in a family or domestic relations law matter, including (i) marriage, divorce, dissolution, annulment, and property distribution; (ii) child custody, visitation, and parenting time; (iii) alimony, spousal support, maintenance, and child support; (iv) adoption; (v) parentage; and (vi) negotiation or enforcement of premarital, marital, and separation agreements. The Act governs disclosure of information, privilege against disclosure of communications, and scope of representation by the attorneys in the proceeding.

- Passed as: [HB 1852](#)
- VA Code Section to be changed: An Act to amend the Code of Virginia by adding in Title 20 a chapter numbered 11, consisting of sections numbered §§ [20-168](#) through [20-187](#), relating to the Uniform Collaborative Law Act.

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### **Court-appointed special advocates; information sharing.**

Permits court-appointed special advocates to participate in and verbally share information with family partnership meetings and in meetings of family assessment and planning teams, multidisciplinary child sexual abuse response teams, individualized education program teams, and multidisciplinary teams related to child abuse.

- Passed as: [HB 1866](#)
- VA Code Section to be changed: §§ [9.1-153](#) and [9.1-156](#)

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### **No-fault divorce; corroboration requirement.**

Removes the corroborating witness requirement for no-fault divorces.

- Passed as: [HB 1911](#)
- VA Code Sections to be changed: §§ [20-99](#) and [20-106](#)



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### **Foster care; termination of residual parental rights, relatives and fictive kin.**

Requires local departments of social services and licensed child-placing agencies to involve in the development of a child's foster care plan the child's relatives and fictive kin who are interested in the child's welfare. The bill requires that a child 12 years of age or older be involved in the development of his foster care plan; under current law, a child's involvement is mandatory upon reaching 14 years of age. The bill contains other amendments to provisions governing foster care and termination of parental rights that encourage the placement of children with relatives and fictive kin.

- Passed as: [HB 1962](#)
- VA Code Sections to be changed: §§ [16.1-281](#), [16.1-283](#), [63.2-906](#), and [63.2-910.2](#)

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### **Child care providers; background checks, portability.**

Exempts prospective employees and volunteers of certain child care providers from statutory background check requirements where the individual completed a background check within the previous five years, provided that (i) such background check was conducted after July 1, 2017; (ii) the results of such background check indicated that the individual had not been convicted of any barrier crime and was not the subject of a founded complaint of child abuse or neglect; and (iii) the individual is an employee or volunteer of a child care provider that is subject to background check requirements or has been separated from such employment or volunteer position for not more than 180 days. The bill requires such child care providers, prior to hiring or allowing to volunteer any individual without the completion of a background check, to obtain written certification that such individual satisfies all such requirements and is eligible to serve as an employee or volunteer. The bill also directs the Department of Education (the Department) to establish a two-year pilot program for the purpose of stabilizing and improving the quality of services provided in the Commonwealth's child care industry. The bill provides that under the pilot program a fixed sum of funds, based on the number of children served and certain other factors, will be disbursed to participating child care providers who agree to meet higher standards of quality and care, as determined by the Department. The bill requires the Department to report to the Governor and the General Assembly no later than December 1 of each year of the pilot program certain information set forth in the bill. The bill also requires the Department, in collaboration with the School Readiness Committee, to (a) identify and analyze financing strategies that can be used to support the systemic costs of high-quality child care services, ensure equitable compensation for child care staff, and better prepare children for kindergarten and (b) analyze the effectiveness of using a cost-of-quality modeling system for the child care subsidy program. The bill requires the Department to report its findings to the Governor and the General Assembly no later than December 1, 2021.



- Passed as: [HB 2086](#)
  - VA Code Sections to be changed: §§ [19.2-389](#), [22.1-289.035](#), [22.1-289.039](#), [63.2-1720.1](#), and [63.2-1724](#)
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### **Social services, local departments of; investigations and family assessments, etc.**

Requires local departments of social services, when conducting investigations or family assessments, to disclose to the child's parent or guardian, upon request, the location of the child, provided that (i) the investigation or family assessment has not been completed and a report has not been transmitted; (ii) the parent or guardian requesting disclosure of the child's location has not been the subject of a founded report of child abuse or neglect; (iii) the parent or guardian requesting disclosure of the child's location has legal custody of the child and provides to the local department of social services any records or other information necessary to verify such custody; (iv) the local department is not aware of any court order, and has confirmed with the child's other parent or guardian or other person responsible for the care of the child that no court order has been issued, that prohibits or limits contact by the parent or guardian requesting disclosure of the child's location with the child, the child's other parent or guardian or other person responsible for the care of the child, or any member of the household in which the child is located; and (v) disclosure of the child's location to the parent or guardian will not compromise the safety of the child, the child's other parent or guardian, or any other person responsible for the care of the child.

- Passed as: [HB 2191](#)
  - VA Code Sections to be changed: §§ [63.2-1505](#) and [63.2-1506](#) of the Code of Virginia are amended and reenacted.
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### **Child support; health care coverage.**

Provides that in any case in which a petitioner is seeking to establish child support, the intake officer shall provide the petitioner information on the possible availability of medical assistance through the Family Access to Medical Insurance Security (FAMIS) plan or other government-sponsored coverage through the Department of Medical Assistance Services. The bill also requires the Department of Social Services to refer children for whom it has issued an order directing the payment of child support to the FAMIS plan if it appears that the gross income of the custodial parent is equal to or less than 200 percent of the federal poverty level.

- Passed as: [HB 2002](#)
- VA Code Sections to be changed: §§ [16.1-260](#) and [63.2-1903](#) of the Code of Virginia are amended and reenacted.





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### **School boards; board policy for students unable to pay for a meal at school.**

Requires each school board to adopt a policy that prohibits the board from filing a lawsuit against a student or the student's parent because the student cannot pay for a meal at school or owes a school meal debt.

- Passed as: [HB 2013](#)
- VA Code Sections to be changed: § [22.1-79.7](#) of the Code of Virginia is amended and reenacted.

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### **Foster care; termination of residual parental rights, relatives and fictive kin**

Requires local departments of social services and licensed child-placing agencies to involve in the development of a child's foster care plan the child's relatives and fictive kin who are interested in the child's welfare. The bill requires that a child 12 years of age or older be involved in the development of his foster care plan; under current law, a child's involvement is mandatory upon reaching 14 years of age. The bill contains other amendments to provisions governing foster care and termination of parental rights that encourage the placement of children with relatives and fictive kin.

- Passed as: [HB 1962](#)
- VA Code Sections to be changed: §§ [16.1-281](#), [16.1-283](#), [63.2-906](#), and [63.2-910.2](#) of the Code of Virginia are amended and reenacted.

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### **School boards, certain; participation in the Afterschool Meal Program.**

Requires each school board that governs a local school division that has a student population that qualifies for free and reduced-price meals at a minimum percentage of 50 percent in the prior school year and simultaneously offers educational or enrichment activities and is consequently eligible to participate in the Afterschool Meal Program administered by the U.S. Department of Agriculture Food and Nutrition Service (FNS) Child and Adult Care Food Program to apply to the Department of Education to participate in the Afterschool Meal Program for each such school to subsequently and simultaneously serve federally reimbursable meals and offer an afterschool education or enrichment program, pursuant to FNS guidelines and state health and safety standards. The bill requires the Department of Education to administer the Afterschool Meal Program on behalf of the U.S. Department of Agriculture. The bill provides that the Superintendent of Public Instruction shall issue a waiver to this requirement upon determination that participation is not financially viable for a school or group of schools. The bill requires the



Department of Education to develop a process and criteria for evaluating such waivers. The bill has a delayed effective date of July 1, 2022.

- Passed as: [HB 2135](#)
  - VA Code Sections to be changed: § [22.1-207.4:2](#)
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### **Child Care Subsidy Program; expanding Program to serve more families.**

Provides that regulations governing the Child Care Subsidy Program (the Program) shall be amended to provide that (i) a family shall be eligible for assistance through the Program if the family's income does not exceed 85 percent of the state median income, the family includes at least one child who is five years of age or younger and has not yet started kindergarten, and the family meets all other income and eligibility requirements of the Program and (ii) job search activities shall be considered eligible activities for the purposes of the Program. The bill provides that a family determined to be eligible for assistance through the Program shall be eligible to receive assistance for a period of 12 months or until the family's household income exceeds 85 percent of the state median income, whichever occurs sooner. The Department of Social Services shall administer the program, as amended by the bill, in cooperation with the Department of Education. The bill contains an emergency clause and provides that the provisions of the bill shall be ap SB 1168 "Abused or neglected child"; definition.

- Passed as: [HB 2206](#)
  - VA Code Sections to be changed: § [63.2-1911](#) of the Code of Virginia is amended and reenacted.
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### **"Abused or neglected child"; definition.**

Conforms the definition of "abused or neglected child" in Title 16.1 (Courts Not of Record) with the definition of the same term in Title 63.2 (Welfare (Social Services)).

- Passed as: [SB 1168](#)
- VA Code Sections to be changed: § [16.1-228](#) of the Code of Virginia is amended and reenacted.



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## CRIMINAL JUSTICE

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### **Admission to bail; rebuttable presumptions against bail.**

Eliminates provisions regarding the rebuttable presumptions against being admitted to bail. The bill also provides that in making a bail determination, a judicial officer shall consider all relevant information, including whether the person's liberty will constitute an unreasonable danger to himself, family or household members as defined in § [16.1-228](#), or the public.

- Passed as: [SB 1266](#)
- VA Code Section to be changed: §§ [19.2-120](#) and [19.2-124](#) of the Code of Virginia are amended and reenacted.

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### **Suspension or modification of sentence; transfer to the Department of Corrections.**

Provides that if a person has been sentenced for a felony to the Department of Corrections (the Department), the court that heard the case, if it appears compatible with the public interest and there are circumstances in mitigation of the offense, may, at any time before the person is transferred to the Department, or within 60 days of such transfer, suspend or otherwise modify the unserved portion of such a sentence.

- Passed as: [HB 1806](#)
- VA Code Section to be changed: § [19.2-303](#) of the Code of Virginia is amended and reenacted.

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### **Behavioral health; assessments in local correctional facilities, report.**

Requires the Board of Local and Regional Jails (the Board) to include in its minimum standards for behavioral health services in local correction facilities requirements for (i) referral of individuals committed to local correctional facilities for whom a behavioral health screening indicates reason to believe the person may have mental illness to a behavioral health service provider for a behavioral health assessment and (ii) in cases in which there is reason to believe an individual is experiencing acute mental health distress or is at risk for suicide, (a) staff of the local correctional facility to consult with the behavioral health service provider to implement immediate interventions and to provide ongoing monitoring to ensure the safety of the individual and (b) the behavioral health assessment to be completed within 72 hours of completion of the



behavioral health screening unless the 72-hour period ends on a Saturday, Sunday, or legal holiday, in which case the assessment shall be completed by the close of business on the next working day. The bill requires the Board to (1) review the behavioral health screening and assessment process for individuals committed to local correctional facilities, (2) identify barriers to ensuring that all behavioral health assessments are completed within 72 hours of the behavioral health screening, (3) develop recommendations for addressing such barriers, and (4) report its findings and recommendations to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Committees on Health, Welfare and Institutions and Public Safety and the Senate Committee on Rehabilitation and Social Services by October 1, 2021

- Passed as: [HB 1874](#)
- VA Code Section to be changed: § [53.1-68](#) of the Code of Virginia is amended and reenacted.

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### **Probation, revocation, and suspension of sentence; limitations on sentence, technical violation.**

Limits the amount of active incarceration a court can impose as a result of a revocation hearing for a probation violation. The bill provides that if the court finds the basis of a violation of the terms and conditions of a suspended sentence or probation is that the defendant was convicted of a criminal offense or violated another condition other than a technical violation, the court may pronounce whatever sentence might have been originally imposed. The bill also provides that if a court finds that a defendant has absconded from the jurisdiction of the court, the court may extend the period of probation or suspended sentence for a period not to exceed the length of time that such defendant absconded. The bill defines "technical violation" and provides specific limitations on the sentence a court may impose depending on whether the violation is a first, second, or third or subsequent technical violation. The bill also provides that a court may fix the period of probation for up to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned and any period of supervised probation shall not exceed five years from the release of the defendant from any active period of incarceration but such limitation shall not apply to the extent that an additional period of probation is necessary (i) for the defendant to participate in a court-ordered program or (ii) if a defendant owes restitution and is still subject to restitution compliance review hearings. The bill also provides that a court must measure any period of suspension of sentence from the date of entry of the original sentencing order.

- Passed as: [HB 2038](#)
- VA Code Section to be changed: §§ [19.2-303](#), [19.2-303.1](#), and [19.2-306](#) of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered [19.2-306.1](#)



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### **Death penalty; abolition of current penalty.**

Abolishes the death penalty, including for those persons currently under a death sentence. The bill provides that no person may be sentenced to death or put to death on or after its effective date for any violation of law. The bill incorporates HB 1779 and is identical to SB 1165.

- Passed as: [HB 2263](#)
- VA Code Section to be changed: §§ [2.2-3705.7](#), [8.01-195.10](#), [8.01-654](#), [17.1-310](#), [17.1-406](#), [18.2-8](#), [18.2-10](#), [18.2-18](#), [18.2-19](#), [18.2-22](#), [18.2-25](#), [18.2-26](#), [18.2-30](#), [18.2-31](#), [18.2-32](#), [18.2-251.01](#), [19.2-11.01](#), [19.2-71](#), [19.2-76.1](#), [19.2-100](#), [19.2-102](#), [19.2-120](#), [19.2-152.2](#), [19.2-157](#), [19.2-159](#), [19.2-163](#), [19.2-163.01](#), [19.2-163.4:1](#), [19.2-169.3](#), [19.2-175](#), [19.2-217.1](#), [19.2-247](#), [19.2-270.4:1](#), [19.2-295.3](#), as it is currently effective and as it shall become effective, [19.2-299](#), [19.2-299.1](#), [19.2-311](#), [19.2-319](#), [19.2-321.2](#), [19.2-327.1](#), [19.2-327.3](#), [19.2-327.11](#), [19.2-389.1](#), [19.2-389.3](#), [19.2-400](#), [53.1-204](#), [53.1-229](#), and [54.1-3307](#) of the Code of Virginia are amended and reenacted.

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### **Marijuana; legalization of simple possession, etc.**

Eliminates criminal penalties for simple possession of up to one ounce of marijuana by persons 21 years of age or older, modifies several other criminal penalties related to marijuana, and imposes limits on dissemination of criminal history record information related to certain marijuana offenses. The bill creates the Virginia Cannabis Control Authority (the Authority), the Cannabis Oversight Commission, the Cannabis Public Health Advisory Council, the Cannabis Equity Reinvestment Board and Fund, and the Virginia Cannabis Equity Business Loan Program and Fund and establishes a regulatory and licensing structure for the cultivation, manufacture, wholesale, and retail sale of retail marijuana and retail marijuana products, to be administered by the Authority. The bill contains social equity provisions that, among other things, provide support and resources to persons and communities that have been historically and disproportionately affected by drug enforcement. The bill has staggered effective dates, and numerous provisions of the bill are subject to reenactment by the 2022 Session of the General Assembly. This bill incorporates HB 1815 and is identical to SB 1406. See H. B. 2312 Chapter PDF text.

- Passed as: [HB 2312](#)
- VA Code Section to be changed: §§ [2.2-221](#), [2.2-507](#), [2.2-511](#), [2.2-1119](#), [2.2-2818](#), [2.2-2905](#), [2.2-3114](#), [2.2-3705.3](#), [2.2-3711](#), [2.2-3802](#), [2.2-4024](#), [3.2-1010](#), [3.2-3906](#), [3.2-4112](#), [3.2-4113](#), [3.2-4114](#), [3.2-4114.2](#), [3.2-4116](#), [4.1-100](#), as it is currently effective and as it shall become effective, [4.1-101.01](#), [4.1-101.02](#), [4.1-101.07](#), [4.1-101.09](#), [4.1-101.010](#), [4.1-101.1](#), [4.1-103](#), as it is currently effective and as it shall become effective, [4.1-104](#), [4.1-105](#), [4.1-106](#), [4.1-107](#), [4.1-111](#), as it is currently effective and as it



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### **Law-enforcement agencies; body-worn camera systems.**

Creates a special nonreverting fund to be known as the Body-Worn Camera System Fund to assist state or local law-enforcement agencies with the costs of purchasing, operating, and maintaining body-worn camera systems. The bill has an expiration date of July 1, 2023.

- Passed as: [SB 1119](#)
- VA Code Section to be changed: § [9.1-116.7](#)

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### **Criminal records; sealing of records, Sealing Fee Fund created, penalties, report.**

Establishes a process for the automatic sealing of police and court records, defined in the bill, for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also allows a person to petition for the sealing of police and court records relating to certain convictions. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill. As introduced, this bill was a recommendation of the Virginia State Crime Commission and is identical to [SB 1339](#).

- Passed as: [HB 2113](#)
- VA Code Section to be changed: §§ [9.1-101](#), as it is currently effective and as it shall become effective, [9.1-128](#), [9.1-134](#), [17.1-293.1](#), [17.1-502](#), [19.2-72](#), [19.2-74](#), [19.2-310.7](#), [19.2-340](#), [19.2-389.3](#), and [19.2-390](#) of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 2 of Title 17.1 a section numbered [17.1-205.1](#) and by adding in Title 19.2 a chapter numbered 23.2, consisting of sections numbered [19.2-392.5](#) through [19.2-392.17](#)

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### **Pretrial data collection; Virginia State Crime Commission to collect and disseminate on an annual basis.**

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



publicly available on a website established and maintained by the Virginia Criminal Sentencing Commission as an electronic dataset, excluding any personal and case identifying information, by October 1, 2021, and on an electronic interactive data dashboard tool that displays aggregated data based on characteristics or indicators selected by the user by December 1, 2022.

- Passed as: [SB 1391](#)
- VA Code Section to be changed: § [2.2-3802](#) of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 9 of Title 19.2 a section numbered [19.2-134.1](#)





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## ECONOMIC JUSTICE

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### **Virginia Human Rights Acts; adds discrimination on the basis of disability.**

Adds discrimination on the basis of disability as an unlawful discriminatory practice under the Virginia Human Rights Act. The bill also requires employers, defined in the bill, to make reasonable accommodation to the known physical and mental impairments of an otherwise qualified person with a disability, if necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. The bill also prohibits employers from taking any adverse action against an employee who requests or uses a reasonable accommodation, from denying employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the applicant or employee, or from requiring an employee to take leave if another reasonable accommodation can be provided to the known limitations related to the disability.

- Passed as: [HB 1848](#)
- VA Code Section to be changed: §§ [2.2-3902](#), [2.2-3905](#), and [51.5-41](#) of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered [2.2-3905.1](#)

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### **Virginia Human Rights Act; expands definition of employer.**

Expands the definition of "employer" for all purposes of the Virginia Human Rights Act to include a person employing one or more domestic workers, as defined in the bill.

- Passed as: [HB 1864](#)
- VA Code Section to be changed: § [2.2-3905](#) of the Code of Virginia is amended and reenacted.

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### **Limiting employees' sharing of wage information prohibited.**

Provides that a general district court shall enter an order upon petition by a tenant that his landlord has (i) removed or excluded the tenant from the dwelling unit unlawfully, (ii) interrupted or caused the interruption of an essential service to the tenant, or (iii) taken action to make the premises unsafe for habitation. The bill allows entry of a preliminary order ex parte to require the landlord to allow the tenant to recover possession of the dwelling unit, resume any such



interrupted essential service, or fix any willful actions taken by the landlord or his agent to make the premises unsafe for habitation if there is good cause to do so and the tenant made reasonable efforts to notify the landlord of the hearing. The bill requires that any ex parte order entered shall further indicate a date for a full hearing on the petition that is no later than 10 days from the initial hearing date. Finally, the bill provides that, at a full hearing on such petition and upon proper evidence presented, the tenant shall recover actual damages, the greater of \$5,000 or four months' rent, and reasonable attorney fees. This bill is identical to [SB 1215](#).

- Passed as: [HB 1900](#)
- VA Code Section to be changed: § [55.1-1243.1](#) of the Code of Virginia is amended and reenacted.

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### **Virginia Jobs Investment Program and Fund; minimum wage requirements.**

Adjusts the minimum entry-level wage rate per hour a company is required to pay in order to be eligible for assistance under the Virginia Jobs Investment Program from at least 1.35 times the federal minimum wage to at least 1.2 times the federal minimum wage or the Virginia minimum wage, whichever is higher.

- Passed as: [HB 1967](#)
- VA Code Section to be changed: § [2.2-2240.3](#) of the Code of Virginia is amended and reenacted.

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### **Virginia Overtime Wage Act; overtime compensation for employees, definitions, penalties.**

Requires an employer to compensate certain employees at a rate not less than one and one-half times the employee's regular rate of pay, defined in the bill, for any hours worked in excess of 40 hours in any one workweek. The bill includes provisions for calculating overtime premiums due to fire protection and law-enforcement employees by certain public sector employers. The penalties provided by the bill for an employer's failure to pay such overtime wages, including civil and criminal penalties, are the same as currently provided for failing to pay wages generally. The statute of limitations for bringing a claim for a violation of the bill is three years.

- Passed as: [HB 2063](#)
- VA Code Section to be changed: §§ [40.1-29](#) and [40.1-29.1](#) of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered [40.1-29.2](#).



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### **Enslaved Ancestors College Access Scholarship and Memorial Program; established, report.**

Establishes the Enslaved Ancestors College Access Scholarship and Memorial Program, whereby Longwood University, the University of Virginia, Virginia Commonwealth University, the Virginia Military Institute, and The College of William and Mary in Virginia, with any source of funds other than state funds or tuition or fee increases, are required to annually (i) identify and memorialize, to the extent possible, all enslaved individuals who labored on former and current institutionally controlled grounds and property and (ii) provide a tangible benefit such as a college scholarship or community-based economic development program for individuals or specific communities with a demonstrated historic connection to slavery that will empower families to be lifted out of the cycle of poverty. The bill requires the State Council of Higher Education for Virginia to collaborate with such institutions to establish guidelines for the implementation of the Program and to annually collect information on the implementation of the Program from such institutions and report such information to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, the Senate Committee on Finance and Appropriations, and the Virginia African American Advisory Board.

- Passed as: [HB 1980](#)
- VA Code Section to be changed: § [23.1-615.1](#)



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## ELECTORAL ACCESS

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### **Voter registration; failure of online voter registration system, deadline extension.**

Provides that in the event that a failure of the Virginia online voter registration system occurs prior to the close of registration records, the Governor has the authority to order the online voter registration system to be available for registration activities after the date for closing the registration records for a period of time equal to the amount of time during which the online voter registration system was unavailable for registration activities, rounded up to the nearest whole day, plus an additional day to allow for voter education efforts. The extension of registration activities shall apply to in-person registration and mail voter registration applications.

- Passed as: [HB 1810](#)
- VA Code Section to be changed: § [24.2-416](#) of the Code of Virginia is amended and reenacted.

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### **Absentee voting; procedural and process reforms, availability and accessibility reforms, penalty.**

Makes various reforms to absentee voting processes and procedures, including those related to availability and accessibility. The bill requires certain actions to be taken to process absentee ballots returned before the day of an election, including verifying the correct completion of the voter affirmation statement, and provides for an opportunity for an absentee voter to make corrections to the statement in certain circumstances. The bill requires the establishment of drop-off locations for the return of voted absentee ballots. Additionally, a central absentee voter precinct is required to be established in each locality; currently, establishment is optional. On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of polls, but no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct before the close of polls; a violation of such prohibition is a Class 1 misdemeanor. When reporting election results to the Department of Elections, the general registrars are required to report absentee ballots cast early in person separately from all other absentee ballots. Additionally, a voter who has applied for and received an absentee ballot may choose to instead vote at his polling place on election day, and such voter shall be entitled to cast a provisional ballot. The bill requires a ballot marking tool with screen reader assistive technology to be made available for absentee voters with a print disability. Restrictions on the availability of absentee voting for first-time voters who



registered by mail are repealed. The bill contains technical amendments for organizational and readability purposes.

- Passed as: [HB 1888](#)
- VA Code Section to be changed: §§ [24.2-101](#), [24.2-416.1](#), [24.2-603](#), [24.2-653.1](#), [24.2-704](#), [24.2-705](#), [24.2-706](#) through [24.2-711](#), and [24.2-712](#) of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered [24.2-103.2](#), [24.2-667.1](#), and [24.2-707.1](#).

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### **Discrimination; prohibited in voting and elections administration, etc.**

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

- Passed as: [HB 1890](#)
- VA Code Section to be changed: §§ [24.2-105](#), as it shall become effective, [24.2-306](#), [24.2-649](#), [24.2-1000](#), [24.2-1005](#), and [24.2-1005.1](#) of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered [24.2-](#)



[104.1](#), by adding a section numbered [24.2-1005.2](#), and by adding in Title 24.2 a chapter numbered 1.1, consisting of sections numbered [24.2-125](#) through [24.2-131](#).

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### **Assistance for certain voters; curbside voting.**

Clarifies that any voter with a permanent physical disability, temporary physical disability, or injury is entitled to vote outside of the polling place. The bill further provides that during a declared state of emergency related to a communicable disease of public health threat, any voter is entitled to vote outside of the polling place. The bill requires that the area designated for voting outside of the polling place be clearly marked and instructions on how the voter is to notify an officer of election of his request to vote outside of the polling place be prominently displayed. The bill makes technical amendments for clarity and organizational purposes.

- Passed as: [HB 1921](#)
  - VA Code Section to be changed: §§ [24.2-638](#), [24.2-646.1](#), and [24.2-649](#) of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered [24.2-649.1](#).
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### **Voter registration; preregistration of persons 16 years of age or older, effective date.**

Permits a person who is otherwise qualified to register to vote and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, to preregister to vote. The preregistration does not entitle such person to vote in any election except as already permitted by law. The bill requires the Department of Elections to maintain a record of all preregistered voters in the Virginia voter registration system, which shall automatically register a person who is preregistered upon that person reaching 18 years of age or becoming eligible for advance registration as already permitted by law, whichever comes first. The bill requires the Department to provide to the general registrar's voter confirmation documents for such voters. The bill has a delayed effective date of October 1, 2022.

- Passed as: [HB 2125](#)
  - VA Code Section to be changed: § [24.2-404](#) of the Code of Virginia is amended and reenacted.
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### **Elections; preservation of order at the polls, powers of officers of election.**

Removes the power of officers of election, in the event that no law-enforcement officer is in attendance, to appoint a person who is not a law-enforcement officer to have all the powers of a law-enforcement officer within the polling place and the prohibited area.



- Passed as: [SB 1111](#)
  - VA Code Section to be changed: § [24.2-606](#) of the Code of Virginia is amended and reenacted.
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#### **Absentee voting; witness signature not required.**

Provides that a voter's failure to have a witness sign the absentee ballot envelope for any election held during a declared state of emergency related to a communicable disease of public health threat shall not be considered a material omission and shall not render the ballot void. The bill directs the Department of Elections to convene a work group to consider and evaluate alternatives to the witness signature requirement for election officials to use to verify that an absentee ballot was cast by the voter identified as having requested and received such ballot.

- Passed as: [SB 1097](#)
  - VA Code Section to be changed: § [24.2-707](#) of the Code of Virginia is amended and reenacted.
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#### **Absentee voting; third-party absentee ballot assembly and distribution.**

Permits a general registrar to contract with a third party for the printing, assembly, and mailing of absentee ballots. The bill directs the State Board of Elections to adopt emergency regulations to implement the provisions of the bill and for those regulations to include processes to ensure secure and timely delivery of voter information to contractors and reports of mailed absentee ballots from contractors.

- Passed as: [SB 1239](#)
  - VA Code Sections to be changed: § [24.2-706](#) of the Code of Virginia is amended and reenacted.
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#### **Absentee voting; establishment of drop-off locations preprocessing returned absentee ballots.**

Requires certain actions to be taken to process absentee ballots returned before the day of an election, including verifying the correct completion of the voter affirmation statement, and provides for an opportunity for an absentee voter to make corrections to the statement in certain circumstances. The bill requires the establishment of drop-off locations. Additionally, a central absentee voter precinct is required to be established in each locality; currently, establishment is optional. On the day of the election, officers of election are required to begin processing



absentee ballots in the central absentee voter precincts prior to the close of polls, but no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct prior to the close of polls; a violation of such prohibition is a Class 1 misdemeanor. The bill requires a ballot marking tool with screen reader assistive technology to be made available for absentee voters with a print disability. The Department of Elections is directed to convene a work group to consider and evaluate methods for sorting absentee ballots by precinct and reporting absentee ballot totals by precincts.

- Passed as: [SB 1245](#)
- VA Code Sections to be changed: §§ [24.2-603](#), [24.2-704](#), [24.2-706](#), [24.2-707](#), [24.2-709](#), [24.2-709.1](#), [24.2-710](#), [24.2-711](#), and [24.2-712](#) of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered [24.2-103.2](#) and [24.2-707.1](#).

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### **Absentee voting; accessibility for voters with a visual impairment or print disability.**

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

- Passed as: [SB 1331](#)
- VA Code Sections to be changed: § [24.2-704](#) of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered [24.2-103.2](#).





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## FIREARMS

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### **Firearms; purchase, etc., following conviction for assault and battery of a family member.**

Prohibits a person who has been convicted of assault and battery of a family or household member, as defined in the bill, from purchasing, possessing, or transporting a firearm. The prohibition expires three years after the date of conviction, at which point the person's firearms rights are restored, unless he receives another disqualifying conviction. A person who violates the provisions of the bill is guilty of a Class 1 misdemeanor.

- Passed as: [HB 1992](#)
- VA Code Section to be changed: §§ [18.2-308.09](#), [18.2-308.2:1](#), [18.2-308.2:2](#), [18.2-308.2:3](#), and [19.2-386.28](#) of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered [18.2-308.1:8](#).

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### **Firearms, certain; sale, etc., criminal history record information check delay increased to 5 days.**

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

- Passed as: [HB 2128](#)
- VA Code Section to be changed: § [18.2-308.2:2](#) of the Code of Virginia is amended and reenacted.



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## HOUSING

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### **Virginia Residential Landlord and Tenant Act; tenant remedies for exclusion from dwelling unit.**

Provides that a general district court shall enter an order upon petition by a tenant that his landlord has (i) removed or excluded the tenant from the dwelling unit unlawfully, (ii) interrupted or caused the interruption of an essential service to the tenant, or (iii) taken action to make the premises unsafe for habitation. The bill allows entry of a preliminary order ex parte to require the landlord to allow the tenant to recover possession of the dwelling unit, resume any such interrupted essential service, or fix any willful actions taken by the landlord or his agent to make the premises unsafe for habitation if there is good cause to do so and the tenant made reasonable efforts to notify the landlord of the hearing. The bill requires that any ex parte order entered shall further indicate a date for a full hearing on the petition that is no later than 10 days from the initial hearing date. Finally, the bill provides that, at a full hearing on such petition and upon proper evidence presented, the tenant shall recover actual damages, the greater of \$5,000 or four months' rent, and reasonable attorney fees. This bill is identical to SB 1215.

- Passed as: [HB 1900](#)
- VA Code Section to be changed: § [55.1-1243.1](#)

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### **Virginia Residential Landlord and Tenant Act; landlord remedies; landlord's acceptance of rent with reservation; tenant's right of redemption.**

Prohibits a landlord from accepting full payment of rent, as well as any damages, money judgment, award of attorney fees, and court costs, from a tenant and receiving an order of possession pursuant to an unlawful detainer action and proceeding with eviction, unless there are bases for the entry of an order of possession other than nonpayment of rent stated in the unlawful detainer action filed by the landlord. Under current law, a landlord may accept full or partial payment of all rent and receive an order of possession pursuant to an unlawful detainer action and proceed with eviction, provided that he has stated in a written notice to the tenant that any and all amounts owed to the landlord by the tenant, including payment of any rent, damages, money judgment, award of attorney fees, and court costs, would be accepted with reservation and would not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit. The bill provides specific language that must be included within such notice, and requires a landlord who elects to seek possession of the dwelling unit to provide a copy of the notice to the court for service to the tenant along with the summons for unlawful detainer. The bill also allows tenants to exercise the right of redemption in unlawful detainer actions an unlimited number of times except that a landlord with four or fewer rental dwelling units, or up



to a 10 percent interest in four or fewer rental dwelling units, may limit a tenant's use of the right of redemption to once per lease period, provided that the landlord provides written notice of such limitation to the tenant. Under current law, tenants may only exercise the right of redemption once during any 12-month period of continuous residency in the dwelling unit, regardless of the term of the rental agreement or any renewal term of the rental agreement. The bill directs the Director of the Department of Housing and Community Development (Director) to develop a sample termination notice to be maintained on the Department of Housing and Community Development's (Department) website that includes language referencing acceptance of rent with reservation by a landlord following a breach of a lease by a tenant, and requires the Department to convene a stakeholder group to provide input to the Director regarding the development of such sample termination notice.

- Passed as: [HB 2014](#)
- VA Code Section to be changed: §§ [36-139](#) and [55.1-1250](#) of the Code of Virginia are amended and reenacted



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## IMMIGRANT SAFETY & JUSTICE

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### **Certifications for victims of qualifying criminal activity.**

Establishes a process for a state or local law-enforcement agency, an attorney for the Commonwealth, the Attorney General, or any other agency or department employing law-enforcement officers to complete a certification form or declaration that is required by federal immigration law certifying that a person is a victim of qualifying criminal activity, making it easier for immigrant victims of crime to receive “U” Visas.

- Passed as: [SB 1468](#)
- VA Code Section to be changed: Adds in Title 9.1 a chapter numbered 15, consisting of sections numbered [9.1-1500](#), [9.1-1501](#), and [9.1-1502](#)

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### **Identification privilege cards; confidentiality; limit ICE from using DMV data; penalties.**

Authorizes the Department of Motor Vehicles to issue identification privilege cards to applicants who hold a citizenship or legal presence status that is eligible for a special identification card or a limited-duration special identification card and have reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill provides that identification privilege cards shall be treated as special identification cards unless otherwise provided in the Code of Virginia. The bill limits the release of certain information stored by the Department. The bill has a delayed effective date of January 1, 2022.

- Passed as: [HB 2138](#)
- VA Code Section to be changed: §§ [24.2-411.3](#), [24.2-643](#), [46.2-203.2](#), [46.2-216.1](#), [46.2-323.01](#), [46.2-323.1](#), [46.2-346](#), [46.2-600.1](#), and [58.1-3](#) of the Code of Virginia and to amend the Code of Virginia by adding in Article 7 of Chapter 3 of Title 46.2 a section numbered [46.2-345.3](#)

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### **Special immigrant juvenile status; jurisdiction.**

Permits the juvenile and domestic relations district court to retain jurisdiction in cases where a child has petitioned the court to make findings of fact that would allow the child to apply for or receive a state or federal benefit until such child reaches 21 years of age for the purpose of



entering findings of fact or amending past orders, to include findings of fact necessary for the person to petition the federal government for status as a special immigrant juvenile.

- Passed as: [SB 1181](#)
- VA Code Section to be changed: § [16.1-241](#) of the Code of Virginia is amended and reenacted.



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## LGBTQ Rights

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### **Homicides and assaults and bodily woundings; certain matters not to constitute defenses.**

Provides that another person's actual or perceived sex, gender, gender identity, or sexual orientation is not in and of itself, or together with an oral solicitation, a defense to any charge of capital murder, murder in the first degree, murder in the second degree, voluntary manslaughter, or assault and bodily wounding-related crimes and is not provocation negating or excluding malice as an element of murder.

- Passed as: [HB 2132](#)
- VA Code Section to be changed: §§ [18.2-37.1](#) and [18.2-57.5](#)

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### **Constitutional amendment; fundamental right to marry, removes same-sex marriage prohibition.**

Repeals the constitutional provision defining marriage as only a union between one man and one woman as well as the related provisions that are no longer valid as a result of the United States Supreme Court decision in Obergefell v. Hodges, 576 U.S. 644 (2015). The amendment provides that the right to marry is a fundamental right inherent in the liberty of persons and requires the Commonwealth and its political subdivisions and agents to issue marriage licenses, recognize marriages, and treat all marriages equally under the law, regardless of the sex or gender of the parties to the marriage. Religious organizations and clergy acting in their religious capacity have the right to refuse to perform any marriage. This resolution incorporates HJ 539 and HJ 557.

- Passed as: [HJ 582](#)
- VA Code Section to be changed: Amend Section 15-A of Article I of the Constitution of Virginia.

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### **Virginia LGBTQ+ Advisory Board; established, report.**

Establishes the Virginia LGBTQ+ Advisory Board to advise the Governor regarding the economic, professional, cultural, educational, and governmental links between the Commonwealth and the LGBTQ+ community in Virginia and sets out the powers and duties of the Board. The Board shall be composed of 21 nonlegislative citizen members, at least 15 of whom shall identify as LGBTQ+, to be appointed by the Governor, and the Secretaries of the Commonwealth, Commerce and



Trade, Education, Health and Human Resources, and Public Safety and Homeland Security, or their designees, who shall serve as ex officio members.

- Passed as: [HB 2130](#)
- VA Code Section to be changed: § [2.2-2499.1](#)



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## PREVENTION

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**Virginia Sexual and Domestic Violence Prevention Fund; restoration of \$750,000 to fund and directs Virginia Department of Health to continue to award federal Rape Prevention and Education (RPE) funds to six sexual and domestic violence organizations.**

This budget amendment restores \$100,000 the first year and \$650,000 the second year from the general fund for the Virginia Sexual and Domestic Violence Prevention Fund that was created pursuant to Chapters 912 and 913, 2020 Acts of Assembly. The program would be administered by the Department of Social Services and the Department of Health. The fund will award grants on a competitive basis to local sexual and domestic violence agencies engaged in evidence-informed sexual and domestic violence prevention work. In addition, language is included directing the Department of Health to continue to award and provide federal Rape Prevention and Education (RPE) funds through the cooperative agreement with the Centers for Disease Control to six sexual and domestic violence organizations.

- Passed as: HB 1800, [Item 301 #3c](#)

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**Casino gaming; requirements for issuance of operator's license, human trafficking prevention training.**

Requires applicants for operator's licenses to have established a policy requiring all license and permit holders who interact directly with the public in the casino gaming establishment to complete a training course acceptable to the Virginia Lottery Department in how to recognize and report suspected human trafficking in order to be eligible for the issuance of an operator's license.

- Passed as: [HB 1944](#)
- VA Code Section to be changed: § [58.1-4110](#) of the Code of Virginia is amended and reenacted.





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## PROTECTIVE ORDERS

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### **Protective orders; violations of preliminary child protective order, changes punishment, etc.**

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

- Passed as: [HB 2012](#)
- VA Code Section to be changed: §§ [16.1-253](#) and [16.1-253.2](#) of the Code of Virginia are amended and reenacted.

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### **Emergency order for adult protective services; acts of violence, etc., or financial exploitation.**

Allows the circuit court, upon a finding that an incapacitated adult has been, within a reasonable period of time, subjected to an act of violence, force, or threat or been subjected to financial exploitation, to include in an emergency order for adult protective services one or more of the following conditions to be imposed on the alleged perpetrator: (i) a prohibition on acts of violence, force, or threat or criminal offenses that may result in injury to person or property; (ii) a prohibition on such other contacts by the alleged perpetrator with the adult or the adult's family or household members as the court deems necessary for the health and safety of such persons; or (iii) such other conditions as the court deems necessary to prevent (a) acts of violence, force, or threat; (b) criminal offenses that may result in injury to persons or property; (c) communication or other contact of any kind by the alleged perpetrator; or (d) financial exploitation by the alleged perpetrator. The bill provides that any person who violates any such condition is guilty of a Class 1 misdemeanor. Also, the bill provides that hearings on emergency orders for adult protective services shall be held no earlier than 24 hours and no later than 72 hours after the notice required has been given, unless such notice has been waived by the court. Current law just requires such hearing be held no earlier than 24 hours. Lastly, the bill provides that if the court enters an order containing any of the aforementioned conditions, the primary



law-enforcement agency providing service and entry of protective orders shall enter the name of the perpetrator into the Virginia Criminal Information Network and the order shall be served forthwith on the perpetrator. This bill is identical to SB 1297.

- Passed as: [HB 2018](#)
- VA Code Section to be changed: §§ [63.2-1603](#), [63.2-1606](#), and [63.2-1609](#) of the Code of Virginia are amended and reenacted.

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### **Protective orders; violations of preliminary child protective order, changes punishment, etc.**

Changes the punishment and sentencing requirements for a violation of a preliminary child protective order so that the maximum penalty is a Class 1 misdemeanor and the court is no longer required to enter a permanent family abuse protective order (i.e., a protective order with a maximum duration of two years) upon a conviction of a violation of a preliminary child protective order. The bill provides that a violation of a preliminary child protective order is punishable as contempt of court; however, if the violation involves an act or acts of commission or omission that endanger the child's life or health, or results in bodily injury to the child, it is punishable as a Class 1 misdemeanor. Under current law, violations of preliminary child protective orders constitute contempt of court and are also subject to the same penalties as violations of preliminary, emergency, and permanent family abuse protective orders, including enhanced penalties for certain violations. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference. The bill also provides that it shall supersede and control any provisions of Chapter 184 of the Acts of Assembly of 2021, Special Session I.

- Passed as: [SB 1415](#)
- VA Code Section to be changed: §§ [16.1-253](#) and [16.1-253.2](#) of the Code of Virginia are amended and reenacted.



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## REPRODUCTIVE JUSTICE

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### **Essential health benefits; abortion coverage.**

Removes the prohibition on the provision of coverage for abortions in any qualified health insurance plan that is sold or offered for sale through a health benefits exchange established or operating in Virginia. This bill is identical to SB 1276.

- Passed as: [HB 1896](#)
- VA Code Section to be changed: § [38.2-3451](#) of the Code of Virginia is amended and reenacted.

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### **Hormonal contraceptives; payment of medical assistance for 12-month supply.**

Directs the Board of Medical Assistance Services to include in the state plan for medical assistance a provision for the payment of medical assistance for the dispensing or furnishing of up to a 12-month supply of hormonal contraceptives at one time for Medicaid and Family Access to Medical Insurance Security (FAMIS) enrollees. The bill prohibits the Department of Medical Assistance Services from imposing any utilization controls or other forms of medical management limiting the supply of hormonal contraceptives that may be dispensed or furnished to an amount less than a 12-month supply. The bill provides that the bill shall not be construed to (i) require a provider to prescribe, dispense, or furnish a 12-month supply of self-administered hormonal contraceptives at one time or (ii) exclude coverage for hormonal contraceptives as prescribed by a prescriber, acting within his scope of practice, for reasons other than contraceptive purposes.

- Passed as: [SB 1227](#)
- VA Code Section to be changed: §§ [32.1-325](#) and [32.1-351](#) of the Code of Virginia are amended and reenacted.



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## SEXUAL ASSAULT SERVICES & RESPONSE

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### **Commercial sex trafficking; issuance of writ of vacatur for victims.**

Establishes a procedure for victims of sex trafficking to file a petition of vacatur in circuit court to have certain convictions vacated and the police and court records expunged for such convictions. The bill requires the court to grant the writ and vacate a qualifying offense if it finds the petitioner (i) was convicted or adjudicated delinquent of a qualifying offense and (ii) committed the qualifying offense as a direct result of being a victim of sex trafficking, as defined in the bill. As introduced, the bill is a recommendation of the Virginia State Crime Commission.

- Passed as: [HB 2133](#)
- VA Code Section to be changed: Code of Virginia is amended by adding in Title 19.2 a chapter numbered 19.4, consisting of sections numbered §§ [19.2-327.15](#) through [19.2-327.20](#).

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### **Victims of sex trafficking; affirmative defense to prosecution for certain offenses.**

Provides an affirmative defense to prosecution for prostitution and keeping, residing in, or frequenting a bawdy place if, at the time of the offense leading to such charge, such person was a victim of sex trafficking, as defined in the bill, and (i) was coerced to engage in the offense through the use of force or intimidation or (ii) such offense was committed at the direction of another person other than the individual with whom the person engaged in the acts of prostitution or unlawful sexual intercourse for such money or its equivalent.

- Passed as: [HB 2234](#)
- VA Code Section to be changed: § [18.2-361.1](#)

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### **Sexual and Domestic Violence, Advisory Committee on; increases membership, duties.**

Increases from 15 to 19 the total number of members of the Advisory Committee on Sexual and Domestic Violence (the Advisory Committee) by adding the Executive Director of the Virginia Victim Assistance Network and by increasing from six to nine the number of nonlegislative citizen members. The bill streamlines the responsibilities and duties of the Advisory Committee to (i)



promotion of appropriate and effective responses, services, and prevention for sexual assault and domestic violence across the Commonwealth and (ii) promotion of strong communication, coordination, and strategy at state, regional, and local levels.

The bill also reorganizes the Virginia Sexual and Domestic Violence Professional Standards Committee (the Professional Standards Committee) to consist of 12 nonlegislative citizen members appointed by the Governor and three nonvoting members. Under current law, the Professional Standards Committee consists of six directors of local and domestic violence programs appointed by the Advisory Committee, six directors of local sexual and domestic violence programs appointed by the Virginia sexual and domestic violence coalition, one nonvoting member appointed by the Department of Criminal Justice Services, and one nonvoting member appointed by the Virginia sexual and domestic violence coalition. The bill further outlines the duties and responsibilities of the Professional Standards Committee and of the Department of Criminal Justice Services with regard to the Professional Standards Committee.

- Passed as: [HB 2317](#)
- VA Code Section to be changed: §§ [9.1-116.2](#) and [9.1-116.3](#) of the Code of Virginia are amended and reenacted.

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### **Sexually transmitted infections; infected sexual battery, penalty.**

Provides that any person who is diagnosed with a sexually transmitted infection and engages in sexual behavior that poses a substantial risk of transmission to another person with the intent to transmit the infection to that person and transmits such infection to that person is guilty of infected sexual battery, punishable as a Class 6 felony. The bill also repeals the crime of donating or selling blood, body fluids, organs, and tissues by persons infected with human immunodeficiency virus and the provisions regarding the testing of certain persons for human immunodeficiency virus or hepatitis B or C viruses. The bill contains technical amendments.

- Passed as: [SB 1138](#)
- VA Code Section to be changed: §§ [18.2-52.1](#), [18.2-67.4:1](#), [18.2-346.1](#), [32.1-291.16](#), [54.1-2982](#), [54.1-2983](#), and [57-48](#) of the Code of Virginia are amended and reenacted

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### **Explanation of benefits in cases of sensitive health care services.**

Authorizes the State Corporation Commission to adopt regulations that establish alternative methods of delivery of the explanation of benefits, provided that such alternative method is in compliance with the provisions of federal regulations regarding the right to request privacy protection for protected health information. This bill is identical to [SB 766](#).



- Passed as: [SB 1138](#)
  - VA Code Section to be changed: §§ [18.2-52.1](#), [18.2-67.4:1](#), [18.2-346.1](#), [32.1-291.16](#), [54.1-2982](#), [54.1-2983](#), and [57-48](#) of the Code of Virginia are amended and reenacted.
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### **Victims of crime; compensation, reporting requirement.**

Provides that the requirement that the Virginia Workers' Compensation Commission find that police records show the crime was promptly reported no more than 120 hours after it occurred in order to award a claimant funds from the Criminal Injuries Compensation Fund does not apply to claims of sexual abuse. Under current law, the exception to such requirement applies only to claims of sexual abuse that occurred while the victim was a minor.

- Passed as: [HB 1867](#)
- VA Code Section to be changed: § [19.2-368.10](#) of the Code of Virginia is amended and reenacted.

