

NEW 2023 VIRGINIA LAW

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



Virginia Sexual and Domestic
Violence Action Alliance

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TABLE OF CONTENTS

<i>A NOTE FROM POLICY STAFF AT THE ACTION ALLIANCE.....</i>	<i>3</i>
<i>BUDGET BILL</i>	<i>5</i>
<i>CAMPUS AND UNIVERSITY ADVOCACY.....</i>	<i>7</i>
<i>CHILD WELFARE & CUSTODY.....</i>	<i>9</i>
<i>CIVIL PROCESS</i>	<i>13</i>
<i>CRIMINAL JUSTICE</i>	<i>15</i>
<i>DOMESTIC ABUSE.....</i>	<i>17</i>
<i>ECONOMIC JUSTICE</i>	<i>19</i>
<i>FIREARMS</i>	<i>21</i>
<i>HARASSMENT.....</i>	<i>22</i>
<i>HOUSING.....</i>	<i>23</i>
<i>HUMAN AND SEX TRAFFICKING</i>	<i>24</i>
<i>LANGUAGE ACCESS.....</i>	<i>26</i>
<i>PREVENTION AND COMMUNITY HEALTH</i>	<i>27</i>
<i>PROTECTIVE ORDERS.....</i>	<i>29</i>
<i>SCHOOL CENSORSHIP</i>	<i>31</i>
<i>SEXUAL ASSAULT SERVICES & RESPONSE</i>	<i>32</i>

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Greetings advocates and policy wonks:

2023 proved to be another BIG policy year for sexual and domestic violence advocates, survivors, and our allies in this movement. We walked into this short 45-day legislative session with an ideologically split General Assembly – a Democrat controlled Senate and a Republican controlled House and Executive Branch. This division of power was magnified by the mounting pressures of a campaign year where **every single seat** is up for re-election in November. Legislators came out hard on the most hotly debated campaign issues, all of which greatly impact our work responding to and preventing sexual and domestic violence: Abortion access, gun violence prevention, school censorship, and the rights of trans and nonbinary Virginians to exist.

Given the political split between House and Senate, bills that swiftly passed out of one chamber just as swiftly died in the other. According to the Virginia Public Access Project, of the [2,200 bills that were introduced, only 867, or 39% of these, were passed](#). It was a mixed bag for sure. On the one hand, we were thrilled to see that none of the bills seeking to restrict abortion access or limit LGBTQ rights made it out of this session. On the other hand, we were disheartened to see that likewise, no gun violence prevention bills, like [aligning firearm surrender protocol](#) or [safe storage](#), made it out this session.

That said, our field was fortunate to see several big bipartisan wins in 2023, including [closing the dangerous suffocation loophole in our strangulation statute](#), the implementation of [trace evidence collection kits](#), [STI testing and treatment for those charged with sexual assault](#), and other substantial investments in [trauma informed and healing centered systems](#). **One item still to be finalized is the state budget.** When The General Assembly adjourned, there was no final agreement due to [significant differences](#) between the House and Senate versions, so they passed a “skinny budget” until the full budget can be finalized. We are waiting to see if our policy leaders will continue





to support crucial investments in sexual and domestic violence services statewide, including [sustaining the Statewide 24/7 Hotline](#). Stay tuned for more on this.

But for now, we want to pause to celebrate our collective accomplishments and to thank YOU for your steadfast advocacy with your elected representatives (and beyond!).

Without your support, none of our work advocating for survivors in the legislature would be possible. Thank you! Seriously.

As always, this resource is intended to provide you with a snapshot of the major legislative accomplishments that occurred between January and June - and those policy decisions that we expect sexual and domestic violence advocates to be able to count on come July 1, 2023.

For more information on bills of interest, the Action Alliance's policy priorities, and news from the 2023 General Assembly 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.

Onward!



Action Alliance staff, Public Policy Committee Members, and allies

LOVE TO ALL
ADVOCATES



LOVE TO ALL
SURVIVORS



BUDGET BILL

As of June 2023, we continue to wait for a final state budget and anticipate the outcomes of the state budget process to be announced in the coming weeks. A few of the budget items that we are waiting to hear about include:

Sustaining Virginia's Statewide Hotline for Sexual and Domestic Violence

As federal VOCA funds become more volatile and fluctuate from year to year, a solution is needed to sustain the Statewide Hotline and ensure its services are accessible to all throughout the Commonwealth. In 2021 alone, the Hotline received 77,456 calls resulting in 30,731 adults and children receiving referrals to their local sexual and domestic violence agency for help with healthcare, legal, and housing needs. An annual investment of \$1.2 million can fully staff the Hotline with sexual and domestic violence advocates and sustain life-saving coverage 24/7, 365 days a year.

- ***The Senate budget includes \$1.2 million*** the second year from the general fund for the management and operation of statewide crisis services to survivors of sexual and domestic violence through a designated confidential hotline that includes a virtual platform and is linked to the network of local sexual and domestic violence service providers.

Ensuring access to paid medical and family leave.

Too many working families in Virginia don't have access to paid time away from work to welcome a new child or care for themselves or a loved one when serious illness strikes. The Federal Family and Medical Leave Act (FMLA) guarantees 12 weeks of unpaid time off for some workers. In Virginia, 67% and 57% of Latino and Black workers, respectively, are either ineligible or cannot afford to take unpaid leave through the protections provided by the FMLA. For workers in low-paid jobs, missing one or two days of paid work means the difference in being able to pay for essentials like rent, food, and childcare.

- ***The Senate budget includes a line of credit to start a universal Paid Family and Medical Leave program offering up to 12 weeks of paid leave for Virginia workers.***



Increasing financial assistance for families in need.

When families have enough income to meet their basic needs, their children have a better chance of growing up healthy and a greater opportunity to thrive. That's why the Temporary Assistance for Needy Families (TANF) program, which helps parents with low incomes afford rent, childcare, transportation, and more, is a vital tool for supporting Virginia families. With the temporary SNAP emergency allotments ending in March, state lawmakers should build on the progress made in recent years and increase cash assistance levels, which would help to correct Virginia's long history of racial and economic injustice and provide low-income Black communities equal footing in gaining economic stability. In addition to helping families access needed resources, research shows that increased incomes result in long-term improvements for children's health, academic, and future earning outcomes.

- ***The Senate proposes increasing TANF standards of assistance by 10% on July 1, 2023 (the start of fiscal year 2024) using \$1.2 million from the General Fund and \$9.8 million in TANF funds.***

** Thank you to [The Commonwealth Institute for Fiscal Analysis \(TCI\)](https://thecommonwealthinstitute.org) for ongoing budget analysis and advocacy. For more on ***how key budget choices compare and what's at stake for Virginia families*** and survivors, see: <https://thecommonwealthinstitute.org/the-half-sheet/how-key-budget-choices-compare-and-whats-at-stake-for-virginia-families/>



CAMPUS AND UNIVERSITY ADVOCACY

Institutions of higher education; human trafficking awareness and prevention training required.

Directs the governing board of each public institution of higher education to develop and implement policies requiring that a trauma-informed human trafficking awareness and prevention training program be provided to and completed by all first-year students as a part of such institution's first-year orientation program. The bill also directs the State Council of Higher Education for Virginia to encourage private institutions of higher education to develop and implement policies to provide such a human trafficking awareness and prevention training program as a part of their first-year orientation programs. This bill is identical to [HB 1555](#).

- Passed as [SB 1373](#)
- VA Code Section to be changed: Code of Virginia is amended by adding in Article 2 of Chapter 8 of Title 23.1 a section numbered [23.1-808.1](#), relating to institutions of higher education; human trafficking awareness and prevention training required.

Institutions of higher education; immunity from disciplinary action in certain cases involving a good faith report of an act of sexual violence.

Removes the exemption of the Virginia Military Institute Board of Visitors from the requirement to include in its policy, code, rules, or set of standards governing sexual violence a provision for immunity from disciplinary action for certain individuals who make good faith reports of acts of sexual violence but permits Virginia Military Institute to include a provision stipulating that in the event that a cadet discloses personal consumption of drugs or alcohol in conjunction with a good faith report of an act of sexual violence and the superintendent of the Virginia Military Institute determines that such cadet's personal consumption of drugs or alcohol constitutes a threat to the cadet's well-being or the well-being of others, the superintendent may require such cadet to attend drug or substance use disorder counseling. The bill also requires the governing board of each public and nonprofit private institution of higher education to extend such provision of disciplinary immunity to disclosures of curfew violation where such disclosure is made in conjunction with a good faith report of an act of sexual violence. Under current law, such boards are only required to include a provision for disciplinary immunity from disclosures of personal consumption of drugs or alcohol made in conjunction with a good faith report of an act of sexual violence.



- Passed as: [HB 1870](#)
- VA Code Section to be changed: Amends and reenacts section [23.1-808](#) of Chapter 8, Article 2 relating to institutions of higher education and immunity from disciplinary action in certain cases involving a good faith report of an act of sexual violence.

Certain public institutions of higher education; provision of university housing at no cost to certain students during scheduled intersessions.

Requires any public institution of higher education that maintains and operates university housing during scheduled intersessions to provide access to such housing at no cost to any student who is eligible for a certain tuition and fee grant based on his placement in foster care at age 18 and satisfaction of several other enumerated criteria, provided that the student (i) is a registered student for the immediately following academic term and (ii) meets the definitions and conditions of the federal McKinney-Vento Homeless Assistance Act, as amended.

- Passed as: [HB 1403](#)
- VA Code Section to be changed: An Act to require certain public institutions of higher education to provide university housing at no cost to certain students during scheduled intersessions.



CHILD WELFARE & CUSTODY

Child abuse or neglect; definition; independent activities.

Clarifies that no child whose parent or other person responsible for his care allows the child to engage in independent activities without adult supervision shall for that reason alone be considered to be an abused or neglected child, provided that (i) such independent activities are appropriate based on the child's age, maturity, and physical and mental abilities and (ii) such lack of supervision does not constitute conduct that is so grossly negligent as to endanger the health or safety of the child. The bill provides that such independent activities include traveling to or from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a reasonable period of time.

- Passed as: [SB 1367](#)
- VA Code Section to be changed: Amends and reenacts sections [16.1-228](#) and [63.2-100](#) of the Code of Virginia, relating to child abuse or neglect; definition; independent activities.

Child-protective services; investigations; interview by child advocacy center.

Requires that if a local multidisciplinary team has determined during an investigation of a report of child abuse or neglect that an interview of the child by a child advocacy center recognized by the National Children's Alliance is needed and an interview with a recognized child advocacy center within the jurisdiction cannot be completed within 14 days, the local department of social services may facilitate the interview with a recognized child advocacy center located in another jurisdiction.

- Passed as: [HB 1768](#)
- VA Code Section to be changed: Amends and reenacts section [63.2-1505](#) of the Code of Virginia, relating to child protective services; investigations; interview by child advocacy center; time limits.



Divorce; affidavit; children of the parties.

Clarifies that an affidavit submitted as evidence in support of a divorce shall state whether there were minor children either born of the parties, born of either party and adopted by the other, or adopted by both parties. Current law provides that such an affidavit shall state whether there were children born or adopted of the marriage.

- Passed as: [HB 1385](#)
- VA Code Section to be changed: Amends and reenacts [20-106](#) of the Code of Virginia, relating to divorce; affidavit; children of the parties.

Judgment or order for pregnancy and delivery expenses.

Provides that in the event that the initial petition for the establishment of parentage is commenced within six months of the live birth of a child, the judgment or order shall, except for good cause shown or as otherwise agreed to by the parties, apportion between the legal parents, in proportion to the legal parents' gross incomes, as used for calculating the monthly child support obligation, (i) the mother's unreimbursed pregnancy and delivery expenses and (ii) those reasonable expenses incurred by either parent for the benefit of the child prior to the birth of the child. This bill is identical to [HB 2290](#).

- Passed as: [SB 1314](#)
- VA Code Section to be changed: Amends and reenacts sections [20-49.8](#) and [63.2-1913](#), relating to judgment or child support order for pregnancy and delivery expenses.

Teachers; reinstatement of licensure in certain circumstances; application and disposition.

Provides that in the case of a teacher who is the subject of a founded complaint of child abuse or neglect and whose license has been revoked by the Board of Education, in the event that a court reverses such finding of abuse or neglect and the individual submits to the Department of Education an application for the reinstatement of his license as a teacher, the Board of Education shall consider and act upon such application no later than 90 days after the date of submission.

- Passed as: [HB 1550](#)



- VA Code Section to be changed: Amends and reenacts [22.1-298.1](#), as it is currently effective and as it shall become effective, and [63.2-1526](#), relating to child abuse or neglect; findings of local department of social services; appeal; reinstatement of teacher licensure in certain cases.

Child Pornography Registry; required information.

Requires the Child Pornography Registry to include hash values or other applicable identification method of all known or suspected child pornography obtained during the course of a criminal investigation or presented as evidence and used in any conviction. Under current law, the Registry is required to include copies of such content. This bill is identical to [SB 1241](#).

- Passed as: [HB 1838](#)
- VA Code Section to be changed: Amends and reenacts [19.2-390.3](#), relating to Child Pornography Registry; required information.

Parents Advocacy Commission; recommendations for establishing, report.

Directs the Office of the Children's Ombudsman to convene a work group to study and make recommendations for the establishment of the Parents Advocacy Commission. The bill directs the work group to report such recommendations to the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by November 1, 2023.

- Passed as: [SB 1443](#)
- VA Code Section to be changed: No code sections changed.

Office of the Children's Ombudsman to continue study of legal representation in child dependency cases; report.

Directs the Office of the Children's Ombudsman to continue its work group convened pursuant to Chapter 305 of the Acts of Assembly of 2022 to consider issues relating to the Commonwealth's model of court-appointed legal counsel in child dependency cases and to make recommendations for legislative and budgetary changes to address such issues to the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by November 30, 2023.



- Passed as: [SJ 241](#)
- VA Code Section to be changed: No code sections changed.



CIVIL PROCESS

Lien for attorney fees; written notice requirements; validity and amount determinations.

Provides that written notice of a lien for attorney fees shall be given either within 45 days of the end of representation or (i) in causes of action sounding in tort or for liquidated or unliquidated damages on contract, before settlement or adjustment or (ii) in cases of annulment or divorce, before final judgment is entered, whichever is earlier. The bill further provides that the validity and amount of such a lien may be determined either by motion in the case in which the lien is claimed or by separate action after final judgment has been entered therein or if no case has been filed. The bill specifies that the validity and amount of such a lien shall be determined by the court without a jury and directs the Office of the Executive Secretary to create a form to be filed with the clerk of the circuit court. As introduced, this bill was a recommendation of the Boyd-Graves Conference.

- Passed as: [SB 817](#)
- VA Code Section to be changed: Amends and reenacts section [54.1-3932](#) of the Code of Virginia, relating to lien for attorney fees; written notice requirements; validity and amount determinations.

Adult protective services; referrals to local law enforcement.

Removes the requirement that the adult protective services hotline immediately refer certain reports of alleged adult abuse, neglect, or exploitation to the appropriate local law-enforcement agency and removes the duty of local law-enforcement agencies to provide the adult protective services hotline with a preferred point of contact for such referrals. The bill retains the requirement for the local department of social services to immediately refer such reports to the appropriate local law-enforcement agency and the duty of local law-enforcement agencies to provide local departments of social services with a preferred point of contact for such referrals. This bill is identical to [HB 2344](#).

- Passed as: [SB 1421](#)
- VA Code Section to be changed: An Act to amend and reenact § [63.2-1605](#) of the Code of Virginia, relating to adult protective services; referrals to local law enforcement.



Civil commitment of sexually violent predators; penalty.

Creates a Class 6 felony for any civilly committed sexually violent predator who tampers with or in any way attempts to circumvent the operation of his GPS equipment while on conditional release. This bill is identical to [HB 1931](#).

- Passed as: [SB 973](#)
- VA Code Section to be changed: An Act to amend and reenact § [37.2-912](#) of the Code of Virginia, relating to civil commitment of sexually violent predators; penalty.

Nondisclosure or confidentiality agreements; prohibited non-disparagement provisions; claims of sexual harassment.

Provides that no employer may require an employee or prospective employee to execute or renew any provision in a nondisclosure or confidentiality agreement, including any provision regarding non-disparagement, that has the purpose or effect of concealing the details of a sexual harassment claim. Any such provision is against public policy and is void and unenforceable.

- Passed as: [HB 1895](#)
- VA Code Section to be changed: Amends and reenacts section [40.1-28.01](#), relating to nondisclosure or confidentiality agreement; non-disparagement provisions; claims of sexual harassment.



CRIMINAL JUSTICE

Crime victim rights; notification from the attorney for the Commonwealth.

Requires an attorney for the Commonwealth to consult with a crime victim in a felony case to (i) inform the victim of the contents of a proposed plea agreement and (ii) obtain the victim's views about the disposition of the case. The bill provides that the victim shall be notified of any proceeding in which the plea agreement will be tendered to the court. The bill also provides that the attorney for the Commonwealth may satisfy his notification responsibilities by consulting with a parent or guardian of an unemancipated minor victim, if the parent or guardian is not a suspect, person of interest, or defendant in the criminal investigation of the proceeding. Under current law, such consultation and notification is required only upon the victim's request. This bill is identical to [HB 1943](#).

- Passed as: [SB 989](#)
- VA Code Section to be changed: Amends and reenacts section [19.2-11.01](#), relating to crime victim rights; notification from the attorney for the Commonwealth.

Parole Board; eligibility determinations; reports.

Removes provisions that exempted from the mandatory disclosure provisions of the Virginia Freedom of Information Act the records of the Parole Board. The bill requires the Board to (i) adopt rules regarding parole eligibility as set forth in the bill; (ii) publish the statement of actions taken by the Board by the fifteenth day of each month; (iii) include in such statement individualized reasons for the granting or denial of parole and the vote of each member; (iv) conduct final deliberations and votes on parole decisions at public meetings; (v) publish an annual report that summarizes actions taken by the Board during the prior year; and (vi) provide a prisoner or his attorney with all information, other than the personal information of the victim, gathered by the Board during an investigation, provided that such information shall not be further disclosed, reproduced, copied, or disseminated.

The bill provides that final discharges may be issued by the Board only upon approval by a majority of Board members and requires the Board to publish an annual report regarding such final discharges, with items specified in the bill. The bill also requires the Board, prior to making any decision to grant discretionary parole to an inmate, to have discussed and debated such decision at a meeting at which a majority of the Board members were present. The bill requires, in cases in which the Board grants discretionary parole to an inmate, each Board member to identify his reasoning for such decision at the time such member's vote is cast. The bill requires



that parole review hearings include a live interview of the prisoner, which may be conducted in person or by videoconference or telephone, and, absent imminent death or other extraordinary circumstances, prohibits the Board from granting parole to any prisoner who has not received a live interview within the prior calendar year. The bill also allows the victim of the crime for which the prisoner is incarcerated to present testimony to the Board by virtual means. The bill has a delayed effective date of July 1, 2024.

- Passed as: [HB 2169](#)
- VA Code Section to be changed: Amends and reenacts §§ [2.2-3703](#), [53.1-136](#), [53.1-154](#), and [53.1-155](#) of the Code of Virginia, relating to Parole Board; eligibility determinations; reports.



DOMESTIC ABUSE

Suffocation by blocking or obstructing the airway of another; penalty.

Provides that any person who, without consent, impedes the blood circulation or respiration of another person by knowingly, intentionally, and unlawfully blocking or obstructing the airway of such person resulting in the wounding or bodily injury of such person is guilty of suffocation, a Class 6 felony. This bill is identical to [SB 1156](#).

- Passed as: [HB 1673](#)
- VA Code Section to be changed: Amends and reenacts section [18.2-51.6](#), relating to suffocation by blocking or obstructing the airway of another; penalty.

Trace evidence collection kit.

Provides for the collection, retention, and storage of a trace evidence collection kit or anonymous trace evidence collection kit, defined in the bill, collected as part of a forensic medical examination of a victim of strangulation, with some procedures that parallel existing procedures for the collection, retention, and storage of physical evidence recovery kits collected for victims of sexual assault. The bill requires the Commonwealth to pay all medical fees relating to the collection of a trace evidence collection kit and does not require victims complaining of strangulation to participate in the criminal justice system or cooperate with law-enforcement authorities in order to be provided with such forensic medical examination. The bill has a delayed effective date of July 1, 2025.

- Passed as: [HB 2150](#)
- VA Code Section to be changed: Amends and reenacts sections [19.2-11.5](#) through [19.2-11.9](#) and [19.2-11.12](#) of the Code of Virginia, relating to trace evidence collection kits.

Abduction of a minor; penalty.

Makes the abduction of a minor a Class 2 felony, unless such abduction is committed by the parent or a family or household member who has been ordered custody or visitation of the person abducted, for which there is a prescribed punishment. Under current law, abduction of any person is punishable as a Class 5 felony if there is no other prescribed punishment. The bill



also makes an abduction committed by a family or household member who has been ordered custody or visitation of the person abducted punishable the same as an abduction committed by the parent of the person abducted.

- Passed as: [HB 1892](#)
- VA Code Section to be changed: Amends and reenacts section [18.2-47](#), relating to abduction of a minor; penalty.



ECONOMIC JUSTICE

Compensating victims of crime; awards from Criminal Injuries Compensation Fund.

Provides an exception to the general rule that a victim must fully cooperate with all law-enforcement agencies in order to receive an award from the Criminal Injuries Compensation Fund in those instances where the law-enforcement agency certifies that the claimant or award recipient was willing but unable to cooperate due to a good faith belief that such cooperation would have endangered such claimant or award recipient and such claimant or award recipient was not provided with any victim or witness protection services when such protection services were requested by a law-enforcement agency.

- Passed as: [HB 2032](#)
- VA Code Section to be changed: Amends and reenacts section [19.2-368.10](#), relating to compensating victims of crime; awards from Criminal Injuries Compensation Fund.

Emergency relief payments; automatic exemption from creditor process; repeal.

Repeals the provision allowing an exemption from the creditor process for emergency relief payments, defined as a 2020 recovery rebate for individuals and qualifying children provided pursuant to § 2201 of the federal Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136) or any future federal payments or rebates provided directly to individuals for economic relief or stimulus due to the COVID-19 pandemic. This bill is identical to [HB 1972](#).

- Passed as: [SB 812](#)
- VA Code Section to be changed: Amends and reenacts section [8.01-512.4](#) repeals section [34-28.3](#), relating to emergency relief payments; automatic exemption from creditor process; repeal.

Financial exploitation of vulnerable adults; venue.

Provides that, in addition to the county or city in which any act was performed in furtherance of the offense or the accused resided at the time of the offense, venue for the trial of an accused charged with financial exploitation of a vulnerable adult may be in any county or city in which (i) the vulnerable adult resides or resided at the time of the offense or (ii) the vulnerable adult



sustained a financial loss as a result of the offense. This bill is a recommendation of the Virginia Criminal Justice Conference.

- Passed as: [SB 1223](#)
- VA Code Section to be changed: An Act to amend and reenact § [18.2-178.1](#) of the Code of Virginia, relating to financial exploitation of vulnerable adults; venue.



FIREARMS

Concealed handgun permit; demonstrated competence.

Adds a firearms safety or training course conducted by the United States Concealed Carry Association (USCCA) or by a USCCA-certified firearms instructor, or any firearms safety or training course or class available to the general public offered by a law-enforcement agency, institution of higher education, or private or public institution or organization or firearms training school utilizing instructors certified by the USCCA to those programs that satisfy the demonstration of competence requirement for the issuance of a Virginia resident or nonresident concealed handgun permit. This bill is identical to [SB 898](#).

- Passed as: [HB 1422](#)
- VA Code Section to be changed: Amends and reenacts sections [18.2-308.02](#) and [18.2-308.06](#), relating to concealed handgun permit; demonstrated competence.

Concealed handgun permits; Virginia Criminal Information Network; disclosure of information.

Limits the exception to the requirement that the State Police withhold from public disclosure concealed handgun permittee information submitted to the State Police for purposes of entry into the Virginia Criminal Information Network provided under current law for any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties or an entity that has a valid contract with any local, state, or federal law-enforcement agency for the purpose of performing official duties of the law-enforcement agency to apply only when such permittee information is related to an ongoing criminal investigation or prosecution.

- Passed as: [HB 2449](#)
- VA Code Section to be changed: Amends and reenacts § [18.2-308.07](#) of the Code of Virginia, relating to concealed handgun permits; Virginia Criminal Information Network; disclosure of information.



HARASSMENT

Nondisclosure or confidentiality agreements; prohibited non-disparagement provisions; claims of sexual harassment.

Provides that no employer may require an employee or prospective employee to execute or renew any provision in a nondisclosure or confidentiality agreement, including any provision regarding non-disparagement, that has the purpose or effect of concealing the details of a sexual harassment claim. Any such provision is against public policy and is void and unenforceable.

- Passed as: [HB 1895](#)
- VA Code Section to be changed: Amends and reenacts section [40.1-28.01](#), relating to nondisclosure or confidentiality agreement; non-disparagement provisions; claims of sexual harassment.



HOUSING

Department of Housing and Community Development; statewide housing needs assessment and plan; annual reports by certain localities.

Adds to the powers and duties of the Director of the Department of Housing and Community Development the responsibility to conduct a comprehensive statewide housing needs assessment at least every five years, to develop a statewide housing plan and update such plan at least every five years, and to provide annual updates to the General Assembly regarding meeting the goals of such plan. The bill requires Virginia localities with a population greater than 3,500 to submit annual reports summarizing any local housing policies, ordinances, or processes affecting the development and construction of housing during the preceding fiscal year to the Department by September 1 for publication on the Department's website. This bill incorporates [SB 1049](#) and [SB 1190](#) and is identical to [HB 2046](#).

- Passed as: [SB 839](#)
- VA Code Section to be changed: Amends and reenacts section [36-139](#) and adds a section numbered [36-139.9](#), relating to Department of Housing and Community Development; statewide housing needs assessment and plan; annual reports by certain localities.

Virginia Residential Landlord and Tenant Act; termination of multiple month-to-month tenancies by landlord.

Requires any owner of multifamily premises that fails to renew the greater of either 20 or more month-to-month tenancies or 50 percent of the month-to-month tenancies within a consecutive 30-day period in the same multifamily premises to serve written notice on each such tenant at least 60 days prior to allowing such tenancy to expire. The bill exempts a landlord from the 60 days' notice requirement where a tenant has failed to pay rent in accordance with the rental agreement.

- Passed as: [HB 2441](#)
- VA Code Section to be changed: Amends and reenacts §§ [55.1-1204](#) and [55.1-1253](#) of the Code of Virginia, relating to Virginia Residential Landlord and Tenant Act; termination of multiple month-to-month tenancies by landlord.



HUMAN AND SEX TRAFFICKING

Civil action for trafficking in persons; charge or conviction not required.

Provides that a person may maintain a civil action against an individual for trafficking in persons whether or not an individual has been charged with or convicted of certain alleged violations.

- Passed as: [HB 1374](#)
 - VA Code Section to be Changed: Amends and reenacts section [8.01-42.4](#), relating to civil action for trafficking in persons; charge or conviction not required.
-

Board of Medicine; continuing education; human trafficking.

Requires that, of the hours of continuing education required for renewal of licensure, any licensee of the Board of Medicine may be required by the Board of Medicine to complete up to two hours of continuing learning activities or courses in a specific subject area. Under the bill, if the Board of Medicine designates a subject area for continuing learning activities or courses, the first subject area shall be on the topic of human trafficking. This bill is identical to [SB 1147](#).

- Passed as: [HB 1426](#)
 - VA Code Section to be changed: Amends Article 2 of Chapter 29 of Title 54.1 by adding a section numbered [54.1-2928.3](#), relating to Board of Medicine; continuing education requirements; human trafficking.
-

Department of Criminal Justice Services; two-year pilot program; safe harbor for sex trafficked youth.

Provides that the Department of Criminal Justice Services, in consultation with the Virginia State Crime Commission, shall identify a suitable locality to administer a two-year Demand Reduction and Safe Harbor for Domestic Minor Sex Trafficked Youth pilot program that focuses on (i) implementing proactive reverse sting operations that target buyers of sex services, (ii) utilizing a multidisciplinary response team to coordinate assessment and treatment for victims of sex trafficking, and (iii) designing an alternative to an arrest protocol. The bill provides that the goal of the program is to reduce the arrest of sex trafficking victims, reduce demand for



commercial sex exploitation by focusing on buyers, and establish high-quality education, alternative employment opportunities, and life skills for victims.

- Passed as [SB 1292](#)
- VA Code Section to be changed: Does not change VA Code. Requires the Department of Criminal Justice Services to administer a two-year pilot program to provide a safe harbor for sex trafficked youth.



LANGUAGE ACCESS

Interpreters for persons who are deaf or hard of hearing.

Provides that if the Department for the Deaf and Hard-of-Hearing cannot procure a qualified interpreter to assist a party or witness in a civil proceeding who is speech-impaired or who is deaf or hard of hearing, then the court may appoint a readily available interpreter with full certification from the Registry of Interpreters for the Deaf, Inc., or an equivalent national certification. This bill is identical to [HB 2424](#).

- Passed as: [SB 814](#)
- VA Code Section to be changed: Amends and reenacts [8.01-384.1](#) and [19.2-164.1](#), relating to interpreters for persons who are deaf or hard of hearing.

PREVENTION AND COMMUNITY HEALTH

Department of Education; Virginia Tiered Systems of Supports Research and Implementation Center; Trauma Learning Modules; modifications; report.

Directs the Department of Education to collaborate with the Virginia Tiered Systems of Supports Research and Implementation Center (VTSS-RIC) to modify the existing Trauma Learning Modules provided by VTSS-RIC to incorporate (i) the definitions of "childhood trauma" and "trauma-informed" provided in the bill and (ii) information and guidance on concepts including (a) the impacts of childhood trauma on a child's physical, emotional, and behavioral development and health; (b) the importance of mental health and wellness; (c) how to foster a trauma-informed classroom environment; (d) how to recognize the signs of childhood trauma in students; (e) how to respond when a student informs a teacher of a traumatic experience or exhibits signs that such student has had a traumatic experience; and (f) when and how to contact support services or other resources outside the classroom to ensure any student who has experienced trauma receives the necessary support. The bill requires the Department and the VTSS-RIC to provide the report required pursuant to the bill to the Governor and the General Assembly by November 1, 2023.

- Passed as: [SB 1300](#)
- VA Code Section to be changed: Does not change VA Code. Requires the Department of Education and the Virginia Tiered Systems of Supports Research and Implementation Center to modify the existing Trauma Learning Modules to incorporate certain definitions and concepts relating to childhood trauma and trauma-informed care.

Maternal Mortality Review Team; annual compilation and release of statistical data.

Requires the Maternal Mortality Review Team to annually compile statistical data and make such data available to the Governor, General Assembly, and the public. Currently, the Maternal Mortality Review Team is required to compile and release such data on a triennial basis.

- Passed as: [SB 1254](#)
- VA Code Section to be changed: Amends and reenacts [32.1-283.8](#), relating to Maternal Mortality Review Team; annual compilation and release of statistical data.



Department of Health; perinatal health hub work group; report.

Directs the Department of Health, in collaboration with the Virginia Neonatal Perinatal Collaborative, the Virginia Maternal Quality Care Alliance, and Urban Baby Beginnings, to convene a work group of stakeholders to evaluate strategies to reduce maternal and infant mortality rates and make recommendations to enhance maternal health and public health support systems through expansion of the perinatal health hub model. The bill directs the Department of Health to report on the results and recommendations of the work group to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by December 1, 2023.

- Passed as: [HB 1567](#)
 - VA Code Section to be changed: No code sections changed.
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Public education; student mental health and counseling; definitions; licensure requirements.

Requires the Department of Education, in consultation with the Department of Behavioral Health and Developmental Services and the Department of Medical Assistance Services, to develop, adopt, and distribute to each school board a model memorandum of understanding between a school board and a public or private community mental health services provider that sets forth parameters for the provision of mental health services to public school students enrolled in the local school division by such provider. The bill requires the memorandum of understanding to be available to each school board no later than the beginning of the 2023–2024 school year. The bill also permits, in order to fill vacant school psychologist positions, any local school board to employ, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment. Finally, the bill defines the terms "direct counseling" and "program planning and school support" for the purpose of the provision of law that requires each school counselor to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students. This bill incorporates [SB 1257](#) and [SB 1268](#).

- Passed as: [SB 1043](#)
- VA Code Section to be changed: Amends and reenacts §§ [22.1-253.13:2](#), as it is currently effective and as it shall become effective, and [22.1-291.1:1](#) of the Code of Virginia and to amend the Code of Virginia by adding a section numbered [22.1-272.2](#), relating to public education; student mental health and counseling; definitions; licensure requirements.



PROTECTIVE ORDERS

Family abuse protective orders filed on behalf of minors.

Provides that for purposes of filing a petition for preliminary protective order in a family abuse situation, the attorney for the Commonwealth or a law-enforcement officer may file a petition on behalf of a minor as his next friend if an emergency protective order was previously issued for the protection of such minor and the respondent is a parent, guardian, or person standing in loco parentis, and such petition is filed before the emergency protective order expires or within 24 hours of the expiration of such emergency protective order.

- Passed as: [SB 873](#)
- VA Code Section to be changed: Amends and reenacts section [16.1-253.1](#), relating to family abuse protective orders filed on behalf of minors.

Protective orders; extensions and continuances; penalty.

Provides that if a petitioner files a written motion requesting a hearing to extend a permanent protective order, the court may issue an ex parte protective order until the extension hearing, which shall be held within 15 days of the issuance of such ex parte protective order and may be held after the expiration of the permanent protective order. If the respondent fails to appear at the extension hearing because the respondent was not personally served with such motion, a new date for the extension hearing shall be given and the judge may extend the ex parte preliminary protective order until the new date. The bill also provides that if the respondent was personally served, where the petitioner shows by clear and convincing evidence that a continuance is necessary to meet the ends of justice or the respondent shows good cause, the court may continue the extension hearing and such ex parte preliminary protective order shall remain in effect until the extension hearing. This bill is identical to [SB 1532](#).

- Passed as: [HB 1897](#)
- VA Code Section to be changed: Amends and reenacts sections [16.1-253.1](#), [16.1-279.1](#), [19.2-152.9](#), and [19.2-152.10](#) of the Code of Virginia, relating to protective orders; extensions and continuances; other monetary relief; penalty.



Family abuse protective orders; relief available; password to electronic device; enjoining surveillance; penalty.

Provides that as a condition to be imposed by the court on the respondent, a petitioner with a protective order issued in a case that alleges family abuse and, where appropriate, any other family or household member, must be given the relevant password when being granted exclusive use and possession of a cellular telephone or other electronic device. The bill further provides that the court may enjoin the respondent from using a cellular telephone or other electronic device to surveille the petitioner.

- Passed as: [HB 1961](#)
- VA Code Section to be changed: Amends and reenacts [16.1-253.1](#) and [16.1-279.1](#), relating to family abuse protective orders; relief available; password to electronic device; enjoining surveillance; penalty.



SCHOOL CENSORSHIP

Sexually explicit content; DOE shall develop model policies, parental notification.

Requires the Department of Education to develop no later than July 31, 2022, model policies and each local school board to adopt no later than January 1, 2023, policies for ensuring parental notification of any instructional material that includes sexually explicit content and include information, guidance, procedures, and standards relating to (i) ensuring parental notification; (ii) directly identifying the specific instructional material and sexually explicit subjects; and (iii) permitting the parent of any student to review instructional material that includes sexually explicit content and provide, as an alternative, nonexplicit instructional material and related academic activities to any student whose parent so requests. The bill provides that the local school board policies shall be consistent with but may be more comprehensive than the model policies developed by the Department. The bill states that the provisions of the bill shall not be construed as requiring or providing for the censoring of books in public elementary and secondary schools.

- Passed as: [SB 656](#)
- VA Code Section to be changed: Adds a section numbered [22.1-16.8](#), relating to the Department of Education; model policies; instructional material; sexually explicit content; parental notification.



SEXUAL ASSAULT SERVICES & RESPONSE

Testing persons charged with certain crimes for sexually transmitted infections.

Provides that as soon as practicable following arrest, or following indictment, arrest by warrant, or service of a petition in the case of a juvenile, the attorney for the Commonwealth may request after consultation with any complaining witness, or shall request upon the request of the complaining witness, that any person charged with certain specified crimes be requested to submit to testing for sexually transmitted infections, as that term is defined in the bill. The bill provides that if the person charged refuses to submit to testing or the competency of the person to submit to testing is at issue, a court finding probable cause that the complaining witness was exposed to body fluids of the person charged in a manner that may transmit a sexually transmitted infection shall order such testing. The bill also provides that the results of such tests shall not be admissible as evidence in any criminal proceeding. This bill is identical to [SB 1436](#).

- Passed as: [HB 1416](#)
- VA Code Section to be changed: Adds a section numbered [18.2-61.1](#), relating to testing of certain persons for sexually transmitted infections.

Sexual extortion; penalties.

Creates a Class 5 felony for any person who maliciously threatens in writing, including an electronically transmitted communication producing a visual or electronic message, (i) to disseminate, sell, or publish a videographic or still image, created by any means whatsoever, or (ii) to not delete, remove, or take back a previously disseminated, sold, or published videographic or still image, created by any means whatsoever, that depicts the complaining witness or such complaining witness's family or household member as totally nude or in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast with the intent to cause the complaining witness to engage in sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, inanimate or animate object sexual penetration, or an act of sexual abuse and thereby engages in such acts. The bill also creates an unclassified felony punishable by not less than one nor more than 20 years and a fine of not more than \$100,000 for any adult who violates the provisions of the bill with a person under the age of 18.

- Passed as: [HB 2398](#)
- VA Code Section to be changed: Adds a section numbered [18.2-59.1](#), relating to sexual extortion; penalty.



Civil cause of action; sexual abuse by person of authority; limitations period.

Creates a civil cause of action for injury to a person 18 years of age or older resulting from sexual abuse by a person of authority, defined in the bill. The bill further specifies that any such action shall be brought within 15 years after the cause of action accrues.

- Passed as: [HB 1647](#)
- VA Code Section to be changed: Amends and reenacts section [8.01-243](#), relating to civil cause of action; sexual abuse by person of authority; limitations period.

Public school employees; offense involving solicitation of sexual molestation, physical or sexual abuse, or rape of a child; penalty.

Provides that the convictions that bar employment and contract work that requires direct contact with students on school property during school hours or school-sponsored activities in public schools include any offense involving the solicitation of sexual molestation, physical or sexual abuse, or rape of a child. Current law prohibits any school board from employing or contracting with anyone who has been convicted of a violent felony set forth in the definition of barrier crime or any offense involving sexual molestation, physical or sexual abuse, or rape of a child, but does not specify that this includes any offense involving the solicitation of any such offense.

- Passed as: [HB 1822](#)
- VA Code Section to be changed: Amends and reenacts section [22.1-296.1](#), relating to public school employees; offense involving solicitation of sexual molestation, physical or sexual abuse, or rape of a child; penalty.