

NEW LAWS 2026

A Legal Guide for
Sexual and Domestic Violence Advocates
and Survivors in Virginia



Virginia Sexual and Domestic Violence
ACTION ALLIANCE



NEW 2026 VIRGINIA LAWS

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Greetings advocates and policy wonks:

2026 was an exciting policy year for sexual and domestic violence advocates, survivors and allies. Virginia entered 2026 with a Democratic "trifecta," meaning Democrats controlled the governorship, the Senate, and the House. This gave Democrats substantial ability to advance legislation, but did not completely erase divides over some key issues. Legislators pushed and achieved success with some hotly debated campaign items, all of which greatly impact our work. These items include gun violence prevention, defense of marriage equality, safeguarding reproductive freedom, the expansion of workers' rights, and the protection of voting rights.

Our field was fortunate to see many big wins in 2026, such as closing the boyfriend loophole, ensuring that a person subject to a protective order cannot transfer firearms to someone prohibited from possessing them, establishing paid medical and family leave and sick leave, amending the stalking statute to enhance protection for victims, better protecting victims from early lease termination due to sexual and domestic violence, increasing access to financial security for those who have a family abuse protective order, expanding Virginia Victims Fund assistance for victims of strangulation, expanding the process for obtaining a substantial risk order, and reducing barriers in the the divorce process.

Disagreement about whether Virginia should continue providing a large sales and use tax exemption to the data center industry, and what conditions, if any, should be attached to that tax break threatened to derail the budget process. The Senate proposed ending the exemption years before its current expiration date. House Democrats and the Governor argued that ending the



exemption before its current expiration date risked foregoing billions of dollars in revenue that could be used for important state and local priorities. As part of the final budget compromise, sexual and domestic violence agencies received \$3 million annually for two years (FY 2026–2027 and FY 2027–2028), which will be essential in stabilizing services in the face of



federal funding cuts and uncertainty. This represents a reasonable compromise between the \$6 million that was included in the original House budget (which was our initial ask) and the \$0 that was included in the original Senate budget.

We want to thank you for your passionate and unwavering advocacy with your elected representatives (and beyond). Without your support, our work advocating for survivors in the General Assembly would not be possible. Thank you, thank you, thank you!

This resource is intended to provide you with a snapshot of legislative changes that will impact the Virginia sexual and domestic violence field after July 1, 2026 and beyond.

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 and Allies

LOVE TO ALL
ADVOCATES



LOVE TO ALL
SURVIVORS



BUDGET

Securing Critical Funding For Victim Advocacy Services.

The 2026 Virginia budget process was significantly shaped by a dispute over the state's sales and use tax exemption for the data center industry. The Senate Democrats proposed ending the exemption years before its current expiration date. House Democrats and the Governor argued that ending the tax exemption before the expiration date would result in billions of dollars of lost revenue for the state and for localities. After negotiations, the dispute was resolved, allowing the budget to move forward and securing critical funding for victim advocacy services. In the finalized budget, sexual and domestic violence agencies received \$3 million annually for two years (FY 2026–2027 and FY 2027–2028). The final allocation provides critical support to help stabilize services amid reductions in federal funding.



CIVIL PROCESS

Restricting ICE Arrests at Virginia Courthouses

This bill sought to limit federal immigration enforcement activities in designated “protected areas,” including state and local hospitals, health care facilities, schools, public colleges and universities, courthouses, and offices of attorneys for the Commonwealth. It would have prohibited individuals from conducting immigration enforcement actions, such as identifying or arresting people, in these locations without a judicial warrant or subpoena. The legislation also required immigration enforcement personnel making civil arrests in courthouses to provide identification and a judicial warrant to security staff, authorized school boards to establish notification procedures when enforcement officers were present on school property, and created protections against retaliatory employment actions based on reporting an individual’s immigration status. Additionally, the bill proposed restricting immigration enforcement activities within 40 feet of polling places, election board meeting locations, and recount sites during election-related activities, making violations a Class 1 misdemeanor.

While we believed that this bill would have protected immigrant survivors of sexual and domestic violence and would have made communities safer, it was vetoed by the Governor.

- Filed as: [HB 650](#) and [SB 351](#)
- **VETOED** by the Governor.



CONSTITUTIONAL AMENDMENTS

The following three constitutional amendments will be on the ballot in November 2026.

Protection of Marriage Equality

This bill proposes a constitutional amendment that would remove the constitutional ban on same-sex marriage and instead enshrine the affirmative right to marriage equality in the Virginia constitution.

- Passed as: [HB 612](#) and [SB 311](#)
- Constitution of Virginia Section to be changed: Act provides for the submission to the voters of a proposed amendment to Section 15-A of Article I of the Constitution of Virginia.

Protection of Voting Rights

This bill proposes a constitutional amendment providing that every person who meets the qualifications of voters set forth in the Constitution shall have the fundamental right to vote in the Commonwealth.

- Passed as: [HB 963](#) and [SB 6](#)
- Constitution of Virginia Section to be changed: Act provides for the submission to the voters of a proposed amendment to Section 1 of Article II of the Constitution of Virginia.

Protection of Reproductive Rights

This bill proposes a constitutional amendment protecting the right to make one's own decisions related to reproductive health care.

- Passed as: [HB781](#) and [SB449](#)
- Constitution of Virginia Section to be changed: Act provides for the submission to the voters of a proposed amendment to the Constitution of Virginia by adding in Article I a section numbered 11-A.



CRIMINAL JUSTICE

Child Exploitation

This legislation sought to make all audio and visual equipment, electronic devices, and other personal property subject to lawful seizure and forfeiture if used in the possession, production, distribution, or sale of child pornography.

- Filed as: [HB 148](#)
- Left in Senate Courts of Justice

Cyber Stalking

The bill expands the legal definition of stalking to specifically include conduct committed through electronically transmitted communication, which includes communication by telephone, computer, or other electronic devices. This modification clarifies that phone calls, texts, email messages etc. can all count towards instances that can be considered in the crime of stalking. In other words, this change will make it more clear that stalking does not just include in person events.

- Passed as: [SB 673](#)
- VA Code Section to be changed: Amends and reenacts §18.2-60.3 of the Code of Virginia.
- Effective July 1, 2026



ECONOMIC JUSTICE

Protecting Survivors of Violence from Eviction

The bill strengthens housing protections for domestic violence survivors by removing the requirement that a tenant notify the landlord when a barred abuser returns to the property. Under this new law, victims who have obtained a protective order will not lose protection against eviction simply because they did not promptly notify the landlord that an abuser had returned to the property. For the provisions of the legislation to apply, a tenant must only provide the landlord with a copy of a protective order or the abuser must be barred from the dwelling unit by the landlord pursuant to or by a court order.

- Passed as: [HB 1408](#)
- VA Code Section be changed: Amends and reenacts § 55.1-1245.
- Effective July 1, 2026

Expanding financial assistance for protective order recipients

This bill expands the relief a court may award when issuing a full family abuse protective order. Specifically, the bill authorizes a court to require an abusive respondent to pay or contribute to the rent or mortgage for a residence that the petitioner has been awarded possession of under the protective order, maintain suitable alternative housing, and maintain utility services to the residence to which the petitioner has been granted possession. The legislation is intended to address a common barrier faced by survivors of domestic violence: the risk of housing and financial instability after obtaining a protective order. By allowing courts to order continued housing-related financial support, the bill helps ensure that a survivor has access to safe housing for the duration of the protective order.

- Passed as: [HB 1363](#)
- VA Code Section to be changed: Amends and reenacts § 16.1-279.1.
- Effective July 1, 2026



GUN VIOLENCE PREVENTION

Closing the Boyfriend Loophole

The act expands legal protections and firearm restrictions by adding "intimate partner" to the definition of "family or household member." An intimate partner is defined in the bill as an individual who, within the previous 12 months, was in a romantic, dating, or sexual relationship with the person, determined by the nature, length, and frequency of their interaction. Under this law, any person convicted of a misdemeanor offense of assault and battery against an intimate partner occurring on or after July 1, 2026 is prohibited from knowingly and intentionally purchasing, possessing, or transporting any firearm for a period of three years following the date of conviction.

This bill will move some cases that would previously have been heard in General District Court to the Juvenile and Domestic Relations Court. In particular for our field, those who have experienced violence or threats of violence from an intimate partner who would not previously have been considered a family or household member may now petition for a Family Abuse Protective Order.

- Passed as: [SB 160](#) and [HB 19](#)
- VA Code Sections to be changed: Amends and reenacts §§ 16.1-228 and 18.2-308.1:8 of the Code of Virginia.
- Effective July 1, 2026

Enhanced Enforcement of Existing Firearm Prohibitions

The bill requires a person who is prohibited from possessing a firearm because they are subject to a protective order or have been convicted of assault and battery against a family or household member to transfer their firearm to another who is not otherwise prohibited by law from possessing firearms. The recipient must be at least 21 years old and may not live with the prohibited person.

The bill also requires the prohibited person to notify the court clerk of the name, address, and signature of the person, licensed firearms dealer, or law enforcement agency that receives the firearm. A copy of this information must also be provided to the person receiving the firearms. These requirements create a clear process for documenting firearm relinquishment and strengthen enforcement of existing firearm prohibitions associated with protective orders and convictions of assault and battery against a family or household member.

- Passed as: [HB 93](#) and [SB 38](#)



- VA Code Section to be changed: Amends and reenacts §§ 18.2-308.1:4 and 18.2-308.1:8 of the Code of Virginia.
 - Effective July 1, 2026
-

Substantial Risk Order Expansion

This bill expands the eligibility for petitioners of substantial risk orders and clarifies related definitions and jurisdictions. Under the new law, many other parties may also request substantial risk orders, including, but not limited to:

- licensed professional counselor,
- licensed clinical social worker,
- licensed marriage and family therapist,
- licensed clinical psychologist,
- licensed clinical psychiatrist,
- licensed psychiatric nurse practitioner,
- psychiatric physician
- doctor of medicine,
- certified evaluator,
- designee of the local community services board,
- immediate family or household member,
- intimate partner,
- school administrator [...]

The bill also expands the list of “relevant evidence” or factors judges may consider before issuing an Emergency Substantial Risk Order or a Substantial Risk Order. In addition, it expands jurisdiction beyond Circuit Courts to Juvenile and Domestic Relations District Courts and General District Courts.

- Passed as: [HB 901](#) and [SB 495](#)
- VA Code Sections to be changed: Amends and reenacts §§ 16.1-241, 19.2-152.13, 19.2-152.14, and 19.2-152.16 of the Code of Virginia.
- Effective July 1, 2026



FAMILY LAW

Improving Responses for Abuse Victims in Custody Proceedings

This bill would have directed the convening of a work group to study and improve procedures for and responses to victims of family abuse and their children in child custody proceedings. Under this proposed bill, the work group would have reviewed and made recommendations for how juvenile and domestic relations district courts can improve custody proceedings when credible allegations of family abuse are at issue. The bill directed that the group specifically analyze how power dynamics impact outcomes, how alleged abusers may use court proceedings as instruments of harassment, and how the perceptions of survivors of abuse affect legal results.

While this bill was left in the House Rules Committee and thus did not become law, the Honorable Don Scott, Speaker of the Virginia House of Delegates, wrote a letter to the Supreme Court of Virginia's Access to Justice Commission's Committee on Self-Represented Litigants' Subcommittee on Domestic Violence Victims directing the study. The Subcommittee on Domestic Violence Victims will produce a report with recommendations to the Chair of the House Courts of Justice Committee prior to the 2027 General Assembly Session.

- Filed as: [HB 839](#)
- Left in the House Rules Committee, but study has been directed by a Letter from the Honorable Don Scott, Speaker of the Virginia House of Delegates.

Divorce Reform

The act updates the legal grounds for divorce in Virginia and initiates a formal study for potential future changes to the system. The bill eliminates the need to wait a specified period before filing for a divorce from bed and board based on separation. In other words, parties can file for divorce based on separation as soon as the separation begins and do not have to wait six months or a year before doing so. The bill also clarifies that a divorce may be granted on the grounds of adultery only if the adultery occurred before the date of the parties' last separation. Previously, parties could make an adultery allegation even if the adultery occurred after separation but before the issuance of the divorce decree.

Additionally, the legislation directs the Virginia Family Law Coalition and the Virginia State Bar Family Law Section to convene a work group to study the feasibility of transitioning Virginia to an exclusively no-fault divorce system. This group is tasked with recommending whether to eliminate all fault-based grounds (like adultery) and instead adopt "irretrievable breakdown" or



"irreconcilable differences" as the sole grounds for divorce. The study must specifically consider the impact of mandatory separation periods on low-income Virginians and domestic violence survivors, as well as provisions to prevent the use of divorce proceedings as an instrument of further abuse or coercive control. A final report is due to the Governor and General Assembly by December 1, 2026.

- Passed as: [HB 303](#)
- VA Code Section to be changed: Amends and reenacts §§ 20-91 and 20-95 of the Code of Virginia.
- Effective July 1, 2026



LANGUAGE JUSTICE

Language Access Equity

The bill would have mandated that state programs and services normally provided in English be made "meaningfully accessible" to non-English speakers and individuals with disabilities. The legislation would have added two new sections to the Code of Virginia, requiring the Secretary to establish statewide criteria for translation services, to develop a model language access policy, and to create a glossary of common terms in at least 10 of the most frequently spoken non-English languages in the Commonwealth.

- Filed as: [HB 1009](#)
- Left in Committee Appropriations



PREVENTION AND HEALTH

Paid Family and Medical Leave

This legislation is one of the most significant employment laws passed during the 2026 Virginia General Assembly session. It creates a state-run insurance program that will provide partial wage replacement to eligible workers who need time away from work for certain family, medical, military, or safety-related reasons. The program will be funded through payroll contributions from employers and employees.

Covered leave includes the birth or adoption of a child, an employee's own serious health condition, caring for a seriously ill family member, and, importantly for our work, safety services for survivors of domestic violence or sexual assault.

- Passed as: [SB 2](#) and [HB 1207](#)
- VA Code Sections to be changed: Amends and reenacts §§ 38.2-107.2, 38.2-135, 38.2-316, and 38.2-1800 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 38.2-107.3 and by adding in Title 60.2 a chapter numbered 8, consisting of sections numbered 60.2-800 through 60.2-818.
- Effective December 1, 2028

Paid Sick Leave

This bill is another significant expansion of workers' rights in Virginia and will be an important tool of financial security for victims of sexual and domestic violence. It allows most employees in Virginia to accrue 1 hour of paid sick leave for every 30 hours worked. Employees may use accrued sick leave for their own physical or mental health needs, caring for a family member, preventive care or medical appointments, and safety-related needs, including those arising from domestic abuse, sexual assault, or stalking situations.

- Passed as: [HB 5](#) and [SB 199](#)
- VA Code Sections to be changed: Amends the Code of Virginia by adding in Chapter 3 of Title 40.1 an article numbered 2.1:1, consisting of sections numbered 40.1-33.6:1 through 40.1-33.6:7.
- Effective July 1, 2027

Strengthening Victim Compensation Funding and Forensic Evidence Procedures



This bill provides that all medical fees expended in the gathering of evidence through anonymous trace evidence collection kit examinations conducted on victims of strangulation will be paid by the Commonwealth through the Virginia Victims Fund. The bill states that strangulation victims will not be required to participate in the criminal justice system or cooperate with law-enforcement authorities in order to be provided with medical exams. The legislation also instructs the Director of the Department of Criminal Justice Services to form a work group comprising various medical and legal stakeholders to recommend ways to streamline the reimbursement process, secure sustainable funding for all medical forensic examinations, and enhance the reimbursement percentage from the Criminal Injuries Compensation Fund. Additionally, this group will examine the reimbursement of forensic nurses for professional time, mileage, expert witness preparation, and patient transportation. A final report is to be submitted to the General Assembly by November 1, 2026.

- Passed as: [HB 1464](#) and [SB 812](#)
- VA Code Sections to be changed: Amends and reenacts §§ 19.2-165.1, 19.2-368.2, 19.2-368.3, and 19.2-368.11:1.
- Effective July 1, 2026