

2024

Virginia Department of Juvenile Justice



2024 GENERAL ASSEMBLY

LEGISLATIVE UPDATE

JULY 1, 2024

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DIRECT IMPACT ON DJJ

HB 159 (Delegate Seibold): State correctional and juvenile correctional facilities; use of canines, prohibited acts.

- **Existing Law (through June 30):**
 - There are no statutory restrictions on the use of canines in state correctional and juvenile correctional facilities.
 - DJJ does not have patrol or security canines and does not employ persons trained in the use of patrol or security canines. DJJ does have detector canines.
 - DJJ's use of force procedure permits the use of canines, under specified parameters, to assist with escapes and resident emergencies. In such an event, DJJ could request the assistance of an outside law enforcement agency.
 - DJJ's procedure on resident, staff and visitor searches permits the use of detector canines, under specified parameters, to detect the odor of the most common contraband, drugs and/or illegal substances.
- **Impact of Legislation:**
 - Makes it unlawful for any juvenile correctional officer or other employee of a juvenile correctional facility to use a patrol or security canine in any juvenile correctional facility.
 - The bill exempts the training or use of detector canines or detector canine handlers.
 - Does not prohibit the use of a canine to locate a juvenile who has escaped from a juvenile correctional facility.

HB 430 (Delegate Arnold): Bail; violation of conditions of release, report available to counsel of record.

- **Existing Law (through June 30):**
 - Section 19.2-123 pertains to the imposition of pretrial conditions of release after arrest and sanctions for a violation of any such condition of release. Currently, when there is a violation of a pretrial condition of release, the counsel for the accused or juvenile merely receives a notice, consisting of a broad allegation, seeking to revoke bail or seek sanctions.
- **Impact of Legislation:**
 - Amend 19.2-123 to require that any report of a violation of a pretrial condition of release provided to the court shall be sent by the pretrial services agency to the attorney for the Commonwealth and the counsel of record for the accused or juvenile, or directly to the accused or juvenile if such person is not represented by counsel.

HB 611 (Delegate Price): Civilian deaths in custody; report.

- **Impact of Legislation:**
 - Creates a new section 9.1-192.1, which imposes requirements on correctional facilities, including juvenile correctional facilities, in the event of a death of a civilian in custody.

- Every law enforcement agency and state or juvenile correctional facility shall report to the Department of Criminal Justice Services (DCJS) and every local or regional correctional facility shall report to the State Board of Local and Regional Jails (Board) the following information regarding the death of any person who is detained, under arrest, or in the process of being arrested, en route to be incarcerated, incarcerated, or otherwise in the custody of such law enforcement agency or correctional facility:
 - The name, gender, race, ethnicity, and age of the deceased;
 - The date, time, and location of death;
 - The law enforcement agency or correctional facility that detained, arrested or was in the process of arresting, transported, incarcerated, or otherwise had custody of the deceased; and
 - A brief description of the circumstances surrounding the death and the cause of death.
- Any law enforcement agency or state or juvenile correctional facility that fails to comply with the reporting requirements may, at the discretion of DCJS, be declared ineligible for state grants or funds.
- DCJS and the Board shall analyze the data submitted to determine how the information can be used to reduce the number of such deaths. The Director of DCJS and the Board shall annually report the findings and recommendations resulting from the analysis and interpretation of the data to the Governor, the General Assembly, and the Attorney General beginning on or before July 1, 2025, and each July 1 thereafter.

Budget Language – Item C-51(B): 2024 State Agency Capital Account.

• **Impact of Budget Language:**

- There is hereby appropriated \$8,555,135 the first year from the general fund and \$23,268,082 the first year from bond proceeds of the Virginia Public Building Authority to provide funds for the construction and other capital costs of the following projects subject to the pool process delineated in Section 2.2-1515 et. seq., Code of Virginia:
- Among other listed projects is listed DJJ to renovate Bon Air Juvenile Correctional Center and Oak Ride Juvenile Correctional Facility.

Budget Language – Item C-55(F): Transfer Appropriation between Capital Projects and Adjust Authorizations.

• **Impact of Budget Language:**

- Authority for DJJ to “Construct New Juvenile Correctional Center” project 777-18286, as originally authorized in Chapter 759 and 769, 2016 Acts of Assembly, as amended by Item C-47, Chapter 2, 2018 Acts of Assembly, Special Session I, and Item C-47, Chapter 1283, 2020 Acts of Assembly, is hereby rescinded.

COURTS

HB 78 (Delegate Watts) / SB 16 (Senator Favola): Search warrants, subpoenas, court records, or other process; menstrual health data prohibited.

- **Impact of Legislation:**

- Creates § 19.2-60.2, which provides that no search warrant, subpoena, court order, or other process shall be issued, executed, or served for the purpose of the search and seizure of or production of menstrual health data, including data stored on a computer, computer network, or other device containing electronic or digital information. For the purposes of this new section, “menstrual health data” is defined as any information, recorded in any form or medium, that is created or received by an entity that relates to or is used to determine, predict, or estimate the past, present, or future menstrual status of an individual.

HB 155 (Delegate Green) / SB 646 (Senator French): Criminal Injuries Compensation Fund; claims.

- **Impact of Legislation:**

- Amends § 19.2-368.5 to remove any deadline for a minor that was the victim of felony sexual abuse to file a claim. For cases where the sexual abuse of a minor does not constitute a felony, the claim needs to be filed within 10 years after the minor’s 18th birthday.

HB 171 (Delegate Keys-Gamarra): Signing of pleadings, motions, and other papers; electronic signatures.

- **Existing Law (through June 30):**

- Section 8.01-271.1 requires that every pleading, motion, or other paper shall be signed by an attorney, a person proceeding pro se, etc.

- **Impact of Legislation:**

- Clarifies that the required signature may be an electronic signature or a digital image of a signature.

HB 172 (Delegate Hope): Family or household member; clarifies definition, penalty.

- **Existing Law (through June 30):**

- While the current definition of “family or household member” includes parents, stepparents, and grandparents, all of whom may serve as a juvenile’s legal custodian, the definition does not capture the full complement of individuals that may serve in this capacity. Others who have been designated as a juvenile’s legal custodian may not be afforded the protections and rights granted under the numerous statutes that include the “family or household” language.
- Currently, several statutes allow individuals to file protective orders to protect the petitioner and the petitioner’s “family or household member” by limiting or prohibiting

contacts with the respondent and affording the petitioner additional rights associated with the order.

- Current law criminalizes certain assault, stalking, extortion, and other offenses committed against a family or household member, thereby preventing such charges when the victim is a juvenile's legal custodian who does not otherwise satisfy the definition. Current law also allows for a deferral of proceedings without a finding of guilt and probation for first-time assaults committed by an adult against a "family or household member."

- **Impact of Legislation:**

- Adding legal custodians of juveniles to this definition will expand the scope of each of the 49 statutory provisions that address "family or household members" in accordance with Section 16.1-228.
- The bill will grant legal custodians of juveniles the protections afforded to other "family or household members" when a protective order is issued under the statutory provisions impacted by this bill.
- Adding legal custodians to the definition of "family or household member" will expand the scope of each of the statutes criminalizing offenses against "family or household members" and may increase the number of charges for these offenses. Expanding the definition also will ensure the deferral and probation disposition under § 18.2-57.3 is available for first-time assaults involving legal custodians.

HB 266 (Delegate Watts): Custodial interrogation of a child; failure to comply with section, inadmissibility of statement.

- **Existing Law (through June 30):**

- Under the current § 16.1-247.1(A), prior to any custodial interrogation of a child by a law-enforcement officer who has arrested such child pursuant to subsection C, C1, or D of § 16.1-246, the child's parent, guardian, or legal custodian shall be notified of his arrest and the child shall have contact with his parent, guardian, or legal custodian. The notification and contact required may be in person, electronically, by telephone, or by video conference. Under subsection B, a custodial interrogation may still occur without such contact having been made if (i) the child's parent, guardian, or legal custodian is a codefendant in the alleged offense; (ii) the child's parent, guardian, or legal custodian has been arrested for, has been charged with, or is being investigated for a crime against the child; (iii) if, after every reasonable effort has been made to comply with subsection A, the child's parent, guardian, or legal custodian cannot be located or refuses contact with the child; or (iv) if the law-enforcement officer conducting the custodial interrogation reasonably believes the information sought is necessary to protect life, limb, or property from an imminent danger and the law-enforcement officer's questions are limited to those that are reasonably necessary to obtain such information.

- **Impact of Legislation:**

- Establishes that, except as provided in subsection B, if a law enforcement officer violates the provisions of subsection A, any statements made by such child shall be inadmissible in any delinquency proceeding or criminal proceeding against such child, unless the attorney for the Commonwealth proves by a preponderance of the evidence that the statement was made knowingly, intelligently, and voluntarily.

HB 268 (Delegate Watts): Juveniles, evidence of trafficking, sexual abuse, or rape by the alleged victim.

• **Existing Law (through June 30):**

- Juveniles who meet certain age and offense criteria may have their cases transferred or certified to circuit court by way of: i) a transfer hearing in which the juvenile court judge considers several statutorily enumerated factors and determines whether the juvenile is “a proper person to remain within the jurisdiction of the juvenile court,” (ii) by mandatory certification, for juveniles who have committed murder or aggravated malicious wounding; or (iii) by prosecutorial discretionary certification, for juveniles who have committed certain other violent juvenile felonies, wherein the prosecutor makes a motion to certify the case to circuit court.
- Before the juvenile court holds a transfer hearing or a preliminary probable cause hearing when the Commonwealth’s attorney makes a motion in accordance with § 16.1-269.1(C), the court service unit or other probation services provider is required to compile a report that includes information relevant to the factors required for court consideration at a transfer hearing.
- If a juvenile is found guilty in circuit court, the court has several options for disposing of the case, including imposing an adult sentence or treating the juvenile in the same manner as the juvenile court.

• **Impact of Legislation:**

- In the case of a transfer hearing, if the juvenile is alleged to have committed a felony offense against their assaulter or trafficker as a direct result of subsection to felonious criminal sexual assault or trafficking, the bill will require juvenile courts to consider this circumstance as an additional factor in determining whether the juvenile should remain within the juvenile court’s jurisdiction or have their case transferred to circuit court.
- For cases that are eligible for mandatory certification or prosecutorial discretionary certification pursuant to § 16.1-269.1(B) or (C), on motion by such juvenile, the juvenile court will now be permitted to hold a separate hearing and allow the juvenile to present evidence of their subsection to sexual assault or trafficking that resulted directly in their violent act, and, if the court finds by a preponderance of the evidence that sufficient evidence exists to believe the juvenile was such a victim, the juvenile court will be required to conduct a transfer hearing under subsection A to determine whether the juvenile’s case should be transferred to circuit court.
- The bill provides that the report also must include any relevant information supporting the juvenile’s allegation that he or she was a victim of felonious criminal sexual assault or trafficking by his or her alleged victim.
- The bill will also allow the circuit court to set aside the guilty verdict, render the juvenile delinquent, and impose a juvenile disposition if the court received evidence prior to its final order, or within 21 days of the order, that the juvenile was a victim of felonious criminal sexual assault or trafficking and that the juvenile’s act was a direct result of that offense against the juvenile.

HB 292 (Delegate Ballard) / SB 725 (Senator Pillion): Drug Treatment Court Act; renames the Act as the Recovery Court Act.

- **Impact of Legislation:**

- Amends § 18.2-254.1 to rename the Drug Treatment Court Act as the Recovery Court Act and directs the Supreme Court of Virginia to rename the state Drug Treatment Court Advisory Committee as the Recovery Court Advisory Committee.

HB 294 (Delegate Ballard): Protective order in case of family abuse; termination of temporary order of child support.

- **Existing Law (through June 30):**

- Section 16.1-279.1 requires that such temporary child support order terminate only after a court determines child support in a subsequent proceeding.

- **Impact of Legislation:**

- Amends § 16.1-279.1, pertaining to protective orders in cases of family abuse, to provide that when a court includes a temporary child support order with the issuance of a protective order in the case of family abuse, such temporary child support order shall terminate when a court determines child support in a subsequent proceeding or when the protective order expires, whichever occurs first.

HB 306 (Delegate Ballard): Public defenders; appointment of counsel, caseload exception.

- **Existing Law (through June 30):**

- Sections 19.2-159 and 19.2-163.4 create exceptions for defense services to be provided by public defenders if (i) the public defender is unable to represent the defendant or petitioner by reason of conflict of interest, or (ii) the court finds that appointment of other counsel is necessary to attain the ends of justice.

- **Impact of Legislation:**

- Amends §§ 19.2-159 and 19.2-163.4 to add an additional exception for when the public defender, with the concurrence of the executive director of the Virginia Indigent Defense Commission or his designee, determines that the current active caseload would preclude the public defender from providing adequate representation to new clients.

HB 310 (Delegate Hope) / SB 710 (Senator Deeds): Judges; maximum number each judicial district and circuit.

- **Existing Law (through June 30):**

- Section 16.1-69.6:1, pertaining to the number of judges, provides for three juvenile and domestic relations district court judges in the 20th district (Loudoun) and five in the 31st district (Prince William).

- **Impact of Legislation:**

- Amends § 16.1—69.6:1 to provide for *four* juvenile and domestic relations district court judges in the 20th district and *six* in the 31st district.

HB 438 (Delegate Arnold): Written complaints; felonies to be provided.

- **Existing Law (through June 30):**
 - Pursuant to § 19.2-72, current law only requires a written complaint for any offense if the complainant is not a law-enforcement officer.
- **Impact of Legislation:**
 - Amends § 19.2-72 so that a written complaint is required for a felony offense, regardless of whether the complainant is a law-enforcement officer. It also adds that if no arrest warrant is issued in response to a written complaint made by such complainant, the written complaint shall be returned to the complainant.

HB 452 (Delegate Callsen) / SB 362 (Senator Ebbin): First offender drug program; previous misdemeanor marijuana conviction, etc.

- **Existing Law (through June 30):**
 - Section 18.2-251 provides that when a person who has not previously been convicted of any criminal offense relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense dismissed, pleads guilty to or enters a plea of not guilty to possession of a controlled substance, the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him upon terms and conditions.
 - As a term or condition, the court shall require the accused to undergo a substance abuse assessment and enter treatment and/or education programs or services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused based upon consideration of the substance abuse assessment. Also, as a condition of probation, the court shall require the accused to (i) successfully complete treatment or education program or services, (ii) remain drug and alcohol free during the period of probation and submit to such tests during that period as may be necessary and appropriate to determine if the accused is drug and alcohol free, (iii) make reasonable efforts to secure and maintain employment, and (iv) comply with a plan of at least 100 hours of community service for a felony and up to 24 hours of community service for a misdemeanor.
 - Upon violation of a term or condition, the court may enter an adjudication of guilt. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent proceedings.
- **Impact of Legislation:**
 - Amends § 18.2-251 to provide that any person who has not previously been convicted of any felony drug offense may be eligible for the first-time drug offender disposition.

HB 895 (Delegate Bennett-Parker) / SB 211 (Senator Perry): Protective orders; venue.

- **Existing Law (through June 30):**
 - Sections 16.1-253.2 and 18.2-60.4, pertaining to violations of protective orders and the penalty, provide that a violation may be prosecuted in the jurisdiction where the

protective order was issued or in any county or city where any act constituting the violation of the protective order occurred.

- **Impact of Legislation:**

- Amends both sections to add that a violation may also be prosecuted in the jurisdiction where the party protected by the protective order resided at the time of such violation.

HB 1114 (Delegate Simon): Failure to appear; contempt of court, penalties.

- **Existing Law (through June 30):**

- Section 18.2-456(A)(6) provides that a court may punish summarily for contempt for the willful failure to appear before any court or judicial officer as required after having been charged with a felony offense or a misdemeanor offense or released on a summons.
- Section 19.2-128 provides that (i) any person released on a summons who willfully fails to appear before any court or judicial officer as required shall incur a forfeiture of any security which may have been given or pledged for his release, (ii) any person charged with a felony offense, or convicted of a felony offense and execution of the sentence is suspended, who willfully fails to appear before any court as required is guilty of a Class 6 felony, and (iii) any person charged with a misdemeanor offense, or convicted of a misdemeanor offense and execution of the sentence is suspended, who willfully fails to appear before any court as required is guilty of a Class 1 misdemeanor.

- **Impact of Legislation:**

- Amends both sections to provide that the aforementioned provisions do not apply to any person who is (i) incarcerated in any correctional facility or (ii) detained in any state or federal facility or is in the custody of a law-enforcement officer at the time such person is required to appear before any court or judicial officer.

HB 1217 (Delegate Zehr): Cell phone records; investigation of missing persons.

- **Existing Law (through June 30):**

- Section 19.2-70.3 provides that a court shall issue an order for disclosure of records or other information pertaining to a subscriber to or customer of a provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, only if the investigative or law-enforcement officer shows that there is reason to believe the records or other information sought are relevant and material to an ongoing criminal investigation or the investigation of any missing child, missing senior adult, or an incapacitated person. Each category of such persons is specifically defined.

- **Impact of Legislation:**

- Expands § 19.2-70.3 to provide for such an order if the investigative or law-enforcement officer shows that there is reason to believe the records or other information sought are relevant and material to the investigation of a “critically missing adult” as defined in § 15.2-1718.2.
- Pursuant to § 15.2-1718.2, a “critically missing adult” means any missing adult, including an adult who has a developmental disability, intellectual disability, or mental illness as those terms are defined in § 37.2-100, 18 years of age or older whose disappearance indicates a credible threat to the health and safety of the adult as

determined by a law-enforcement agency and under such other circumstances as deemed appropriate after consideration of all known circumstances.

HB 1335 (Delegate Webert): J.D. Power Official Used Car Guide; added to list of publications for retail value of vehicles.

- **Existing Law (through June 30):**
 - Section 8.01-419.1 provides that in any civil or criminal case in which the value of an automobile is in issue, the retail values set forth in the National Automobile Dealers' Association "yellow" or "black" books or any vehicle valuation service regularly used and recognized in the automobile industry that is in effect on the relevant date shall be admissible as evidence of fair market value on the relevant date.
- **Impact of Legislation:**
 - Adds the J.D. Power Official Used Car Guide to the list of publications from which the retail value of an automobile is admissible as evidence of fair market value of such automobile in any civil or criminal case in which the price of an automobile is in issue.

HB 1396 (Delegate Hope) / SB 736 (Senator McDougle): Clerks' offices; days of operation, clerks' authority to close office.

- **Impact of Legislation:**
 - Amends § 17.1-207 to give clerks in circuit courts the discretion to close the clerk's office on holidays, Christmas Eve, holidays for state employees, or any days when authorized to be closed (by the Governor, Supreme Court, or Judicial Council) without needing approval by a judge of the circuit court to do so.

SB 20 (Senator Stuart): Deferred dispositions; expungement of police and court records.

- **Impact of Legislation:**
 - Amends § 19.2-298.02(D), pertaining to deferred dispositions in criminal cases, to clarify that a charge dismissed after a deferred disposition that may be eligible for expungement upon agreement of all parties includes an original charge that was reduced or a charge that is dismissed after a plea or stipulation of the facts that would justify a finding of guilt.

SB 88 (Senator Locke): Law enforcement and jail officers; various changes to provisions related to decertification.

- **Impact of Legislation:**
 - Provides that the Department of Criminal Justice Services may conduct decertification review hearings in accordance with the provisions of the Administrative Process Act. The bill provides that the findings and decision of the Department may be appealed to the Board and that the final administrative decision of the Board then may be appealed and reviewed by a court. The bill also provides that records provided to the Board or Department for the purposes of decertification of an identifiable law-enforcement officer or jail officer may be withheld from the public in accordance with the Virginia Freedom of Information Act, and those meetings concerning the decertification of an identifiable law-enforcement or jail officer may be closed. The bill also allows the

Department to grant a continuance of any informal fact-finding conference or formal hearing upon motion by the decertified officer or his counsel or the Attorney General for good cause shown. The bill requires an officer to remain decertified during a period of continuance of any informal fact-finding conference or formal hearing for a pending criminal charge unless the Department finds the officer's continued decertification may cause circumstances that constitute a manifest injustice to the officer, in which case the officer's certification may be reinstated during the period of continuance until the conviction becomes final. Current law allows the Board, when an officer's conviction has not become final, to decline to decertify such officer after considering the likelihood of irreparable damage to the officer if such officer is decertified during the pendency of an ultimately successful appeal, the likelihood of injury or damage to the public if the officer is not decertified, and the seriousness of the offense. Additionally, the bill allows for the decertification of an officer who is terminated or resigns for an act committed while in the performance of his duties that compromises an officer's credibility, integrity, or honesty or that constitutes exculpatory or impeachment evidence in a criminal case. The bill also provides that persons who are currently in a recruit or field training status and have committed any act that would be a basis for decertification are ineligible for certification. The bill also specifies that the required notification to the Department related to an officer being terminated or resigning (i) for engaging in serious misconduct; (ii) while such officer is the subject of a pending internal investigation involving serious misconduct; or (iii) for an act committed while in the performance of his duties that compromises an officer's credibility, integrity, or honesty or constitutes exculpatory or impeachment evidence in a criminal case shall be within 48 hours of completion of an internal investigation. Under current law, such notification is required to be within 48 hours of the termination or resignation. The bill also requires the Department to establish standards and procedures for when the Department may grant a petition for reinstatement of certification of a decertified officer. The bill directs the Department to adopt emergency regulations to implement the provisions of the bill.

SB 95 (Senator Stanley): Preliminary analysis of breath to determine alcoholic content of blood; failure to advise person.

- **Existing Law (through June 30):**
 - Section 18.2-267, pertaining to preliminary analysis of breath to determine alcoholic content of blood, provides in subsection F that police officers or any member of a sheriff's department shall, upon stopping any person suspected of driving under the influence, advise the person of that person's right to have his breath analyzed to determine the probable alcoholic content of his blood. However, this is a right of the suspected person, and such person is not required to have his breath analyzed.
- **Impact of Legislation:**
 - Amends subsection F to provide that if a police officer or any member of a sheriff's department fails to advise a person of his rights under this section, any breath sample obtained pursuant to this section shall not be admissible by the Commonwealth in any motion to suppress for the purpose of probable cause.

SB 398 (Senator Perry): J.D. Protective orders; respondent to notify court of change of address.

● **Impact of Legislation:**

- Amends § 16.1-253.1 (preliminary protective orders in cases of family abuse), § 16.1-279.1 (protective order in cases of family abuse), and § 19.2-152.9 (preliminary protective orders), to add that the respondent may be required to notify the court in writing within seven days of any change of residence while the order is in effect, provided that the respondent has been served a copy of such order. Any failure of a respondent to make such required notification shall be punishable by contempt.
- Amends § 19.2-152.10 (protective order), to add that the respondent shall (not may) be required to notify the court in writing within seven days of any change of residence while the order is in effect, provided that the respondent has been served a copy of such order. Any failure of a respondent to make such required notification shall be punishable by contempt.

SB 424 (Senator McDougle): Admission to bail; act of violence.

● **Impact of Legislation:**

- Amends § 19.2-120, pertaining to admission to bail, to provide that a judicial officer who admits a person to bail who is charged with an act of violence as defined in § 19.2-297.1 shall notify the attorney for the Commonwealth for the jurisdiction in which such person's case is filed contemporaneously with such person's grant of bail or release.

SB 706 (Senator Stuart): Drug Treatment Court Act; eligibility.

● **Existing Law (through June 30):**

- Section 18.2-254.1 (Drug Treatment Court Act) currently prohibits adult offenders who have been convicted of a violent criminal offense, as defined in § 17.1-805 or § 19.2-297.1, within the preceding 10 years, or juvenile offenders who previously have been adjudicated not innocent of any such offense within the preceding 10 years, from participating in drug treatment court.

● **Impact of Legislation:**

- Amends § 18.2-254.1 to strike this restriction and, in its stead, only prohibits an adult offender from participating in drug treatment court if (i) the offender is presently charged with a felony offense or is convicted of a felony offense while participating in any drug treatment court where (a) the offender carried, possessed, or used a firearm or any dangerous weapon specified in § 18.2-308 during such offense, (b) the death or serious bodily injury of any person occurred during such offense, or (c) the use of force against any other person besides the offender occurred during such offense, or (ii) the offender was previously convicted as an adult of any felony offense that involved the use of force or attempted use of force against any person with the intent to cause death or serious bodily injury.

CRIME

HB 18 (Delegate Helmer) / SB 7 (Senator Reeves): Hate crimes and discrimination; ethnic animosity, penalties.

- **Existing Law (through June 30):**
 - The Virginia Human Rights Acts (§ 2.2-3900 through § 2.2-3909) safeguards all Virginians from unlawful discrimination because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, military status, or disability in employment and places of public accommodation, including educational institutions and in real estate transactions.
 - Pursuant to § 18.2-57, any person who commits a simple assault and battery is guilty of a Class 1 misdemeanor, and if the person intentionally selects the victim because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin, the penalty upon conviction shall include a term of confinement of at least 6 months. If a person intentionally selects the victim against whom an assault and battery resulting in bodily injury is committed because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin, the person is guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least 6 months.
 - Pursuant to § 18.2-121, it is misdemeanor for any person to enter the land, dwelling, outhouse, or any other building of another for the purpose of damaging such property or any of the contents thereof or in any manner to interfere with the rights of the owner, user, or occupant thereof to use such property free from interference. However, if a person intentionally selects the property entered because of race, religious conviction, color, gender, disability, gender identity, sexual orientation, or national origin of the owner, user, or occupant of the property, the person is guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least 6 months.
- **Impact of Legislation:**
 - Adds ethnic origin to the categories of protected persons in the above provisions. The main differences between national origin and ethnic origin is that nationality implies the place of a person's birth, whereas ethnic origin reflects the cultural and ancestral identity of a person. In other words, nationality is used to determine which country a person is from, whereas ethnicity describes the social group to which a person belongs.

HB 62 (Delegate Campbell) / SB 93 (Senator Stanley): Local animal cruelty registries; any locality may establish, etc., a computerized registry.

- **Impact of Legislation:**
 - Creates a new § 3.2-6573.1 that allows a locality to establish, organize, and maintain a computerized animal cruelty registry as a database of information regarding persons convicted of a felony violation of (i) cruelty to animals as provided by § 3.2-6570; (ii) animal fighting as provided by § 3.2-6571; (iii) maiming, killing, or poisoning an animal as provided by § 18.2-144, or (iv) killing or injuring a police animal as provided by § 18.2-144.1. The information on the registry may include the name and address of the offender at the time of conviction as well as the offense for which the offender was

convicted and the date and place of conviction. The registry may be made available to the public on the website of the locality or local police department.

- A person may request removal of their name and information from a registry not less than 15 years after the violation that warranted inclusion in the registry provided he has no additional felony convictions of one of the listed offenses.

HB 155 (Delegate Green) / SB646 (Senator French): Criminal Injuries Compensation Fund; claims.

- **Existing Law (through June 30):**

- Pursuant to § 19.2-368.5, pertaining to the filing for an award under the Criminal Injuries Compensation Fund, a claim involving sexual abuse of a minor shall be filed within 10 years after the minor's 18th birthday.

- **Impact of Legislation:**

- Creates an exception for cases involving claims of sexual abuse of a minor where the conduct constitutes a felony, in which case the passage of time shall not be a barrier to when the victim can file a claim.

HB 223 (Delegate Orrock) / SB 11 (Senator Favola): Cruelty to animals; possession and ownership of animals.

- **Existing Law (through June 30):**

- Pursuant to § 3.2-6570, pertaining to cruelty to animals, any person convicted of a violation of the section may be prohibited by the court from possession or ownership of companion animals for a period equal to the statutory maximum period of incarceration.

- **Impact of Legislation:**

- Amends § 3.2-6570 to provide that any person convicted of a violation of the statute that is punishable as a felony may be prohibited by the court from possession or ownership of companion or equine animals for life, and any person convicted of a violation of this statute that is punishable as a misdemeanor may be prohibited by the court from possession or ownership of such animals for a period of up to five years.
- A violation of any such prohibition or restriction imposed by the sentencing court is a Class 1 misdemeanor, and all animals under the court's order may be disposed of by a local governing body pursuant to § 3.2-6546(D) or delivered to another person with a right of property in the animal.
- Any person who has his rights to possession or ownership of companion or equine animals prohibited pursuant to a felony conviction may petition the court where the conviction occurred for a restoration of his rights five years after the date of conviction.

HB 234 (Delegate Ward) / SB 516 (Senator Williams Graves): All-terrain vehicles and off road motorcycles; seizure, impounding, and disposition.

- **Existing Law (through June 30):**

- Section 46.2-915.1(A) prohibits the operation of an all-terrain vehicle on public highways by any person under specified ages depending on the power of the engine,

by any person not wearing a helmet, or with a passenger unless the all-terrain vehicle is designed and equipped to be operated with more than one rider. A violation is punishable by a civil penalty of not more than \$500. “All-terrain vehicle” and “off-road motorcycle” are defined by § 46.2-100.

- **Impact of Legislation:**

- Provides that the governing body of any city may be ordinance provide for the lawful seizure, impounding, and disposition of an unlawfully operated all-terrain vehicle or off-road motorcycle on a highway or sidewalk within the boundaries of such city.

HB 769 (Delegate Delaney): Multi-jurisdiction grand jury; elder abuse crimes.

- **Impact of Legislation:**

- Amends § 19.2-215.1, which lists the functions of a multi-jurisdiction grand jury, to include (i) financial exploitation of a vulnerable adult, (ii) financial exploitation of a vulnerable adult by an agent, and (iii) abuse and neglect of a vulnerable adult (§§ 18.2-178.1, 18.2-178.2, and 18.2-369).

HB 790 (Delegate Hope) / SB 582 (Senator Ebbin): Tobacco products retailers; purchase, possession, and sale of retail tobacco products.

- **Impact of Legislation:**

- Amends 18.2-371.2(B) to strike the language prohibiting someone less than 21 years of age to attempt to purchase, purchase, or possess any tobacco product, nicotine vapor product, alternative nicotine product, or hemp product intended for smoking.

HB 926 (Delegate Shin): Unlawful dissemination or sale of images of another; penalty.

- **Existing Law (through June 30):**

- Section 18.2-386.2 makes it a Class 1 misdemeanor to, with the intent to coerce, harass, or intimidate, maliciously disseminate or sell any videographic or still image that depicts another person who is totally nude or who is in a state of undress so as to expose the genitals, pubic area, buttocks, or female breasts where such person knows or has reason to know that he is not licensed or authorized to disseminate or sell such videographic or still image.

- **Impact of Legislation:**

- Amends § 18.2-386.2 to add that it is also a Class 1 misdemeanor if the person is one whose genitals, pubic area, buttocks, or female breasts are not exposed but such videographic or still image is obscene as defined in § 18.2-372.
- Amends § 19.2-8, pertaining to limitations of prosecutions, to add that a prosecution for § 18.2-386.2 shall be commenced within five years of the commission of the offense or within one year of the date the victim discovers the offense or, by the exercise of due diligence, reasonably should have discovered the offense, whichever is later.

HB 1187 (Delegate Hodges) / SB 614 (Senator Pillion): Xylazine; penalty for manufacturing, selling, etc., for human consumption.

- **Impact of Legislation:**

- Creates a new § 18.2-251.5 to provide that (A) any person who knowingly manufactures, sells, gives, distributes, or possesses with the intent to manufacture, sell, give, or distribute the substance xylazine, when intended for human consumption, is guilty of a Class 5 felony, and (B) any person who knowingly possesses the substance xylazine, when intended for human consumption, is guilty of a Class 1 misdemeanor. It further provides that notwithstanding subsections A and B, it shall not be an offense to (i) manufacture xylazine for legitimate veterinary use; (ii) distribute or sell xylazine for authorized veterinary use; (iii) possess, administer, prescribe, or dispense xylazine in good faith for use by animals within the course of legitimate veterinary practice; or (iv) possess or administer xylazine pursuant to a valid prescription from a licensed veterinarian.
- Note: Xylazine is a veterinary drug used for sedation, anesthesia, muscle relaxation, and analgesia in animals such as horses, cattle, and other mammals. It is not meant for human consumption and can cause unconsciousness, slow heart rate, and lower blood pressure.

HB 1256 (Delegate Kent): Larceny and embezzlement offenses; prosecution in any county or city where the victim resides.

- **Impact of Legislation:**

- Adds to § 18.2-95, pertaining to grand larceny, and § 18.2-111, pertaining to embezzlement, to provide that a prosecution for a violation may be had, in addition to venues currently recognized, in any county or city where the victim of the grand larceny or embezzlement resides.

HB 1324 (Delegate Fowler) / SB 6 (Senator Reeves): Restricted driver's license; issuance for multiple convictions of driving while intoxicated.

- **Existing Law (through June 30):**

- Section 46.2-391(C)(2) provides that a person who has had his license revoked pursuant to subsection B may petition the court for a restricted license to authorize such person to drive a motor vehicle in the Commonwealth in the course of his employment and to drive a motor vehicle to and from his home to the place of his employment after the expiration of three years from the date of his last conviction.

- **Impact of Legislation:**

- Creates an exception from this three-year requirement if such person's last conviction resulted from a final order being entered by a court after the successful completion of a Veterans Treatment Court Program, behavioral health docket, or other specialty docket established pursuant to § 18.2-254.2 or § 18.2-254.3 or Rule 1:25 of the Rules of the Supreme Court of Virginia. If such person's last conviction resulted from a final order being entered by a court after the successful completion of a Veterans Treatment Court Program, behavioral health docket, or other specialty docket established pursuant to § 18.2-254.2 or § 18.2-254.3 or Rule 1:25 of the Rules of the Supreme Court of Virginia, such person may file a petition for a restricted license to be issued in accordance with the provisions of this subdivision without having to wait for the

expiration of three years from the date of his last conviction, regardless of the date of such conviction.

HB 1443 (Delegate Davis): Trial by jury; contact with jurors after trial prohibited, penalty.

● **Impact of Legislation:**

- Creates a new § 18.2-465.2 which provides that it is a Class 1 misdemeanor for a defendant to knowingly and intentionally contact, with the intent to harass, intimidate, or threaten, a juror regarding such juror's service as a juror after trial.

SB 20 (Senator Stuart): Deferred dispositions; expungement of police and court records.

● **Existing Law (through June 30):**

- Section 19.2-298.02, pertaining to deferred dispositions in a criminal case, provides that upon agreement of all parties, a charge that is dismissed pursuant to this section may be considered as otherwise dismissed after a plea or stipulation to the facts that would justify a finding of guilt, may be considered as otherwise dismissed for purposes of expungement of police and court records and such agreement of all parties, and expungement eligibility may be indicated in the disposition order.

● **Impact of Legislation:**

- Adds that such eligibility for expungement, upon agreement of all parties, also applies to an original charge that was reduced or a charge that is dismissed after a plea or stipulation of the facts that would justify a finding of guilt.

SB 94 (Senator Stanley): Tow truck drivers and towing and recovery operators; prohibited acts, certain solicitation.

● **Impact of Legislation:**

- Amends § 46.2-118, pertaining to prohibited acts by tow truck drivers and towing and recovery operators, to provide that no tow truck driver or towing and recovery operator shall cause any other person to solicit or offer towing services in any manner, directly or indirectly, at the scene of any wrecked or disabled motor vehicle upon a highway when such wrecked or disabled vehicle reasonably necessitates removal by a tow truck. A first offense shall be punishable as a Class 3 misdemeanor and a second or subsequent offense shall be punishable as a Class 2 misdemeanor.

SB 364 (Senator Ebbin): Elections, protection of election officials, penalty.

● **Impact of Legislation:**

- Amends § 24.2-1000 to provide that any person who by bribery, intimidation, threats, coercion, or other means, in violation of the election laws, willfully and intentionally hinders or prevents, or attempts to hinder or prevent, an election official or the employee of an election official from administering elections is guilty of a Class 5 felony.
 - “Election official” includes members of the State Board of Elections, the Commissioner of Elections, members of local electoral boards, general registrars, deputy registrars, and officers of election.

- “Employee of an election official” includes persons employed by the Department of Elections or in the office of the general registrar.

SB 394 (Senator Perry): Carnal knowledge and sexual battery; persons detained or arrested by a law-enforcement officer.

- **Impact of Legislation:**

- Amends § 18.2-64.2 to provide that an accused is guilty of a person serving as a confidential informant if he (i) is a law-enforcement officer; (ii) knows that such person is serving as a confidential informant for the law-enforcement agency where such officer is employed; and (iii) carnally knows, without use of force, threat, or intimidation, such confidential informant while such person is serving as a confidential informant or is expected to testify in a criminal case for which the confidential informant assisted the law-enforcement agency with its investigation. Such offense is a Class 6 felony.
 - “Confidential informant” means any person, other than an employee of a law-enforcement agency, who engages in, or provides information about, criminal activity for the purpose of assisting a law-enforcement agency in investigating the criminal activity of another, in exchange for a benefit, the promise of a benefit, or the hope or expectation thereof.
- Amends § 18.2-67.4, pertaining to sexual battery, to include among the vulnerable victims listed a person detained or arrested by a law-enforcement officer when the accused is a law-enforcement officer, is in a position of authority over the person detained or arrested, and knows that the person detained or arrested by a law-enforcement officer is in the custody of a private, local, or state law-enforcement agency. The bill also adds among the specified, vulnerable victims, a pre-trial defendant or post-trial offender when the accused is an owner or employee of the bail company that posted the pre-trial defendant’s or post-trial offender’s bond and has the authority to revoke the bond. The bill additionally adds as a specified, vulnerable victim a person serving as a confidential informant (as defined in § 18.2-64.2) for the law-enforcement agency where such officer is employed when such person is serving as a confidential informant or is expected to testify in a criminal case for which he assisted the law-enforcement agency with its investigation.

SB 469 (Senator Obenshain): Controlled substances; manufacturing, selling, giving, distributing misbranded drugs.

- **Existing Law (through June 30):**

- Section 18.2-248.02 currently provides that any person 18 years of age or older who knowingly allows (i) a minor under the age of 15, (ii) a minor 15 years of age or older with whom he maintains a custodial relationship, including but not limited to a parent, step-parent, grandparent, step-grandparent, or who stands in loco parentis with respect to such minor, or (iii) a mentally incapacitated or physically helpless person of any age, to be present in the same dwelling, apartment, unit of a hotel, garage, shed, or vehicle

during the manufacture or attempted manufacture of methamphetamine is punishable by imprisonment of not less than 10 nor more than 40 years.

- **Impact of Legislation:**

- Amends § 18.2-248.02 to include, in addition to the existing manufacture or attempted manufacture of methamphetamine, any substance containing a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, or salts of isomers.
- Creates a new §18.2-248.05 to make it a Class 6 felony to possess, purchase, sell, give, distribute, or possess with intent to sell, give, or distribute an “encapsulating machine” or a “tableting machine” that manufactures, compounds, converts, produces, processes, prepares, or otherwise introduces into the human body a controlled substance. Any person who violates this new section knowing, intending, or having reasonable cause to believe that such action will result in the unlawful manufacture of a controlled substance or counterfeit controlled substance that contains (i) a controlled substance classified in Schedule I or II of the Drug Control Act, or (ii) a controlled substance analog as defined in § 54.1-3456 is guilty of a Class 5 felony.
 - “Encapsulating machine” is defined as manual, semiautomatic, or fully automatic equipment that can be used to fill shells or capsules with powered or granular solids or semisolid material to produce coherent solid contents.
 - “Tableting machine” is defined as manual, semiautomatic, or fully automatic equipment that can be used to compact, compress, or mold powdered or granular solids or semisolid material to produce fused coherent solid tablets.
- Amends § 54.1-3458 to increase from a Class 2 misdemeanor to a Class 6 felony the penalty for violations related to adulterated or misbranded drugs or cosmetics.

DETENTION

HB 611 (Delegate Price): Civilian deaths in custody; report.

- **Impact of Legislation:**

- Creates a new § 9.1-192.1 that requires every law-enforcement agency and state or juvenile correctional facility to report to the Department of Criminal Justice Services and every local or regional adult correctional facility to report to the State Board of Local and Regional Jails the following information regarding the death of any person who is detained, under arrest or in the process of being arrested, en route to be incarcerated, incarcerated, or otherwise in the custody of such law-enforcement agency or correctional facility.
 - The name, gender, race, ethnicity, and age of the deceased.
 - The date, time, and location of death.
 - The law-enforcement agency or correctional facility that detained, arrested or was in the process of arresting, transported, incarcerated, or otherwise had custody of the deceased, and
 - A brief description of the circumstances surrounding the death and the cause of death.

- Any law-enforcement agency or state or juvenile correctional facility that fails to comply with this requirement may, at the discretion of DCJS, be declared ineligible for state grants or funds.
- DCJS and the State Board of Local and Regional Jails shall analyze the data submitted to determine the means by which such information can be used to reduce the number of such deaths. DCJS and the State Board of Local and Regional Jails shall report annually the findings and recommendations resulting from the analysis and interpretation of the data to the Governor, the General Assembly, and the Attorney General beginning on or before July 1, 2025, and each July 1 thereafter.

HB 912 (Delegate Shin): Correctional facilities, local; stores and telephone systems, fees.

● **Impact of Legislation:**

- Amends § 53.1-115.2, pertaining to stores in regional jails and regional jail farms, § 53.1-127.1, pertaining to stores in local correctional facilities, and § 53.1-127.2, pertaining to fees for telephonic communications systems and electronic visitation and messaging systems for prisoners in local correctional facilities, to require that the net profits from the operation of such stores or systems be used for educational, recreational, or medical purposes for the benefit of the inmates, including behavioral health, substance abuse, reentry, and rehabilitative services, and may be expended to pay for the training, salaries, and benefits of employees or contractors whose primary job is to provide such programs and services to the inmates.

HB 1330 (Delegate Ward): Absentee voting; persons confined awaiting trial or for conviction of a misdemeanor.

● **Impact of Legislation:**

- Amends §§ 24.2-701 and 24.2-1005.2 to include provisions for persons who are confined awaiting trial or who have been convicted of a misdemeanor to be able to vote by absentee ballot. The institution or facility must provide the confined voter with means and opportunity to submit an application for an absentee ballot, mark their ballot, and ensure it is returned properly or face civil penalties for interference with voting.

EDUCATION

HB 66 (Delegate Campbell): Public Schools; fire drills, timing and frequency.

● **Existing Law (through June 30):**

- Section 22.1-137 requires that in every public school there shall be a fire drill at least twice during the first 20 school days of each school session in order that pupils may be thoroughly practiced in such drills. Every public school shall hold at least two additional fire drills during the remainder of the school session.

● **Impact of Legislation:**

- Amends § 22.1-137 to require that every public school shall hold fire drills during the school session in accordance with the requirements of the Statewide Fire Prevention Code (§ 27-94 *se. seq.*).

HB 121 (Delegate Sullivan): SOL; includes severe allergic reaction awareness program.

● **Impact of Legislation:**

- Creates a new § 22.1-274.2:1 that provides that the Board of Education shall include in the Standards of Learning for health education for grade 9 and 10 an in-person or online severe allergic reaction awareness training that includes (i) the definition of and distinction between normal allergic reaction and anaphylaxis, (ii) types of allergens, including common and less common allergens, (iii) the signs and symptoms of normal allergic reaction and anaphylaxis, (iv) treatments for anaphylaxis, and (v) the proper response to suspected anaphylaxis, including notifying the nearest staff member trained to respond to anaphylaxis and administer epinephrine.
- Beginning with the school year following the Board's adoption of revised Standards of Learning for health education for grades 9 and 10 incorporating severe allergic reaction training, each school board shall incorporate such severe allergic reaction awareness training into any health education instruction provided at grades 9 and 10.
- In the interim, the Department of Education shall develop and post on its official website guidance documents for the purpose of making such severe allergic reaction awareness training available to school boards prior to the adoption of the revised Standards of Learning.

HB 134 (Delegate Convirs-Fowler): Opioids; DOE to develop education materials concerning risks.

● **Impact of Legislation:**

- Section 1 bill that requires the Department of Education, in consultation with such stakeholders and experts as it deems necessary or appropriate, to develop and submit to the Chairs of the House Committee on Education and the Senate Committee on Education and Health by November 1, 2024, (i) age-appropriate and evidence-based education materials concerning the risks to health and safety that are posed by opioids and (ii) guidelines for school boards for incorporating such education materials into instructional programs.

HB 501 (Delegate Cohen): School building evacuation plans, policies, and protocols; students with mobility impairments.

● **Impact of Legislation:**

- Creates § 22.1-137.4, which provides that any division-wide or public elementary or secondary school-specific school building evacuation plan, policy, or protocol shall include provisions that seek to maximize the opportunity for students with mobility impairments to evacuate the school building alongside their non-mobility-impaired peers.

HB 603 (Delegate Price): Public elementary and secondary schools; programs of instruction on mental health education.

● **Impact of Legislation:**

- Amends § 22.1-207, pertaining to physical and health education in public elementary, middle, and high schools, to add that health instruction shall also include (i) general themes of life skills, including self-awareness, self-management, responsible decision making, relationship skills, and social awareness, (ii) signs and symptoms of common mental health challenges, (iii) mental health wellness and healthy strategies for coping with stress and negative feelings, including conflict resolution skills, (iv) the importance of and guidance on seeking assistance from an adult or mental health professional, including information on services offered within the school or the local school division, (v) the prevalence of mental health challenges and the importance of overcoming common stigmas surrounding such mental health challenges, (vi) the connection between mental health and substance use disorders, and (vii) the importance of mental health to the student's overall well-being, including physical health and academic success.

HB 626 (Delegate Rasoul) / SB 484 (Senator Arid): Public schools; youth and community violence prevention.

- **Impact of Legislation:**

- Creates § 22.1-211.1, which establishes the Community Builders Pilot Program with the purpose of increasing community engagement and reducing involvement in behaviors that lead to gun violence among public school students enrolled in Roanoke and Petersburg City Public Schools. The program will provide after-school and summer opportunities for workforce development, post-secondary education exploration, and social-emotional education and development.
- The school boards will be responsible for administering the program, including establishing the application process for students entering eighth grade and collecting and reporting data from the program to the Governor and Senate and House Committees.

HB 719 (Delegate Reaser) / SB 379 (Senator Boysko): Public high schools; SOL curriculum guidelines for research-based hazing prevention instruction.

- **Impact of Legislation:**

- Amends § 22.1-207, pertaining to physical and health education, to require the Board of Education to develop Standards of Learning and curriculum guidelines for research-based hazing prevention instruction to be provided as part of physical and health education instruction to be provided to students in grade 9 or 10. Such standards and curriculum guidelines shall include age-appropriate, extensive, and current education about hazing, including (i) examples of hazing, (ii) the dangers of hazing, including the consequences of alcohol intoxication, and (iii) school policies and laws relating to hazing, including criminal penalties and bystander intervention. Each local school board shall provide such research-based hazing prevention instruction in accordance with the Standards of Learning and curriculum guidelines developed by the Board.
- Amends § 22.1-253.13:1 to require the Board to include in the Standards of Learning for physical and health education for grades 9 or 10 research-based hazing prevention instruction, in accordance with the Standards of Learning and curriculum guidelines

- for research-based hazing prevention instruction developed by the Board pursuant to § 22.1-207. It also requires each local school board to offer to all students in grade 9 or 10 a physical education class that includes hazing prevention instruction pursuant to § 22.1-207 unless such hazing prevention instruction is provided as part of a separate health education class offered to such students.
- Amends § 22.1-279.9, which pertains to school boards working with local law-enforcement, JDRDC judges, parents, and the community to develop programs to prevent violence and crime on school property and at school-sponsored events, to include research-based hazing prevention.
 - Each school board shall, beginning with the school year following the Board of Education's adoption of revised Standards of Learning for research-based hazing prevention instruction, provide such instruction.

HB 732 (Delegate Sewell) / SB 726 (Senator Pillion): Public schools; opioid antagonist administration.

- **Impact of Legislation:**

- Amends § 54.1-3408 and creates §§ 22.1-206.01 and 22.1-274.4:1, which require local school boards to develop a program of instruction on opioid overdose prevention and reversal for public secondary schools that include grades 9 through 12. The local school boards are to deem what level of instruction is appropriate and shall adopt policies to encourage each student to complete the program before graduating high school.
- Local school boards will also be required to develop a plan to provide and maintain a supply of at least two unexpired doses of opioid antagonists in each public elementary and secondary school. Each public elementary and secondary school must ensure at least one employee is authorized by a prescriber and trained and certified in the administration of an opioid antagonist and has the means to access the antagonist supply during regular school hours.
- Any employee of any public elementary or secondary school, school board, or local health department who administers an opioid antagonist for overdose reversal in good faith during school hours on school premises or during a school-sponsored activity shall be immune from any disciplinary action or liability for any act or omission, regardless of whether they were trained in doing so.

HB 1087 (Delegate Coyner) / SB 627 (Senator Lucas): College and Career Ready Virginia Program and Fund.

- **Impact of Legislation:**

- Creates §§ 22.1-237.1 through 22.1-237.5, establishing the College and Career Ready Virginia Program and Fund, with the purpose to offer opportunities for high schoolers to enroll in postsecondary coursework offered by a community college that is creditable towards high school completion and a certificate or degree from an institute of higher education.
- The Fund shall be used only to administer the Program. High school students will not be charged tuition or fees for the courses. Students will be offered access to courses to

complete the Passport Program and the Uniform Certificate of General Studies Program at a higher education institute with no cost to the student.

- Establishes an advisory committee, and outlines standards for the administration of the Program.
- Creates a career and technical education work group to develop and recommend an educational program of coursework to be available as part of the Program.

HB 1317 (Delegate Cole) / SB 443 (Senator Durant): Public schools; transfer and management of scholastic records, disclosure of info in court notices.

● **Existing Law (through June 30):**

- Section 16.1-305.1 provides that, upon a court's disposition of a proceeding where a juvenile is charged with a crime listed in § 16.1-260 in which a juvenile is delinquent, convicted, found not guilty or the charges are reduced, the clerk of the court shall, within 15 days of the expiration of the appeal period, if there has been no notice of appeal, provide written notice of the disposition of the court, including the nature of the offense, to the superintendent of the school division in which the child is enrolled at the time of the disposition or, if he is not then enrolled in school, the division in which he was enrolled at the time of the offense. If the child is not enrolled in the school division that receives notification, the superintendent of that division may forward the notification to the superintendent of the school division where the child is enrolled.
- Section 22.1-289 provides that whenever a pupil transfers from one school division to another, the scholastic record or a copy of the scholastic record shall be transferred to the school division to which the pupil transfers upon request from such school division.

● **Impact of Legislation:**

- Amends § 16.1-305.1 to provide that if the child is not enrolled in the school division that receives notification, the superintendent of that division shall (not may) forward the notification to the superintendent of the school division where the child is enrolled or where the child intends to enroll, as evidenced by the school division's receipt of a request from another school division for such child's scholastic record.
- Amends § 22.1-289 to provide that, whenever a pupil transfers from one school division to another, the scholastic record or a copy of the scholastic record and a copy of the complete student disciplinary record, including copies of any relevant correspondence sent to the pupil or the pupil's parent and copies of any correspondence and documentation relating to the pupil's placement in an alternative education program, shall be transferred to the school division to which the pupil transfers upon request from such school division.

HB 1345 (Delegate Anthony) / SB 199 (Senator Diggs): High school graduation requirements; satisfaction of elective credits.

● **Impact of Legislation:**

- Amends § 22.1-253.13:1 requiring the development of a list of industry-recognized workforce credentials, including credentials completed outside of regular school hours, that students can substitute for elective credits. The list shall be developed and maintained by the Board of Education, the Virginia Community College System, career

and technical education directors, and industry partners. Local school boards involved in College and Career Access Pathways Partnerships shall also specify options for students to substitute industry-recognized credentials for certain credits for graduation, pursuant to the list.

- Amends § 22.1-253.13:4 to require the Board of Education to permit students to substitute elective credits for the completion of any industry-approved workforce credential included on the list.

HB 1473 (Delegate Clark): Fentanyl education and awareness; instructional resources and materials.

● **Impact of Legislation:**

- Creates § 22.1-206.01, which requires the Department of Education and the Department of Health to create an informational one-sheet about the dangers of fentanyl, how to identify and avoid it, overdose prevention and preparedness, resources for substance use disorder, and statistics.
- This sheet shall be made available to school boards and posted on its website. Any public schools that include grades 9 through 12 shall distribute this one-sheet to each student within the first two weeks of the school year each year.

FIREARMS

HB 22 (Delegate Michael Jones) / SB 210 (Senator Perry): Auto sears and trigger activators; prohibition on manufacture, importation, sale, etc., penalty.

● **Impact of Legislation:**

- Makes it a Class 6 felony to manufacture, import, sell, or offer to sell, possess, transfer, or transport any auto sear, defined in the bill as a device, other than a large trigger activator, for use in converting a semi-automatic firearm to shoot automatically more than one shot, without manual reloading, by a single function of the trigger.
- Also provides for the forfeiture of any auto sear concealed, possessed, transported, or carried in violation of the prohibition.

HB 36 (Delegate Willett) / SB 44 (Senator VanValkenburg): Abuse and neglect of children; causing or enabling child to gain possession of a firearm.

● **Impact of Legislation:**

- Amends § 18.2-371.1 to make it a Class 5 felony for any parent, guardian, or other person who is 18 years of age or older and is responsible for the care of a child under the age of 18 whose willful act or omission causes or enables that child to gain possession of a firearm (i) after having received notice of a preliminary determination pursuant to § 22.1-19.4 that the child poses a threat of violence or physical harm to self or others, or (ii) when such parent, guardian, or other person responsible for the care of the child knows or reasonably should know that such child has charges pending for or has been convicted or adjudicated delinquent of a violent juvenile felony as defined in § 16.1-288.

- Creates an exception if the person has (i) received notice that the threat assessment team that made such preliminary determination, pursuant to § 22.1-19.4, has concluded that the child does not indicate a threat of violence or physical violence to self or others or that any case or review opened or conducted by that threat assessment team as a result of such preliminary determination has been closed, or (ii) received notice that any pending charge for a violent juvenile felony has been dismissed or a nolle prosequi has been entered.
- Creates an affirmative defense if the parent, guardian, or other person responsible for the care of a child caused or enabled such child to gain possession of a firearm while in a dwelling because of a reasonable belief that he or such child was in imminent danger of bodily injury.

SB 363 (Senator Ebbin): Firearm; removing, altering, selling, etc., or possessing with removed, etc., serial number, penalty.

- **Existing Law (through June 30):**
 - Section 18.2-311.1(A) provides that it is a Class 1 misdemeanor for any person, firm, association, or corporation who or which intentionally removes, defaces, alters, changes, destroys, or obliterates in any manner or way, or who or which causes to be removed, altered, changed, destroyed, or obliterated in any manner or way the name of the maker, model, manufacturer’s or serial number, or any other mark or identification on any pistol, shotgun, rifle, machine gun, or any other firearm.
- **Impact of Legislation:**
 - Adds a new section B, which makes it a Class 1 misdemeanor for any person, firm, association, or corporation to knowingly possess any pistol, shotgun, rifle, machine gun, or any other firearm that has a serial number that has been removed, altered, changed, destroyed, or obliterated in any manner.
 - Adds a new section C, which makes it a Class 6 felony for any person, firm, association, or corporation to knowingly sell, give, or distribute any pistol, shotgun, rifle, machine gun, or any other firearm that has a serial number that has been removed, altered, changed, destroyed, or obliterated in any manner.
 - These provisions do not apply to antique firearms.

MENTAL HEALTH & MEDICAL

HB 342 (Delegate Hope): Naloxone or other opioid antagonists; possession by state agencies, guidelines for private employer.

- **Impact of Legislation:**
 - Creates a new § 2.2-2833, which requires each state agency to possess naloxone or other opioid antagonists used for overdose reversal on a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.
 - The bill directs the Department of Health to post informational resources on the Department of Health website about naloxone or other opioid antagonists used for opioid reversal and how they might be used to prevent overdoses in public places.

- The bill further directs the Department of Health to develop a plan for (i) the procurement and distribution of naloxone or other opioid antagonists used for overdose reversal to each state agency and (ii) the possession of naloxone or other opioid antagonist used for overdose reversal by each state agency.
- The Department of Health shall report its progress in developing such plan to the Governor and the Chairmen of the House Committee on Health and Human Services and the Senate Committee on Education and Health by November 1, 2024.

HB 435 (Delegate Arnold): Law-enforcement officers; exposure to bodily fluids, petition to the general district court.

- **Existing Law (through June 30):**
 - Section 32.1-45.1 provides that whenever any law-enforcement officer, firefighter, or emergency medical services provider is directly exposed to bodily fluids of a person in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the person who was exposed.
 - If the person whose blood specimen is sought for testing refuses to provide such specimen, any person identified in this section (law-enforcement officer, etc.), or the employer of such person, may petition on a form provided by the Office of the Executive Secretary of the Supreme Court of Virginia, the general district court for an order requiring the person to provide a blood specimen or to submit to testing and disclose the test results.
- **Impact of Legislation:**
 - Adds to the persons who may file a petition for a blood specimen or to submit to testing the local attorney for the Commonwealth in the county or city in which the exposure occurred if such exposed person is a law-enforcement officer.

HB 586 (Delegate McClure): Law-enforcement officers; training standards.

- **Impact of Legislation:**
 - Amends § 9.1-102(37) to require the Department of Criminal Justice Services to establish training standards and publish and periodically update model policies for law-enforcement personnel in the use of naloxone or other opioid antagonists to prevent opioid overdose deaths in coordination with statewide naloxone training programs developed by the Department of Behavioral Health and Developmental Services and the Virginia Department of Health.

HB 772 (Delegate Delaney) / SB 460 (Senator Marsden): Minors; parental admission for inpatient treatment.

- **Impact of Legislation:**
 - Amends § 16.1-338 to clarify that for the purposes of admission of a minor to a willing mental health facility for inpatient treatment, the finding required to be made by the

qualified evaluator that the minor appears to have a mental illness serious enough to warrant inpatient treatment may include a finding of substance abuse, and such inpatient treatment may be related to such mental illness, which may include substance abuse.

- Amends § 16.1-339 to specify that a temporary detention order shall not be required for a minor 14 years of age or older who objects to admission to a willing facility upon the application of a parent.

HB 823 (Delegate Cherry) / SB 497 (Senator Foy): Temporary detention order; alternative transportation.

● **Impact of Legislation:**

- Amends § 37.2-810 to clarify that alternative transportation providers shall be deemed to be available to transport a person subject to a temporary detention order if they state they are available to take custody of the individual from law enforcement within six hours of the temporary detention order or an order changing the transportation provider.
- If no alternative transportation provider is available, willing, or able to provide transportation, or the law enforcement agency with jurisdiction elects to provide transportation, the magistrate shall designate said law enforcement agency to provide transportation.

HB 888 (Delegate Watts) / SB 176 (Senator Favola): Civil commitments and temporary detention orders; definition of mental illness neurocognitive disorders.

● **Impact of Legislation:**

- Amends §§ 37.2-809, 37.2-809.1, 37.2-815, 37.2-816, and 37.2-817 to specify that, for the purpose of civil commitments and temporary detention orders, behaviors and symptoms that manifest from a neurocognitive disorder or neurodevelopmental disability are excluded from the definition of mental illness and are therefore not a basis for placing an individual under a temporary detention order or committing an individual involuntarily to an inpatient psychiatric hospital.
- Provides that if a state facility has reason to believe that an individual's behaviors or symptoms are solely a manifestation of a neurocognitive disorder or neurodevelopmental disability, the state facility may require that a licensed psychiatrist or other licensed mental health professional reevaluate the individual's eligibility for a temporary detention order before the individual is admitted and shall promptly authorize the release of an individual held under a temporary detention order if the licensed psychiatrist or other licensed mental health professional determines the individual's behaviors or symptoms are solely a manifestation of a neurocognitive disorder or neurodevelopmental disability.
- The foregoing provisions of the bill do not become effective unless reenacted by the 2025 Session of the General Assembly.
- It also directs the Secretary of Health and Human Resources to convene a work group to evaluate, identify, and develop placements for individuals with neurocognitive disorders and neurodevelopmental disabilities, as well as any statutory or funding

changes needed to prevent inappropriate placements for such individuals, and to report his findings and recommendations by November 1, 2024.

HB 1242 (Delegate Willett) / SB 546 (Senator Bagby): Emergency custody and temporary detention orders; evaluations, presence of others.

● **Impact of Legislation:**

- Amends §§ 37.2-808 and 37.2-809 to allow a family member or legal guardian of an individual taken into custody from an emergency custody order to be present with said individual when evaluating the need for hospitalization or treatment, unless the individual objects to their presence or the evaluator/treating physician determines that their presence would create a risk or interfere with patient care.

HB 1246 (Delegate Willett) / SB 547 (Senator Bagby): Law-enforcement training; communication with individuals with autism spectrum disorder.

● **Impact of Legislation:**

- Amends § 9.1-102 to establish compulsory minimum and in-service training standards for law-enforcement officers when communicating with individuals with an intellectual disability or developmental disability (as defined in § 37.2-100). The training shall include an overview and behavioral recognition, best practices for crisis prevention and de-escalation, review of relevant tools and technology to assist in communication, and education on agency and community resources for the autism community for future crisis prevention.

SEX OFFENSES, SEX OFFENDERS & TRAFFICKING

HB 453 (Delegate Callsen) / Kinship foster care; barrier crimes.

● **Impact of Legislation:**

- Amends § 63.2-901.1, pertaining to criminal history and central registry check for placements of children, to allow local boards of social services or child-placing agencies to approve kinship foster care parent applicants who have been convicted of certain felony drug offenses if five years have elapsed since the date of the conviction. (Under current law, 10 years must have elapsed in order to be eligible for approval as a kinship foster care parent).
- Adds exceptions for certain misdemeanor assault and battery convictions (assault and battery and assault and battery against a family or household member) not involving a minor if five years have elapsed since the date of the conviction.
- As under current law, in such instances the local board or child-placing agency must make a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child.
- Directs the State Board of Social Services to adopt regulations to implement the provisions of the bill to be effective no later than September 1, 2024.

HB 581 (Delegate Simonds): Human trafficking; attorneys for the Commonwealth to establish multidisciplinary response teams.

● **Impact of Legislation:**

- Creates a new § 15.1-1627.6 to require each attorney for the Commonwealth to coordinate the establishment of a multidisciplinary response to human trafficking and hold a meeting, at least annually, to (i) discuss implementation of protocols and policies for human trafficking response teams consistent with those established by the Department of Criminal Justice Services, (ii) establish and review guidelines for the community's response to the various forms of human trafficking, including sex trafficking and labor trafficking, and (iii) review protocols for the trauma-informed, victim-centered collection, preservation, and secure storage of evidence from physical evidence recovery kit examinations consistent with § 19.2-165.1.
- The multidisciplinary response teams shall include the invitation of the following persons to participate in the annual meeting: the attorney for the Commonwealth, a representative of the Virginia Indigent Defense Commission in jurisdictions served by a public defender's office, the sheriff, the director of the local sexual assault crisis center providing services in the jurisdiction (if any), the chief of each police department and the chief of each campus police department of any institution of higher education in the jurisdiction (if any), a forensic nurse examiner or other health care provider who performs physical evidence recovery kit examinations in the jurisdiction (if any), a health professional knowledgeable in the treatment of trauma-informed, victim-centered services, a social worker knowledgeable in the needs of immigrant communities, the state Sex Trafficking Response Coordinator or his designee, a representative from at least one national or local organization that supports victims of human trafficking, the director of the victim/witness program in the jurisdiction (if any), a division superintendent or his designee from at least one of the local school divisions, and a labor union representative knowledgeable about labor trafficking.

HB 633 (Delegate Cherry): Forced labor or service; civil action for trafficking, penalties.

● **Existing Law (through June 30):**

- Section 18.2-47(B) provides that any person who by force, intimidation, or deception, and without legal justification or excuse, seizes, takes, transports, detains, or secretes another person with the intent to subject him to forced labor or services, shall be deemed guilty of abduction. For purposes of this subsection, the term "intimidation" shall include destroying, concealing, confiscating, withholding, or threatening to withhold a passport, immigration document, or other governmental identification or threatening to report another as being illegally present in the United States.

● **Impact of Legislation:**

- Amends § 18.2-47(B) to also include obtaining the labor or services of another person by force, intimidation, or deception and without legal justification or excuse. It adds that the term "intimidation" also includes threatening to separate from or harm another family member.
- Amends § 18.2-356 (receiving money for procuring person), which currently covers receiving money for placing a person in a house of prostitution or forcing a person to engage in prostitution, the manufacture of obscene material, or child pornography, to

add that it also covers causing any person to engage in forced labor or services or providing or obtaining labor or services.

- Amends § 8.01-42.4 (civil action for trafficking in persons) to add subsection B of § 18.2-47(B) to enable such victims to sue and recover compensatory damages, punitive damages, and reasonable attorneys' fees and costs.

SB 731 (Senator Durant): Bail; Child pornography; production, publication, sale, financing, etc., penalty.

- **Impact of Legislation:**

- Amends § 18.2-374.1 to amend the definition of “child pornography” to include sexually explicit visual material that depicts a minor in a state of nudity or engaged in sexual conduct, as those terms are defined in § 18.2-390, where such depiction is obscene, as defined in § 18.2-372. For purposes of this new clause, the minor depicted does not have to actually exist.

- **Note:**

- Existing language in the statute states that, for the purposes of this section, it may be inferred by text, title, or appearance that a person who is depicted as or presents the appearance of being less than 18 years of age in sexually explicit visual material is less than 18 years of age.

HB 1542 (Delegate King): Child abuse and neglect; mandatory reporters, statute of limitations, penalties.

- **Impact of Legislation:**

- Amends § 63.2-1509 to add aggravated sexual battery of a child and attempted rape, sodomy, aggravated sexual battery, or object sexual penetration of a child to the list of offenses for which a failure to report subjects a mandatory reporter to criminal liability. A person who knowingly and intentionally fails to make a mandatory report is guilty of a Class 1 misdemeanor.

SOCIAL SERVICES

HB 27 (Delegate Callsen) / SB 39 (Senator Favola): Kinship foster care; placement of child with foster parent.

- **Impact of Legislation (Effective January 1, 2025):**

- Amends § 63.2-900.1 to provide that, when placing a child, the local board shall first consider placement with a kinship foster parent. If a local board does not place a child with an approved kinship foster parent, the local board shall file an exception report with the Commissioner within 72 hours of placement. For the purposes of this section, an exception report is defined as a report that has been approved by a director of a local department prior to placing a child in a non-kinship foster care placement and documents all known relatives and fictive kin of the child, all efforts of the local board

- to locate relatives and fictive kin of the child, and the reasons why the child was not placed with relatives.
- Creates the Parental Child Safety Placement Program (§ 63.2-1531-1536), which establishes requirements for a parental child safety agreement, the procedure for assessing a proposed caregiver, and the process for terminating the placement.

HB 317 (Delegate Gardner): Children’s residential facility; Office of Children’s Ombudsman to interview children in foster care.

- **Existing Law (through June 30):**
 - Section 2.2-442 provides the Children’s Ombudsman with specified authority regarding children receiving child-protective services, in foster care, or placed for adoption and children who may have died as a result of alleged abuse or neglect.
 - Section 2.2-445 specifies obligations that must be performed by the Department of Social Services or the local department and a child-placing agency upon the Ombudsman’s request.
 - Note: “Children’s residential facility” is defined by § 63.2-100 as any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection ,and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care
- **Impact of Legislation:**
 - Amends § 2.2-445 to add children’s residential facility to those who must comply with the Ombudsman’s request and provides that, upon the Ombudsman’s request, they must grant access and provide consent to interview children in foster care who are the subject of or the complainant in an investigation.

HB 1128 (Delegate Bennett-Parker) / SB 12 (Senator Favola): Children’s advocacy centers; definitions, investigations by local departments of social services.

- **Impact of Legislation:**
 - Amends §§ 15.2-1627.5, 63.2-1505, and 63.2-1506.1 to replace “child advocacy center” with “children’s advocacy center”, which is a child-friendly facility that enables law enforcement, child protection, prosecution, mental health, medical, and victim advocacy professionals to work together. The center shall be an accredited member in good standing with the Children’s Advocacy Centers of Virginia, with the purpose of investigating child abuse, helping children heal, and holding offenders accountable.
 - In cases of suspected human trafficking, when a forensic interview of a child is needed, it may be performed at a children’s advocacy center. Any forensic interviews conducted at the facilities will only be done by a trained child forensic interviewer as part of a multidisciplinary effort.

HB 1388 (Delegate Anthony) / SB 201 (Senator Diggs): Virginia Critical Operation for a Disappeared Child Initiative (Codi) Alert Program; established.

● **Impact of Legislation:**

- Creates Chapter 7.1:1 under Title 52, with §§ 52-34.3:1, 52-34.3:2, and 52-34.3:3, and establishes the Critical Operation for a Disappeared Child Initiative Alert Program (Codi). It provides that Virginia State Police shall develop Codi Alert Programs and creates a program for local, regional, or statewide notification of a missing or endangered child. The bill defines a missing or endangered child as a child (i) who is 17 years of age or younger or is currently enrolled in a secondary school in the Commonwealth, regardless of age; (ii) whose whereabouts are unknown; and (iii) whose disappearance is under suspicious circumstances or poses a credible threat as determined by law enforcement to the safety and health of the child and under such other circumstances as deemed appropriate by the Virginia State Police.
- The bill requires the Virginia State Police to develop, in consultation with representatives of local law-enforcement agencies, including representatives from the Virginia Sheriffs' Association and the Virginia Association of Chiefs of Police, policies for the establishment of uniform standards for the creation of Codi Alert Programs throughout the Commonwealth.
- When notified of a missing or endangered child, Virginia State Police shall confirm the accuracy of the report and make a local, regional, or statewide Codi Alert, which shall be sent through Virginia's emergency alert system and any participating media.
- The Codi Alert program must be available and operational no later than July 1, 2025.

HB 1542 (Delegate Mundon Ling): Child abuse and neglect; mandatory reporters, statute of limitations, penalties.

● **Existing Law (through June 30):**

- Currently, under § 63.2-1509, individuals identified as mandatory reporters under § 63.2-1509 must report suspicions of child abuse or neglect to the local department of social services or the state department's toll-free hotline. Failure to report within 24 hours after having reason of a reportable offense of child abuse or neglect shall be fined no more than \$500 for the first failure and no less than \$1,000 for any subsequent failures. If a mandatory reporter knowingly and intentionally fails to report suspicions of rape, sodomy, and object sexual penetration committed against a minor, they may be charged with a Class 1 misdemeanor.
- Prosecutions for failure to report these offenses must be initiated within one year after there was cause therefor, as with most other misdemeanor offenses. This language has been interpreted to mean within one year of the commission of the offense.

● **Impact of Legislation:**

- This bill expands the list of offenses that subject a mandatory reporter to a Class 1 misdemeanor for failure to report the suspicion to the local department of social services, the state Department of Social Services' toll-free child abuse hotline, or other authorized parties pursuant to § 63.2-1509. The bill expands the list to include aggravated sexual battery, attempted rape, attempted sodomy, attempted aggravated sexual battery, and attempted object sexual penetration. Under current law, a

mandatory reporter is subject to criminal liability only for failing to report rape, sodomy, and object sexual penetration.

STATE & LOCAL ADMINISTRATION OF GOVERNMENT

HB 149 (Delegate Helmer) / SB 391 (Senator Pekarsky): Employee protections; medicinal use of cannabis oil.

- **Existing Law:**
 - Section 40.1-27.4 provides that no employer shall discharge, discipline, or discriminate against an employee for such employee's lawful use of cannabis oil pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease pursuant to § 4.1-1601.
 - Nothing in this section shall (i) restrict an employer's ability to take any adverse employment action for any work impairment caused by the use of cannabis oil or to prohibit possession during work hours, (ii) require an employer to commit any act that would cause the employer to be in violation of federal law or that would result in the loss of a federal contract or federal funding, or (iii) require any defense industrial base sector employer or prospective employer, as defined by the U.S. Cybersecurity and Infrastructure Security Agency, to hire or retain any applicant or employee who tests positive for tetrahydrocannabinol (THC) in excess of 50 ng/ml for a urine test or 10 ng/mg for a hair test
- **Impact of Legislation:**
 - Amends § 40.1-27.4 to specify that such use must conform to the laws of the Commonwealth and includes the employees, other than law-enforcement officers, of the Commonwealth and other public bodies in its protections.

HB 160 (Delegate Seibold): Veterans; workplace poster for benefits and services.

- **Impact of Legislation:**
 - Creates a new § 40.1-28.7:11, which provides that the Department of Labor and Industry shall, in consultation with the Department of Veterans Services, create and make available to all employers in the Commonwealth a poster describing benefits and services available to veterans. The poster shall, at a minimum, include information about the following benefits and services: (i) Department of Veterans Services' programs, contact information, and website address, (ii) substance abuse and mental health treatment services, (iii) educational, workforce, and training resources, (iv) tax benefits, (v.) eligibility for unemployment insurance benefits under state or federal law, (vi.) legal services, and (vii) the U.S. Department of Veterans Affairs Veterans Crisis Line.
 - Any employer in the Commonwealth may request the poster from the Department and display it in the same location where other employee notices required by state or federal law are posted.

HB 816 (Delegate Cherry) / SB 244 (Senator McPike): FOIA; meetings held through electronic communication during declared states of emergency.

- **Impact of Legislation: (effective September 1, 2022)**
 - Amends § 2.2-3708.2 to validate any meeting and any otherwise lawful action taken by a public body using electronic communication that occurred during the Governor's declared state of emergency due to COVID-19 from March 20, 2020, to July 1, 2021, under the Virginia Freedom of Information Act, so long as the body provided public notice, access, and comment according to the requirements of the Code of Virginia.

HB 818 (Delegate Cherry) / SB 36 (Senator Locke): Virginia Freedom of Information Act; amends definition of meeting, provisions

- **Impact of Legislation:**
 - Amends § 2.2-3701, the definitions section of the Virginia Freedom of Information Act, to further define what gatherings are meetings and which gatherings are exempt from that definition. If the gathering was not called or prearranged with the purpose of discussing or transacting any business of the public body and no discussion or transaction takes place among the members of the public body, it is not a meeting. An informational gathering of a public body with the purpose to gather information from the public in which no discussion or transaction of public business takes place among members is also not a meeting, even if there are questions regarding public business presented by others. The appointment of more than two members of a public body to another public body also does not constitute a meeting of the first public body.
 - Public business refers to any activity a public body has undertaken or proposes to undertake on behalf of the people it represents.

HB 894 (Delegate Bennett-Parker) / SB 734 (Senator Marsden): Virginia Freedom of Information Act; electronic meetings.

- **Existing Law:**
 - Section 2.2-3708.3 limits the number of all-virtual public meetings to no more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
- **Impact of Legislation:**
 - Amends § 2.2-3708.3 to provide that the number of all-virtual public meetings that public bodies, with certain exceptions, may convene in a calendar year can be no more than two per calendar year or 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
 - Also provides that, with respect to all-virtual public meetings, when audio-visual technology is available, a member of a public body shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails.

HB 1040 (Delegate Bennett-Parker) / SB 85 (Senator Favola): Virginia Freedom of Information Act; definition of “caregiver,” remote participation in meetings.

● **Impact of Legislation:**

- Amends § 2.2-3708.3 to provide that, for purposes of determining whether a quorum is physically assembled, an individual member of a public body who is a person with a disability or a caregiver, as defined in the bill, and uses remote participation counts toward the quorum as if the individual was physically present. The bill also provides that the participation policy adopted by a public body, as required by the Virginia Freedom of Information Act, shall not prohibit or restrict any individual member of a public body who is participating in an all-virtual meeting or who is using remote participation from voting on matters before the public body.
- Amends § 2.2-3701 to define “caregiver” to mean an adult who provides care for a person with a disability as defined in § 51.5-40.1. A caregiver shall either be related by blood, marriage, or adoption to, or the legally appointed guardian of, the person with a disability for which he is caring.

HB 1108 (Delegate Carr) / SB 18 (Senator Locke): Virginia Public Procurement Act; construction management and design-build contracting.

● **Impact of Legislation:**

- Amends §§ 2.2-4378 through 2.2-4383 to require state public bodies, covered institutions, and local public bodies to provide documentation of the processes used for the final selection of a construction contract to all the unsuccessful applicants upon request. Also adds requirements for covered institutions to post online all documents open to public inspection exchanged between said institution and the Department of General Services.
- Approval by a majority vote of the covered institution’s board of visitors or governing body is necessary if they chose to proceed with construction management or design-build against the recommendation of the Department for projects funded by something other than state general funds or projects costing \$65 million or more funded at least partially by state general funds. For projects costing under \$65 million that are funded partially by state general funds, the institution must obtain approval from the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations, and a resident of the Department.
- Requires local public bodies to adopt a resolution to use construction management or design-build if it is required by its local governing body before issuing a Request for Qualifications and to publish notice of said resolution on its website.
- Requires the Department to report annually on any construction management or design-build project, on the qualifications that made the project complex.
- Requires the Department to assess the implementation and administration of construction management and design-build projects and report their findings and recommendations to the General Assembly by November 1, 2029.

HB 1116 (Delegate Carr): Virginia Public Procurement Act; methods of procurement, certain construction projects.

● **Impact of Legislation:**

- Amends § 2.2-4303 to allow public bodies to establish purchase procedures to not require competitive sealed bids or competitive negotiation for single or term contracts for goods and services if the aggregate or the sum of all phases is not expected to exceed \$200,000 and non-transportation-related construction if the aggregate or the sum of all phases is not expected to exceed \$300,000.

HB 1361 (Delegate Feggans) / SB 260 (Senator DeSteph): Virginia Public Procurement Act; preference for goods produced in Virginia, U.S., and Virginia resident bidders.

● **Impact of Legislation:**

- Amends § 2.2-4324 to create a preference for a bidder who is a resident of Virginia, and then a bidder whose goods are produced in the U.S. When the lowest bidder is not a resident of Virginia, and the bid of any Virginia resident is within 10% of said bid, the Virginia bidder shall be given the option to match the price of the lowest bidder.
- If the lowest bidder is a resident of another state with similar preference laws, those preference laws shall be granted to other bidders who are residents of Virginia. And, whichever state has the greatest preference laws, that preference will be granted to any Virginia bidder.
- Public bodies are exempted from this bill if they would be rendered ineligible to receive federal funding for doing so.
- Finally, the bill directs the Department of General Services to report to the General Assembly regarding the bill's efficacy, including any retaliatory action taken by other states, no later than the first day of the 2025 Regular Session.
- This bill expires on July 1, 2027.

HB 1452 (Delegate Askew): State agencies and their appointing authorities; diversity, equity, and inclusion strategic plans.

● **Impact of Legislation:**

- Amends § 2.2-602 to require agencies to report their progress and achievements towards diversity, equity, and inclusion goals annually to the Governor and the General Assembly by July 1 of each year.

SB 204 (Senator Diggs): Virginia Freedom of Information Act; release of criminal investigative files exception.

● **Existing Legislation (through June 30):**

- When a public body receives a request for criminal investigative files, the victim and their immediate family members have 14 days in which they can file an injunction to prevent that disclosure.

● **Impact of Legislation:**

- SB 204 amends § 2.2-3706.1, allowing victims, their family, or their insurance company or attorney to waive the 14-day waiting period.

- Also allows any photographic, audio, video, or other record depicting a victim to be released to the victim's insurance company or attorney.

SB 215 (Senator Perry): FOIA; removal of Virginia residency requirement for access to certain criminal investigation files.

- **Impact of Legislation:**

- Amends § 2.2-3706.1 to expand disclosure of criminal investigative files for proceedings that are not ongoing to the permitted individuals (victim, victim's family, victim's attorney), regardless of whether or not they are a citizen of Virginia.

SB 222 (Senator McGuire): Commonwealth information security; definitions, requirements.

- **Impact of Legislation:**

- Amends § 2.2-5514 to provide a definition for "cybersecurity information" to mean information describing or relating to any security system or measure, whether manual or automated, that is used to control access to or use of information technology; security risks, threats, or vulnerabilities involving information technology; or security preparedness, response, or recovery related to information technology. "Cybersecurity information" includes critical infrastructure information and information regarding cybersecurity risks, cybersecurity threats, and incidents, as those terms are defined in 6 U.S.C. § 650.
- Adds a new subsection D to § 2.2-5514 to provide that no cybersecurity information received by the Virginia Information Technologies Agency (VITA) shall be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) while in the possession of VITA; neither transferring cybersecurity information to nor sharing cybersecurity information with VITA shall make VITA the custodian of such information for public records purposes. No provision of cybersecurity information to state agencies shall constitute a waiver of any applicable privilege or protection provided by law, including trade secret protection. Persons having access to cybersecurity information maintained by VITA shall keep such information confidential, and no person or agency receiving cybersecurity information from VITA shall release or disseminate such information without prior authorization. The Chief Information Officer of designee, pursuant to § 2.2-2005, may authorize publication or disclosure of reports or aggregate cybersecurity information, as appropriate.

SB 324 (Senator Roem): Virginia Freedom of Information Act; charges for production of public records.

- **Impact of Legislation:**

- Amends the payment structure outlined in § 2.2-3704 to prohibit a public body from charging a requester for any costs incurred during the first hour spent fulfilling a requester's first request for records. Any additional time spent fulfilling the request or for any additional requests shall not exceed the hourly rate of the lowest-paid individual that can do so, or \$40 per hour.
- A public body may petition for relief from the cap upon showing a preponderance of evidence that there is no individual capable of fulfilling the request for \$40 per hour or

less. However, public bodies are prohibited from charging a requestor for any court costs or fees resulting from any petitions they file.

SB 340 (Senator Salim): Virginia Freedom of Information Act; exclusions from mandatory disclosure, purchase card statement.

- **Impact of Legislation:**

- Amends § 2.2-3705.2 to clarify that while information about the Commonwealth’s financial processes and systems is exempt from mandatory disclosure procedures, this exemption cannot be used to withhold the name of the public employee, officer, or official on the payment record, nor the description of individual purchases.

STUDIES

HB 1083 (Delegate Coyner): VA Education & Workforce Longitudinal Data System; Administration by Office of Education Economics

- **Impact of Legislation:**

- Section 1 bill that requires the **Secretary of Education** to convene a work group to review the current capabilities and future needs of the Virginia Longitudinal Data System (“System”) and the Virginia Workforce Data Trust (“Trust”) (collectively, “the Databases”) and, based on the results of such review, develop a work plan for improving the System.
- The goal of the work shall be to provide a best-in-class data analytics platform and to support evidence-based research and data-informed decision making by policy makers in the Commonwealth through the maintenance of datasets and the creation of public-facing dashboards regarding education, labor, and the workforce.
- The work group shall include a representative from the State Council of Higher Education for Virginia (SCHEV), the Virginia Office of Education Economics (VOEE), the Secretary of Labor, each of the participating agencies in the system (includes DJJ), the Chief Data Officer of the Commonwealth, and the Chairs of the Senate Committee on Education and Health, the Senate Committee on Finance and Appropriations, the House Committee on Education, and the House Committee on Appropriations, and their designees.
- The work group shall consider a consolidation of or other improvements to the System and the Trust, including (i) identification of the appropriate entity or entities to host the Databases and the associated upfront and ongoing costs, (ii) the identification of any technology upgrades required for interoperability and modernization, (iii) a plan for governance of data sharing among partner entities, (iv) opportunities and challenges related to accessing the System and Trust on the network of VITA, (v) best practices related to data privacy and data integrity, and (vi) any other issues identified by the work group as relevant to the review.
- The work group shall develop either a work plan for the proposed consolidation of the Databases or for the improved support for the System. The work plan shall include recommendations regarding (i) a projected timeline for completing such consolidation

or improve support, (ii) the funds, staffing, and resources necessary to fully administer and maintain the consolidation or improved support, (iii) a formal governance structure for the Databases, and (iv) the appropriate entity to lead the implementation of the work plan.

- The Secretary shall deliver a report that includes a summary of the review and the proposed work plan by November 1, 2024, to the Governor and the Chairs of the Senate Committee on Education and Health, the Senate Committee on Finance and Appropriations, the House Committee on Education, and the House Committee on Appropriations.

SB 367 (Senator DeSteph): Fentanyl and Heroin Enforcement, Task Force on; established, report.

- **Impact of Legislation:**

- Creates § 9.1-116.9, which creates the **Task Force on Fentanyl and Heroin Enforcement**, which shall consist of (i) two members of the House of Delegates appointed by the Speaker, (ii) two members of the Senate appointed by the Senate Committee on Rules, (iii) the Attorney General, or his designee, (iv) the Secretary of Public Safety and Homeland Security, or his designee, (v) the Director of the Department of Criminal Justice Services, or his designee, (vi) the Superintendent of State Police, or his designee, (vii) a representative of the Virginia Association of Chiefs of Police, (viii) a representative of the Virginia Sheriff's Association, and (ix) an attorney for the Commonwealth representing the Virginia Association of Commonwealth's Attorneys.
- The purpose of the Task Force is to study ways to enhance the ability of law-enforcement officers throughout the Commonwealth to combat the illegal manufacturing, importation, and distribution of fentanyl, heroin, and other similar controlled substances.
- The Task Force shall meet at least annually and upon call of the chairman and shall report to the Governor and the General Assembly by December 1 of each year regarding its activities and any recommendations.

HJ 76 (Delegate Anthony): Gun violence; JLARC to study effects on communities.

- **Impact of Legislation:**

- Directs the **Joint Legislative Audit and Review Commission** to study the social, physical, emotional, and economic effects of gun violence on communities in Virginia.
- After conducting the study, JLARC shall examine the impact of gun violence on overall physical health, mental health, and emotional health of individuals, and the social and economic health of communities affected by gun violence.
- JLARC shall also propose policy recommendations to address gun violence and its effects. **All agencies in the state shall provide their assistance upon request.**
- JLARC shall complete its meetings for the first year by November 30, 2024, and for the second year by November 30, 2025, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Joint

Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Budget Language – Item 31(V): Study on restitution for juveniles.

• **Impact of Budget Language:**

- Included in this appropriation is \$75,000 the first year from the general fund for the **Office of the Executive Secretary of the Supreme Court (OES)** to contract with the National Center for State Courts (NCSC) to perform a study on juvenile restitution, including: (i) the frequency of court-ordered juvenile restitution in the Commonwealth, (ii) the average amount of restitution ordered, (iii) the percentage of juveniles who pay court-ordered restitution in full, (iv) the percentage of juveniles penalized for failure to pay restitution, (v) the percentage of victims completely compensated with restitution, and (vi) the demographics of juveniles ordered to pay restitution and make recommendations based on its findings to make the juvenile restitution process more rehabilitative while ensuring victims of crimes are compensated. OES shall report its findings and recommendations by September 1, 2025.

Budget Language – Item 288(V.1): Medicaid claims and cost recoveries.

• **Impact of Budget Language:**

- The **Department of Medical Assistance Services** shall develop and pursue cost saving strategies internally and with the cooperation of the Department of Social Services, Virginia Department of Health, Office of the Attorney General, Children's Services Act program, Department of Education, **Department of Juvenile Justice**, Department of Behavioral Health and Developmental Services, Department for Aging and Rehabilitative Services, Department of the Treasury, University of Virginia Health System, Virginia Commonwealth University Health System Authority, Department of Corrections, federally qualified health centers, local health departments, local school divisions, community service boards, local hospitals, and local governments, that focus on optimizing Medicaid claims and cost recoveries. Any revenues generated through these activities shall be transferred to the Virginia Health Care Fund to be used for the purposes specified in this Item.

Budget Language – Item 295(C): DBHDS; supply of residential beds for the treatment of juveniles with behavioral health treatment needs.

• **Impact of Budget Language:**

- The **Department of Behavioral Health and Developmental Services**, **in cooperation with the Department of Juvenile Justice, where appropriate**, shall identify and create opportunities for public-private partnerships and develop the incentives necessary to establish and maintain an adequate supply of residential beds for the treatment of juveniles with behavioral health treatment needs, including those who are

developmentally disabled, aggressive, or sex offenders, and those juveniles who need short-term crisis stabilization but not psychiatric hospitalization.

Budget Language – Item 415(G.2 and 3): Research grant to Duke University and subcontract with the University of Virginia.

• **Impact of Budget Language:**

- 2. The **Department of State Police** shall, upon request, provide to the **Department of Juvenile Justice** any information it possesses as a result of carrying out the provisions of §§ 16.1-337.1, 19.2-389, 19.2-389.1, 37.2-819 and 64.2-2014, Code of Virginia, to enable the **Department** to link the data held pursuant to those provisions with other relevant data held by the Commonwealth, and then to de-identify it, for the purpose of evaluating the impact of carrying out these provisions on the public health and safety, pursuant to a research grant to Duke University and a subcontract with the University of Virginia.
- 3. The **Department of State Police** shall, upon request, provide to the Department of Health any information it possesses as a result of carrying out the provisions of §§ 16.1-337.1, 19.2-389, 19.2-389.1, 37.2-819, 19.2-182.2 and 64.2-2014, Code of Virginia, to enable the Department of Health to link the data held pursuant to those provisions with other relevant data held by the Commonwealth. Once received, the **Department of Health** will provide the linked data to the **Department of Juvenile Justice** for de-identification and for the purpose of evaluating the impact of carrying out these provisions on the public health and safety, pursuant to a research grant to Duke University and a subcontract with the University of Virginia.