

MRWBA 2017 LEGISLATIVE SUMMARY

Civil Remedies & Procedure

HB 1464 Felony conviction; compensation for wrongful incarceration.

Patron: Sullivan

Summary: Establishes a process for a person wrongfully incarcerated to submit a written request to the Executive Secretary of the Supreme Court of Virginia for the disbursement of the transition assistance grant of \$15,000 for payment from the Criminal Fund; provides a 30-day timeframe, or as soon as practicable, within which such grant must be paid; and removes the provision that such grant amount be deducted from any compensation awarded for wrongful incarceration. Current law does not specify the process for the person wrongfully incarcerated to receive such grant.

Status: Left in Appropriations

HB 1590 Duty of care to law-enforcement officers and firefighters; fireman's rule.

Patron: Campbell

Summary: Provides that the common-law doctrine known as the fireman's rule, as described in the bill, shall not be a defense to certain claims. The fireman's rule is based on assumption of the usual risks of injury in such employment, whether caused by a negligent or a nonnegligent act of the defendant.

Status: Approved by Governor

HB 1602 Invasion of privacy; civil action, damages, attorney fees and costs.

Patron: Fariss

Summary: Creates a civil cause of action for the physical and constructive invasion of privacy where a person, with the intent to coerce, intimidate, or harass, enters onto the land or into the airspace above the land of another person to capture an image, as specified in the bill, of private property or an individual located on the private property without consent or uses any device, including an unmanned aircraft system, to capture such an image in lieu of physically entering the land or airspace. The bill creates the same causes of action where a person, with the intent to engage in criminal activity, enters onto the land or into the airspace above the land of another person, or uses any device, including an unmanned aircraft system, to engage in such activity in lieu of physically entering the land or airspace.

The bill allows a plaintiff to recover the greater of actual damages or \$1,000, along with reasonable attorney fees and costs. The bill allows a court to award punitive damages when actual damages are awarded.

Status: Failed to pass in House

HB 1667 Public contracts; gender identity, civil liability.

Patron: Marshall, R.G.

Summary: Prohibits agencies of the Commonwealth and other public bodies from requiring any contractor entering into a public contract to agree to additional nondiscrimination provisions with respect to gender identity or sexual orientation. The bill also provides civil immunity for any business or nonprofit organization that does not provide any benefit or accommodation with respect to gender identity or sexual orientation.

Status: Left in General Laws

HB 1811 Unlawful detainer; initial hearings on a summons, etc.

Patron: Loupassi

Summary: Provides that, at the initial hearing on a summons for unlawful detainer, upon request of the plaintiff, the court shall bifurcate the unlawful detainer case and set a continuance date no later than 120 days from the date of the initial hearing to determine final rent and damages. The bill requires the court, on such continuance date, to permit amendment of the amount requested on a summons for unlawful detainer in accordance with the notice of hearing, evidence presented to the court, and the amounts contracted for in the rental agreement. The bill further clarifies types of judgments for which a writ of possession may be immediately executed but specifies that an eviction pursuant to such a writ shall not be executed (i) until the expiration of a tenant's 10-day appeal period or (ii) if a tenant perfects an appeal. The bill removes certain requirements for a written notice of satisfaction of judgment rendered in a court not of record.

Status: Approved by Governor

HB 1816 Demurrers; amended pleadings.

Patron: Minchew

Summary: Requires that an amended pleading filed after a demurrer to an earlier pleading has been sustained incorporate or refer to the earlier pleading being amended in order to preserve the right to stand on the earlier pleading. This bill is a recommendation of the Boyd-Graves Conference.

Status: Approved by Governor

HB 1903 Business records; admissibility in criminal proceedings.

Patron: Heretick

Summary: Extends to criminal proceedings the existing procedures in civil proceedings for the authentication and foundation necessary for the admission of a business record under the business records exception to the rule against hearsay.

Status: Approved by Governor

HB 1941 Immunity of persons; statements regarding matters of public concern communicated to a third party.

Patron: Kilgore

Summary: Adds defamation to the causes of action from which a citizen shall be immune when making statements (i) regarding matters of public concern to a third party or (ii) at a public hearing before the governing body of any locality or other political subdivision, or the boards, commissions, agencies, and authorities thereof, and other governing bodies of any local governmental entity. The bill further provides that the immunity does not apply to any statements made with actual or constructive knowledge that they are false, or with reckless disregard for whether they are false. This bill is identical to SB 1413.

Status: Approved by Governor

HB 2086 Writ of actual innocence; basis on nonbiological evidence, untested evidence.

Patron: Herring

Summary: Allows a writ of actual innocence based on nonbiological evidence to be granted if scientific testing of previously untested evidence, regardless of whether such

evidence was available or known at the time of conviction, proves that no trier of fact would have found proof of guilt of the person petitioning for the writ, provided that the testing procedure was not available at the time of conviction. The bill also eliminates the provision that limits a petitioner to only one writ for any conviction.

Status: Left in Courts of Justice

HB 2127 Victims of sexual assault; rights of victims, physical evidence recovery kits.

Patron: Levine

Summary: Requires that victims of sexual assault be advised by the investigating law-enforcement agency of their rights regarding physical evidence recovery kits. The bill requires the Division of Consolidated Laboratory Services of the Virginia Department of General Services and law-enforcement agencies to store a physical evidence recovery kit for an additional 10 years following a written objection to its destruction from the victim. The bill requires the law-enforcement agency to notify the victim at least 60 days prior to the intended date of destruction of the kit and provides that no victim of sexual assault shall be charged for the cost of collecting or storing a kit.

Status: Approved by Governor

SB 858 Discontinued cases; court has discretion to reinstate case.

Patron: Locke

Summary: Provides that a court has discretion to reinstate a discontinued case where a plaintiff has properly moved for such a case to be reinstated. This bill is in response to *JSR Mechanical Inc. v. Aireco Supply, Inc.*, 786 S.E.2d 144 (Va. 2016).

Status: Passed by indefinitely in Courts of Justice (12-Y 3-N)

SB 867 Lien against person whose negligence causes injury; emergency medical services agency.

Patron: Stuart

Summary: Clarifies that whenever any person sustains personal injuries caused by the alleged negligence of another and receives emergency medical services and transportation provided by an emergency medical services vehicle, the emergency medical services provider or agency shall have a lien for the amount of a just and reasonable charge for the services rendered, not to exceed \$200 for each emergency medical services provider or agency, on the claim of such injured person or of his personal representative against the person, firm, or corporation whose negligence is alleged to have caused such injuries.

Status: Approved by Governor

SB 1210 Unlawful creation of image of another; civil action.

Patron: Wexton

Summary: Creates a civil cause of action against an individual who knowingly and intentionally (i) creates any videographic or still image of any nonconsenting person who is nude, clad in undergarments, or in a state of undress or (ii) captures an image of a person's intimate parts or undergarments when those captured parts or undergarments would not otherwise be visible to the general public. The bill also creates a civil cause of action against an individual who maliciously disseminates or sells any videographic or still image that depicts another person who is nude or in a state of undress where such person knows that he is not licensed or authorized to disseminate or sell such videographic or still image. The bill provides that compensatory damages, punitive damages, and reasonable attorney fees and costs may be awarded.

Status: Approved by Governor

SB 1432 Excusable or justifiable self-defense; costs and attorney fees in civil or criminal cases.

Patron: Reeves

Summary: Provides that in any civil or criminal case, a party or criminal defendant that successfully prevails on a self-defense claim shall be entitled to reasonable costs and attorney fees, unless the award of fees is unjust. The bill exempts criminal defendants that have appointed counsel whose fees are paid by the Commonwealth from collecting reasonable costs and attorney fees.

Status: Stricken at the request of Patron in Courts of Justice (10-Y 0-N)

SB 1460 Real property, certain; orders of publication proceeding to enforce lien.

Patron: Lucas

Summary: Provides that an order of publication for the enforcement of a lien for taxes owed on real property that has a value of \$50,000 or less may be posted on the website of the local government or circuit court clerk in lieu of publication in a newspaper.

Status: Stricken at the request of Patron in Courts of Justice (14-Y 0-N)

SB 1498 Intoxicated drivers; punitive damages for persons injured.

Patron: Surovell

Summary: Extends to blood tests performed by the Department of Forensic Science pursuant to a search warrant the rebuttable presumption in civil cases for punitive damages for injuries caused by intoxicated drivers that provides that a person's blood alcohol level demonstrated by a test performed pursuant to the implied consent statute is at least as high as the driver's blood alcohol level at the time of the accident. The bill further establishes a rebuttable presumption applicable in a civil case for punitive damages for injuries caused by an intoxicated driver that a person who has consumed alcohol knew or should have known that his ability to drive was or would be impaired by such consumption.

Status: Approved by Governor

SB 1524 Hate crimes; criminal acts against persons because of gender, etc.

Patron: Favola

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

Status: Passed by indefinitely in Courts of Justice (9-Y 6-N)

Constitutional Amendments

HJ 538 Constitutional amendment marriage; marriage (first reference.)

Patron: Sickles

Summary: Proposes the repeal of the constitutional amendment dealing with marriage that was approved by referendum at the November 2006 election. That amendment to the Bill of Rights (i) defines marriage as "only a union between one man and one woman"; (ii) prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage"; and (iii) prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." The provisions of this section of the Constitution of Virginia are no longer valid as a result of the United States Supreme Court decision in Obergefell v. Hodges, 576 U.S. ____ (June 26, 2015).

Status: Left in Privileges and Elections

HJ 540 Constitutional amendment; qualifications to vote (first reference).

Patron: Simon

Summary: Removes the disqualification from voting of persons convicted of felonies.

Status: Left in Privileges and Elections

HJ 628 Constitutional amendment; Virginia Redistricting Commission established (first reference).

Patron: Plum

Summary: Establishes the Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial census. Appointments to the 13-member Commission are to be made as follows: two each by the President pro tempore of the Senate, the Speaker of the House of Delegates, the minority leader in each house, and the state chairman of each of the two political parties receiving the most votes in the prior gubernatorial election. The 12 partisan members then select the thirteenth member by a majority vote or, if they cannot agree on a selection, certify the two names receiving the most votes to the Supreme Court of Virginia, which will name the thirteenth member. The standards to govern redistricting plans include the current constitutional standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data.

Status: Left in Privileges and Elections

HJ 629 Constitutional amendment (first resolution); charter schools.

Patron: Bell, Robert B.

Summary: Grants the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth.

Status: Left in Privileges and Elections

HJ 650 Constitutional amendment (first resolution); qualifications to vote; restoration of civil rights.

Patron: Carr

Summary: Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentences, including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds an alternative for restoration of rights pursuant to law.

Status: Left in Privileges and Elections

HJ 651 Constitutional amendment (first resolution); Virginia Nonpartisan Redistricting Commission created.

Patron: Carr

Summary: Provides for a temporary Virginia Nonpartisan Redistricting Commission (the Commission) to prepare redistricting plans in 2021 and each tenth year thereafter for the House of Delegates, Senate of Virginia, and congressional districts. The Virginia Nonpartisan Redistricting Commission shall consist of seven members appointed by majority vote of the Supreme Court of Virginia from a list of retired judges who have indicated their willingness to serve on the Commission. The resolution sets out the standards by which the Commission is required to draw district lines and the procedure for doing so. The resolution requires the Commission to submit the plan to the General Assembly as a bill and to review and make recommendations on any amendments made by the General Assembly or the Governor.

Status: Left in Privileges and Elections

HJ 699 Constitutional amendment (first resolution); Governor's term of office.

Patron: Levine

Summary: Permits a Governor elected in 2021 and thereafter to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. Service for more than two years of a partial term counts as service for one term.

Status: Left in Privileges and Elections

HJ 763 Constitutional amendment (first resolution); apportionment; political considerations prohibited.

Patron: Landes

Summary: Prohibits any electoral district from being drawn in order to favor or disfavor any political party, incumbent legislator, member of Congress, or other individual or entity.

Status: Left in Privileges and Elections

SJ 216 Constitutional amendment marriage; marriage (first reference).

Patron: Ebbin

Summary: Proposes the repeal of the constitutional amendment dealing with marriage that was approved by referendum at the November 2006 election. That amendment to the Bill of Rights (i) defines marriage as "only a union between one man and one woman"; (ii) prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage"; and (iii) prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." The provisions of this section of the Constitution of Virginia are no longer valid as a result of the United States Supreme Court decision in Obergefell v. Hodges, 576 U.S. ____ (June 26, 2015).

Status: Passed by indefinitely in Privileges and Elections with letter (8-Y 6-N)

SJ 222 Constitutional amendment; qualifications to vote, restoration of civil rights.

Patron: Locke

Summary: Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds an alternative for restoration of rights pursuant to law for nonviolent felons.

Status: Incorporated by Privileges and Elections (SJ223-Norment) (9-Y 5-N)

SJ 223 Constitutional amendment; qualification of voters and executive clemency (first reference).

Patron: Norment

Summary: Amends the authority of the Governor to remove the political disabilities of persons convicted of felonies, thus restoring their civil rights. The resolution requires the Governor to automatically remove the political disabilities of a person convicted of a felony, other than a violent felony, who has completed service of his sentence and any modification of that sentence, and has met any other conditions that may be set by the General Assembly. The Governor retains the discretion to remove the political disabilities of persons convicted of violent felonies. A person convicted of a violent felony shall become eligible for the removal of his political disabilities once he has completed (i) the payment in full of any restitution, fines, costs, and fees assessed against him as a result of his conviction and (ii) service of his sentence and any modification of that sentence, including any period or condition of probation, parole, or suspension of sentence, and at least five years have passed since he completed such payment and service of sentence without any new felony convictions or any misdemeanor convictions involving moral turpitude.

Status: Left in Privileges and Elections

SJ 224 Constitutional amendment; General Assembly term limits (first reference).

Patron: Chase

Summary: Limits members of the Senate to three full terms (12 years) and members of the House of Delegates to six full terms (12 years). The limitations apply to service for both consecutive and nonconsecutive terms. Service for a partial term does not preclude serving the allowed number of full terms. In addition to any partial term, a person may serve 12 years in each house, or a total of 24 years in the General Assembly. The limits apply to terms of service beginning on and after the start of the 2020 Regular Session of the General Assembly.

Status: Passed by indefinitely in Privileges and Elections (11-Y 3-N)

SJ 231 Constitutional amendment; Virginia Redistricting Commission, criteria to redraw certain districts.

Patron: Hanger

Summary: Establishes the seven-member Virginia Redistricting Commission (the Commission) to redraw congressional and General Assembly district boundaries after each decennial census. The Commission is directed to certify district plans for the General

Assembly within 30 days of receipt of the new census data or by June 1 of the year following the census, whichever occurs later, and for the House of Representatives within 60 days of receipt of the census data or by July 1 of the year following the census, whichever occurs later. The amendment also establishes the standards to govern redistricting plans, which include the current constitutional standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data.

Status: Passed by indefinitely in Privileges and Elections (14-Y 7-N)

SJ 240 Constitutional amendment (first resolution); charter schools.

Patron: Obenshain

Summary: Grants the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth.

Status: Stricken at request of Patron in Privileges and Elections (14-Y 0-N)

SJ 269 Constitutional amendment (first resolution); Virginia Redistricting Commission.

Patron: Deeds

Summary: Establishes the Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial census. Appointments to the 13-member Commission are to be made as follows: two each by the President pro tempore of the Senate, the Speaker of the House of Delegates, the minority leader in each house, and the state chairman of each of the two political parties receiving the most votes in the prior gubernatorial election. The 12 partisan members then select the thirteenth member by a majority vote or, if they cannot agree on a selection, certify the two names receiving the most votes to the Supreme Court of Virginia, which will name the thirteenth member. The standards to govern redistricting plans include the current constitutional standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data.

Status: Incorporated by Privileges and Elections (SJ231-Hanger) (14-Y 0-N)

SJ 319 Constitutional amendment (first resolution); qualifications of voters and the right to vote.

Patron: Locke

Summary: Establishes that the sole qualifications to vote in the Commonwealth are United States citizenship, being at least 18 years of age, residency in the Commonwealth, and

registration to vote in accordance with requirements set out in the Constitution of Virginia. The amendment further provides that any person who meets those qualifications shall have the right to vote and such right cannot be abridged by law. The bill removes from current constitutional qualifications to vote not having been convicted of a felony and not having been adjudicated to be mentally incompetent.

Status: Incorporated by Privileges and Elections (SJ223-Norment) (9-Y 5-N)

Courts/Judges, Justices & Other Elective Officers

HB 1492 Child support orders; special needs trust or ABLE savings trust account.

Patron: Hope

Summary: Provides that, upon the request of either party, a court may order that support payments be made to a special needs trust or an ABLE savings trust account.

Status: Approved by Governor

HB 1515 Circuit court clerks; electronic transfer of certain documents.

Patron: Leftwich

Summary: Permits circuit court clerks to transfer electronically, or provide electronic access to, documents related to certain real property information to certain public officials.

Status: Approved by Governor

HB 1523 Substitute judges; appointment to district courts.

Patron: Miyares

Summary: Requires substitute judges for the general district and juvenile and domestic relations district courts to be appointed by the chief judges of those courts instead of the chief judge of the circuit court.

Status: Left in Courts of Justice

HB 1546 Jurors; confidentiality of name and home address.

Patron: Collins

Summary: Limits to name and home address the personal information of a juror impaneled in a criminal case that the court may only regulate the disclosure of upon a showing of good cause, which includes a likelihood of bribery, tampering, or physical injury to or harassment of a juror. The bill limits the release of any additional personal information, defined in the bill as any information other than a name and home address, of a juror

impaneled in a criminal case to the counsel of record in the case or a pro se defendant. The bill also provides that the court may, upon the motion of either party or its own motion, and for good cause shown, authorize the disclosure of such personal information to any other person, subject to any restrictions imposed by the court on further dissemination of such personal information.

Status: Approved by Governor

HB 1586 Court-ordered custody and visitation arrangements; transmission of order to child's school.

Patron: Campbell

Summary: Provides that, in any custody or visitation case in which an order prohibiting a party from picking a child up from school is entered, the court shall order a party to provide a copy of such order to the child's school within three business days of the receipt of the order. The bill requires that, where a custody determination affects a child's school enrollment, the court order a party to provide a copy of the custody order to the child's new school within three business days of the child's enrollment. The bill further provides that if the court determines that a party is unable to deliver the order to the school, such party shall provide the court with the name of the principal and address of the school, and the court shall cause the order to be mailed to such principal.

Status: Approved by Governor

HB 1630 Clerk of circuit court; report of money kept by clerk.

Patron: Habeeb

Summary: Requires the clerk to make available to the Auditor of Public Accounts a copy of the annual report that the clerk is currently required to provide to the court regarding the receipt of money by the clerk. The bill further directs the clerk to record (i) trust fund orders and (ii) the annual trust fund report regarding the receipt of money in the civil order book. The bill removes the requirement that such recordings are in addition to, but not in lieu of, any other required recording.

Status: Approved by Governor

HB 1713 Nonconfidential court records; secure remote access, date of birth verification.

Patron: Minchew

Summary: Provides that the Supreme Court and any other court clerk may provide online access to subscribers who have entered into an agreement with the clerk to have secure remote access to court records of nonconfidential criminal case information to confirm the complete date of birth of a defendant. This bill is identical to SB 1044.

Status: Approved by Governor

HB 1745 Restoration of firearms rights; report to State Police.

Patron: Rush

Summary: Provides a mechanism for reporting to the Department of State Police when a circuit court restores a felon's right to possess, transport, and carry a firearm, ammunition for a firearm, or a stun weapon. The bill provides that if a court enters an order restoring a felon's right, the order shall contain the felon's name and date of birth and the clerk of the court shall certify and forward the restoration order to the Central Criminal Records Exchange (CCRE). The bill provides that the Department of State Police, upon receipt of the restoration order, shall enter the felon's name and description in the CCRE so that law-enforcement personnel accessing the CCRE will be aware of the order's existence.

Status: Left in Appropriations

HB 1765 Circuit court; failure to appear in accordance with condition of bail, etc.

Patron: Bulova

Summary: Provides that if any person convicted of a misdemeanor in a general district court, a juvenile and domestic relations district court, or a court of limited jurisdiction perfects an appeal and (i) fails to appear in circuit court at the time for setting the appeal for trial, (ii) fails to appear in circuit court on the trial date, or (iii) absconds from the jurisdiction, the circuit court shall enter an order affirming the judgment of the lower court, and the clerk shall tax the costs as provided by statute.

Status: VOTE: ENGROSSMENT REFUSED (45-Y 49-N 1-A)

HB 1853 Victims of domestic violence, etc.; firearms safety or training course.

Patron: Gilbert

Summary: Creates the Virginia Firearms Safety and Training for Sexual and Domestic Violence Victims Fund. The bill provides that the Department of Criminal Justice Services may distribute funds from the Fund to reimburse an entity that offers a firearms safety or training course or class approved by the Department free of charge to victims of domestic violence, sexual abuse, stalking, or family abuse. The Department would not be permitted to issue reimbursements in excess of the amount available in the Fund. The bill also requires that, upon the issuance of a protective order, the petitioner for the order be provided with a list of such approved courses or classes. This bill is identical to SB 1300.

Status: Vetoed by Governor

HB 1908 Police and court records; expungement of records.

Patron: Heretick

Summary: Provides that a court that enters a nolle prosequi for a criminal charge or dismisses such charge for any reason may, upon motion of the person charged and with the agreement of the attorney for the Commonwealth, enter an order requiring the expungement of the police and court records relating to the charge.

Status: Left in Courts of Justice

HB 1936 Derelict and blighted buildings; land banks, receivership.

Patron: Carr

Summary: Authorizes a locality to petition the circuit court to appoint a land bank entity to act as a receiver in certain limited circumstances to repair derelict and blighted buildings that contain residential dwelling units.

Status: Approved by Governor

HB 1957 Guardians ad litem; standards for those appointed in custody and visitation cases.

Patron: Ingram

Summary: Requires a guardian ad litem appointed in a custody or visitation proceeding to submit to the court a form certifying that he has complied with all applicable standards for attorneys appointed as guardians ad litem. The bill directs the Judicial Council of Virginia, in conjunction with the Virginia State Bar and the Virginia Bar Association, to promulgate such a form by July 1, 2018.

Status: Left in Courts of Justice

HB 2035 Electronic filing of land records; fee for paper filing.

Patron: Miller

Summary: Provides that a clerk of a circuit court that has established an electronic filing system for land records may charge a fee not to exceed \$5 per instrument for every land record filed by paper. This bill is identical to SB 870.

Status: Approved by Governor

HB 2087 Sentencing guidelines; written explanation.

Patron: Herring

Summary: Requires the written explanation that the court shall file with the record of a case when departing from the sentencing guidelines to adequately explain the sentence imposed to promote fair sentencing.

Status: Left in Courts of Justice

HB 2157 Family abuse protective order; third or subsequent violation of order.

Patron: Rasoul

Summary: Authorizes courts, upon a defendant's third or subsequent violation of certain family abuse protective orders against the same victim, to modify such order to require that the defendant provide private security services for the victim.

Status: Left in Courts of Justice

HB 2216 Putative Father Registry; changes name to Virginia Birth Father Registry.

Patron: Toscano

Summary: Changes the name of the Putative Father Registry to the Virginia Birth Father Registry and modifies certain registration and notice provisions associated with such registry.

Status: Approved by Governor

HB 2276 Death certificate; amendments other than correction of information.

Patron: Wilt

Summary: Establishes a process for amending death certificates to change the name of the deceased, the deceased's parent or spouse, or the informant; the marital status of the deceased; or the place of residence of the deceased when the place of residence is outside the Commonwealth. This bill is identical to SB 1048.

Status: Approved by Governor

HB 2324 Jurors; payment by prepaid debit card or card account.

Patron: Yost

Summary: Adds payment by credit to a prepaid debit card or card account to the methods by which a juror may be paid. The bill requires that, where such method is used, such card or card account permit the juror to withdraw or transfer funds without incurring a fee.

Status: Approved by Governor

HB 2328 Persons allowed services without fees or costs; inability to pay on account of poverty, guidelines.

Patron: Collins

Summary: Requires the court to use the guidelines for determining indigency for the appointment of counsel in determining a person's inability to pay fees or costs on account of poverty in a civil action. This bill is identical to SB 1305.

Status: Approved by Governor

HB 2429 Firearms; purchase, possession, or transportation.

Patron: O'Quinn

Summary: Provides that any person who is not a resident of the Commonwealth and who is prohibited from purchasing, possessing, or transporting any firearm in the Commonwealth due to an acquittal by reason of insanity, being adjudicated mentally incompetent or incapacitated, or being involuntarily admitted or ordered to outpatient treatment may petition for the restoration of such rights in the general district court of the city or county in which the most recent of such proceedings occurred. Current law provides that a person so prohibited may petition for the restoration of such rights in the general district court of the city or county in which he resides.

Status: Approved by Governor

HB 2473 Protective orders or stalking; third or subsequent offense.

Patron: Cline

Summary: Expands the offenses for which a conviction of a third or subsequent offense, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence and the instant and prior offenses arise out of separate incidents, is a Class 6 felony with a mandatory minimum term of confinement of six months from violating a protective order to any combination of violating a protective order or stalking.

Status: Passed by indefinitely in Finance (16-Y 0-N)

HJ 549 Pornography; public health hazard.

Patron: Marshall, R.G.

Summary: Recognizes pornography as leading to individual and societal harms.

Status: Left in Rules

HJ 680 Joint subcommittee to study issues related to family caregiving and long-term care supports, etc.

Patron: Filler-Corn

Summary: Establishes a joint subcommittee to study issues related to family caregiving and long-term care supports and services. The resolution directs the new joint subcommittee to (i) identify and compile an inventory of policies, resources, and programs

available to unpaid caregivers; (ii) identify challenges affecting unpaid caregivers and barriers to unpaid caregiving; (iii) develop recommendations for the development of new innovative means of providing support and assistance to unpaid caregivers to enable them to continue to provide services and support to older adults and individuals with disabilities; and (iv) report its findings and recommendations by the first day of the 2018 Regular Session.

Status: Tabled in Rules

SB 861 Preliminary protective orders; contents of order.

Patron: Surovell

Summary: Provides that if a preliminary protective order is issued in an ex parte hearing where the petition for the order is supported by sworn testimony and not an affidavit or a completed form submitted with an emergency protective order request, the court issuing the order shall state in the order the basis on which the order was entered, including a summary of the allegations made and the court's findings.

Status: Tabled in Courts of Justice

SB 879 Retired circuit court judges under recall; qualification by Committees for Courts of Justice.

Patron: Stuart

Summary: Requires that retired circuit court judges sitting as substitutes be found qualified every three years by the Courts Committees instead of authorized by the Chief Justice. The bill provides that the Chief Justice may call upon and authorize any circuit court judge whose retirement becomes effective during the interim period between regularly scheduled sessions of the General Assembly to sit in recall. The bill has a delayed effective date of July 1, 2018.

Status: Left in Courts of Justice

SB 908 Marijuana; decriminalization of simple marijuana possession.

Patron: Lucas

Summary: Decriminalizes marijuana possession and provides a civil penalty of no more than \$250 for a first violation and \$1,000 for a second or subsequent violation. Under current law, a first offense is punishable by a maximum fine of \$500 and a maximum 30-day jail sentence, and subsequent offenses are a Class 1 misdemeanor. The bill creates a rebuttable presumption that a person who possesses no more than one-half ounce of marijuana possesses it for personal use and provides that the existing suspended sentence

and substance abuse screening provisions apply only to criminal violations or to civil violations by a minor. The bill decreases the penalty for distribution or possession with intent to sell more than one-half but not more than five pounds of marijuana from a Class 5 felony to a Class 6 felony.

Status: Passed by indefinitely in Courts of Justice with letter (15-Y 0-N)

SB 928 Substitute judges.

Patron: Petersen

Summary: Removes the prohibition against substitute judges sitting in the courts in which they regularly practice.

Status: Approved by Governor

SB 1048 Death certificate; amendments other than correction of information.

Patron: Hanger

Summary: Establishes a process for amending death certificates to change the name of the deceased, the deceased's parent or spouse, or the informant; the marital status of the deceased; or the place of residence of the deceased when the place of residence is outside the Commonwealth. This bill is identical to HB 2276.

Status: Approved by Governor

SB 1065 Judges; increases number in general district court in 25th Judicial District.

Patron: Deeds

Summary: Increases from three to four the number of judges in the general district court of the 25th Judicial District effective July 1, 2017. Current law creates this seat effective July 1, 2018.

Status: Stricken at the request of Patron in Courts of Justice (15-Y 0-N)

SB 1190 Judicial training; law related to rights of persons of legitimate interest in custody, etc.

Patron: Sturtevant

Summary: Directs the Office of the Executive Secretary of the Supreme Court of Virginia to require that all juvenile and domestic relations district court judges receive training, at least once during each six-year judicial term, on the rights of persons of legitimate interest in child custody and visitation proceedings.

Status: Passed by indefinitely in Courts of Justice (15-Y 0-N)

SB 1273 City of Richmond general district court; concurrent criminal jurisdiction.

Patron: McDougle

Summary: Provides that the separate division of the City of Richmond general district court that is operated south of the James River shall have concurrent jurisdiction over criminal matters arising in that part of the city, not exclusive jurisdiction over such matters. This bill is identical to HB 1652.

Status: Approved by Governor

SB 1278 Child pornography; discretionary sentencing guideline midpoints for possession.

Patron: McDougle

Summary: Raises the midpoint of the recommended sentencing range for possession of child pornography by (i) 100 percent in cases in which the defendant has no previous conviction of a violent felony offense; (ii) 200 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years; and (iii) 400 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of 40 years or more. The bill also requires a court that imposes a sentence that is less than the midpoint of the sentencing guidelines to review all child pornography possessed by the defendant.

Status: Passed by indefinitely in Finance (15-Y 1-N)

SB 1300 Victims of domestic violence, etc.; firearms safety or training course.

Patron: Vogel

Summary: Creates the Virginia Firearms Safety and Training for Sexual and Domestic Violence Victims Fund. The bill provides that the Department of Criminal Justice Services may distribute funds from the Fund to reimburse an entity that offers a firearms safety or training course or class approved by the Department free of charge to victims of domestic violence, sexual abuse, stalking, or family abuse. The Department would not be permitted to issue reimbursements in excess of the amount available in the Fund. The bill also requires that, upon the issuance of a protective order, the petitioner for the order be provided with a list of such approved courses or classes. This bill is identical to HB 1853.

Status: Vetoed by Governor

SB 1305 Persons allowed services without fees or costs; inability to pay on account of poverty, guidelines.

Patron: Vogel

Summary: Requires the court to use the guidelines for determining indigency for the appointment of counsel in determining a person's inability to pay fees or costs on account of poverty in a civil action. This bill is identical to HB 2328.

Status: Approved by Governor

SB 1342 District courts; jurisdictional limit does not include any attorney fees.

Patron: Surovell

Summary: Provides that the jurisdictional limit for general district courts does not include any attorney fees. The bill requires that the amount of an appeal bond required for appeals from a district court include any amount awarded for attorney fees in the case.

Status: Approved by Governor

SB 1360 Military Affairs, Department of; civil actions.

Patron: Reeves

Summary: Authorizes certain employees of the Department of Military Affairs to prepare, execute, file, and have served certain civil documents without the intervention of an attorney. The bill provides that its provisions do not authorize a nonattorney to file any legal document not specifically set forth in the bill.

Status: Approved by Governor

SB 1481 Judicial Candidate Evaluation Committee; procedures used by the Va. State Bar to evaluate, etc.

Patron: Sturtevant

Summary: Codifies the procedures used by the State Bar to evaluate and recommend candidates for election by the General Assembly to the appellate courts, the federal courts, and the State Corporation Commission.

Status: Passed by indefinitely in Courts of Justice (13-Y 2-N)

SB 1488 Appointed counsel; compensation of services.

Patron: Marsden

Summary: Requires a judge, in cases in which a guardian ad litem has been appointed for a child, to order the parent, parents, adoptive parent or parents of the child, or any other person with a legitimate interest who has filed a petition with the court, to reimburse the Commonwealth for the costs of the guardian ad litem. The bill provides that if a party is unable to pay, the judge may reduce or eliminate the reimbursement. This bill was incorporated into SB 1343.

Status: Incorporated by Courts of Justice (SB1343-Surovell) (14-Y 0-N)

SB 1549 Abortions; informed written consent.

Patron: Wexton

Summary: Eliminates all the procedures and processes, including the performance of an ultrasound, required to effect a woman's informed written consent to the performance of an abortion; however, the bill does not change the requirement that a woman's informed written consent be first obtained. The bill reduces from two to one the number of consulting physicians who must certify that a third trimester abortion is necessary to prevent the woman's death or impairment of her mental or physical health and eliminates the need for such physicians to find that the woman's health would be substantially and irremediably impaired. The bill removes language classifying facilities that perform five or more first trimester abortions per month as hospitals for the purpose of complying with regulations establishing minimum standards for hospitals.

Status: Passed by indefinitely in Education and Health (8-Y 7-N)

Criminal Procedure/Crimes & Offenses

HB 1392 School security officers; carrying a firearm in performance of duties.

Patron: Lingamfelter

Summary: Authorizes a school security officer to carry a firearm in the performance of his duties if (i) within 10 years immediately prior to being hired by the local school board he was an active law-enforcement officer in the Commonwealth; (ii) he retired or resigned from his position as a law-enforcement officer in good standing; (iii) he meets the training and qualifications to carry a concealed handgun as a retired law-enforcement officer; (iv) he has met the additional training and certification requirements of the Department of Criminal Justice Services (DCJS); (v) the local school board solicits input from the chief law-enforcement officer of the locality regarding the qualifications of the school security officer and receives verification from such chief law-enforcement officer that the school security officer is not prohibited by state or federal law from possessing, purchasing, or transporting a firearm; and (vi) the local school board grants him the authority to carry a firearm in the performance of his duties. The bill requires DCJS to establish additional firearms training and certification requirements for school security officers who carry a firearm in the performance of their duties. Existing law requires DCJS to establish minimum training and certification requirements for school security officers.

Status: Approved by Governor

HB 1398 Hate crimes; acts against law-enforcement officers, firefighters, and EMS personnel.

Patron: Bell, Richard P.

Summary: Expands the definition of hate crime for the purpose of reporting hate crimes within the Department of State Police to include acts against persons employed as law-enforcement officers, firefighters, or emergency medical services personnel.

Status: Left in Courts of Justice

HB 1403 Driving under influence of alcohol; subsequent offenses, penalty.

Patron: Bell, Richard P.

Summary: Provides that a person who commits a third offense of driving while intoxicated within a 20-year period is guilty of a Class 6 felony and the punishment for a person who commits a fourth or subsequent offense within such period must include a mandatory minimum sentence of one year and a mandatory minimum fine of \$1,000. Under current law, the relevant time period for applying enhanced penalties for subsequent offenses is 10 years.

Status: Left in Courts of Justice

HB 1404 Fire alarms; maliciously activating, penalty.

Patron: Cole

Summary: Removes the condition that a building must be for public use in order for the Class 1 misdemeanor for maliciously activating a building's fire alarm to apply. The bill authorizes any locality to provide by ordinance that a person convicted of maliciously activating a fire alarm shall be liable for the reasonable expense in responding to such a fire alarm. Current law allows such an ordinance to impose liability for the reasonable expense of an emergency response to an imitation version of a weapon of terrorism, fire bomb, other explosive device, bomb threat, or incitement of a bomb threat. The bill increases the maximum amount that a locality or volunteer emergency medical services agency may recover under such an ordinance from \$1,000 to \$2,500. This bill is identical to SB 1054.

Status: Approved by Governor

HB 1406 Firearms; restoration of right to person convicted of a nonviolent felony to possess, etc.

Patron: Habeeb

Summary: Provides that a person convicted of a felony, other than a violent felony, whose civil rights have been restored is not required to petition a circuit court for an order to possess, transport, or carry a firearm, ammunition for a firearm, or a stun weapon. The bill provides that such person's right to possess, transport, or carry such items is automatically restored upon the restoration of his civil rights. The bill has an effective date of January 1, 2019, contingent upon voter approval of amendments to Article II, Section 1 and Article V, Section 12 of the Constitution of Virginia at the November 2018 general election.

Status: Left in Courts of Justice

HB 1407 Voters, qualified; definition of violent felony.

Patron: Habeeb

Summary: Defines the term "violent felony" to be used in determining a person's eligibility for restoration of his civil rights. The bill has an effective date of January 1, 2019, contingent upon voter approval of amendments to Article II, Section 1 and Article V, Section 12 of the Constitution of Virginia at the November 2018 general election.

Status: Left in Courts of Justice

HB 1473 Pain-Capable Unborn Child Protection Act; penalty.

Patron: LaRock

Summary: Creates the Pain-Capable Unborn Child Protection Act (the Act). The Act prohibits an abortion after 20 weeks' gestation unless, in reasonable medical judgment, the mother has a condition that so complicates her medical condition as to necessitate the abortion to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function. When an abortion is not prohibited post-20 weeks' gestation, and if the woman elects to have an abortion, the physician is required to terminate the pregnancy in a manner that would provide the unborn child the best opportunity to survive. The bill punishes performance of an abortion in violation of the Act as a Class 4 felony. The bill also provides for civil remedies against a physician who performs an abortion in violation of the Act.

Status: Left in Courts of Justice

HB 1493 Sales draft; definition, credit card offenses, penalty.

Patron: Hope

Summary: Includes within the definition of "sales draft," with regard to offenses relating to credit cards, the electronic form evidencing a purchase of goods, services, or a thing of value. A person convicted of forgery of such a sales draft is guilty of a Class 5 felony.

Status: Approved by Governor

HB 1522 Death penalty; severe mental illness.

Patron: Leftwich

Summary: Provides that a defendant in a capital case who had a severe mental illness, which is defined in the bill, at the time of the offense is not eligible for the death penalty. The bill establishes procedures for determining whether a defendant had a severe mental illness at the time of the offense and provides for the appointment of expert evaluators.

When the defendant's severe mental illness is at issue, a determination will be made by the jury, or by the judge in a bench trial, as part of the sentencing proceeding, and the defendant bears the burden of proving his severe mental illness by a preponderance of the evidence.

Status: Left in Courts of Justice

HB 1545 Criminal cases; delayed appeals, assignments of errors dismissed in part.

Patron: Collins

Summary: Provides that an appellant may file a motion for leave to pursue a delayed appeal in a criminal case in the Court of Appeals of Virginia when the appeal was dismissed, in whole or in part, for a failure to (i) initiate the appeal; (ii) adhere to proper form, procedures, or time limits in the perfection of the appeal; or (iii) file the indispensable transcript or written statement of facts, even if other parts of the appeal were refused on the merits. Under current law, an appellant may not pursue a delayed appeal in such a case if part of the appeal was refused on the merits. The bill also provides that an appellant may file a motion for leave to pursue a delayed appeal in a criminal case that is appealed to the Supreme Court of Virginia from the Court of Appeals of Virginia for those assignments of error that were dismissed because they did not adhere to a proper form, even if other assignments of error were refused on the merits. As introduced, this bill was a recommendation of the Judicial Council of Virginia. This bill is identical to SB 853.

Status: Approved by Governor

HB 1546 Jurors; confidentiality of name and home address.

Patron: Collins

Summary: Limits to name and home address the personal information of a juror impaneled in a criminal case that the court may only regulate the disclosure of upon a showing of good cause, which includes a likelihood of bribery, tampering, or physical injury to or harassment of a juror. The bill limits the release of any additional personal information, defined in the bill as any information other than a name and home address, of a juror impaneled in a criminal case to the counsel of record in the case or a pro se defendant. The bill also provides that the court may, upon the motion of either party or its own motion, and for good cause shown, authorize the disclosure of such personal information to any other person, subject to any restrictions imposed by the court on further dissemination of such personal information.

Status: Approved by Governor

HB 1557 Temporary injunction of contract for services; rape, forcible sodomy, or object sexual penetration.

Patron: Krizek

Summary: Requires a court, in an action for a temporary injunction of a contract for services, to consider a conviction or finding of rape, forcible sodomy, or object sexual penetration, committed by one party to a contract against the other, in assessing whether to grant the injunction.

Status: Left in Courts of Justice

HB 1580 Child pornography; lawful possession by employees of Department of Social Services.

Patron: Campbell

Summary: Provides that an employee of the Department of Social Services or a local department of social services may, in the course of conducting his professional duties, lawfully possess child pornography for a bona fide purpose.

Status: Approved by Governor

HB 1637 Possession or distribution of marijuana for medical purposes; Crohn's disease.

Patron: Davis

Summary: Provides an affirmative defense in a prosecution for the possession of marijuana if the marijuana is in the form of cannabidiol oil or THC-A oil possessed pursuant to a valid written certification issued by a practitioner of medicine or osteopathy licensed by the Board of Medicine for purposes of treating Crohn's disease or alleviating such patient's symptoms. The bill provides that a practitioner shall not be prosecuted for distribution of marijuana for the treatment of or for alleviating the symptoms of Crohn's disease.

Status: Left in Courts of Justice

HB 1704 Grand larceny and certain property crimes; increases threshold amount of money taken, etc.

Patron: Filler-Corn

Summary: Increases from \$200 to \$500 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes.

Status: Left in Courts of Justice

HB 1776 Hate crimes; adds gender, sexual orientation, gender identity, or disability, penalty.

Patron: Plum

Summary: Adds gender, sexual orientation, gender identity, and disability to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds these categories of victims to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police.

Status: Left in Courts of Justice

HB 1779 Hate crimes; immigration status; penalty.

Patron: Plum

Summary: Adds immigration status to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds immigration status to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police.

Status: Left in Courts of Justice

HB 1815 Computer trespass; government computers and computers used for public utilities, penalty.

Patron: Yancey

Summary: Increases the Class 1 misdemeanor computer trespass crimes to a Class 6 felony if the computer affected is one that is exclusively for the use of, or used by or for, the Commonwealth, a local government within the Commonwealth, or certain public utilities.

Status: Approved by Governor

HB 1845 Model addiction recovery program; DCJS, et al., to develop.

Patron: Cox

Summary: Requires the Department of Criminal Justice Services, in consultation with the Department of Behavioral Health and Developmental Services, to develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. The bill provides that such programs shall be based on existing addiction recovery programs being administered by any local or regional jails in the Commonwealth and requires that participation in such program be voluntary and that such program address multiple aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process.

Status: Approved by Governor

HB 1851 Assault and battery against a family or household member; deferred disposition, waiver of appeal.

Patron: Gilbert

Summary: Provides that a person charged with a first offense of assault against a family or household member who consents to probation and a deferred disposition of the charge has no right of appeal if he is subsequently found guilty of the original charge for a violation of the terms of his probation. The bill provides that a person may file a motion to withdraw his consent within 10 days of entry of the order deferring proceedings and the court shall schedule a hearing within 30 days of receipt of the motion. The bill provides further that if the person appears at the hearing and requests to withdraw his consent, the court shall grant the request, enter a final order adjudicating guilt, and sentence the person accordingly. If the person fails to appear at the hearing, the court shall deny the motion.

Status: Approved by Governor

HB 1865 Firearms; transfer, criminal history record check delay.

Patron: Lopez

Summary: Increases from the end of the next business day to within five business days the time in which State Police must advise a dealer if its records indicate that a firearms buyer or transferee is prohibited from possessing or transporting a firearm and the time after which a dealer may complete the sale or transfer without a response from the State Police. The bill removes the option in current law that a dealer may immediately complete the sale or transfer if he is advised by the State Police that a response will not be available within the required timeframe.

Status: Left in Militia, Police and Public Safety

HB 1906 Marijuana; decriminalization of simple marijuana possession.

Patron: Heretick

Summary: Decriminalizes marijuana possession and provides a civil penalty of no more than \$250 for a first violation and \$1,000 for a second or subsequent violation. Under current law, a first offense is punishable by a maximum fine of \$500 and a maximum 30-day jail sentence, and subsequent offenses are a Class 1 misdemeanor. The bill creates a rebuttable presumption that a person who possesses no more than one-half ounce of marijuana possesses it for personal use and provides that the existing suspended sentence and substance abuse screening provisions apply only to criminal violations or to civil violations by a minor. The bill decreases the penalty for distribution or possession with intent to sell more than one-half but not more than five pounds of marijuana from a Class 5 felony to a Class 6 felony.

Status: Left in Courts of Justice

HB 1930 Overdoses; safe reporting.

Patron: Carr

Summary: Extends to an individual experiencing a drug-related or alcohol-related overdose the affirmative defense to prosecution for (i) simple possession of a controlled substance, marijuana, or controlled paraphernalia; (ii) intoxication in public; or (iii) the unlawful purchase, possession, or consumption of alcohol, if another individual, in good faith, sought or obtained emergency medical attention for the individual experiencing the overdose. Under current law, the affirmative defense applies only to an individual who sought or obtained emergency medical attention for another individual experiencing an overdose or to an individual who sought or obtained emergency medical attention for himself.

Status: Left in Courts of Justice

HB 1978 Profane swearing in public.

Patron: Webert

Summary: Eliminates the crime of profanely swearing or cursing in public, which is currently punishable as a Class 4 misdemeanor.

Status: Left in Courts of Justice

HB 2051 Marijuana offenses; driver's license forfeiture.

Patron: Adams

Summary: Revises the existing provision that a person loses his driver's license for six months when convicted of or placed on deferred disposition for a drug offense to provide that the provision does not apply to deferred disposition of simple possession of marijuana. The exception applies only to adults; juveniles will still be subject to license suspension. The bill provides that a court retains the discretion to suspend or revoke the driver's license of a person placed on deferred disposition for simple possession of marijuana and must suspend or revoke for six months the driver's license of such person who was operating a motor vehicle at the time of the offense. The bill also requires that such a person whose driver's license is not suspended or revoked perform 50 hours of community service in addition to any community service ordered as part of the deferred disposition. This bill is identical to SB 1091.

Status: Approved by Governor

HB 2059 Drug Treatment Court Act; eligibility.

Patron: Watts

Summary: Eliminates the restriction that renders persons convicted of certain violent felonies within the preceding 10 years ineligible to participate in a drug treatment court. Persons convicted of felony acts of violence (i.e, offenses that result in life imprisonment upon conviction of a third offense) within the preceding 10 years remain ineligible to participate in a drug treatment court.

Status: Left in Courts of Justice

HB 2064 Assault and battery against a family or household member; eligibility for first offender status.

Patron: Mullin

Summary: Precludes a person who has been convicted of any felony defined as an act of violence from being eligible for first offender status for assault and battery against a family or household member unless the attorney for the Commonwealth does not object to the person being placed on first offender status. Under current law, only prior convictions for assault and battery against a family or household member serve as a disqualifier.

Status: Approved by Governor

HB 2073 Virginia Consumer Protection Act; adds certain fraud crimes.

Patron: Watts

Summary: Adds the offenses of obtaining money by false pretense, financial exploitation of mentally incapacitated persons, and construction fraud to the criminal violations that a multi-jurisdiction grand jury may investigate and to prohibited practices under the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

Status: Passed by indefinitely in Courts of Justice (9-Y 6-N)

HB 2083 Restitution; modification of terms and conditions of payment plan.

Patron: Herring

Summary: Permits the court to modify the terms and conditions of a restitution payment plan or amend the total amount of restitution due for good cause shown and only after a hearing of which the defendant, attorney for the Commonwealth, and victim have been notified. This bill is a recommendation of the Virginia State Crime Commission.

Status: Left in Courts of Justice

HB 2085 Petition for writ of actual innocence.

Patron: Herring

Summary: Provides that a person may petition for a writ of actual innocence based on biological evidence regardless of the type of plea he entered at trial. Under current law, a person may petition for a writ based on biological evidence if he (i) entered a plea of not guilty, (ii) is convicted of murder, or (iii) is convicted of a felony for which the maximum punishment is imprisonment for life. The bill also provides that the Supreme Court of Virginia shall grant the writ upon finding that the petitioner has proven the allegations supporting the writ by a preponderance of the evidence. Currently, the Court must make such a finding based on clear and convincing evidence.

Status: Left in Courts of Justice

HB 2135 Medical marijuana; written certification.

Patron: Levine

Summary: Allows a person to possess marijuana or tetrahydrocannabinol pursuant to a valid written certification issued by a physician for the treatment of any medical condition and allows a physician or pharmacist to distribute such substances without being subject to prosecution. Under current law, a person has an affirmative defense to prosecution for possession of marijuana if the marijuana is in certain forms and the person has been issued a written certification by a physician that such marijuana is for the purposes of treating or alleviating the person's symptoms of intractable epilepsy. The bill requires that the person issued the written certification register with the Board of Pharmacy which will issue the person an identification card upon registration. The bill also clarifies that the penalties for forging or altering a recommendation for medical marijuana or for making or uttering a false or forged recommendation are the same as the penalties for committing the same acts with regard to prescriptions.

Status: Left in Courts of Justice

HB 2181 Food stamps; eligibility to receive benefits if convicted of drug-related felonies.

Patron: Sickles

Summary: Provides that a person who is otherwise eligible to receive food stamp benefits shall not be denied such assistance solely because he has been convicted of a first-time felony offense of possession with intent to distribute a controlled substance in violation of § 18.2-248, provided that he complies with all obligations imposed by the criminal court and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings. Current law prohibits denial of such

benefits only if such persons have been convicted of felony possession of a controlled substance.

Status: Left in Courts of Justice

HB 2240 Victims of crime; right to nondisclosure of certain information.

Patron: Miller

Summary: Requires that written consent provided by the victim's next of kin to law enforcement is necessary, if the victim is a minor, before a law-enforcement agency may disclose any information that identifies the victim of a crime that resulted in the victim's death.

Status: Approved by Governor

HB 2322 Criminal Justice Services Board; citizen membership.

Patron: Aird

Summary: Replaces the member representing the Virginia Crime Prevention Association with a member representing the Virginia Association of Campus Law Enforcement Administrators since the Virginia Crime Prevention Association is no longer in existence.

Status: Left in Courts of Justice

HB 2327 Driving under influence of alcohol; implied consent, refusal of blood or breath tests.

Patron: Collins

Summary: Eliminates the criminal penalties for refusing to submit to a blood test to determine the alcohol or drug content of a defendant's blood upon arrest for a DUI-related offense under the law on implied consent. The bill also increases to a Class 1 misdemeanor the criminal penalty for refusing to submit to a breath test under the law on implied consent for an offense committed within 10 years of a prior offense of refusal or of another DUI-related offense. The bill also extends to blood tests performed by the Department of Forensic Science pursuant to a search warrant the rebuttable presumption that a person is intoxicated based on the person's blood alcohol level demonstrated by such tests. Finally, the bill establishes a rebuttable presumption applicable in a civil case for punitive damages for injuries caused by an intoxicated driver that a person who has consumed alcohol knew or should have known that his ability to drive was or would be impaired by such consumption. This bill is in response to the U.S. Supreme Court decision in *Birchfield v. North Dakota*, 136 S. Ct. 2160 (2016). The bill contains an emergency clause.

Status: Approved by Governor

HB 2335 Contractors, Board for; unlicensed activity, penalty.

Patron: Watts

Summary: Provides that, in addition to existing penalties for unlicensed activity, any second or subsequent violation by any person who undertakes work without a valid Virginia contractor's license or certificate when a license or certificate is required shall constitute a Class 6 felony.

Status: VOTE: ENGROSSMENT REFUSED (41-Y 50-N)

HB 2399 Hate crimes; adds to list of crimes that a multi-jurisdiction grand jury may investigate.

Patron: Bagby

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

Status: Left in Courts of Justice

SB 816 Grand larceny & certain property crimes; increases threshold amount of money taken, etc., to \$1,000.

Patron: Surovell

Summary: Increases from \$200 to \$500 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. This bill incorporates SB923.

Status: Left in Courts of Justice

SB 825 New sentencing hearing; abolition of parole.

Patron: Wexton

Summary: Provides that a person who was sentenced by a jury prior to the date of the Supreme Court of Virginia decision in *Fishback v. Commonwealth*, 260 Va. 104 (June 9, 2000), in which the Court held that a jury should be instructed on the fact that parole has been abolished, for nonviolent felony committed prior to the time that the abolition of parole went into effect (January 1, 1995) is entitled to a new sentencing proceeding if such

person is still incarcerated. The bill provides that such person shall file a petition for a new sentencing proceeding with the circuit court in which the order of conviction was originally entered. The circuit court shall empanel a new jury for the purpose of conducting the new sentencing proceeding and notify the appropriate attorney for the Commonwealth. The bill also provides that if the attorney for the Commonwealth and the person filing the petition agree, such person may waive his right to a new sentencing proceeding and allow the court to fix punishment.

Status: Left in Courts of Justice

SB 831 Marijuana; manufacture or possession, accommodation to another individual, penalty.

Patron: DeSteph

Summary: Provides that a person who proves that he manufactured marijuana or possessed marijuana with the intent to manufacture marijuana only as an accommodation to another individual who is not an inmate in a correctional facility, and without the intent to profit from such manufacture or possession with the intent to manufacture or to induce the recipient or intended recipient of the marijuana to use or become dependent upon marijuana, is guilty of a Class 1 misdemeanor. Currently, manufacturing marijuana or possessing marijuana with the intent to manufacture marijuana is a felony punishable by imprisonment of five to 30 years regardless of the person's intent.

Status: Stricken at the request of Patron in Courts of Justice (15-Y 0-N)

SB 841 Marijuana; possession or distribution for medical purposes, affirmative defense for treatment.

Patron: Favola

Summary: Provides an affirmative defense to prosecution for possession of marijuana if a person has a valid written certification issued by a practitioner for cannabidiol oil or THC-A oil for treatment of, or to alleviate the symptoms of, cancer, human immunodeficiency virus, acquired immune deficiency syndrome, Tourette syndrome, amyotrophic lateral sclerosis, multiple sclerosis, Crohn's disease, or complex regional pain syndrome. Under current law, only the treatment of intractable epilepsy is covered by the affirmative defense.

Status: Stricken at the request of Patron in Courts of Justice (14-Y 0-N)

SB 853 Criminal cases; delayed appeals, assignments of errors dismissed in part.

Patron: Stanley

Summary: Provides that an appellant may file a motion for leave to pursue a delayed appeal in a criminal case in the Court of Appeals of Virginia when the appeal was dismissed, in whole or in part, for a failure to (i) initiate the appeal; (ii) adhere to proper form, procedures, or time limits in the perfection of the appeal; or (iii) file the indispensable transcript or written statement of facts, even if other parts of the appeal were refused on the merits. Under current law, an appellant may not pursue a delayed appeal in such a case if part of the appeal was refused on the merits. The bill also provides that an appellant may file a motion for leave to pursue a delayed appeal in a criminal case that is appealed to the Supreme Court of Virginia from the Court of Appeals of Virginia for those assignments of error that were dismissed because they did not adhere to a proper form, even if other assignments of error were refused on the merits. As introduced, this bill was a recommendation of the Judicial Council of Virginia. This bill is identical to HB 1545.

Status: Approved by Governor

SB 854 Unpaid court fines, etc.; increases grace period for collection.

Patron: Stanley

Summary: Increases the grace period after which collection activity for unpaid court fines, costs, forfeitures, penalties, and restitution may be commenced from 30 days to 90 days after sentencing or judgment. The bill also establishes the requirements for deferred or installment payment agreements that a court must offer a defendant who is unable to pay court-ordered fines, costs, forfeitures, and penalties. The bill requires that a court take into account a defendant's financial circumstances, including whether the defendant owes fines and costs to other courts, in setting the terms of a payment agreement, but such decision shall not be based solely on the amount of fines and costs owed. The bill precludes a court from denying a defendant the opportunity to enter into a payment agreement solely because of the crime committed, the total amount owed or that such amount has been referred to collections, any previous default by the defendant or failure to establish a payment history, or the defendant's eligibility for a restricted driver's license. The bill allows all costs and fines owed by a defendant to any one court to be incorporated into one payment agreement and allows a defendant to request a modification of the terms of the agreement, which shall be granted upon a good faith showing of need. Finally, the bill provides that the payment agreement includes restitution unless the court has entered a separate order regarding the payment of restitution. This bill is identical to HB 2386.

Status: Approved by Governor

SB 883 Expungement of police and court records; costs.

Patron: Spruill

Summary: Relieves a person who petitions for the expungement of police and court records related to a crime of which the person was acquitted or the charge of which was otherwise dismissed from paying any fees or costs for filing such petition.

Status: Passed by indefinitely in Courts of Justice (14-Y 1-N)

SB 889 Concealed handgun permit fees; exemptions; retired probation and parole officers.

Patron: Chafin

Summary: Exempts retired probation and parole officers who have completed 15 years of service from concealed handgun permit application fees.

Status: Approved by Governor

SB 908 Marijuana; decriminalization of simple marijuana possession.

Patron: Lucas

Summary: Decriminalizes marijuana possession and provides a civil penalty of no more than \$250 for a first violation and \$1,000 for a second or subsequent violation. Under current law, a first offense is punishable by a maximum fine of \$500 and a maximum 30-day jail sentence, and subsequent offenses are a Class 1 misdemeanor. The bill creates a rebuttable presumption that a person who possesses no more than one-half ounce of marijuana possesses it for personal use and provides that the existing suspended sentence and substance abuse screening provisions apply only to criminal violations or to civil violations by a minor. The bill decreases the penalty for distribution or possession with intent to sell more than one-half but not more than five pounds of marijuana from a Class 5 felony to a Class 6 felony.

Status: Passed by indefinitely in Courts of Justice with letter (15-Y 0-N)

SB 1008 Barrier crimes; clarifies individual crimes, criminal history records checks.

Patron: Hanger

Summary: Clarifies the individual crimes that constitute a barrier for (i) individuals seeking employment at nursing homes, home care organizations, hospices, state facilities, and private providers licensed by the Department of Behavioral Health and Developmental Services, community services boards, behavioral health authorities, assisted living facilities, adult day care centers, children's welfare agencies, family day homes approved by family day systems, and children's residential facilities; (ii) applicants for licensure,

registration, or approval as assisted living facilities, child welfare agencies, or family day homes approved by family day systems; (iii) individuals with whom a local board of social services or child-placing agency is considering placing a child on an emergency, temporary, or permanent basis; (iv) foster and adoptive homes seeking approval from child-placing agencies; and (v) providers of adult services and adult foster care seeking approval by the Department of Social Services. The bill also adds certain offenses to the list of barrier crimes.

Status: Approved by Governor

SB 1027 Cannabidiol oil and THC-A oil; permitting of pharmaceutical processors to manufacture and provide.

Patron: Marsden

Summary: Authorizes a pharmaceutical processor, after obtaining a permit from the Board of Pharmacy (the Board) and under the supervision of a licensed pharmacist, to manufacture and provide cannabidiol oil and THC-A oil to be used for the treatment of intractable epilepsy. The bill provides that only a licensed practitioner of medicine or osteopathy who is a neurologist or who specializes in the treatment of epilepsy may issue a written certification to a patient for the use of cannabidiol oil or THC-A oil. The bill requires further that a pharmaceutical processor shall not provide cannabidiol oil or THC-A oil to a patient or a patient's parent or legal guardian without first verifying that the patient, the patient's parent or legal guardian if the patient is a minor or incapacitated, and the practitioner who issued the written certification have registered with the Board. Finally, the bill provides an affirmative defense for agents and employees of pharmaceutical processors in a prosecution for the manufacture, possession, or distribution of marijuana. The bill contains an emergency clause.

Status: Approved by Governor

SB 1066 Petition for writ of actual innocence.

Patron: Deeds

Summary: Provides that a person may petition for a writ of actual innocence based on biological evidence regardless of the type of plea he entered at trial. Under current law, a person may petition for a writ based on biological evidence if he (i) entered a plea of not guilty, (ii) is convicted of murder, or (iii) is convicted of a felony for which the maximum punishment is imprisonment for life. The bill also provides that the Supreme Court of Virginia shall grant the writ upon finding that the petitioner has proven the allegations supporting the writ by a preponderance of the evidence. Currently, the Court must make such a finding based on clear and convincing evidence.

Status: Left in Courts of Justice

SB 1124 Adultery; civil penalty.

Patron: Surovell

Summary: Reduces the penalty for adultery from a Class 4 misdemeanor to a civil penalty of not more than \$250.

Status: Passed by indefinitely in Courts of Justice (10-Y 4-N)

SB 1147 Companion animals; changes penalty to Class 6 felony for cruelty to animals.

Patron: DeSteph

Summary: Changes from a Class 1 misdemeanor to a Class 6 felony the penalty for torturing or willfully inflicting inhumane injury or pain to a companion animal, defined as a domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, or exotic or native bird. Current law requires that the animal die as a direct result of the torture or cruelty and that the companion animal is a dog or cat before the violation is a Class 6 felony.

Status: Passed by indefinitely in Finance (16-Y 0-N)

SB 1260 Search warrants; person subject to arrest.

Patron: Black

Summary: Authorizes the issuance of a search warrant to search for and seize any person for whom a warrant or process for arrest has been issued. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to HB 2084.

Status: Approved by Governor

SB 1269 Marijuana; decriminalization of simple possession.

Patron: Ebbin

Summary: Decriminalizes simple marijuana possession and provides a civil penalty of no more than \$100 for a first violation, \$250 for a second violation, and \$500 for a third or subsequent violation. Current law imposes a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that the suspended sentence/substance abuse screening provisions and driver's license suspension provisions apply only to criminal violations or to civil violations by a juvenile. The bill provides that a court may suspend a driver's license for a civil violation committed by an adult. A civil violation will be treated as a conviction for prohibitions on the purchase or transport of a handgun and disqualification for a concealed handgun permit.

Status: Passed by indefinitely in Courts of Justice with letter (15-Y 0-N)

SB 1280 Driver's license; suspension for nonpayment of fines or costs.

Patron: Ebbin

Summary: Extends the timeframe for which a person who is convicted of any violation of the law of the Commonwealth or of the United States or of any valid local ordinance may pay any fine, costs, forfeitures, restitution, or penalty lawfully assessed against him to 90 days before a court shall suspend the person's privilege to drive a motor vehicle on the highways in the Commonwealth. Under current law, a person only has 30 days before a court shall suspend such privilege.

Status: Left in Courts of Justice

SB 1298 Marijuana; possession or distribution for medical purposes, affirmative defense for treatment.

Patron: Vogel

Summary: Provides an affirmative defense to prosecution for possession of marijuana if a person has a valid written certification issued by a practitioner for cannabidiol oil or THC-A oil for treatment of, or to alleviate the symptoms of, cancer, glaucoma, human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, Alzheimer's disease, nail patella, cachexia or wasting syndrome, multiple sclerosis, or complex regional pain syndrome. Under current law, only the treatment of intractable epilepsy is covered by the affirmative defense.

Status: Left in Courts of Justice

SB 1299 Concealed handguns; protective orders.

Patron: Vogel

Summary: Authorizes any person 21 years of age or older who is not prohibited from purchasing, possessing, or transporting a firearm and is protected by an unexpired protective order to carry a concealed handgun for 45 days after the protective order was issued. The bill provides that if the person issued the protective order applies for a concealed handgun permit during such 45-day period, such person will be authorized to carry a concealed handgun for an additional 45 days and be given a copy of the certified application, which shall serve as a de facto concealed handgun permit. The bill requires such person to have the order or certified application and photo identification on his person when carrying a concealed handgun and to display them upon demand by a law-enforcement officer; failure to do so is punishable by a \$25 civil penalty. This bill is identical to HB 1852.

Status: Vetoed by Governor

SB 1300 Victims of domestic violence, etc.; firearms safety or training course.

Patron: Vogel

Summary: Creates the Virginia Firearms Safety and Training for Sexual and Domestic Violence Victims Fund. The bill provides that the Department of Criminal Justice Services may distribute funds from the Fund to reimburse an entity that offers a firearms safety or training course or class approved by the Department free of charge to victims of domestic violence, sexual abuse, stalking, or family abuse. The Department would not be permitted to issue reimbursements in excess of the amount available in the Fund. The bill also

requires that, upon the issuance of a protective order, the petitioner for the order be provided with a list of such approved courses or classes. This bill is identical to HB 1853.

Status: Vetoed by Governor

SB 1339 Careless driving; infliction of injury on vulnerable road user.

Patron: Surovell

Summary: Provides that a person who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, defined in the bill as a pedestrian or person riding a bicycle, electric wheelchair, electric bicycle, wheelchair, skateboard, skates, foot-scooter, animal, or animal-drawn vehicle, is guilty of a traffic infraction.

Status: Left in Courts of Justice

SB 1352 Capital cases; replacing certain terminology.

Patron: Howell

Summary: Replaces the term "mental retardation" in all of its various iterations with a corresponding iteration of the term "intellectual disability" for purposes of the statutes governing capital cases. The U.S. Supreme Court has held in *Hall v. Florida*, 134 S. Ct. 1986 (2014), that the terms describe the identical phenomenon. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to HB 1882.

Status: Approved by Governor

SB 1407 Human trafficking identification and awareness training; DCJS to adopt regulations.

Patron: Ebbin

Summary: Requires the Department of Criminal Justice Services (the Department) to adopt regulations that make compulsory for all law-enforcement personnel the Department's training standards regarding sensitivity to and awareness of human trafficking offenses, the identification of human traffickers, and identification of and assistance for victims of human trafficking offenses. Current law requires such training only for personnel in criminal investigations or assigned to vehicle or street patrol duties. The bill also requires the Department to include such human trafficking identification and awareness training as part of the minimum training standards for school security and campus security officers.

Status: Passed by indefinitely in Courts of Justice (9-Y 6-N)

SB 1409 Reckless driving; raises threshold for speeding.

Patron: Suetterlein

Summary: Raises from 80 to 85 miles per hour the speed above which a person who drives a motor vehicle on the highways in the Commonwealth is guilty of reckless driving regardless of the applicable maximum speed limit.

Status: Left in Transportation

SB 1442 Prisoners; mental health screening at local correctional facilities.

Patron: Deeds

Summary: Requires that the staff of a local correctional facility screen persons admitted to the facility for mental illness using a scientifically validated instrument designated by the Commissioner of Behavioral Health and Developmental Services. The bill provides that if the screening indicates that a person may have a mental illness, an assessment of his need for mental services shall be conducted within 72 hours of the time of the screening by a qualified mental health professional, which is defined in the bill. The bill requires the Department of Criminal Justice Services, in consultation with the State Board of Corrections and the Department of Behavioral Health and Developmental Services, to (i) ensure that local and regional correctional facilities are aware of the aforementioned requirements and (ii) develop and deliver a training program for employees of such facilities regarding the administration of such instrument.

Status: Left in Appropriations

SB 1452 Marijuana; possession or distribution for medical purposes.

Patron: Lucas

Summary: Provides an affirmative defense to prosecution for possession of marijuana if a person has a valid written certification issued by a practitioner for cannabidiol oil or THC-A oil for treatment of, or to alleviate the symptoms of, cancer. Under current law, only the treatment of intractable epilepsy is covered by the affirmative defense.

Status: Left in Courts of Justice

SB 1501 Physical evidence recovery kit; victim's right to notification of scientific analysis information.

Patron: Favola

Summary: Provides that for any physical evidence recovery kit that was received by a law-enforcement agency prior to July 1, 2016, and submitted for analysis, the victim, a parent or guardian of a minor victim, or the next of kin of a deceased victim shall be notified of the completion of the analysis and shall, upon request, receive information regarding the results of any analysis from the law-enforcement agency. The bill provides that law enforcement shall not be required to disclose the results of any analysis to an alleged perpetrator. The bill contains technical amendments.

Status: Approved by Governor

SB 1533 Antique firearms; possession by nonviolent felons.

Patron: Obenshain

Summary: Permits nonviolent felons to possess, transport, and carry muzzle-loading firearms and black powder in a quantity not exceeding five pounds if it is intended to be used solely for sporting, recreational, or cultural purposes in muzzle-loading firearms.

Status: Approved by Governor

SB 1563 Discovery in criminal cases; duty to provide.

Patron: Stanley

Summary: Requires the attorney for the Commonwealth, upon written notice by an accused to the court and to the attorney for the Commonwealth, to permit the accused to inspect, copy, or photograph (i) any relevant written or recorded statements or confessions made by the accused or any codefendant, or the substance of any oral statements or confessions made by the accused or any codefendant; (ii) any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other written scientific reports, and written reports of a physical or mental examination of the accused or the alleged victim; (iii) any books, papers, documents, tangible objects, or buildings or places, or copies or portions thereof, that are within the possession, custody, or control of the Commonwealth. If the accused provides written notice for discovery, the accused shall provide reciprocal discovery, which shall include (a) any written reports of autopsy examinations, ballistic tests, fingerprint, blood, urine, and breath analyses, and other scientific tests that may be within the accused's possession, custody, or control and that the accused intends to proffer or introduce into evidence at the trial or sentencing; (b) whether he intends to introduce evidence to establish an alibi; (c) if the accused intends to rely upon an insanity defense, any written reports of physical or mental examination of the accused made in connection with the case. The bill directs that the Commonwealth provide its expert disclosures no later than 14 days before trial and the accused provide his expert disclosures no later than seven days before trial. The bill provides that for good cause a party may withhold or redact certain information and either party may file a motion to compel disclosure of any information withheld or redacted.

Status: Left in Courts of Justice

SB 1564 DUI; search warrants for blood withdrawals.

Patron: Norment

Summary: Provides that an application for a search warrant to perform a blood test on a person suspected of committing a DUI-related offense shall be given priority over pending matters that do not involve an imminent risk to another's health or safety.

Status: Approved by Governor

SB 1594 Conservators of the peace; investigator employed by an attorney for the Commonwealth.

Patron: Vogel

Summary: Designates an investigator who is employed by an attorney for the Commonwealth as a conservator of the peace, provided that such investigator was an active law-enforcement officer within 10 years immediately prior to being employed by the attorney for the Commonwealth and retired or resigned from that position in good standing.

Status: Approved by Governor

SJ 223 Constitutional amendment; qualification of voters and executive clemency (first reference).

Patron: Norment

Summary: Amends the authority of the Governor to remove the political disabilities of persons convicted of felonies, thus restoring their civil rights. The resolution requires the Governor to automatically remove the political disabilities of a person convicted of a felony, other than a violent felony, who has completed service of his sentence and any modification of that sentence, and has met any other conditions that may be set by the General Assembly. The Governor retains the discretion to remove the political disabilities of persons convicted of violent felonies. A person convicted of a violent felony shall become eligible for the removal of his political disabilities once he has completed (i) the payment in full of any restitution, fines, costs, and fees assessed against him as a result of his conviction and (ii) service of his sentence and any modification of that sentence, including any period or condition of probation, parole, or suspension of sentence, and at least five years have passed since he completed such payment and service of sentence without any new felony convictions or any misdemeanor convictions involving moral turpitude.

Status: Left in Privileges and Elections

Domestic Relations

HB 1395 Same-sex marriages; civil unions.

Patron: Sickles

Summary: Repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage. These prohibitions are no longer valid due to the United States Supreme Court decision in Obergefell v. Hodges, 576 U.S. (June 26, 2015).

Status: Left in Courts of Justice

HB 1456 Custody and visitation orders; use of term parenting time.

Patron: Albo

Summary: Provides that the court, in its discretion and as to a parent, may use the phrase "parenting time" to be synonymous with the term "visitation" in a custody or visitation order.

Status: Approved by Governor

HB 1611 Child support arrearages; suspension of driver's license.

Patron: Leftwich

Summary: Requires the Department of Motor Vehicles to renew a driver's license or terminate a license suspension imposed due to delinquency in the payment of child support when it receives from the Department of Social Services a certification that (i) the person has reached an agreement with the Department of Social Services to satisfy the delinquency and has begun paying current support and arrears pursuant to an income withholding order or (ii) the person is indigent and has reached an agreement with the Department of Social Services to satisfy the delinquency based on the person's ability to pay.

Status: Left in Courts of Justice

HB 1692 Effect of divorce proceedings; transfer of matters to the juvenile and domestic relations court.

Patron: Collins

Summary: Provides that, where a circuit court enters a divorce decree and transfers certain matters to the juvenile and domestic relations district court, the circuit court is not deprived

of concurrent jurisdiction to hear such matters. The bill requires that any motions in the circuit court filed regarding such matters be heard by the circuit court after such transfer, unless the parties agree otherwise. The bill allows the court to transfer any matters covered by the divorce decree to a more appropriate forum.

Status: Failed to pass in Senate

HB 2128 Custody and visitation agreements; best interests of the child.

Patron: Levine

Summary: Requires the court to consider any history of abuse of persons other than family members when determining the best interests of the child for the purposes of custody and visitation arrangements.

Status: Failed to report (defeated) in Courts of Justice (10-Y 10-N)

HB 2273 Blind parents; custody or visitation rights.

Patron: LaRock

Summary: Provides that a blind parent's blindness, as defined in the bill, shall not be the sole basis of the denial or restriction of such parent's custody or visitation rights. The bill requires a party who alleges that a parent's blindness should be a factor to be considered to not be in the best interests of the child, or should otherwise be a reason to deny or restrict such a parent's custody or visitation rights, to prove by clear and convincing evidence that the child's best interests would not be met or served due to such parent's blindness. The bill allows a blind parent to demonstrate how supportive parenting services would appropriately address any threats to the child's best interests and further allows that such services be ordered by the court. The bill requires a court to make written findings where the court denies or restricts custody or visitation of a blind parent or where supportive parenting services are not ordered. The same requirements apply to the denial of approval of a blind prospective foster parent, or removal of a child from a blind foster parent's home, and to the denial of a final order of adoption wherein the prospective adoptive parent is blind.

Status: Left in Courts of Justice

HB 2289 Divorce or dissolution of marriage; award of life insurance.

Patron: Leftwich

Summary: Provides that where an order for spousal support or separate maintenance has been entered by the court, the court may order a party to maintain an existing life insurance policy, designate the other party as beneficiary, allocate the premium cost of life insurance

between the parties, and order the insured party to facilitate the provision of certain information from the insurer to the beneficiary. The bill sets out factors to be considered by the court when making such an award and provides that any obligation or requirement under any such court order ceases upon the termination of the party's obligation to pay spousal support or separate maintenance. As introduced, this bill was a recommendation of the Boyd-Graves Conference.

Status: Approved by Governor

HB 2292 Judicial training; law related to rights of persons of legitimate interest in custody.

Patron: McQuinn

Summary: Directs the Office of the Executive Secretary of the Supreme Court of Virginia to require that all juvenile and domestic relations district court judges receive training, at least once during each six-year judicial term, on the rights of persons of legitimate interest in child custody and visitation proceedings.

Status: Left in Courts of Justice

HB 2293 Person with a legitimate interest; visitation.

Patron: McQuinn

Summary: Clarifies that a person with a legitimate interest may be awarded visitation if the court finds by clear and convincing evidence that the award of such visitation would be in the child's best interests.

Status: Left in Courts of Justice

SB 782 Same-sex marriages; civil unions.

Patron: Ebbin

Summary: Repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage. These prohibitions are no longer valid due to the United States Supreme Court decision in Obergefell v. Hodges, 576 U.S. ____ (June 26, 2015).

Status: Passed by indefinitely in Courts of Justice with letter (10-Y 2-N)

SB 815 Child support, unpaid; priority of debts to be paid from decedent's assets.

Patron: Surovell

Summary: Prioritizes debts owed for child support arrearages over debts and taxes due to localities and other, unenumerated claims against the estate of a decedent.

Status: Approved by Governor

SB 859 Spousal support; termination upon payor's retirement.

Patron: Hanger

Summary: Provides that, for spousal support orders filed on or after July 1, 2017, any periodic payments awarded shall terminate upon the payor spouse's attainment of full retirement age. The bill provides that the court may set a later date for termination of such payments for good cause shown. The bill also requires a court to order the modification of an initial support order filed before July 1, 2017, so that support terminates upon the payor spouse's attainment of full retirement age, unless good cause is shown to deny the petition for modification.

Status: Passed by indefinitely in Courts of Justice (14-Y 1-N)

SB 861 Preliminary protective orders; contents of order.

Patron: Surovell

Summary: Provides that if a preliminary protective order is issued in an ex parte hearing where the petition for the order is supported by sworn testimony and not an affidavit or a completed form submitted with an emergency protective order request, the court issuing the order shall state in the order the basis on which the order was entered, including a summary of the allegations made and the court's findings.

Status: Tabled in Courts of Justice

SB 1081 Divorce or dissolution of marriage; award of life insurance.

Patron: Wexton

Summary: Provides that where an order for spousal support or separate maintenance has been entered by the court, the court may order a party to maintain an existing life insurance policy, renew an existing life insurance policy, designate the other party as beneficiary, allocate the premium cost of life insurance between the parties, and order the insured party to facilitate the provision of certain information from the insurer to the beneficiary. The bill sets out factors to be considered by the court when making such an award and provides that the obligation to maintain a life insurance policy ceases upon the termination of the

party's obligation to pay spousal support or separate maintenance. This bill is a recommendation of the Boyd-Graves Conference.

Status: Passed by indefinitely in Courts of Justice (8-Y 7-N)

SB 1317 Spousal support; military disability benefits not considered income.

Patron: Carrico

Summary: Prohibits combat-related military disability benefits received by either spouse from being used to calculate spousal support.

Status: Passed by indefinitely in Courts of Justice (11-Y 4-N)

SB 1324 Religious freedom; definitions, marriage solemnization, participation, and beliefs.

Patron: Carrico

Summary: Provides that no person shall be (i) required to participate in the solemnization of any marriage or (ii) subject to any penalty by the Commonwealth, or its political subdivisions or representatives or agents, solely on account of such person's belief, speech, or action in accordance with a sincerely held religious belief or moral conviction that marriage is or should be recognized as the union of one man and one woman. The bill defines "person" as any (a) religious organization; (b) organization supervised by or controlled by or operated in connection with a religious organization; (c) individual employed by a religious organization while acting in the scope of his paid or volunteer employment; (d) successor, representative, agent, agency, or instrumentality of any of the foregoing; or (e) clergy member or minister. The bill also defines "penalty." This bill is identical to HB 2025.

Status: Vetoed by Governor

SB 1344 In camera interviews of child; court's discretion to conduct recording or transcript.

Patron: Surovell

Summary: Provides that the court has the discretion to conduct an in camera interview of a child whose custody or visitation is at issue. The bill requires that any record or transcript of such interview be prepared and made available to the parties. Current law requires that, when such an interview is conducted, a record shall be prepared.

Status: Left in Courts of Justice

Education

HB 1400 Virginia Virtual School Board; established, report.

Patron: Bell, Richard P.

Summary: Establishes the Board of the Virginia Virtual School (the Board) as a policy agency in the executive branch of state government for the purpose of governing the full-time virtual school programs offered to students enrolled in the Virginia Virtual School (the School). The Secretary of Education is responsible for such agency. The 14-member Board is given operational control of the School and assigned powers and duties. Beginning with the 2019-2020 school year, the bill requires the School to be open to any school-age person in the Commonwealth and to provide an educational program meeting the Standards of Quality for grades kindergarten through 12, with a maximum enrollment of 5,000 students statewide. The bill requires the average state share of Standards of Quality per pupil funding for each enrolled student to be transferred to the School. This bill is identical to SB 1240.

Status: Vetoed by Governor

HB 1408 Student vision screenings; requirements for certain students.

Patron: Ware

Summary: Requires (i) the principal of each public elementary school to cause the vision of students in kindergarten and grade two or grade three to be screened unless certain exceptions apply and (ii) the principal of each public middle school and high school to cause the vision of students in grade seven and grade 10 to be screened unless certain exceptions apply and permits any such screening to be conducted by a qualified nonprofit vision health organization that uses a digital photoscreening method pursuant to a comprehensive vision program or other methods that comply with Department of Education requirements. The bill defines "qualified nonprofit vision health organization" and "comprehensive vision program." Under current law, the frequency of such vision screenings is determined by the Board of Education pursuant to regulations. Current law is silent on the method and provider of such vision screenings.

Status: Approved by Governor

HB 1414 Standards of Learning; DOE to review multipart assessment questions, partial credit, etc.

Patron: Austin

Summary: Requires the Department of Education to collaborate with the existing educational advisory committees in the Commonwealth that advise on student assessments to review multipart Standards of Learning assessment questions and determine the feasibility of awarding students partial credit for correct answers on one or more parts of such questions. The bill requires the Department to report its determination to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health by November 1, 2017. The bill prohibits the Department from taking action regarding the awarding of partial credit prior to the 2018 Session of the General Assembly.

Status: Approved by Governor

HB 1534 Student discipline; long-term suspension.

Patron: Bell, Richard P.

Summary: Reduces the maximum length of a long-term suspension from 364 calendar days to 90 school days. The bill prohibits a long-term suspension from extending beyond any 45 school day period unless the school principal or division superintendent finds that aggravating circumstances exist, as defined by the local school board. The bill requires that the length of any long-term suspension that extends beyond any 45 school day period shall be reviewed at the end of each such period.

Status: Left in Education and Health

HB 1552 Career and technical education; notification by school board to students and parents of programs.

Patron: Bulova

Summary: Requires each local school board to implement a plan to notify students and their parents of the availability of career and technical education programs and to include annual notice on its website to enrolled high school students and their parents of the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center.

Status: Approved by Governor

HB 1561 Public school buses; seat belts.

Patron: Krizek

Summary: Requires the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt in every seat. The bill requires each school board to ensure that no later than July 1, 2027, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat.

Status: Left in Militia, Police and Public Safety

HB 1578 Students who receive home instruction; participation in interscholastic programs (Tebow Bill).

Patron: Bell, Robert B.

Summary: Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is entitled to free tuition in a public school; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2022.

Status: Vetoed by Governor

HB 1605 Virginia Parental Choice Education Savings Accounts; established, report.

Patron: LaRock

Summary: Permits the parent of a public preschool, elementary, or secondary school student who meets certain criteria to apply to the school division in which the student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards

of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding to which the student is eligible. The bill permits the parent to use the moneys in such account for certain education-related expenses of the student, including tuition, deposits, fees, and required textbooks at a private, sectarian or nonsectarian elementary or secondary school or preschool that is located in the Commonwealth and does not discriminate on the basis of race, color, or national origin. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts. The bill contains a reenactment clause.

Status: Vetoed by Governor

HB 1663 Northern Va. Community College, et al.; computer science training, etc., for public school teachers.

Patron: Greason

Summary: Requires Northern Virginia Community College (i) in consultation with the Department of Education, to contract with a Virginia-based partner organization to develop, market, and implement high-quality and effective computer science training and professional development activities for public school teachers throughout the Commonwealth for the purpose of improving the computer science literacy of all public school students in the Commonwealth and (ii) to establish an advisory committee for the purpose of advising the college and its Virginia-based partner organization on the development, marketing, and implementation of such training and professional development activities. This bill is identical to SB 1493.

Status: Approved by Governor

HB 1839 School principals; incident reports.

Patron: LaRock

Summary: Provides that school principals are not required to report criminal misdemeanors or status offenses to law enforcement if in the principal's discretion, based on a totality of the circumstances and consistent with Board of Education guidelines, such report is not warranted. The bill requires the Board of Education, in consultation with the Department of Juvenile Justice, the Office of the Attorney General, and any interested stakeholders, to update its Student Conduct Policy Guidelines to provide guidance for principals in exercising such discretion.

Status: Left in Courts of Justice

HB 1857 Tuition, in-state; eligibility, certain individuals who have applied for permanent residency, etc.

Patron: Lopez

Summary: Declares eligible for in-state tuition any individual who (i) attended a public or private high school in the Commonwealth for at least three years; (ii) graduated from a public or private high school in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; (iii) registers as an entering student or is enrolled in a public institution of higher education; (iv) provides an affidavit to the public institution of higher education in which he has registered as an entering student or is enrolled stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he becomes eligible for such permanent residency; and (v) submits evidence to the institution at which he has registered as an entering student or is enrolled that he, or in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed. The bill provides that any such individual shall remain eligible for in-state tuition for as long as he maintains continuous enrollment in the public institution of higher education and his application for permanent residency has not been denied. The bill also prohibits any student who became eligible for in-state tuition as a result of his lawful presence in the United States pursuant to approval under the Deferred Action for Childhood Arrivals program or any other federal deferred action program from being deemed ineligible for in-state tuition by virtue of the elimination or modification of any such program.

Status: Tabled in Education

HB 1886 Higher educational institutions, public; admission of certain undergraduate students.

Patron: Hugo

Summary: Requires the governing board of each public institution of higher education, except for the Virginia Military Institute, Norfolk State University, and Virginia State University, to establish policies requiring that at least 75 percent of undergraduate students admitted to the institution have established domicile in the Commonwealth. The bill requires each such governing board to recover any lost revenue caused by this requirement by increasing the tuition charged to undergraduate non-Virginia students. The bill requires compliance with such requirements and policies beginning no later than June 30, 2022.

Status: Subcommittee recommends laying on the table

HB 1915 Student loan servicers; student loan ombudsman.

Patron: Simon

Summary: Prohibits any person from acting as a student loan servicer without first obtaining a license from the State Corporation Commission (SCC) and establishes procedures pertaining to such licenses. Banks and credit unions are exempt from the licensing provisions. The servicing of a student loan encompasses (i) receiving any scheduled periodic payments from a student loan borrower pursuant to the terms of a student education loan; (ii) applying the payments of principal and interest and such other payments with respect to the amounts received from a student loan borrower, as may be required pursuant to the terms of a student education loan; and (iii) performing other administrative services with respect to a student education loan. Student loan servicers are prohibited from, among other things, (a) misrepresenting the amount, nature, or terms of any fee or payment due or claimed to be due on a student loan, the terms and conditions of the loan agreement, or the borrower's obligations under the loan; (b) knowingly misapplying or recklessly applying student loan payments to the outstanding balance of a student loan; and (c) failing to report both the favorable and unfavorable payment history of the borrower to a nationally recognized consumer credit bureau at least annually if the loan servicer regularly reports information to such a credit bureau. The measure also establishes the Office of the Student Loan Ombudsman within the SCC's Bureau of Financial Institutions. The bill has a delayed effective date of January 1, 2019.

Status: Left in Commerce and Labor

HB 1983 School calendar; opening day of school year.

Patron: Greason

Summary: Makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill contains technical amendments.

Status: Passed by indefinitely in Education and Health (9-Y 6-N)

HB 2011 Discrimination; separation of the sexes.

Patron: Marshall, R.G..

Summary: Provides that recognition by any entity of the inherent differences between males and females, including the biological characteristics or qualities that distinguish an individual as either male or female as determined at birth, and the mere separation of the

sexes by such entity based on such differences shall not constitute discrimination, provided that such separation is consistent with Article I, Section 11 of the Constitution of Virginia. The bill also provides that any local ordinance that likewise recognizes such inherent differences does not constitute discrimination. The bill permits local school boards to enact policies prohibiting discrimination in education based on race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability, provided that a policy that recognizes the inherent differences between males and females and the mere separation of the sexes by such policy based on such differences shall not constitute discrimination, provided that such separation is consistent with Article I, Section 11 of the Constitution of Virginia.

Status: Left in General Laws

HB 2040 Postsecondary schools; enrollment agreement with each student.

Patron: Murphy

Summary: Prohibits postsecondary schools that are required to be certified by the State Council of Higher Education for Virginia (the Council) from enrolling students without entering into an enrollment agreement with each student. The enrollment agreement is required to be signed by the student and an authorized representative of the school and to contain all disclosures prescribed by the Council.

Status: Approved by Governor

HB 2075 Commercial driver's license; instruction in comprehensive community colleges.

Patron: Wilt

Summary: Allows comprehensive community colleges in the Virginia Community College System to administer the in-vehicle component of driver instruction to students enrolled in a commercial driver training course offered by such community college who have failed the behind-the-wheel examination or general knowledge examination for a commercial driver's license three times. The bill requires that after such additional training, the Department of Motor Vehicles only shall administer the applicable exam. The bill requires that comprehensive community colleges offering such coursework meet certain standards as established by the Department and that the Department notify such comprehensive community colleges and similarly affected schools of course curriculum requirements and notify such colleges and schools if new topics are added to the mandatory curriculum. Such comprehensive community colleges and affected schools shall have 45 days to comply and update their course curriculum with the relevant changes.

Status: Approved by Governor

HB 2140 Teachers turnover; exit questionnaire.

Patron: LeMunyon

Summary: Requires the Department of Education (the Department) to develop and oversee a pilot program to administer across five geographically and demographically diverse school divisions the model exit questionnaire for teachers developed by the Superintendent of Public Instruction, analyze the results of each such questionnaire, and include such results and analysis in the Superintendent's annual report beginning in 2018. The bill requires the Department to (i) administer such questionnaire to each teacher who ceases to be employed by the relevant school board for any reason and (ii) collect, maintain, and report on the results of each such questionnaire in a manner that ensures the confidentiality of each teacher's name and other personally identifying information. This bill is identical to SB 1523.

Status: Approved by Governor

HB 2141 Public education; Board of Education to report on condition and needs.

Patron: LeMunyon

Summary: Requires the Board of Education's annual report on the condition and needs of public education in the Commonwealth to include an explanation of the need to retain or maintain the frequency of any report that local school divisions are required to submit to the Board of Education or any other state agency; any recommendation for the elimination, reduction in frequency, or consolidation of such reports when such elimination, reduction in frequency, or consolidation would require an amendment to the laws of the Commonwealth; and a description of any other such report that the Board has eliminated, reduced in frequency, or consolidated.

Status: Approved by Governor

HB 2173 Science laboratory classes; establishes a maximum class size of 24 students in grades 6 through 12.

Patron: Murphy

Summary: Establishes a maximum class size of 24 students in science laboratory classes in grades six through 12.

Status: Left in Appropriations

HB 2174 School boards; annual report on pupil/teacher ratios in elementary, middle, etc., school classrooms.

Patron: Murphy

Summary: Requires each school board to annually report to the public the actual pupil/teacher ratios in middle school and high school by school for the current school year.

Status: Approved by Governor

HB 2191 School boards; procedures for handling sexually explicit instructional materials, etc.

Patron: Landes

Summary: Requires each school board's procedures for handling challenged controversial instructional materials to include procedures for (i) annually notifying the parent of any student enrolled in a course in which the instructional materials or related academic activities may include sexually explicit content of the potential for such sexually explicit content in such course and (ii) providing, as a replacement for instructional materials or related academic activities that include sexually explicit content, nonexplicit instructional materials or related academic activities to any student whose parent so requests. The bill defines "sexually explicit content" as content that involves any criminal sexual assault defined and punishable as a felony under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia or any act defined and punishable as a felony under § 18.2-361.

Status: Vetoed by Governor

HB 2218 Public charter school applications and charter agreements; review by the Board of Education.

Patron: Miyares

Summary: Permits the Board of Education to communicate any Board finding relating to the rationale for the local school board's denial of a public charter school application or revocation of or failure to renew the charter agreement based on documentation submitted by the school board in any school division in which at least half of the schools receive funding pursuant to Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended.

Status: Approved by Governor

HB 2342 Public schools; Board of Education shall only establish regional charter school divisions.

Patron: Landes

Summary: Authorizes the Board of Education (the Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has an enrollment of more than 3,000 students and one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school. This bill is identical to SB 1283.

Status: Vetoed by Governor

HB 2363 Teachers; compensation at rate competitive with national average salary.

Patron: Tyler

Summary: Adds to the stated goal of the Commonwealth for teacher compensation that its public school teachers be compensated at a rate that is competitive with the national average teacher salary.

Status: Stricken from docket by Education

SB 783 Public employment; prohibits discrimination on basis of sexual orientation or gender identity.

Patron: Ebbin

Summary: Prohibits discrimination in public employment on the basis of sexual orientation or gender identity, as defined in the bill. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran.

Status: Left in General Laws

SB 829 Alternatives to suspension; Board of Education shall establish guidelines for local school boards.

Patron: Wexton

Summary: Directs the Board of Education to establish guidelines for alternatives to short-term and long-term suspension for consideration by local school boards. This bill is identical to HB 1924.

Status: Approved by Governor

SB 1035 Student loan servicers; student loan ombudsman.

Patron: Howell

Summary: Prohibits any person from acting as a student loan servicer without first obtaining a license from the State Corporation Commission (SCC) and establishes procedures pertaining to such licenses. Banks and credit unions are exempt from the licensing provisions. The servicing of a student loan encompasses (i) receiving any scheduled periodic payments from a student loan borrower pursuant to the terms of a student education loan; (ii) applying the payments of principal and interest and such other payments with respect to the amounts received from a student loan borrower, as may be required pursuant to the terms of a student education loan; and (iii) performing other administrative services with respect to a student education loan. Student loan servicers are prohibited from, among other things, (a) misrepresenting the amount, nature, or terms of any fee or payment due or claimed to be due on a student loan, the terms and conditions of the loan agreement, or the borrower's obligations under the loan; (b) knowingly misapplying or recklessly applying student loan payments to the outstanding balance of a student loan; and (c) failing to report both the favorable and unfavorable payment history of the borrower to a nationally recognized consumer credit bureau at least annually if the loan servicer regularly reports information to such a credit bureau. The measure also establishes the Office of the Student Loan Ombudsman within the State Council of Higher Education for Virginia. The Office of the Student Loan Ombudsman is required to establish and maintain a student loan borrower education course, which shall cover key loan terms, documentation requirements, monthly payment obligations, income-based repayment options, loan forgiveness, and disclosure requirements. The bill has a delayed effective date of October 1, 2017.

Status: Stricken at request of patron in Education and Health (15-Y 0-N)

SB 1053 Student loans; licensing of qualified education loan servicers, report, civil penalties.

Patron: Howell

Summary: Prohibits any person from acting as a qualified education loan servicer without first obtaining a license from the State Corporation Commission and establishes procedures pertaining to such licenses. Banks and credit unions are exempt from the licensing provisions. The servicing of a qualified education loan encompasses (i) receiving any scheduled periodic payments from a qualified education loan borrower pursuant to the terms of a qualified education loan; (ii) applying the payments of principal and interest and such other payments with respect to the amounts received from a qualified education loan borrower, as may be required pursuant to the terms of a qualified education loan; and (iii) performing other administrative services with respect to a qualified education loan. Qualified education loan servicers are prohibited from, among other things, (a) misrepresenting the amount, nature, or terms of any fee or payment due or claimed to be due on a qualified education loan, the terms and conditions of the loan agreement, or the borrower's obligations under the loan; (b) knowingly misapplying or recklessly applying qualified education loan payments to the outstanding balance of a qualified education loan; and (c) failing to report both the favorable and unfavorable payment history of the borrower to a nationally recognized consumer credit bureau at least annually if the loan servicer regularly reports information to such a credit bureau. Violations are subject to a civil penalty not exceeding \$2,500. The bill has a delayed effective date of July 1, 2018.

Status: Failed to report (defeated) in Commerce and Labor (7-Y 13-N)

SB 1089 Public schools; Standards of Learning assessments.

Patron: Sturtevant

Summary: Reduces the total number and type of required Standards of Learning assessments to the minimum requirements established by the federal Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended.

Status: Passed by indefinitely in Education and Health with letter (15-Y 0-N)

SB 1235 Family life education; implementation of SOL for program.

Patron: Ebbin

Summary: Requires each local school board to implement the Standards of Learning for the family life education program developed by the Board of Education or a family life education program consistent with the guidelines developed by the Board.

Status: Passed by indefinitely in Education and Health (8-Y 7-N)

SB 1240 Virginia Virtual School Board; established, report.

Patron: Dunnivant

Summary: Establishes the Board of the Virginia Virtual School (the Board) as a policy agency in the executive branch of state government for the purpose of governing the full-time virtual school programs offered to students enrolled in the Virginia Virtual School (the School). The Secretary of Education is responsible for such agency. The 14-member Board is given operational control of the School and assigned powers and duties. Beginning with the 2019-2020 school year, the bill requires the School to be open to any school-age person in the Commonwealth and to provide an educational program meeting the Standards of Quality for grades kindergarten through 12, with a maximum enrollment of 5,000 students statewide. The bill requires the average state share of Standards of Quality per pupil funding for each enrolled student to be transferred to the School. This bill is identical to HB 1400.

Status: Vetoed by Governor

SB 1335 Electronic textbooks; prohibits local school boards from requiring use in any course in grades 6-12.

Patron: Surovell

Summary: Prohibits local school boards from requiring the use of any electronic textbook in any course in grades six through 12 unless the school board adopts a plan to ensure that by July 1, 2019, (i) each student enrolled in such course will have access to a personal computing device capable of supporting such textbooks and (ii) the relevant school has adequate connectivity, which the bill defines as bandwidth of at least one megabit per second per student.

Status: Passed by indefinitely in Education and Health with letter (15-Y 0-N)

SB 1376 Higher educational institutions, public; public notice of proposed undergraduate tuition increase.

Patron: Petersen

Summary: Prohibits the governing board of a public institution of higher education from approving an increase in undergraduate tuition or mandatory fees without first providing students and the public a projected range of the planned increase, an explanation of the need for the increase, and notice of the date and location of any vote on the increase at least 30 days prior to such vote.

Status: Approved by Governor

SB 1453 Firearms; prohibited at certain preschools and child day centers.

Patron: Lucas

Summary: Adds public, private, or religious preschools and child day centers that are not operated at the residence of the provider or of any of the children to the list of schools where possessing a firearm on school property or on a school bus is prohibited. Under current law, the list of such schools only includes public, private, or religious elementary, middle, or high schools.

Status: Passed by indefinitely in Finance (11-Y 5-N)

SB 1476 Education, Department of; training for hearing officers in teacher dismissal hearings.

Patron: McClellan

Summary: Requires the Department of Education to (i) develop and make available to each local school board a program of training for hearing officers who preside over teacher dismissal hearings that includes information on the statutory procedure for teacher dismissal hearings and (ii) develop, maintain, and make available to each local school board a list of hearing officers who have completed such program of training.

Status: Stricken at request of patron in Education and Health (14-Y 0-N)

SB 1516 Public schools; dyslexia advisor.

Patron: Black

Summary: Requires one reading specialist employed by each local school board that employs a reading specialist to have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and to have an understanding of the definition of dyslexia and a working knowledge of several topics relating to dyslexia. This bill is identical to HB 2395.

Status: Approved by Governor

SB 1523 Teachers turnover; exit questionnaire.

Patron: Mason

Summary: Requires the Department of Education to develop and oversee a pilot program to administer across five geographically and demographically diverse school divisions the model exit questionnaire for teachers developed by the Superintendent of Public Instruction, analyze the results of each such questionnaire, and include such results and analysis in the Superintendent's annual report beginning in 2018. The bill requires the

Department to (i) administer such questionnaire to each teacher who ceases to be employed by the relevant school board for any reason and (ii) collect, maintain, and report on the results of each such questionnaire in a manner that ensures the confidentiality of each teacher's name and other personally identifying information. This bill is identical to HB 2140.

Status: Approved by Governor

SB 1527 Virginia Guaranteed Assistance Program; changes to Program, Commonwealth Award grants.

Patron: Saslaw

Summary: Makes several changes to the Virginia Guaranteed Assistance Program, including adding requirements that (i) each student eligible for the Program receive a grant from the institution's appropriations for undergraduate student financial assistance before Commonwealth Award grants are awarded to students with equivalent remaining need, (ii) each eligible student receive a Program grant in an amount greater than Commonwealth Award grants awarded to students with equivalent remaining need, (iii) each eligible student receive a Program grant in an amount greater than the grant of each eligible student with equivalent remaining need in the next-lowest class level, and (iv) each Program grant be determined by a proportionate award schedule adopted by each institution and vary according to each student's remaining need and the total of tuition, fees, and other necessary charges, including books. This bill is identical to HB 2427.

Status: Approved by Governor

SB 1537 School board employees, certain; training program on bullying.

Patron: McPike

Summary: Requires each school board to require each school board employee in the local school division, including student support positions but excluding all other support services positions, to participate in a three-hour in-person or online training program on identifying, preventing, and responding to incidents of bullying. The bill requires each such training program to include information on bullying that is provided by the National Council for Behavioral Health. The bill has a delayed effective date of July 1, 2018.

Status: Passed by indefinitely in Education and Health (9-Y 6-N)

SB 1583 Teacher licensure; career and technical education, certain local waivers.

Patron: Suetterlein

Summary: Permits each local school board or division superintendent to waive certain enumerated licensure requirements for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education. This bill is identical to HB 1770.

Status: Approved by Governor

Health

HB 1420 Certificate of public need; repeals certain requirement involving psychiatric beds, etc.

Patron: Farrell

Summary: Repeals the requirement for a certificate of public need for certain projects involving mental hospitals or psychiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric, or psychological treatment and rehabilitation of individuals with substance abuse. The bill creates a new permitting process for such projects, exempted from the certificate of public need process, that requires the Commissioner of Health to issue a permit upon the agreement of the applicant to certain charity care conditions and quality of care standards.

Status: Left in Education and Health

HB 1467 Neonatal abstinence syndrome; Board of Health to adopt regulations to include as reportable disease.

Patron: Greason

Summary: Requires the Board of Health to adopt regulations to include neonatal abstinence syndrome on the list of diseases that shall be required to be reported. This bill is identical to SB 1323.

Status: Approved by Governor

HB 1549 Community services boards and behavioral health authorities; services to be provided, report.

Patron: Farrell

Summary: Provides that, effective July 1, 2019, the core of services provided by community services boards and behavioral health authorities shall include (i) same-day access to mental health screening services and (ii) outpatient primary care screening and monitoring services for physical health indicators and health risks and follow-up services for individuals identified as being in need of assistance with overcoming barriers to accessing primary health services. The bill provides that, effective July 1, 2021, the core of services provided by community services boards and behavioral health authorities additionally shall include (a) crisis services for individuals with mental health or substance use disorders, (b) outpatient mental health and substance abuse services, (c) psychiatric rehabilitation services, (d) peer support and family support services, (e) mental health services for members of the armed forces located 50 miles or more from a military treatment facility and veterans located 40 miles or more from a Veterans Health Administration medical facility, (f) care coordination services, and (g) case management services. The bill also requires the Department of Behavioral Health and Developmental Services to report annually regarding progress in the implementation of the bill. This bill is identical to SB 1005.

Status: Approved by Governor

HB 1567 Medicaid applications; information about advance directives.

Patron: Orrock

Summary: Requires all entities approved by the Board of Medical Assistance Services to receive applications and to determine eligibility for medical assistance to provide each applicant for medical assistance with information about advance directives pursuant to Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, including information about the purpose and benefits of advance directives and how the applicant may make an advance directive.

Status: Approved by Governor

HB 1762 Abortion; informed written consent required, civil penalty.

Patron: Marshall, R.G.

Summary: Provides that any woman seeking an abortion be provided with a written informed consent form at least 24 hours before the performance of the abortion. The bill also provides that such form must contain information regarding the risks of the woman developing placenta previa and placenta accreta in future pregnancies from the performance of a surgical abortion and the attendant consequences of those conditions. The bill increases from \$2,500 to \$5,000 the civil penalty for a physician who fails to comply with the provisions governing the woman's informed written consent.

Status: Left in Courts of Justice

HB 1813 Health insurance; assignment of benefits.

Patron: Leftwich

Summary: Prohibits insurers issuing individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis, corporations providing individual or group accident and sickness subscription contracts, health maintenance organizations providing health care plans for health care services, and dental services plans offering or administering prepaid dental services from refusing to accept assignments of benefits executed by covered individuals in favor of health care providers and hospitals. The measure defines an assignment of benefits as the transfer of health care coverage reimbursement benefits or other rights under an insurance policy, subscription contract, or health care plan by an insured, subscriber, or plan enrollee to a health care provider or hospital.

Status: Left in Commerce and Labor

HB 2060 Birth control; definition.

Patron: Watts

Summary: Adds a definition of birth control: "Birth control" means contraceptive methods that are approved by the U.S. Food and Drug Administration. Birth control shall not be considered abortion for the purposes of Title 18.2.

Status: Left in Courts of Justice

HB 2072 Nursing home family councils; rights of family members.

Patron: Watts

Summary: Provides that no family member of a resident of a nursing home or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility.

Status: Approved by Governor

HB 2153 Durable Do Not Resuscitate Orders; reciprocity.

Patron: Rasoul

Summary: Provides that a Durable Do Not Resuscitate order or other order regarding life-sustaining treatment executed in accordance with the laws of another state in which such order was executed shall be deemed to be valid and shall be given full effect in the Commonwealth.

Status: Approved by Governor

HB 2161 Opioids; workgroup to establish guidelines for prescribing.

Patron: Pillion

Summary: Requires the Secretary of Health and Human Resources to convene a workgroup that shall include representatives of the Departments of Behavioral Health and Developmental Services, Health, and Health Professions as well as representatives of the State Council of Higher Education for Virginia and each of the Commonwealth's medical schools, dental schools, schools of pharmacy, physician assistant education programs, and nursing education programs to develop educational standards and curricula for training health care providers, including physicians, dentists, optometrists, pharmacists, physician assistants, and nurses, in the safe and appropriate use of opioids to treat pain while minimizing the risk of addiction and substance abuse. The workgroup shall report its progress and the outcomes of its activities to the Governor and the General Assembly by December 1, 2017. The bill contains an emergency clause. This bill is identical to SB 1179.

Status: Approved by Governor

HB 2163 Buprenorphine without naloxone; prescription limitation.

Patron: Pillion

Summary: Provides that prescriptions for products containing buprenorphine without naloxone shall be issued only (i) for patients who are pregnant, (ii) when converting a patient from methadone to buprenorphine containing naloxone for a period not to exceed

seven days, or (iii) as permitted by regulations of the Board of Medicine or the Board of Nursing. The bill contains an emergency clause and has an expiration date of July 1, 2022. This bill is identical to SB 1178.

Status: Approved by Governor

HB 2183 Medicaid; eligibility of incarcerated individuals.

Patron: Yost

Summary: Directs the Department of Medical Assistance Services to convene a work group to identify and develop processes for streamlining the application and enrollment process for the Commonwealth's program of medical assistance services and the Family Access to Medical Insurance Security (FAMIS) program for eligible incarcerated individuals so that applicable services shall be available to such individuals immediately upon release from the correctional facility and to report its findings and recommendations by November 30, 2017.

Status: Approved by Governor

HB 2186 Whole Woman's Health Act; performance of abortions.

Patron: Boysko

Summary: Provides that a woman has a fundamental right to obtain a lawful abortion and that no statute or regulation shall be construed to prohibit the performance of an abortion prior to viability or if necessary to protect the life or health of the woman. The bill also provides that any statute that places a burden on a woman's access to abortion without conferring any legitimate health benefit is unenforceable. The bill expands who can perform first trimester abortions from physicians to any health care providers licensed by the Board of Medicine or the Board of Nursing. The bill eliminates the requirement that second trimester abortions be performed in a licensed hospital. The bill eliminates the requirement that two other physicians certify that a third trimester abortion is necessary to prevent the woman's death or impairment of her mental or physical health as well as the need to find that the woman's health would be substantially and irretrievably impaired. The bill eliminates all the procedures and processes, including the performance of an ultrasound, required to effect a woman's informed written consent to the performance of an abortion; however, the bill does not change the requirement that a woman's informed written consent is first obtained. The bill removes language classifying facilities that perform five or more first trimester abortions per month as hospitals for the purpose of complying with regulations establishing minimum standards for hospitals. The bill also removes the prohibition on the sale of health insurance policies that provide coverage for abortions through an exchange established or operated pursuant to the federal Patient

Protection and Affordable Care Act. The provisions of this bill are in response to the U.S. Supreme Court decision in *Whole Woman's Health v. Hellerstedt*, 136S. Ct. 2292 (2016).

Status: Left in Courts of Justice

HB 2225 Hospital data reporting; charity care policies and other activities, clarifies definition.

Patron: Head

Summary: Defines "charity care" as care provided in accordance with a provider's policy of providing health care services free of charge or at a reduced rate because of the indigence or medical indigence of the patient. The bill requires all hospitals, doctors of medicine and osteopathy, and dentists licensed to practice as oral and maxillofacial surgeons to whom a certificate of public need has been issued to establish charity care policies and post information about such policies in a public place; requires health care providers to submit to the Commissioner of Health data on the amount of charity care provided; provides that the value of charity care shall be determined in accordance with fee schedules for Medicare services established by Centers for Medicare and Medicaid Services (CMS); provides that in the case of a health care provider providing services at more than one facility, charity care shall be reported for each facility at which services are provided and shall not be aggregated by the provider; and requires not-for-profit hospitals to (i) conduct community needs assessments and develop strategies to meet the needs identified, (ii) establish financial assistance policies for patients, (iii) establish limits on charges for emergency and other medically necessary care for individuals eligible for assistance under the financial assistance policy, and (iv) ensure that the hospital does not engage in extraordinary actions to collect amounts owed before determining whether the person is eligible for financial assistance. The bill also requires not-for-profit hospitals to report annually to the Commissioner of Health.

Status: Incorporated by Education and Health (HB2101-Byron) (15-Y 0-N)

HB 2258 Suicide; task force to raise public awareness, etc.

Patron: Filler-Corn

Summary: Directs the Department of Behavioral Health and Developmental Services to report to the Governor and the General Assembly on its activities related to suicide prevention across the lifespan by December 1, 2017.

Status: Approved by Governor

HB 2264 Department of Health; restrictions on expenditure of funds related to abortions and family planning.

Patron: Cline

Summary: Prohibits the Department of Health from spending any funds on an abortion that is not qualified for matching funds under the Medicaid program or providing any grants or other funds to any entity that performs such abortions. The bill also prioritizes the types of entities that the Department of Health contracts with or provides grants to for family planning services.

Status: Vetoed by Governor

HB 2286 Abortion; informed written consent.

Patron: Ward

Summary: Provides that a woman seeking an abortion may waive in writing any requirement establishing a mandatory time period or mandating that a physician provide to or review with the woman specific information or materials before an abortion may be performed. The bill requires that a copy of such waiver be maintained in the woman's medical records. The bill also provides that, regardless of any waiver, a physician is still obligated to satisfy the applicable standard of care.

Status: Left in Courts of Justice

HB 2304 Long-term care; requirements of Department of Medical Assistance Services.

Patron: Orrock

Summary: Provides that the Department of Medical Assistance Services shall require all individuals who administer preadmission screenings for long-term care services to receive training on and be certified in the use of the Uniform Assessment Instrument; requires the Department to develop a program for the training and certification of preadmission screeners, develop guidelines for a standardized preadmission screening process, and strengthen oversight of the preadmission screening process to ensure that problems are identified and addressed promptly. The bill requires the Department to make a number of changes to contracts for long-term care services provided by managed care organizations; directs the Department to impose additional requirements related to submission of data and information by managed care organizations; and requires the Department to implement a number of spending and utilization control measures in conjunction with managed care organizations.

Status: Approved by Governor

HB 2317 Harm reduction programs; public health emergency, etc.

Patron: O'Bannon

Summary: Authorizes the Commissioner of Health (the Commissioner) to establish and operate local or regional comprehensive harm reduction programs during a declared public health emergency that include the provision of sterile and disposal of used hypodermic needles and syringes. The objectives of the programs are to reduce the spread of HIV, viral hepatitis, and other blood-borne diseases in Virginia, to reduce the transmission of blood-borne diseases through needlestick injuries to law-enforcement and other emergency personnel, and to provide information to individuals who inject drugs regarding addiction recovery treatment services. The programs will be located in at-risk communities, in accordance with criteria established by the Department of Health. The bill requires the Commissioner to establish standards and protocols for the comprehensive harm reduction programs and requires the Secretary of Health and Human Services and the Secretary of Public Safety to approve such standards and protocols.

The bill also provides that the Commissioner may authorize persons who are not otherwise authorized by law to dispense or distribute hypodermic needles and syringes to do so as part of a comprehensive harm reduction program during a declared public health emergency.

The bill requires the Department of Health to submit, to the Governor and to the General Assembly, a progress report concerning any such program established under this bill by October 1, 2018, and a report evaluating the effectiveness of any such program by October 1, 2019. The bill has an expiration date of July 1, 2020.

Status: Approved by Governor

HB 2384 Drinking water; lead levels.

Patron: Lopez

Summary: Directs the State Board of Health to adopt regulations establishing the action level for lead in drinking water as 10 parts per billion beginning January 1, 2018, and as five parts per billion beginning January 1, 2022. The bill authorizes the Board to establish lower action levels for lead in drinking water.

Status: Left in Health, Welfare and Institutions

HJ 587 Abortion; prosecution of mother not allowed for self-abortion.

Patron: Marshall, R.G.

Summary: Recognizes that Virginia law has never permitted the prosecution of the mother of an aborted child for performing an abortion on herself.

Status: Left in Rules

SB 877 Regulations governing hospitals; facilities performing abortions.

Patron: Favola

Summary: Removes language classifying facilities that perform five or more first trimester abortions per month as hospitals for the purpose of complying with regulations establishing minimum standards for hospitals.

Status: Passed by indefinitely in Education and Health (8-Y 7-N)

SB 885 Tests for infection with human immunodeficiency virus or hepatitis B, C virus; order of magistrate.

Patron: Locke

Summary: Allows a magistrate to issue an order requiring a person to provide a blood specimen for testing for human immunodeficiency virus or the hepatitis B or C virus when exposure to bodily fluids occurs between a person and a health care provider, person employed by or under the direction and control of a health care provider, law-enforcement officer, firefighter, emergency medical services personnel, or school board employee and the person whose blood specimen is sought refuses to consent to providing such specimen. Currently, only the general district court may issue such order.

Status: Stricken at request of patron in Education and Health (15-Y 0-N)

SB 935 Inpatient psychiatric hospital admission; defendant found incompetent.

Patron: Lucas

Summary: Removes the prohibition on inpatient psychiatric hospital admission for defendants who have already been ordered to receive treatment to restore their competency to stand trial. This bill incorporates SB 895 and is identical to HB 2462.

Status: Approved by Governor

SB 974 Palliative care information and resources.

Patron: Lucas

Summary: Requires the Department of Health to make information about and resources on palliative care available to the public, health care providers, and health care facilities on its website. This bill is identical to HB 1675.

Status: Approved by Governor

SB 981 Charity health care services; liability protection for administrators.

Patron: Stanley

Summary: Provides that persons who administer, organize, arrange, or promote the rendering of services to patients of certain clinics shall not be liable to patients of such clinics for any civil damages for any act or omission resulting from the rendering of such services unless the act or omission was the result of such persons' or the clinic's gross negligence or willful misconduct. This bill is identical to HB 1748.

Status: Approved by Governor

SB 1050 Virginia Foundation for Healthy Youth; mission.

Patron: Edwards

Summary: Expands the mission of the Virginia Foundation for Healthy Youth to include the reduction and prevention of substance use by youth in the Commonwealth. This bill is identical to HB 1751.

Status: Approved by Governor

SB 1323 Neonatal abstinence syndrome; Board of Health to adopt regulations to include as reportable disease.

Patron: Carrico

Summary: Requires the Board of Health to adopt regulations to include neonatal abstinence syndrome on the list of diseases that shall be required to be reported. This bill is identical to HB 1467.

Status: Approved by Governor

SB 1330 Critical incident stress management team; peer support team privileged communications.

Patron: Carrico

Summary: Provides that certain communications regarding a critical incident to a peer support team member are included in the critical incident stress management team privilege. Under current law, the privilege applies only to members of a critical incident stress management team. The bill specifies that a peer support team shall be headed by a Virginia-licensed clinical psychologist, Virginia-licensed psychiatrist, Virginia-licensed clinical social worker, or Virginia-licensed professional counselor with at least five years of experience as a mental health consultant who works directly with emergency medical services personnel or public safety personnel to meet the accreditation standards. Finally, the bill defines a critical incident as an incident that induces an abnormally high level of negative emotions in response to a perceived loss of control and is often related to a threat to the well-being of emergency medical services personnel or public safety personnel or to the well-being of another individual for whom such personnel has some obligation of personal or professional concern.

Status: Approved by Governor

SB 1424 Abortion; informed written consent.

Patron: Locke

Summary: Provides that a woman seeking an abortion may waive in writing any requirement establishing a mandatory time period or mandating that a physician provide to or review with the woman specific information or materials before an abortion may be performed. The bill requires that a copy of such waiver be maintained in the woman's medical records. The bill also provides that, regardless of any waiver, a physician is still obligated to satisfy the applicable standard of care.

Status: Passed by indefinitely in Education and Health (8-Y 7-N)

SB 1549 Abortions; informed written consent.

Patron: Wexton

Summary: Eliminates all the procedures and processes, including the performance of an ultrasound, required to effect a woman's informed written consent to the performance of an abortion; however, the bill does not change the requirement that a woman's informed written consent be first obtained. The bill reduces from two to one the number of consulting physicians who must certify that a third trimester abortion is necessary to prevent the woman's death or impairment of her mental or physical health and eliminates the need for

such physicians to find that the woman's health would be substantially and irretrievably impaired. The bill removes language classifying facilities that perform five or more first trimester abortions per month as hospitals for the purpose of complying with regulations establishing minimum standards for hospitals.

Status: Passed by indefinitely in Education and Health (8-Y 7-N)

SB 1562 Medicaid Supplemental Rate Fund; created.

Patron: Dunnavant

Summary: Creates the Medicaid Supplemental Rate Fund (the Fund) as a subfund of the Virginia Health Care Fund. Moneys in the Fund will be used to raise base Medicaid reimbursement rates for hospitals and health care providers in the Commonwealth. The bill requires nonprofit hospitals with over \$300 million in annual revenues to pay state and local sales and use taxes, and such sales tax revenues will be deposited into the Fund. Nonprofit hospitals are currently exempt from paying state and local sales and use tax.

Status: Passed by indefinitely in Finance with letter (16-Y 0-N)

Insurance

HB 1450 Health insurer/health maintenance organization; response to notice from pharmacy's intermediary.

Patron: Ware

Summary: Provides that if a pharmacy has provided notice through an intermediary of its agreement to accept reimbursements at rates applicable to preferred providers, the insurer or its intermediary may elect to respond directly to the pharmacy instead of the intermediary. The measure does not require a carrier to contract with a pharmacy's intermediary and does not prohibit an insurer or its intermediary from contracting with or disclosing confidential information to a pharmacy's intermediary.

Status: Approved by Governor

HB 1641 Insurance policy limits; disclosure, homeowners or personal injury liability insurance.

Patron: Loupassi

Summary: Allows an injured person, the personal representative of a decedent, or an attorney representing either to request the disclosure of the liability limits of a homeowners insurance policy or personal injury liability insurance policy prior to filing a civil action for personal injuries or wrongful death from injuries sustained at the residence of another

person. The party requesting this information shall provide the insurer with (i) the date the injury was sustained; (ii) the address of the residence at which the injury was sustained; (iii) the name of the owner of the residence; (iv) the claim number, if available; (v) for personal injury actions, the injured person's medical records, medical bills, and wage-loss documentation pertaining to the injury; and (vi) for wrongful death actions, (a) the decedent's death certificate; (b) the certificate of qualification of the personal representative of the decedent's estate; (c) the names and relationships of the statutory beneficiaries of the decedent; (d) medical bills, if any; and (e) a description of the source, amount, and payment history of the claimed income loss for each beneficiary. The bill provides that in personal injury actions, the insurer only has to disclose liability limits if the amount of the injured person's medical bills and wage losses equals or exceeds \$12,500. The bill also provides that disclosure of a policy's limits shall not constitute an admission that the alleged injury is subject to the policy. This bill is a recommendation of the Boyd-Graves Conference.

Status: Approved by Governor

HB 1656 Health insurance; proton radiation therapy coverage decisions.

Patron: Yancey

Summary: Prohibits health insurance policies and plans from holding proton radiation therapy to a higher standard of clinical evidence for benefit coverage decisions than is applied for other types of radiation therapy treatment. The measure applies to policies and plans that provide coverage for cancer therapy. The bill contains an emergency clause.

Status: Approved by Governor

HB 1835 Decedent's life insurance policy; funeral service provider allowed to request, etc.

Patron: Orrock

Summary: Allows a funeral service provider to request, and allows a life insurer to provide, information about a deceased person's life insurance policy, including the name and contact information of any beneficiaries of record. The measure does not require a life insurer to provide information that is confidential or protected. The bill requires a funeral service provider to whom such information is provided to make all reasonable efforts to contact all beneficiaries of record, if the beneficiary is not the decedent's estate, within four calendar days of receiving such information and provide to the beneficiaries all information provided to the funeral service provider by the insurance carrier. The bill also requires the funeral service provider to inform the beneficiaries that the beneficiary of a life insurance policy has no legal duty or obligation to pay any amounts associated with the provision of funeral services or the debts or obligations of the deceased.

Status: Approved by Governor

HB 1872 State employee health insurance plan; coverage for vision therapy.

Patron: Pogge

Summary: Requires the state employee health insurance plan to include coverage for vision therapy, defined in the bill as orthoptic or pleoptic training when medically necessary to diagnose, correct, or manage a vision disorder or dysfunction that results from traumatic brain injury, brain surgery, or stroke.

Status: Left in Appropriations

HB 2053 Direct primary care agreements; the Commonwealth's insurance laws do not apply.

Patron: Landes

Summary: Provides that direct agreement between a patient, the patient's legal representative, or the patient's employer and a health care provider for ongoing primary care services in exchange for the payment of a monthly periodic fee is not health insurance or a health maintenance organization, if patients are not required to pay monthly periodic fees prior to initiation of the direct agreement coverage period. The measure also provides that a health care provider who participates in a direct primary care practice may participate in a health insurance carrier network so long as the provider is willing and able to meet the terms and conditions of network membership set by the health insurance carrier. The measure establishes requirements for disclosures regarding direct primary care agreements. This bill is identical to SB 800.

Status: Approved by Governor

HB 2267 Health benefit plans; coverage for hormonal contraceptives.

Patron: Filler-Corn

Summary: Requires any health benefit plan that is amended, renewed, or delivered on or after January 1, 2018, that provides coverage for hormonal contraceptives to cover up to a 12-month supply of hormonal contraceptives when dispensed or furnished at one time for a covered person or at a location licensed or otherwise authorized to dispense drugs or supplies. Such a plan is prohibited, in the absence of clinical contraindications, from imposing utilization controls or other forms of medical management limiting the supply of hormonal contraceptives that may be dispensed or furnished by a provider or pharmacy, or at a location licensed or otherwise authorized to dispense drugs or supplies, to an amount that is less than a 12-month supply. The measure does not require a provider to prescribe, furnish, or dispense 12 months of self-administered hormonal contraceptives at one time. The measure also provides that it shall not be construed to exclude coverage for hormonal contraceptives as prescribed by a provider for reasons other than contraceptive purposes, such as decreasing the risk of ovarian cancer or eliminating symptoms of menopause, or for contraception that is necessary to preserve the life or health of an enrollee.

Status: Approved by Governor

HB 2400 Health insurance; use of drug pricing benchmark value.

Patron: Head

Summary: Requires health insurers and other carriers to utilize the same drug pricing benchmark value to reimburse providers, to charge the sponsor of a health plan, and to develop premiums for a health benefit plan. The measure defines a drug pricing benchmark value as the base price of a prescription drug from which the carrier may deviate for reimbursement purposes.

Status: Tabled in Commerce and Labor

HB 2411 Health insurance; reinstating pre-Affordable Care Act provisions.

Patron: Byron

Summary: Repeals provisions that were added, and restores provisions that were amended or repealed, by the General Assembly since 2011 in efforts to bring the laws of the Commonwealth in conformity with requirements of the federal Patient Protection and Affordable Care Act. The measure will become effective on the later of July 1, 2017, or the effective date of federal legislation repealing the Act.

Status: Vetoed by Governor

SB 994 Insurance assessments; refunds of overpayments.

Patron: Dance

Summary: Authorizes the State Corporation Commission to refund assessment overpayments to insurers and surplus line brokers without issuing a refund order. The measure conforms these procedures to other refunding provisions administered by the Bureau of Insurance.

Status: Approved by Governor

SB 1074 Automobile clubs; a service agreement offered by a club does not constitute insurance.

Patron: Sturtevant

Summary: Provides that a service agreement offered by an automobile club does not constitute insurance. The measure also provides that the types of services related to motor travel or to the operation, use, or maintenance of a motor vehicle that may be supplied by an automobile club are not limited to towing service, emergency road service, indemnification service, guaranteed arrest bond certificate service, discount service, financial service, theft service, map service, or touring service.

Status: Approved by Governor

SB 1158 Insurance; reciprocals.

Patron: Reeves

Summary: Allows a foreign reciprocal to obtain a license to transact the business of insurance in the Commonwealth if an affiliate of the foreign reciprocal is licensed to write the class of insurance it proposes to write in Virginia and is writing actively that class of insurance in its state of domicile or at least two other states. The measure also provides that a foreign or alien reciprocal is prohibited from transacting the business of insurance in Virginia until it obtains from the State Corporation Commission both a certificate of authority and a license to transact the business of insurance in the Commonwealth.

Status: Approved by Governor

SB 1166 Insurance; preauthorization for abuse-deterrent opioids.

Patron: Reeves

Summary: Requires any health carrier offering a health benefit plan that covers prescription drugs and applies a formulary to such coverage to offer in its formulary at least

two classes of abuse-deterrent opioids as a tier 1 option that does not require the prescribing provider to utilize a preauthorization process.

Status: Passed by indefinitely in Commerce and Labor with letter (14-Y 1-N)

SB 1213 Life and accident and sickness insurance; notice of lapse of policy, contract, or plan.

Patron: DeSteph

Summary: Requires that the policy owner, contract owner, or plan owner under an individual policy, contract, or plan of life insurance, an annuity, or accident and sickness insurance be sent written notice by registered or certified mail prior to the date that the policy, contract, or plan will lapse for failure to pay premiums due.

Status: Passed by indefinitely in Commerce and Labor (11-Y 3-N)

SB 1351 Medicare; supplement policies for individuals under age 65.

Patron: Deeds

Summary: Requires insurers issuing Medicare supplement policies in the Commonwealth to offer the opportunity of enrolling in a Medicare supplement policy to any individual who resides in the Commonwealth, is enrolled in Medicare Part B, and is under age 65 and eligible for Medicare by reason of disability.

Status: Stricken at request of Patron in Commerce and Labor (15-Y 0-N)

SB 1513 Health insurance; assignment of benefits.

Patron: Wagner

Summary: Prohibits insurers issuing individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis, corporations providing individual or group accident and sickness subscription contracts, health maintenance organizations providing health care plans for health care services, and dental services plans offering or administering prepaid dental services from refusing to accept assignments of benefits executed by covered individuals in favor of health care providers and hospitals. The measure defines an assignment of benefits as the transfer of health care coverage reimbursement benefits or other rights under an insurance policy, subscription contract, or health care plan by an insured, subscriber, or plan enrollee to a health care provider or hospital.

Status: Passed by indefinitely in Commerce and Labor with letter (15-Y 0-N)

Juvenile Justice/Minors

HB 1451 Social Services, Department of; survey for children aging out of foster care.

Patron: Farrell

Summary: Directs the Department of Social Services, in coordination with the Commission on Youth, to develop a process and standardized survey to gather feedback from children aging out of foster care.

Status: Approved by Governor

HB 1485 Sexual offenses; prohibits person from proximity to children and working on school property.

Patron: Bell, Richard P.

Summary: Includes in the list of certain sex offenses that prohibit a person convicted of such offenses from being or residing in proximity to schools and certain other property where children congregate or from working on school property any offense similar to such offenses under the laws of any foreign country or political subdivision thereof or the United States or any political subdivision thereof. The prohibition regarding residing in proximity to a school that is predicated upon an offense similar to any offense under the laws of any foreign country or any political subdivision thereof, or the United States or any political subdivision thereof, only applies to residences established on and after July 1, 2017.

Status: Approved by Governor

HB 1586 Court-ordered custody and visitation arrangements; transmission of order to child's school.

Patron: Campbell

Summary: Provides that, in any custody or visitation case in which an order prohibiting a party from picking a child up from school is entered, the court shall order a party to provide a copy of such order to the child's school within three business days of the receipt of the order. The bill requires that, where a custody determination affects a child's school enrollment, the court order a party to provide a copy of the custody order to the child's new school within three business days of the child's enrollment. The bill further provides that if the court determines that a party is unable to deliver the order to the school, such party shall provide the court with the name of the principal and address of the school, and the court shall cause the order to be mailed to such principal.

Status: Approved by Governor

HB 1604 Foster care; definitions, reasonable efforts to prevent removal of child.

Patron: Bell, Richard P.

Summary: Allows a local board of social services to take a child into immediate custody pursuant to an emergency removal order in cases in which the child is alleged to have been abused or neglected and allows a court to issue certain orders in such cases, without requiring that reasonable efforts be made to prevent removal of the child from his home if (i) the parental residual rights of the child's parent over a sibling were involuntarily terminated; (ii) the parent was convicted of murder or voluntary manslaughter, or a felony attempt, conspiracy, or solicitation to commit any such offense, if the victim was a child of or resided with the parent or was the other parent of the child; (iii) the parent was convicted of felony assault resulting in serious bodily injury or felony bodily wounding resulting in serious bodily injury or felony sexual assault, if the victim was a child of or resided with the parent; or (iv) on the basis of clear and convincing evidence, the parent has subjected any child to aggravated circumstances or abandoned a child under circumstances that would justify the termination of residual parental rights. The bill provides that, in each permanency planning hearing and in any hearing regarding the transition of the child from foster care to independent living, the court shall consult with the child, unless the court finds that such consultation is not in the best interests of the child. The bill makes other changes related to foster care to comply with federal requirements.

Status: Approved by Governor

HB 1751 Virginia Foundation for Healthy Youth; mission.

Patron: O'Bannon

Summary: Expands the mission of the Virginia Foundation for Healthy Youth to include the reduction and prevention of substance use by youth in the Commonwealth. This bill is identical to SB 1050.

Status: Approved by Governor

HB 1795 Adoptive and foster care placements; Mutual Family Assessment home study.

Patron: Bell, Richard P.

Summary: Requires that home studies conducted by local boards of social services to determine the appropriateness of an adoptive or foster placement comply with the Mutual Family Assessment home study template and any addenda thereto developed by the Department of Social Services. The bill authorizes the Department to amend or update its Mutual Family Assessment home study template and any addenda thereto when necessary to improve the process of adoptive and foster placements, provided that such amendments or updates do not lessen the requirements of the home study process.

Status: Approved by Governor

HB 1837 Private certified preschool or nursery school programs; licensure exemptions.

Patron: Orrock

Summary: Modifies the licensure exemption requirements for certified preschool programs operated by a private school that is accredited by an organization recognized by the Board of Education. The bill removes the list of accrediting associations from the licensure exemption language and provides a reference to the Code section that establishes the process for recognition of accrediting organizations by the Board of Education. The bill removes certain licensure exemption requirements that such preschool programs must meet and modifies others, including (i) increasing the amount of time children may attend such programs per day from four hours to five hours and (ii) lowering the minimum age of children permitted to attend the programs from age four to age three. The bill also allows the Commissioner of Social Services to inspect such preschool programs to ensure compliance with applicable requirements, either annually or in response to a complaint, and requires such schools to report all incidents involving serious injury to or death of a child attending the school.

Status: Approved by Governor

HB 1868 Child labor; tobacco farms.

Patron: Lopez

Summary: Prohibits any person from employing a child under the age of 18 to work in direct contact with tobacco plants or dried tobacco leaves unless (i) the owner of the farm or other location at which such work is conducted is the child's parent, grandparent, or legal guardian or (ii) the child's parent or legal guardian has consented in writing to such employment.

Status: Left in Commerce and Labor

HB 1940 Virginia Public Procurement Act; selection of pre-release and post-commitment services.

Patron: Carr

Summary: Exempts from the Virginia Public Procurement Act the selection of pre-release and post-commitment services by the Department of Juvenile Justice.

Status: Approved by Governor

HB 2027 Adoption fees and expenses, certain; creates income tax deduction and credit.

Patron: Freitas

Summary: Creates, for taxable years beginning on and after January 1, 2017, a refundable income tax credit for mandatory fees paid to the Commonwealth related to the adoption of a child within the Virginia foster care system and a deduction for any other costs or fees associated with the adoption of such child.

Status: Left in Finance

HB 2071 Juvenile records; expungement for certain felony larceny offenses.

Patron: Watts

Summary: Provides for the expungement of juvenile records for certain offenses that would be felony larceny if committed by an adult if the juvenile has not been adjudicated delinquent of any other felony larceny offense and the amount of the goods or chattels taken by the juvenile was less than \$750. Under current law, juvenile records of all delinquent acts that would be a felony if committed by an adult are retained.

Status: Left in Courts of Justice

HB 2162 Substance-exposed infants; study of barriers to treatment in Commonwealth.

Patron: Pillion

Summary: Directs the Secretary of Health and Human Resources (the Secretary) to convene a work group to study barriers to treatment of substance-exposed infants in the Commonwealth. Such work group shall include representatives of the Departments of Behavioral Health and Developmental Services and Health and Social Services and such other stakeholders as the Secretary may deem appropriate and shall (i) review current policies and practices governing the identification and treatment of substance-exposed infants in the Commonwealth; (ii) identify barriers to treatment of substance-exposed infants in the Commonwealth, including barriers related to identification and reporting of such infants, data collection, interagency coordination and collaboration, service planning, service availability, and funding; and (iii) develop legislative, budgetary, and policy recommendations for the elimination of barriers to treatment of substance-exposed infants in the Commonwealth. The Secretary shall report his findings to the Governor and the General Assembly by December 1, 2017. The bill contains an emergency clause.

Status: Approved by Governor

HB 2215 Adoption assistance; children with special needs.

Patron: Toscano

Summary: Moves the requirement that a child be a citizen or legal resident of the United States from the definition of "child with special needs" to the eligibility criteria for the adoptive parents of such child to receive adoption assistance. The bill modifies the exception to the eligibility requirement that efforts be made to place the child in an adoptive home without the provision of adoption assistance to include consideration of the child's best interest due to factors such as the child's development of significant emotional ties with his foster parents while in their care, provided that the foster parents wish to adopt the child. Under current law, the exception is limited to situations in which the child has developed emotional ties with his foster parents and the foster parents wish to adopt the child. The bill modifies other requirements for a child with special needs to receive certain types of adoption assistance and for a child who is between the ages of 18 and 21 to receive adoption assistance. The bill also provides that a representative of the Department of Social Services shall negotiate all adoption assistance agreements with both existing and prospective adoptive parents on behalf of local departments of social services.

Status: Approved by Governor

HB 2279 Child-protective services; complaints involving members of the United States Armed Forces.

Patron: Hester

Summary: Requires local departments of social services to transmit information regarding reports, complaints, family assessments, and investigations involving children of active duty members of the United States Armed Forces or members of their household to family advocacy representatives of the United States Armed Forces. Under current law, local departments of social services may transmit such information but are only required to transmit information regarding founded complaints or family assessments. This bill is identical to SB 1164.

Status: Approved by Governor

HB 2282 Children, trafficking of; guidelines for training school counselors, etc.

Patron: Leftwich

Summary: Requires the Board of Education to develop guidelines for training school counselors, school nurses, and other relevant school staff on the prevention of trafficking of children.

Status: Approved by Governor

HB 2287 Juvenile Justice, Department of; confidentiality of records.

Patron: Collins

Summary: Permits the Department of Juvenile Justice to disclose, at its discretion, the social reports and records of children who are committed to the Department to a gang task force, provided that its membership (i) consists of only representatives of state or local government or (ii) includes a law-enforcement officer who is present at the time of the disclosure. This bill is identical to SB 1288.

Status: Approved by Governor

HB 2318 Virginia Birth-Related Neurological Injury Compensation Program; removes certain conditions.

Patron: Stolle

Summary: Removes from the definition of "birth-related neurological injury" a provision that the definition shall apply retroactively to any child born on and after January 1, 1988, who suffers from an injury to the brain or spinal cord caused by the deprivation of oxygen or mechanical injury occurring in the course of labor, delivery, or resuscitation in the

immediate postdelivery period in a hospital. The measure includes an enactment clause stating that its provisions are declarative of existing law. The bill has a delayed effective date of January 1, 2018.

Status: Approved by Governor

SB 828 Family life education; certain curricula and standards of learning.

Patron: Wexton

Summary: Requires the Board of Education to include in its standards of learning for family life education standards for age-appropriate instruction in the prevention, recognition, and awareness of child abduction, child abuse, child sexual exploitation, and child sexual abuse. The bill also requires such standards to be taught in grades K through 12.

Status: Passed by indefinitely in Education and Health (8-Y 6-N)

SB 868 Child protective services; investigation of complaints of child abuse or neglect.

Patron: Favola

Summary: Requires the State Board of Social Services to promulgate regulations that require local departments of social services to respond to valid reports and complaints alleging suspected abuse or neglect of a child under the age of two within 24 hours of receiving such reports or complaints.

Status: Approved by Governor

SB 893 Firearm locks required for sale or transfer of handguns; warning against accessibility to children.

Patron: Howell

Summary: Makes it unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person (i) other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun, or (ii) unless the handgun is accompanied by a warning, in conspicuous and legible type in capital letters printed on a label affixed to the gun and on a separate sheet of paper included within the packaging enclosing the handgun, that handguns should be locked and kept away from children and that there may be civil and criminal liability for failing to do so. There are exceptions for law-enforcement and governmental agencies.

Status: Stricken at the request of Patron in Courts of Justice (14-Y 0-N)

SB 897 Child care providers; criminal history background check; penalty.

Patron: Wexton

Summary: Requires the following individuals to undergo a fingerprint-based national criminal history background check: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as their agents and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home. This bill is identical to HB 1568.

Status: Approved by Governor

SB 983 Children from birth to age five who are deaf, deaf-blind, or hard-of-hearing; parent resource.

Patron: Favola

Summary: Requires the Division of Special Education and Student Services of the Department of Education to (i) select, with input from an advisory committee that it establishes, language development milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf, deaf-blind, or hard-of-hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf, deaf-blind, or hard-of-hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a report, using existing data reported in compliance with the federally required state performance plan on students with disabilities, that compares the language and literacy development of children from birth to age five who are deaf, deaf-blind, or hard-of-hearing with the language and literacy development of their peers who are not deaf, deaf-blind, or hard-of-hearing and make such report available to the public on its website. The bill is a recommendation of the Disability Commission.

Status: Stricken at request of patron in Education and Health (15-Y 0-N)

SB 1050 Virginia Foundation for Healthy Youth; mission.

Patron: Edwards

Summary: Expands the mission of the Virginia Foundation for Healthy Youth to include the reduction and prevention of substance use by youth in the Commonwealth. This bill is identical to HB 1751.

Status: Approved by Governor

SB 1060 Female genital mutilation; criminal penalty and civil action.

Patron: Black

Summary: Makes it a Class 1 misdemeanor for any person to knowingly circumcise, excise, or infibulate the labia major, labia minora, or clitoris of a minor. The bill makes it a Class 1 misdemeanor for any parent, guardian, or other person responsible for the care of a minor to consent to such circumcision, excision, or infibulation. The bill also makes it a Class 1 misdemeanor for any parent, guardian, or other person responsible for the care of a minor to knowingly remove or cause or permit the removal of such minor from the Commonwealth for the purposes of performing such circumcision, excision, or infibulation. The bill also provides a civil cause of action for any person injured by such circumcision, excision, or infibulation. The bill provides that any of these offenses shall be a separate and distinct offense and shall not preclude prosecution under any other statute.

Status: Approved by Governor

SB 1072 Sex offenses prohibiting proximity to children; penalty.

Patron: Deeds

Summary: Includes in the list of certain sex offenses that prohibit a person from being within 100 feet or residing within 500 feet of a school or certain other property frequented by children or from working on school property any offense similar to such sex offenses under the laws of any foreign country or political subdivision thereof, any federally recognized Native American tribe or band, or the United States or any political subdivision thereof.

Status: Passed by indefinitely in Finance (16-Y 0-N)

SB 1152 Juvenile offenders; parole eligibility.

Patron: Marsden

Summary: Provides that any person sentenced to a term of life imprisonment for a single or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentence, or any person who has active sentences that total more than 25 years for a single or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentences, shall be eligible for parole.

Status: Left in Courts of Justice

SB 1164 Child-protective services; complaints involving members of the United States Armed Forces.

Patron: Reeves

Summary: Requires local departments of social services to transmit information regarding reports, complaints, family assessments, and investigations involving children of active duty members of the United States Armed Forces or members of their household to family advocacy representatives of the United States Armed Forces. Under current law, local departments of social services may transmit such information but are only required to transmit information regarding founded complaints or family assessments. This bill is identical to HB 2279.

Status: Approved by Governor

SB 1266 Firearms; access by children, penalty.

Patron: Ebbin

Summary: Provides that it is a Class 1 misdemeanor to knowingly authorize a child age four or younger to use or handle a firearm.

Status: Passed by indefinitely in Courts of Justice (8-Y 7-N)

SB 1288 Juvenile Justice, Department of; confidentiality of records.

Patron: McDougle

Summary: Permits the Department of Juvenile Justice to disclose, at its discretion, the social reports and records of children who are committed to the Department to a gang task force, provided that its membership (i) consists of only representatives of state or local government or (ii) includes a law-enforcement officer who is present at the time of the disclosure. This bill is identical to HB 2287.

Status: Approved by Governor

SB 1343 Guardian ad litem; reimbursement for cost.

Patron: Surovell

Summary: Codifies the requirement that, for cases in which a guardian ad litem has been appointed to represent a child, a judge shall order a parent, or other party with a legitimate interest who has filed a petition in such case, to reimburse the Commonwealth for the costs of the guardian. The bill provides that if a party is unable to pay, the judge may reduce or eliminate the reimbursement. The bill further provides that the Executive Secretary of the Supreme Court shall administer the guardian ad litem program and report semiannually to the money committees the amounts paid and the amounts reimbursed under the program. This bill incorporates SB 1488.

Status: Approved by Governor

SB 1505 Child support orders; placement in temporary custody of or commitment to Dept. of Juvenile Justice.

Patron: Marsden

Summary: Provides that if a child subject to a child support order issued by a court or administrative agency is placed in the temporary custody of or committed to the Department of Juvenile Justice, such child support order shall be stayed as of the date of receipt of the juvenile by the Department and shall resume upon the juvenile's release from the custody of or commitment to Department. The bill requires the Department to notify the court or administrative agency that issued the child support order of such a placement or commitment of the juvenile and of the release of the juvenile from the custody of or commitment to the Department.

Status: Passed by indefinitely in Courts of Justice with letter (10-Y 0-N)

SB 1560 Child pornography; accused person possesses and produces pornography, penalties.

Patron: Norment

Summary: Possession of child pornography where the accused has produced the child pornography; penalties. Provides that any person who knowingly possesses child pornography that he has produced shall be punished by not less than five years nor more than 20 years in a state correctional facility, two years of which shall be a mandatory minimum term of imprisonment. The bill also provides that any person who knowingly (i) reproduces by any means, sells, gives away, distributes, electronically transmits, displays, purchases, or possesses with intent to sell, give away, distribute, transmit, or display child pornography that he has produced or (ii) commands, entreats, or otherwise attempts to persuade another person to send, submit, transfer, or provide to him any child pornography in order to gain entry into a group, association, or assembly of persons engaged in trading or sharing child pornography that he has produced shall be punished by not less than five years nor more than 20 years in a state correctional facility, five years of which shall be a mandatory minimum term of imprisonment. A second or subsequent offense involving the reproduction or attempts to persuade another person to send child pornography that was produced by the offender shall be punished by not less than 10 years nor more than 20 years in a state correctional facility, 10 years of which shall be a mandatory minimum term of imprisonment. The bill provides that any violation involving child pornography that the accused has produced constitutes a separate and distinct offense from other production of child pornography offenses.

Status: Failed to report (defeated) in Courts of Justice (5-Y 9-N)

SB 1592 Juvenile & domestic relations district court; jurisdiction over juveniles not present in U.S.

Patron: Black

Summary: Prohibits the juvenile and domestic relations district court from making a determination that it is not in a juvenile's best interest to return to his home country when such juvenile is not lawfully present in the United States and when the purpose of making such determination is for the juvenile's eligibility for special immigrant juvenile classification. The bill exempts decisions made by the court for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act and the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption of 1993, as amended.

Status: Stricken at the request of Patron in Courts of Justice (10-Y 0-N)

Labor and Employment

HB 1394 Franchisees; status thereof and its employees as employees of the franchisor.

Patron: Head

Summary: Provides that, notwithstanding any voluntary agreement between the U.S. Department of Labor and the franchisee or franchisor, neither a franchisee nor a franchisee's employee shall be deemed to be an employee of the franchisee's franchisor. The measure also provides that this exclusion does not apply with respect to a specific claim for relief made by a franchisee or a franchisee's employee if the franchisor has been found by a court of competent jurisdiction to have exercised a type or degree of control over the franchisee or the franchisee's employees not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

Status: Vetoed by Governor

HB 1444 Minimum wage; increases minimum wage from its current federally mandated level.

Patron: Rasoul

Summary: Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$10.00 per hour effective July 1, 2017, to \$12.50 per hour effective July 1, 2019, and to \$15.00 per hour effective July 1, 2021, unless a higher minimum wage is required by the federal Fair Labor Standards Act.

Status: Left in Commerce and Labor

HB 2190 Wage or salary history; inquiries prohibited, civil penalty.

Patron: Boysko

Summary: Prohibits a prospective employer from (i) requiring as a condition of employment that a prospective employee provide or disclose the prospective employee's wage or salary history or (ii) seeking the wage or salary history of a prospective employee from the prospective employee's current or former employers. Violations are subject to a civil penalty not to exceed \$100 per violation.

Status: Tabled in Commerce and Labor

HB 2202 Employment; abusive work environment.

Patron: Torian

Summary: Prohibits an employer from (i) permitting an employee to be subjected to an abusive work environment, (ii) subjecting an employee to an abusive work environment, or (iii) retaliating against an employee because the employee brings or participates in an action, investigation, or proceeding related to the abusive work environment. The measure also prohibits the employer's agent or a coworker from subjecting an employee to an abusive work environment. The bill defines "abusive work environment" as a workplace in which an employee is subjected to abusive conduct severe enough to cause physical or psychological harm. The bill provides that an aggrieved employee may bring a private cause of action. In such a proceeding, the court may order injunctive relief; reinstatement; removal of any offending party from the employee's work environment; compensation for lost wages, benefits, and other remuneration; compensation for medical costs and emotional duress; punitive damages; and reasonable costs and attorney fees. Punitive damages are not allowed if the violation does not include an adverse employment action against the employee or result in lost work time, earnings, or other benefits.

Status: Stricken from docket by Commerce and Labor

HB 2283 Wages; cause of action against an employer for nonpayment.

Patron: Krizek

Summary: Provides that an employee has cause of action against an employer who fails to pay wages. The measure provides that if the court finds that the employer failed to pay wages, it shall award the employee the amount of wages due, plus interest at eight percent annually from the date the wages were due, reasonable attorney fees, and other costs. In addition, if the court finds that the employer's failure to pay wages was willful and with intent to defraud the employee, the court is required to award the employee an additional sum equal to the amount of wages due.

Status: Left in Courts of Justice

HB 2309 Minimum wage; increases wage to \$11 per hour effective July 1, 2017.

Patron: Simon

Summary: Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$11 per hour effective July 1, 2017, and to \$15 per hour effective July 1, 2019, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). Effective July 1, 2020, the minimum wage shall be adjusted annually to reflect the increase in the Consumer Price Index over the most recent calendar year. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA.

Status: Left in Commerce and Labor

HB 2419 Call centers; relocation to a foreign country.

Patron: Heretick

Summary: Requires certain call centers that intend to relocate operations from the Commonwealth to a foreign country to give the Commissioner of Labor and Industry at least 120 days' prior notice. An employer that fails to do so is subject to a civil penalty not to exceed an amount of \$10,000 for each day of the violation. The measure requires new state agency contracts for the performance of state business-related call center and customer service work to provide that such work shall be performed entirely within the Commonwealth. Finally, the measure requires that, to the extent permitted, (a) state contractors who perform state business-related call center and customer service work outside the Commonwealth under an existing contract perform such work entirely within the Commonwealth by July 1, 2019, and (b) any new customer service employees hired to work under an existing contract be employed within the Commonwealth.

Status: Tabled in Commerce and Labor

HB 2428 Workforce Transition Act; eligibility.

Patron: Robinson

Summary: Provides that employees of the Virginia College Savings Plan are eligible for transitional severance benefits conferred by the Workforce Transition Act.

Status: Approved by Governor

SB 785 Minimum wage; increases wage from its current level to \$8.00 per hour effective July 1, 2017.

Patron: Marsden

Summary: Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$8.00 per hour effective July 1, 2017, to \$9.00 per hour effective July 1, 2018, to \$10.10 per hour effective July 1, 2019, and to \$11.25 per hour effective July 1, 2020, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). The measure also provides that the cash wage paid to a tipped employee shall not be less than 50 percent of the minimum wage and that the tip credit shall equal the difference between the cash wage required to be paid to a tipped employee and the minimum wage.

Status: Passed by indefinitely in Commerce and Labor (11-Y 3-N)

SB 824 Sick leave for employees; private employers to give to each full-time employee paid sick days, etc.

Patron: Wexton

Summary: Requires private employers to give to each full-time employee paid sick days. Paid sick days would accrue at a rate of no less than one hour for every 50 hours worked in 2018 or, if an employer commences operations in 2018 or thereafter, in the employer's first year of operations. In subsequent years, paid sick days would accrue at a rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the ninetieth calendar day of employment. The bill would require an employer to provide paid sick days, upon the request of the employee, for diagnosis, care, or treatment of health conditions of the employee or the employee's family member. The bill would prohibit an employer from discriminating or retaliating against an employee who requests paid sick days. The bill would authorize the Commissioner to impose specified civil penalties for violations. The Commissioner would be authorized to bring an action to recover specified civil penalties against an offender. The Commissioner would also be able to recover attorney fees of one-third of the amount set forth in the final order or judgment. The measure would not apply to employees covered by a collective bargaining agreement that provides for paid sick days, nor would it lessen any other obligations of the employer to employees.

Status: Passed by indefinitely in Commerce and Labor (11-Y 4-N)

SB 1080 Equal pay irrespective of sex.

Patron: Wexton

Summary: Amends the existing law requiring equal pay for equal work irrespective of sex to (i) prohibit unequal provision of benefits and privileges; (ii) prohibit employers from punishing employees for sharing salary information with their coworkers; and (iii) authorize a court to award reasonable attorney fees and costs to an employee who substantially prevails on the merits in an action for wrongful withholding of wages, benefits, or privileges. The measure also deletes the exemption for employers covered by the federal Fair Labor Standards Act from the Commonwealth's prohibition on discrimination in the payment of wages on the basis of sex.

Status: Passed by indefinitely in Commerce and Labor (10-Y 5-N)

SB 1100 New Economy Workforce Credential Grant Program; reporting by SCHEV on Program.

Patron: Newman

Summary: Requires the State Council of Higher Education for Virginia to include in its annual report on the New Economy Workforce Credential Grant Program information on the wages of students who have completed noncredit workforce training programs, organized by credential name and relevant industry sector and including average wage and other relevant information.

Status: Approved by Governor

SB 1412 Adoption; leave benefit.

Patron: Suetterlein

Summary: Creates a new program of parental leave benefits for full-time state employees with one or more years of continuous employment with the Commonwealth who (i) adopt an infant under one year of age or (ii) are the natural father of an infant under one year of age. The amount of leave would be equivalent to the amount of paid leave awarded to an employee pursuant to short-term disability for maternity leave. The bill specifies that the parental leave coverage shall apply only to eligible state employees who take custody of an infant in the course of an adoption on or after July 1, 2018, or, for a natural father, for an infant born on or after July 1, 2018. The Department of Human Resource Management is directed to develop guidelines and policies for implementing the parental leave benefits. The bill also directs the Joint Legislative Audit and Review Commission to analyze parental leave benefits for state employees in other states and the costs of providing such

benefits to the employees of the Commonwealth. The bill has a reenactment clause that applies to all provisions of the bill except the JLARC study, which is effective July 1, 2017.

Status: Approved by Governor

Pensions, Benefits & Retirement

HB 1645 State Sickness and Disability Program; benefits.

Patron: Loupassi

Summary: Eliminates the one-year waiting period for eligibility for disability benefits for vested local government employees commencing employment in a state position covered under the Virginia Retirement System (VRS), State Police Officers' Retirement System, Virginia Law Officers' Retirement System, or the hybrid retirement program. Under current law, employees who enter state service on or after July 1, 2009, are required to wait one year before they can receive benefits under the state sickness and disability program for nonwork related disabilities. The bill eliminates this waiting period for local government employees who have at least five years of creditable service under VRS (including the hybrid retirement program) or the Law Enforcement Officers' Retirement System (LEORS) upon commencing employment in a state position with no break in service. In addition, for purposes of determining the disability benefit payable, the bill provides that any such employee upon entering state service will be deemed to have a beginning balance of months of state service equal to the number of months of VRS or LEORS creditable service credited to him as of his beginning employment date.

The provisions of the bill do not affect disability benefits payable or eligibility for such benefits relating to illnesses or injuries occurring prior to July 1, 2017.

Status: Left in Appropriations

HB 1768 Virginia Retirement System; stress testing and reporting policies.

Patron: Garrett

Summary: Requires the Virginia Retirement System (VRS) to formally adopt stress testing and additional reporting policies. The bill requires VRS to analyze and regularly report on projections of benefit levels, pension costs, liabilities, and debt reduction under various scenarios; to provide a detailed online statement of investment policy and include investment performance data in certain timeframes up to 25 years; and to report investment performance and expenses such as carried interest fees.

Status: Approved by Governor

HB 2204 My Virginia Plan Program; created, retirement plans for employees of private employers.

Patron: Torian

Summary: Directs the Department of the Treasury (the Department) to create the My Virginia Plan Program (the Program) to enable private employers to connect with financial services firms that offer retirement plans. The bill provides that participation in a plan offered through the Program is voluntary for employers and their employees. The bill requires the Department to review and approve financial services firms to offer retirement plans through the Program and create a website for employers to obtain information on how to participate. The bill provides that the Department ensure that the Program provides a range of investment options to meet the needs of investors with various levels of risk tolerance and various ages. The bill authorizes the Department to charge fees to participating financial services firms to recoup start-up and ongoing costs. The bill prohibits financial services firms from charging any administrative fees to employers.

Status: Tabled in Commerce and Labor

HB 2251 Virginia Retirement System; establishes an optional defined contribution retirement plan.

Patron: Jones

Summary: Requires the Virginia Retirement System (VRS) to establish an optional defined contribution retirement plan for state and local employees. Participation in the plan is in lieu of other retirement plans offered by VRS. Employees hired on or after July 1, 2019, shall make an irrevocable election whether to participate in the plan. If such employee elects to participate in the new plan, his retirement plan at the time of election will be "frozen" and not increase because of compensation earned or years of service earned while participating in the new plan. The employer's contribution becomes fully vested upon the employee's completion of five years of continuous participation.

Status: Failed to pass

HB 2294 Health insurance; credits for retired school division employees.

Patron: McQuinn

Summary: Requires school divisions to provide a health insurance credit of \$4 per year of service to all retired members of local school divisions with at least 15 years of total creditable service. Currently, the \$4 per year health insurance credit is provided only to teachers, and non-teacher school division employees are eligible for a credit of \$1.50 per year of service, capped at \$45 per month, if the locality has elected such coverage. An enactment clause provides that this measure does apply to any local school division employee who retired on disability prior to July 1, 2017, if this measure would reduce the monthly credit currently payable to such former member. Eligible employees who retired prior to July 1, 2017, but who did not receive a health insurance credit prior to that date will only receive the \$4 per year health insurance credit prospectively.

Status: Left in Appropriations

HB 2314 Virginia Personnel Act; equal pay for equal work, policy of the Commonwealth.

Patron: Boysko

Summary: Provides that it is the policy of the Commonwealth that there shall be no discrimination between state employees on the basis of sex by paying wages to state employees at a rate less than the rate at which it pays wages to state employees of the opposite sex for equal work on jobs, the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system, (ii) a merit system, (iii) a system that measures earnings by quantity or quality of production, or (iv) a differential based on any other factor other than sex. The bill also requires the Department of Human Resource Management to establish and administer a program to ensure equal pay for equal work to state employees in all incidents of employment as provided in the Virginia Personnel Act. The bill contains technical amendments.

Status: Left in General Laws

SB 879 Retired circuit court judges under recall; qualification by Committees for Courts of Justice.

Patron: Stuart

Summary: Requires that retired circuit court judges sitting as substitutes be found qualified every three years by the Courts Committees instead of authorized by the Chief Justice. The bill provides that the Chief Justice may call upon and authorize any circuit court judge whose retirement becomes effective during the interim period between

regularly scheduled sessions of the General Assembly to sit in recall. The bill has a delayed effective date of July 1, 2018.

Status: Left in Courts of Justice

SB 896 Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board; meetings.

Patron: Ruff

Summary: Requires the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board to meet at least annually. Current law requires the Board to meet at least quarterly.

Status: Approved by Governor

SB 1071 Virginia Law Officers' Retirement System; conservation officers.

Patron: Deeds

Summary: Adds conservation officers of the Department of Conservation and Recreation as members of the Virginia Law Officers' Retirement System. The bill makes conservation officers eligible to accrue retirement benefits under the Virginia Law Officers' Retirement System only for creditable service on and after July 1, 2017.

Status: Passed by indefinitely in Finance (15-Y 0-N)

SB 1076 My Virginia Plan Program; retirement plans for employees of private employers.

Patron: Ruff

Summary: Directs the Department of the Treasury (the Department) to create the My Virginia Plan Program (the Program) to enable private employers to connect with financial services firms that offer retirement plans. The bill provides that participation in a plan offered through the Program is voluntary for employers and their employees. The bill requires the Department to review and approve financial services firms to offer retirement plans through the Program and create a website for employers to obtain information on how to participate. The bill provides that the Department ensure that the Program provides a range of investment options to meet the needs of investors with various levels of risk tolerance and various ages.

Status: Stricken at request of Patron in General Laws and Technology (13-Y 0-N)

SB 1181 Virginia Retirement System; return to employment by retired public safety employees.

Patron: Reeves

Summary: Authorizes a person retired from a public safety position and receiving a service retirement allowance to continue to receive such retirement allowance if rehired in a position covered for retirement purposes. The bill provides that such new employment does not affect the person's retirement benefit and that such employee is not eligible to participate in the cash match plan, the group insurance program, or the sickness and disability program.

Status: Passed by indefinitely in Finance with letter (14-Y 1-N)

Person with Disabilities

HB 1441 Incapacitated persons; expands class of victims of crime of financial exploitation.

Patron: Kory

Summary: Expands the class of victims of the crime of financial exploitation of incapacitated persons to include persons incapacitated due to physical illness or disability, advanced age, or other causes. The current law applies only to victims who suffer from mental incapacity. The bill also allows for forfeiture of personal property used in connection with the crime.

Status: Left in Courts of Justice

HB 1510 Appointment of guardian ad litem in civil cases.

Patron: Lindsey

Summary: Requires the court to appoint a guardian ad litem for a person under a disability who is a party in a civil case. Current law requires the appointment only for a person under a disability who is a party defendant.

Status: Left in Courts of Justice

HB 1716 Alzheimer's Disease and Related Disorders Commission; extends sunset provision.

Patron: Anderson

Summary: Extends the sunset date of the Alzheimer's Disease and Related Disorders Commission from July 1, 2017, to July 1, 2020, and makes a technical correction to the reporting requirement of the Commission. This bill is identical to SB 869.

Status: Approved by Governor

HB 1775 Persons with developmental disabilities; terminology.

Patron: Hodges

Summary: Corrects numerous sections of the Code of Virginia by replacing the term "intellectual disability" with "developmental disabilities" as appropriate.

Status: Approved by Governor

HB 1947 Guardians; temporary delegation of powers regarding an incapacitated person.

Patron: Peace

Summary: Allows a court to authorize a guardian appointed for an incapacitated person to delegate any of his powers regarding the incapacitated person to another person 18 years of age or older. The court's order may further specify individuals to whom the guardian is prohibited from delegating such powers. The bill requires that any such delegation made pursuant to such authorization be a single period no longer than 90 days within a 12-month period. The bill requires that any such delegation made be in writing, be signed by the guardian, and be attested to by two witnesses. The person to whom the powers are delegated must also provide written acceptance of such delegation.

Status: Left in Courts of Justice

HB 1966 Education improvement scholarships tax credit; eligibility & benefits for certain students.

Patron: Massie

Summary: Expands the education improvement scholarships tax credit program by removing the requirement that a child with a disability be a student enrolled or recently enrolled in public school in order to be eligible. The bill reduces the penalty for failure to fully disburse all donations received from 200 percent to 100 percent of unused donations. The bill increases the scholarship amount available for an eligible child with a disability from 100 percent to 400 percent of the per-pupil amount distributed to the local school division as the state's share of the standards of quality costs.

Status: Stricken from docket by Finance

HB 2109 Persons with disabilities; expands definition of "service dog."

Patron: Kory

Summary: Expands the definition of "service dog" to include dogs trained to assist persons with a disability by providing (i) therapeutic contact to help with depression, anxiety, or certain phobias, or to improve physical or cognitive functioning, or (ii) emotional support, well-being, comfort, or companionship.

Status: Left in Health, Welfare and Institutions

HB 2175 Income tax, state; subtraction for military veterans with a service-connected disability.

Patron: Miyares

Summary: Establishes for taxable years beginning January 1, 2017, an individual income tax subtraction, for purposes of computing Virginia adjusted gross income, for the military retirement income of veterans with a 100 percent service-connected disability. The bill provides that the subtraction is available only for taxpayers whose federal adjusted gross income does not exceed 250 percent of the federal poverty level for a four-person household.

Status: Left in Finance

HB 2205 Students with blindness or visual impairments; changes to certain provisions.

Patron: Stolle

Summary: Makes several changes to provisions relating to students with blindness or visual impairments, including (i) requiring a learning media assessment (LMA) to be administered as part of the initial evaluation and each reevaluation of each student with blindness or visual impairments or more frequently, if such student's Individualized Education Program (IEP) team so determines and requiring instruction in Braille reading and writing and accommodations for materials in Braille to be included in the IEP of a student with blindness or visual impairments commensurate with his IEP team's determination of his needs based upon the results of such LMA and (ii) requiring the Virginia Department for the Blind and Vision Impaired to assist the Board of Education and each local school board with ongoing professional development for teachers of students with blindness or visual impairments, including knowledge of and instruction in Braille and the administration and evaluation of LMAs.

Status: Stricken from docket by Education

HB 2425 Administration, Secretary of; policy of the Commonwealth regarding state employment.

Patron: Anderson

Summary: Provides that it is the policy of the Commonwealth to promote and increase the employment of individuals with disabilities. To further this policy, the bill establishes a goal to increase by five percent the level of individuals with disabilities employed by state government by fiscal year 2023. The bill designates the Secretary of Administration to coordinate efforts to achieve the goal and requires the Secretary to establish a reporting system for tracking and reporting the progress of state agencies toward meeting the employment goals and to report annually on the number of individuals with disabilities employed by the state. The bill requires each state agency to submit a plan to increase employment opportunities for individuals with disabilities to the Secretary no later than December 31, 2017, and each July 1 thereafter. This bill is identical to SB 1530.

Status: Approved by Governor

HJ 562 Constitutional amendment; real property tax exemption for spouse of disabled veteran.

Patron: Miyares

Summary: Provides that the real property tax exemption for the principal residence of the surviving spouse of a disabled military veteran applies without any restriction on the spouse's moving to a different principal place of residence.

Status: Approved by Governor

HJ 782 Election of a Court of Appeals of Virginia Judge, Circuit Court Judges, General District Court Judge

Patron: Loupassi

Summary: Election of a Court of Appeals of Virginia Judge, Circuit Court Judges, General District Court Judges, Juvenile and Domestic Relations District Court Judges, members of the Judicial Inquiry and Review Commission, a member of the Virginia Workers' Compensation Commission, and the Auditor of Public Accounts.

Status: Agreed to by Senate (40-Y 0-N)

SB 869 Alzheimer's Disease and Related Disorders Commission; sunset.

Patron: Ruff

Summary: Extends the sunset date of the Alzheimer's Disease and Related Disorders Commission from July 1, 2017, to July 1, 2020, and makes a technical correction to the reporting requirement of the Commission. This bill is identical to HB 1716.

Status: Approved by Governor

SB 1024 Doctor of medicine, etc.; reporting disabilities of drivers to DMV, not subject to civil liability.

Patron: Dunnavant

Summary: Provides that any doctor of medicine, osteopathy, chiropractic, or podiatry or any nurse practitioner, physician assistant, optometrist, physical therapist, or clinical psychologist who reports to the Department of Motor Vehicles the existence, or probable existence, of a mental or physical disability or infirmity of any person licensed to operate a motor vehicle that the reporting individual believes affects such person's ability to operate a motor vehicle safely is not subject to civil liability or deemed to have violated the practitioner-patient privilege unless he has acted in bad faith or with malicious intent. This bill is identical to HB 1514.

Status: Approved by Governor

SB 1077 Disabled parking placards; certification by mental health professional to DMV a person's disability.

Patron: Deeds

Summary: Allows mental health professionals to certify to the Department of Motor Vehicles a person's disability that limits or impairs his ability to walk for the purpose of obtaining a disabled parking placard.

Status: Left in Transportation

SB 1199 Blind parents; custody or visitation rights.

Patron: Favola

Summary: Provides that a blind parent's blindness, as defined in the bill, shall not be the sole basis of the denial or restriction of such parent's custody or visitation rights. The bill requires a party who alleges that a parent's blindness should be a factor to be considered to not be in the best interests of the child, or should otherwise be a reason to deny or restrict such a parent's custody or visitation rights, to prove by clear and convincing evidence that the child's best interests would not be met or served due to such parent's blindness. The bill allows a blind parent to demonstrate how supportive parenting services would appropriately address any threats to the child's best interests and further allows that such services be ordered by the court. The bill requires a court to make findings where the court denies or restricts custody or visitation of a blind parent or where supportive parenting services are not ordered, and to provide such findings in an accessible format. The same requirements apply to the denial of approval of a blind prospective foster parent, or removal

of a child from a blind foster parent's home, and to the denial of a final order of adoption wherein the prospective adoptive parent is blind.

Status: Left in Courts of Justice

SB 1249 Income tax, state; credit for certain disabled veterans, etc.

Patron: Stuart

Summary: Provides a refundable income tax credit in the amount of \$4,000 to any disabled veteran and his surviving spouse, and to the surviving spouse of a member of the armed services killed in action, who are otherwise eligible for the real property tax exemption on their primary residence except that they do not own their primary residence.

Status: Stricken at request of Patron in Finance (16-Y 0-N)

SB 1428 Education improvement scholarships tax credit; eligibility of students with a disability.

Patron: Stanley

Summary: Expands the education improvement scholarships tax credit program by removing the requirement that a child with a disability be a student enrolled or recently enrolled in public school in order to be eligible. The bill reduces the penalty for failure to fully disburse all donations received from 200 percent to 100 percent of unused donations.

Status: Left in Finance

SB 1477 Students with blindness or visual impairments; evaluation of students, Braille instruction.

Patron: McClellan

Summary: Makes several changes to provisions relating to students with blindness or visual impairments, including (i) requiring a learning media assessment (LMA) to be administered as part of the initial evaluation and each reevaluation of each student with blindness or visual impairments or more frequently, if such student's Individualized Education Program (IEP) team so determines and requiring instruction in Braille reading and writing and accommodations for materials in Braille to be included in the IEP of a student with blindness or visual impairments commensurate with his IEP team's determination of his needs based upon the results of such LMA and (ii) requiring the Virginia Department for the Blind and Vision Impaired to assist the Board of Education and each local school board with ongoing professional development for teachers of students with blindness or visual impairments, including knowledge of and instruction in Braille and the administration and evaluation of LMAs.

Status: Stricken at request of patron in Education and Health (15-Y 0-N)

Professions & Occupations

HB 1494 Driver's license; examination of drivers believed incompetent.

Patron: Knight

Summary: Requires the Medical Advisory Board for the Department of Motor Vehicles to provide guidance and recommendations to the Department regarding any case of a person determined to be incompetent pursuant to an examination by a physician, nurse practitioner, or physician assistant and whose driver's license has been revoked if such person appeals the decision on the basis of medical evidence in the case.

Status: Approved by Governor

HB 1497 Ophthalmic prescriptions; definitions, who may provide prescriptions, requirements.

Patron: Farrell

Summary: Requires, for ophthalmic prescriptions written on or after July 1, 2017, that an ophthalmologist or optometrist establish a bona fide provider-patient relationship with a patient prior to prescribing spectacles, eyeglasses, lenses, or contact lenses, and sets out requirements for establishing such relationship, which includes options for examination of the patient either in person or through face-to-face interactive, two-way, real-time communication or store-and-forward technologies. This bill is identical to SB 1321.

Status: Approved by Governor

HB 1514 Doctor of medicine, etc.; reporting disabilities of drivers to DMV, not subject to civil liability.

Patron: Fowler

Summary: Provides that any doctor of medicine, osteopathy, chiropractic, or podiatry or any nurse practitioner, physician assistant, optometrist, physical therapist, or clinical psychologist who reports to the Department of Motor Vehicles the existence, or probable existence, of a mental or physical disability or infirmity of any person licensed to operate a motor vehicle that the reporting individual believes affects such person's ability to operate a motor vehicle safely is not subject to civil liability or deemed to have violated the practitioner-patient privilege unless he has acted in bad faith or with malicious intent. This bill is identical to SB 1024.

Status: Approved by Governor

HB 1548 Advance directives; admission of person for mental health treatment, capacity determinations.

Patron: Farrell

Summary: Provides that in cases in which a person has executed an advance directive granting an agent the authority to consent to the person's admission to a facility for mental health treatment and the advance directive so authorizes, the person's agent may exercise such authority after a determination that the person is incapable of making an informed decision regarding such admission has been made by (i) the attending physician, (ii) a psychiatrist or licensed clinical psychologist, (iii) a licensed psychiatric nurse practitioner, (iv) a licensed clinical social worker, or (v) a designee of the local community services board as defined in § 37.2-809. The bill also provides that a person's agent may make a

health care decision over the protest of the person if, in addition to other factors, at the time the advance directive was made, a licensed physician, licensed clinical psychologist, licensed physician assistant, licensed nurse practitioner, licensed professional counselor, or licensed clinical social worker who is familiar with the person attested in writing that the person was capable of making an informed decision and understood the consequences of the provision. This bill is identical to SB 1511.

Status: Approved by Governor

HB 1566 Professions and occupations; active supervision of regulatory boards, definitions, report.

Patron: Webert

Summary: Establishes a statewide policy for the regulation of professions and occupations specifying criteria for government regulation with the objective of increasing opportunities, promoting competition, encouraging innovation, protecting consumers, and complying with applicable federal antitrust laws. The bill also establishes the position of professional and occupational regulatory analyst within the Division of Legislative Services to assist the Joint Commission on Administrative Rules in (i) evaluating at least three professions and occupations in each year and (ii) to the extent feasible, reviewing legislation establishing or modifying an occupational regulation to determine whether the legislation meets the state policy of using the least restrictive regulation necessary to protect or preserve the public health, safety, and welfare. The evaluation shall include recommendations for changes to occupational regulations to improve compliance with the state policy of using the least restrictive regulation necessary.

Status: Failed to pass

HB 1609 Nurse practitioner as expert witness; scope of activities.

Patron: Leftwich

Summary: References the specific Code section outlining the scope of a nurse practitioner's activities in the context of the current provision that authorizes a nurse practitioner to testify as an expert witness within the scope of his activities.

Status: Approved by Governor

HB 1628 Private security; compliance agent experience, surety bond.

Patron: Fowler

Summary: Removes the requirement that a compliance agent for a private security services business have either five years of experience or three years of managerial or

supervisory experience in a private security services business, a state or local law-enforcement agency, or a related field. The bill also removes the option for a private security services business or a private security services training school to be covered by a bond in lieu of liability insurance. The bill provides that it will not become effective unless reenacted by the 2018 Session of the General Assembly.

Status: Approved by Governor

HB 2119 Laser hair removal; limits practice.

Patron: Keam

Summary: Limits the practice of laser hair removal to a properly trained person licensed to practice medicine or osteopathic medicine or licensed as a physician assistant or nurse practitioner or to a properly trained person under the direction and supervision of a licensed doctor of medicine or osteopathic medicine or physician assistant or nurse practitioner.

Status: Approved by Governor

HB 2212 Firearm transfers; criminal history record information checks, penalty.

Patron: Plum

Summary: Requires a background check for any firearm transfer and requires the Department of State Police to establish a process for transferors to obtain such a check from licensed firearms dealers. A transferor who fails to obtain a required background check and sells the firearm to another person is guilty of a Class 1 misdemeanor. The bill exempts transfers between immediate family members, transfers that occur by operation of law, transfers by the executor or administrator of an estate or by the trustee of a testamentary trust, and temporary transfers that (i) occur within the continuous presence of the owner of the firearm; (ii) are necessary to prevent imminent death or serious bodily injury; (iii) occur at a shooting range, shooting gallery, or other area designed for the purpose of target shooting, for use during target practice, a firearms safety or training course or class, a shooting competition, or any similar lawful activity; or (iv) are for the purpose of and while the transferee is engaged in hunting, trapping, or target shooting. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary.

Status: Left in Militia, Police and Public Safety

HB 2277 Licensure of doctors of medicine, osteopathy, chiropractic, and podiatry; requirements.

Patron: Marshall, D.W.

Summary: Removes provisions related to licensure of graduates of an institution not approved by an accrediting agency recognized by the Board of Medicine. Under the bill, only graduates of institutions approved by an accrediting agency recognized by the Board of Medicine are eligible for licensure.

Status: Approved by Governor

HB 2335 Contractors, Board for; unlicensed activity, penalty.

Patron: Watts

Summary: Provides that, in addition to existing penalties for unlicensed activity, any second or subsequent violation by any person who undertakes work without a valid Virginia contractor's license or certificate when a license or certificate is required shall constitute a Class 6 felony.

Status: VOTE: ENGROSSMENT REFUSED (41-Y 50-N)

HB 2404 PANDAS and PANS; created, report.

Patron: Filler-Corn

Summary: Creates the Advisory Council on Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections and Pediatric Acute-onset Neuropsychiatric Syndrome to advise the Commissioner of Health on research, diagnosis, treatment, and education relating to these identified disorders and syndrome referred to by the National Institute of Mental Health as PANDAS and PANS. The bill provides for a three-year sunset for the Advisory Council.

Status: Approved by Governor

SB 790 Crimes against law-enforcement officers, firefighters, and other emergency personnel; penalty.

Patron: Cosgrove

Summary: Eliminates, for the crime of capital murder of a law-enforcement officer or fire marshal, the element that the killing must be committed for the purpose of interfering with the performance of the victim's official duties for the defendant to be guilty of the crime. For the crimes of (i) malicious or unlawful wounding of a law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel and (ii)

assault or assault and battery of a judge, magistrate, law-enforcement officer, correctional officer, firefighter, emergency medical services personnel, or certain other employees of custodial facilities, the bill eliminates the element that the victim must be engaged in the performance of his public duties for the defendant to be guilty of such crimes.

Status: Passed by indefinitely in Finance (16-Y 0-N)

SB 841 Marijuana; possession or distribution for medical purposes, affirmative defense for treatment.

Patron: Favola

Summary: Provides an affirmative defense to prosecution for possession of marijuana if a person has a valid written certification issued by a practitioner for cannabidiol oil or THC-A oil for treatment of, or to alleviate the symptoms of, cancer, human immunodeficiency virus, acquired immune deficiency syndrome, Tourette syndrome, amyotrophic lateral sclerosis, multiple sclerosis, Crohn's disease, or complex regional pain syndrome. Under current law, only the treatment of intractable epilepsy is covered by the affirmative defense.

Status: Stricken at the request of Patron in Courts of Justice (14-Y 0-N)

SB 1180 Opioids and buprenorphine; Boards of Dentistry and Medicine to adopt regulations for prescribing.

Patron: Chafin

Summary: Directs the Boards of Dentistry and Medicine to adopt regulations for the prescribing of opioids and products containing buprenorphine. The bill requires the Prescription Monitoring Program at the Department of Health Professions to annually provide a report to the Joint Commission on Health Care and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health on the prescribing of opioids and benzodiazepines in the Commonwealth that includes data on reporting of unusual patterns of prescribing or dispensing of a covered substance by an individual prescriber or dispenser or on potential misuse of a covered substance by a recipient. The bill contains an emergency clause.

Status: Approved by Governor

SB 1220 Telemedicine, practice of; prescribing controlled substances.

Patron: Barker

Summary: Provides that a health care practitioner who performs or has performed an appropriate examination of the patient, either physically or by the use of instrumentation

and diagnostic equipment, for the purpose of establishing a bona fide practitioner-patient relationship may prescribe Schedule II through VI controlled substances to the patient, provided that the prescribing of such controlled substance is in compliance with federal requirements for the practice of telemedicine. The bill also authorizes the Board of Pharmacy to register an entity at which a patient is treated by the use of instrumentation and diagnostic equipment for the purpose of establishing a bona fide practitioner-patient relationship and is prescribed Schedule II through VI controlled substances to possess and administer Schedule II through VI controlled substances when such prescribing is in compliance with federal requirements for the practice of telemedicine and the patient is not in the physical presence of a practitioner registered with the U.S. Drug Enforcement Administration.

Status: Incorporated by Education and Health (SB1009-Dunnavant) (13-Y 0-N)

SB 1233 Temporary detention; certified evaluators.

Patron: Chafin

Summary: Allows emergency physicians, psychiatrists, and certain psychiatric nurse practitioners, psychiatric clinical nurse specialists, licensed clinical psychologists, licensed professional counselors, and licensed clinical social workers to perform evaluations to determine whether a person meets the criteria for temporary detention for mental health treatment in cases in which an employee or designee of the community services board is not available to perform an evaluation within two hours of receiving notification that an evaluation is required.

Status: Passed by indefinitely in Finance with letter (16-Y 0-N)

SB 1481 Judicial Candidate Evaluation Committee; procedures used by the Va. State Bar to evaluate, etc.

Patron: Sturtevant

Summary: Codifies the procedures used by the State Bar to evaluate and recommend candidates for election by the General Assembly to the appellate courts, the federal courts, and the State Corporation Commission.

Status: Passed by indefinitely in Courts of Justice (13-Y 2-N)

SB 1511 Advance directives; admission of person for mental health treatment, capacity determinations.

Patron: Deeds

Summary: Provides that in cases in which a person has executed an advance directive granting an agent the authority to consent to the person's admission to a facility for mental health treatment and the advance directive so authorizes, the person's agent may exercise such authority after a determination that the person is incapable of making an informed decision regarding such admission has been made by (i) the attending physician, (ii) a psychiatrist or licensed clinical psychologist, (iii) a licensed psychiatric nurse practitioner, (iv) a licensed clinical social worker, or (v) a designee of the local community services board as defined in § 37.2-809. The bill also provides that a person's agent may make a health care decision over the protest of the person if, in addition to other factors, at the time the advance directive was made, a licensed physician, licensed clinical psychologist, licensed physician assistant, licensed nurse practitioner, licensed professional counselor, or licensed clinical social worker who is familiar with the person attested in writing that the person was capable of making an informed decision and understood the consequences of the provision. This bill is identical to HB 1548.

Status: Approved by Governor

Senior Citizens

HB 1441 Incapacitated persons; expands class of victims of crime of financial exploitation.

Patron: Kory

Summary: Expands the class of victims of the crime of financial exploitation of incapacitated persons to include persons incapacitated due to physical illness or disability, advanced age, or other causes. The current law applies only to victims who suffer from mental incapacity. The bill also allows for forfeiture of personal property used in connection with the crime.

Status: Left in Courts of Justice

HB 1788 Incapacitated persons; abuse and neglect, financial exploitation, penalty.

Patron: Yancey

Summary: Provides that any responsible person who abuses or neglects an incapacitated adult and such abuse or neglect results in any bodily injury, other than serious bodily injury, to the incapacitated adult is guilty of a Class 6 felony, which is in addition to the current

Class 4 felony if such abuse or neglect results in serious bodily injury. The bill also expands the class of victims of the crime of financial exploitation of incapacitated persons to include persons incapacitated due to physical illness or disability, advanced age, or other causes. The current law applies only to victims who suffer from mental incapacity.

Status: Left in Courts of Justice

HB 1922 Financial exploitation of adults; reporting to local law enforcement and State Police.

Patron: Bell, Robert B.

Summary: Clarifies that all cases involving suspected financial exploitation of an adult shall be immediately referred to a local law-enforcement agency for investigation. The bill directs local law-enforcement agencies to provide a preferred point of contact for referrals. This bill is identical to SB 1462.

Status: Approved by Governor

HB 1946 State Long-Term Care Ombudsman, Office of the; amends provisions related to Office.

Patron: Peace

Summary: Amends provisions related to the Office of the State Long-Term Care Ombudsman (the Office) and its access to and handling of certain information and records to conform to federal requirements and remove ambiguities. The bill also prohibits interference with or retaliation or reprisals against (i) the Office or its representatives or designees for fulfillment of its functions, responsibilities, or duties or (ii) a person who in good faith complains or provides information to, or otherwise cooperates with, the Office or any of its representatives or designees. The bill also requires the Department for Aging and Rehabilitative Services to put in place mechanisms to ensure that the Office may (a) analyze, comment on, and monitor the development and implementation of laws, regulations, and policies related to long-term care services and providers or to the health, safety, welfare, and rights of individuals receiving long-term care services; (b) recommend changes to such laws, regulations, and policies; and (c) provide information, recommendations, and the position of the Office of the State Long-Term Care Ombudsman to public and private agencies, legislators, media, and other persons regarding concerns of individuals receiving long-term care services.

Status: Approved by Governor

HB 2068 Absentee voting; eligibility of persons with disabilities and persons age 65 or older.

Patron: Watts

Summary: Entitles (i) persons with disabilities who are not reasonably able to go in person to the polls on election day and (ii) persons who will be age 65 or older on the date of the election to vote absentee. Current law allows persons with disabilities who are unable to go in person to the polls on election day to vote absentee. The bill does not change current law that entitles persons age 65 or older and persons with disabilities to vote outside of the polling place upon request.

Status: Left in Privileges and Elections

HB 2275 Absentee voting; eligibility of persons age 65 or older.

Patron: Krizek

Summary: Entitles a person who will be age 65 or older on the date of the election for which an absentee ballot is requested to vote absentee.

Status: Left in Privileges and Elections

HB 2304 Long-term care; requirements of Department of Medical Assistance Services.

Patron: Orrock

Summary: Provides that the Department of Medical Assistance Services shall require all individuals who administer preadmission screenings for long-term care services to receive training on and be certified in the use of the Uniform Assessment Instrument; requires the Department to develop a program for the training and certification of preadmission screeners, develop guidelines for a standardized preadmission screening process, and strengthen oversight of the preadmission screening process to ensure that problems are identified and addressed promptly. The bill requires the Department to make a number of changes to contracts for long-term care services provided by managed care organizations; directs the Department to impose additional requirements related to submission of data and information by managed care organizations; and requires the Department to implement a number of spending and utilization control measures in conjunction with managed care organizations.

Status: Approved by Governor

HJ 680 Joint subcommittee to study issues related to family caregiving and long-term care supports, etc.

Patron: Filler-Corn

Summary: Establishes a joint subcommittee to study issues related to family caregiving and long-term care supports and services. The resolution directs the new joint subcommittee to (i) identify and compile an inventory of policies, resources, and programs available to unpaid caregivers; (ii) identify challenges affecting unpaid caregivers and barriers to unpaid caregiving; (iii) develop recommendations for the development of new innovative means of providing support and assistance to unpaid caregivers to enable them to continue to provide services and support to older adults and individuals with disabilities; and (iv) report its findings and recommendations by the first day of the 2018 Regular Session.

Status: Tabled in Rules

SB 792 Absentee voting; entitles persons age 65 or older on date of an election to vote absentee.

Patron: Ebbin

Summary: Entitles a person who will be age 65 or older on the date of the election for which an absentee ballot is requested to vote absentee.

Status: Failed to report (defeated) in Privileges and Elections (7-Y 7-N)

SB 1420 Incapacitated persons; abuse and neglect, financial exploitation, penalty.

Patron: Mason

Summary: Provides that any responsible person who abuses or neglects an incapacitated adult and such abuse or neglect results in any bodily injury, other than serious bodily injury, to the incapacitated adult is guilty of a Class 6 felony, which is in addition to the current Class 4 felony if such abuse or neglect results in serious bodily injury. The bill also expands the class of victims of the crime of financial exploitation of incapacitated persons to include persons incapacitated due to physical illness or disability, advanced age, or other causes. The current law applies only to victims who suffer from mental incapacity.

Status: Left in Courts of Justice

SB 1437 Aging, Commonwealth Council on; duties.

Patron: Favola

Summary: Imposes on the Commonwealth Council on Aging a duty to assist and advise the Department for Aging and Rehabilitative Services regarding strategies to improve nutritional health, alleviate hunger, and prevent malnutrition among older adults.

Status: Approved by Governor

SB 1567 Absentee ballots; eligibility of persons age 65 or older.

Patron: Peake

Summary: Entitles a person who will be age 65 or older on the date of the election for which an absentee ballot is requested to vote absentee. Such person is required to submit with his application for an absentee ballot a copy of one of the forms of photo identification required for in-person voting. Students attending a school or institution of learning who are entitled to vote absentee are also required to submit with their application a copy of one of the forms of photo identification required for in-person voting.

Status: Failed to report (defeated) in Privileges and Elections (7-Y 7-N)

SJ 296 Study; Joint Commission on Health Care; needs of older adults who are incarcerated.

Patron: Ebbin

Summary: Directs the Joint Commission on Health Care to (i) study the unique needs of older adults who are incarcerated within Virginia's prison system or are being released back into the community, including needs related to community services and supports, housing, case management, health care, including mental health, and employment; (ii) identify and examine the effectiveness of all existing state programs, services, and supports designed to help older adults released from prison in the Commonwealth secure necessary health care, housing, and employment; and (iii) recommend strategies or programs to ensure the safety and well-being of the growing number of older adults who are incarcerated within Virginia's prison system or are being released into the community in recognition of their unique needs.

Status: Passed by indefinitely in Rules

Unemployment Compensation/Worker's Compensation

HB 1436 Unemployment compensation; wage offset.

Patron: Head

Summary: Provides that the weekly unemployment benefit to which an eligible individual is entitled shall be reduced by one-half of the amount of any wages payable to the individual. Currently, such individual's weekly benefit amount is reduced on a dollar-for-dollar basis by any wages in excess of \$50 that the individual earns in that week.

Status: Left in Commerce and Labor

HB 1571 Workers' compensation; fees for medical services.

Patron: Farrell

Summary: Provides that the pecuniary liability of an employer for a medical service provided for the treatment of a traumatic injury or serious burn includes liability for any professional service rendered during the dates of service of the admission or transfer to a Level I or Level II trauma center or to a burn center, as applicable. The measure increases the initial charge outlier threshold, which under the stop-loss feature allows hospitals to receive payments or reimbursements that exceed the fee schedule amount for certain claims, from 150 percent of the maximum fee for the service set forth in the applicable fee schedule to 300 percent of such amount. The measure allows the Workers' Compensation Commission to adjust the charge outlier threshold percentage; under existing law, it is allowed only to decrease the percentage. The bill contains an emergency clause.

Status: Approved by Governor

HB 1659 Workers' compensation; employer's lien, third party actions.

Patron: Habeeb

Summary: Requires that any arbitration proceeding regarding the exercise of an employer's right of subrogation to an employee's claim against a third party shall be limited solely to arbitrating the amount and validity of the employer's lien and shall not affect the employee's rights in any way. Such arbitration shall not be held unless (i) any contested expenses remaining have been submitted to the Virginia Workers' Compensation Commission (the Commission) for a determination of their validity and the Commission has made such determination of validity prior to the commencement of the arbitration; (ii) prior to the commencement of such arbitration the employer has provided the injured employee and his attorney, if any, with an itemization of the expenses associated with the lien that is the subject of the arbitration; (iii) upon receipt of the itemization of the lien, the employee shall have 21 days to provide a written objection to any expenses included in the

lien to the employer, and if the employee does not do so any objections to the lien to be arbitrated shall be deemed waived; and (iv) the employer shall have 14 days after receipt of the written objection to notify the employee of any contested expenses that the employer does not agree to remove from the lien, and if the employer does not do so any itemized expense objected to by the employee shall be deemed withdrawn and not included in the arbitration. This bill is identical to SB 1175.

Status: Approved by Governor

HB 2126 Family and Medical Leave Insurance Program; established.

Patron: Levine

Summary: Entitles individuals to a family and medical leave insurance (FMLI) benefit payment for each month they are engaged in qualified caregiving, not to exceed 60 qualified caregiving days per year. Qualified caregiving means an activity, except regular employment, for a reason an individual is entitled to leave under the federal Family and Medical Leave Act of 1993. Benefits would amount to 66 percent of an individual's monthly wages, based on highest annual earnings from the prior three years, up to a capped monthly amount, and would be indexed to the national average wage index. If a person takes the maximum number of days, the benefits would range from a minimum benefit of \$580 to a maximum benefit of \$4,000 per month in the program's first year. To be eligible for benefits, an individual is required to (i) be insured for disability insurance benefits under the Social Security Act at the time his application is filed; (ii) have earned income from employment during the 12 months before filing the application; (iii) have filed an application for an FMLI benefit; and (iv) have been engaged in qualified caregiving, or anticipate being so engaged, during the 90-day period before the application is filed or within 30 days thereafter. The measure has a delayed effective date of January 1, 2018.

Status: Left in Commerce and Labor

HB 2155 Workers' compensation; modifications to employee's home and automobile.

Patron: Rasoul

Summary: Increases from \$42,000 to \$50,000 the maximum aggregate cost of (i) bedside lifts, adjustable beds, and modifications and alterations to an injured employee's principal home and (ii) modifications to or equipment for an injured employee's automobile that the Workers' Compensation Commission may award on account of any one accident.

Status: Tabled in Commerce and Labor

HB 2353 Workers' compensation; failure to make reports on employee's injury, etc.

Patron: Murphy

Summary: Provides that an employer is guilty of a Class 2 misdemeanor if he knowingly and intentionally fails to comply with the requirement that he report an employee's injury or death or dissuades or deters an employee from filing a claim for compensation under the Virginia Workers' Compensation Act.

Status: Tabled in Commerce and Labor

HB 2468 VWC; permits commissioners and deputy commissioners to carry a concealed weapon.

Patron: Miller

Summary: Permits commissioners and deputy commissioners of the Virginia Workers' Compensation Commission to carry a concealed weapon wherever they may travel in the Commonwealth and exempts such persons from the prohibition on carrying firearms in a courthouse.

Status: Left in Militia, Police and Public Safety

SB 904 VWC; permits commissioners and deputy commissioners to carry a concealed weapon.

Patron: Obenshain

Summary: Provides an exception from the prohibition against carrying a weapon into courthouses in the Commonwealth for a commissioner or deputy commissioner of the Workers' Compensation Commission while in the conduct of official duties.

Status: Approved by Governor

SB 1119 Workers' compensation; presumption of compensability for certain diseases.

Patron: McPike

Summary: Substitutes colorectal cancer, which is cancer that starts in the colon or rectum, for rectal cancer on the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when certain employees develop the cancer after contact with a known or suspected carcinogen that causes, or is suspected to cause, the specific type of cancer.

Status: Passed by indefinitely in Finance (16-Y 0-N)

SB 1120 Workers' compensation; volunteer firemen and emergency medical services personnel.

Patron: McPike

Summary: Provides that for the purposes of the Virginia Workers' Compensation Act volunteer firemen and emergency medical services personnel shall be deemed employees of the political subdivision or state institution of higher education in which the principal office of the volunteer fire company or volunteer emergency medical services agency is located. The measure repeals the existing provision that volunteer firemen and emergency medical services personnel shall be deemed the employees of the political subdivision or state institution of higher education if its governing body has adopted a resolution acknowledging those persons as employees. The measure also repeals the provision that volunteer firemen and emergency medical services personnel shall be deemed the employees of the volunteer fire company or volunteer emergency medical services agency if the company or agency elects to be included and maintains coverage as an employer under the Act.

Status: Failed to report (defeated) in Commerce and Labor (5-Y 9-N)

SB 1175 Workers' compensation; employer's lien, third party actions.

Patron: Chafin

Summary: Requires that any arbitration proceeding regarding the exercise of an employer's right of subrogation to an employee's claim against a third party shall be limited solely to arbitrating the amount and validity of the employer's lien and shall not affect the employee's rights in any way. Such arbitration shall not be held unless (i) any contested expenses remaining have been submitted to the Virginia Workers' Compensation Commission (the Commission) for a determination of their validity and the Commission has made such determination of validity prior to the commencement of the arbitration; (ii) prior to the commencement of such arbitration the employer has provided the injured employee and his attorney, if any, with an itemization of the expenses associated with the lien that is the subject of the arbitration. This bill is identical to HB 1659.

Status: Approved by Governor

SB 1201 Workers' compensation; suitably equipped automobile for incapacitated employee.

Patron: Lewis

Summary: Authorizes the Workers' Compensation Commission to require an employer to provide funds for the purchase of a suitably equipped automobile for an incapacitated employee if it finds that it is medically necessary and that modifications to the employee's

automobile are not technically feasible or will cost more than the funds available for a replacement automobile. The total of the costs of the automobile and of any bedside lifts, adjustable beds, and modification of the employee's principal home are limited to \$42,000, which is the amount of the existing cap on expenses for modifications to the injured employee's automobile and home.

Status: Approved by Governor

SB 1466 Workers' compensation; infectious disease presumption for correctional officers.

Patron: Marsden

Summary: Provides that correctional officers are entitled to a presumption that hepatitis, meningococcal meningitis, tuberculosis, MRSA, or HIV causing the correctional officer's death or resulting in his total or partial disability is an occupational disease suffered in the line of duty and is compensable under the Virginia Workers' Compensation Act.

Status: Passed by indefinitely in Commerce and Labor (15-Y 0-N)

SB 1472 Workers' compensation; accident reports, filing claims, civil penalty.

Patron: Favola

Summary: Requires an employer's accident report filed with the Workers' Compensation Commission to include the signature of the injured employee or his personal representative. The measure provides that the employer's filing of the accident report constitutes the filing with the Commission by or on behalf of the employee of a claim for workers' compensation benefits with respect to any injury arising from the accident. The measure also provides that an employer that fails to comply with the requirement that it report an employee's injury or death, or dissuades or deters an employee from filing a claim for compensation, shall be assessed a civil penalty of not more than \$500, which civil penalty is increased to not less than \$500 and not more than \$5,000 if the violation is willful.

Status: Passed by indefinitely in Commerce and Labor (15-Y 0-N)

SB 1489 Workers' compensation; presumption that death or disease due to coal pneumoconiosis.

Patron: Chafin

Summary: Specifies that the standards prescribed by the Virginia Workers' Compensation Commission for determining whether the death or total disability of an employee was due to pneumoconiosis or any chronic occupational lung disease shall not be inconsistent with the standards prescribed by the federal Secretary of Health and Human Services under the 1969 Federal Coal Mine Health and Safety Act as amended by § 1556(a) of the federal

Patient Protection and Affordable Care Act, in order to ensure that repeal of the Patient Protection and Affordable Care Act does not alter the standards required in the Commonwealth. The measure also incorporates presumptions regarding death or disability from pneumoconiosis that are codified at 30 U.S.C. § 921(c)(3) and (4).

Status: Passed by indefinitely in Commerce and Labor (13-Y 2-N)

Welfare (Social Services)

HB 1435 VIEW; pilot program for substance abuse screening and assessment.

Patron: Head

Summary: Requires the Department of Social Services to develop a pilot program for screening and assessing participants in the Virginia Initiative for Employment not Welfare (VIEW) program for use of illegal substances. The bill requires the Department to provide an interim report on implementation of the pilot program to the Governor and the General Assembly no later than December 1, 2017, and a final report on the results of the pilot program to the Governor and the General Assembly no later than December 1, 2018.

Status: Left in Appropriations

HB 1611 Child support arrearages; suspension of driver's license.

Patron: Leftwich

Summary: Requires the Department of Motor Vehicles to renew a driver's license or terminate a license suspension imposed due to delinquency in the payment of child support when it receives from the Department of Social Services a certification that (i) the person has reached an agreement with the Department of Social Services to satisfy the delinquency and has begun paying current support and arrears pursuant to an income withholding order or (ii) the person is indigent and has reached an agreement with the Department of Social Services to satisfy the delinquency based on the person's ability to pay.

Status: Left in Courts of Justice

HB 1999 Immigrant Assistance, Office of; created in Department of Social Services.

Patron: Lingamfelter

Summary: Establishes in the Department of Social Services (the Department) an Office of Immigrant Assistance (the Office) to assist persons lawfully entering the United States and the Commonwealth for the purpose of becoming citizens. The Office shall provide online (i) advice and assistance regarding the citizenship application process and (ii) information regarding employment and housing services for which such persons may be

eligible. The bill provides that the Office shall be funded by such funds currently appropriated to the Department and any existing or available federal grants.

Status: Left in Appropriations

HB 2002 Refugee and immigrant resettlements; reports to Department of Social Services.

Patron: Poindexter

Summary: Requires nonprofit resettlement agencies and their local affiliates that provide refugee or other immigrant resettlement services in the Commonwealth to annually report to the Department of Social Services non-identifying information regarding (i) the total number of individuals resettled in Virginia by such nonprofit resettlement agency or affiliate; (ii) the locality in which each individual was placed; (iii) the age, gender, and national origin of each individual; and (iv) whether each individual was placed through the U.S. Refugee Resettlement Program and, if so, the eligibility status of such individuals. The bill requires the Department to collate and annually submit such information to the Governor and the General Assembly.

Status: Vetoed By Governor

HB 2237 State Inspector General, Office of the; "state agency" includes any local dept. of social services.

Patron: Cline

Summary: Extends the jurisdiction of the Office of the State Inspector General by amending the definition of "state agency" to include any local department of social services.

Status: Approved by Governor

HB 2259 Child day programs; certain programs exempted from licensure.

Patron: Filler-Corn

Summary: Removes certain programs from the list of child day programs exempt from licensure and clarifies that such programs are not considered child day programs and therefore are not subject to licensure. The bill also modifies the terms of child day programs that remain listed as exempt from licensure and requires that such programs (i) file with the Commissioner of Social Services (the Commissioner), prior to beginning operation of a child day program and annually thereafter, a statement indicating the intent to operate a child day program, identifying the Code provision relied upon for exemption from licensure, and certifying that the child day program has disclosed, in writing, to the parents or guardians of the children in the program the fact that it is exempt from licensure; (ii)

report to the Commissioner all incidents involving serious injury to or the death of children attending the child day program; (iii) have a person trained and certified in first aid and cardiopulmonary resuscitation (CPR) present at the child day program; (iv) comply with background check requirements established by regulations of the state Board of Social Services (the Board). The bill modifies staffing ratios for religious-exempt child day centers and requires that such centers have a person trained and certified in first aid and CPR present whenever children are in attendance and comply with safe sleep practices for infants established by regulations of the Board.

Status: Left in Health, Welfare and Institutions

SB 868 Child protective services; investigation of complaints of child abuse or neglect.

Patron: Favola

Summary: Requires the State Board of Social Services to promulgate regulations that require local departments of social services to respond to valid reports and complaints alleging suspected abuse or neglect of a child under the age of two within 24 hours of receiving such reports or complaints.

Status: Approved by Governor

SB 1122 Applicants for public assistance; contact information.

Patron: McPike

Summary: Requires local departments of social services to collect from every applicant for public assistance alternative contact information, such as the applicant's email address and cell phone number, and the applicant's preferred method of contact, including direct mail, email, text message, or phone call. Under current law, local departments of social services are required to obtain only the applicant's best available address and telephone number.

Status: Approved by Governor

SB 1149 Virginia Initiative for Employment Not Welfare; transitional support services, time limit.

Patron: Favola

Summary: Extends from 12 months to 24 months the amount of time a VIEW participant whose Temporary Assistance for Needy Families financial assistance has been terminated can receive transitional support services, provided the participant is enrolled in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education and is taking

courses as part of a curriculum that leads to a postsecondary credential, such as a degree or an industry-recognized credential, certification, or license. The bill provides that such transitional support services shall terminate when the participant completes his curriculum at such institution or school or is otherwise no longer enrolled in such institution or school, or at the end of 24 months, whichever comes first. The bill directs the Board of Social Services to promulgate regulations to implement the provisions of the bill.

Status: Left in Health, Welfare and Institutions

SB 1165 Neighborhood Assistance Act tax credits; allocation of credits.

Patron: DeSteph

Summary: Requires the Commissioner of Social Services and the Superintendent of Public Instruction to consider, in allocating credits under the Neighborhood Assistance Act tax credit program, the past performance of organizations requesting credits, pursuant to accountability measures established in regulations and guidelines.

Status: Approved by Governor

SB 1168 Neighborhood Assistance Act; reorganizes provisions of tax credit program.

Patron: DeSteph

Summary: Reorganizes the provisions of the Neighborhood Assistance Act Tax Credit program to set out separate sections for the portions of the program administered by the State Department of Social Services and the Department of Education. The requirements of the two components of the program differ slightly, and separating the provisions provides clarity in understanding the application and allocation process.

The bill modifies the requirement that at least 10 percent of all available tax credits be allocated to organizations that have not previously received tax credits by providing that the allocation for such organizations is required only if the General Assembly increases the amount of available credits year over year. The bill provides that, for proposals to the Department of Education, expenditures for teacher salaries shall count toward the requirement that at least 50 percent of a neighborhood organization's revenues be used to provide services to low-income persons or to eligible students with disabilities.

Status: Approved by Governor

SB 1191 Assisted living facilities; cap on civil penalties.

Patron: Sturtevant

Summary: Increases the aggregate amount of civil penalties that the Commissioner of Social Services may assess against an assisted living facility for noncompliance with the terms of its license from \$10,000 per 24-month period to \$10,000 per 12-month period. This bill is identical to HB 1919.

Status: Approved by Governor

SB 1315 Foster care; possession of firearm.

Patron: Carrico

Summary: Requires that possession of any firearms or other weapons in a foster home comply with federal and state laws and that the individual providing foster care services store all firearms, other weapons, and ammunition in a locked closet or cabinet unless they are being lawfully carried on the individual's person. The bill requires that the key or combination to the locked closet or cabinet be maintained out of the reach of all children in the home.

Status: Senate rejected Governor's recommendation; Awaiting Action By Governor by May 5th, 2017,

SB 1462 Financial exploitation of adults; cases referred to law-enforcement agency.

Patron: McPike

Summary: Clarifies that all cases involving suspected financial exploitation of an adult shall be immediately referred to a local law-enforcement agency for investigation. The bill directs local law-enforcement agencies to provide a preferred point of contact for referrals. This bill is identical to HB 1922.

Status: Approved by Governor

SJ 255 Study; Va State Crime Commission to study indigent defense system.

Patron: Dance

Summary: Directs the Virginia State Crime Commission to study the feasibility and costs of establishing a comprehensive indigent defense system at the appellate level in the Commonwealth.

Status: Passed by indefinitely in Rules