

LEGISLATIVE REPORT

Final Report on Legislation considered in 2020

The following provides a review of the final outcome of Legislation introduced during the 2020 session of interest to the Virginia Victim Assistance Network.

HOUSE AND SENATE BILLS ENACTED

[HB 33](#) Parole; exception to limitation on the application of parole statutes.

Patrons: Lindsey, Carr, Guzman, Kory and Samirah; Senator: McClellan

Summary as enacted with Governor's Recommendations:

Parole; exception to limitation on the application of parole statutes. Provides that a person is eligible to be considered for parole if (i) such person 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 a felony committed on or after the abolition of parole going into effect (on January 1, 1995); (ii) the person remained incarcerated for the offense on July 1, 2020; and (iii) the offense was not one of the following: (a) a Class 1 felony; (b) if the victim was a minor, rape, forcible sodomy, object sexual penetration, or aggravated sexual battery or an attempt to commit such act; or (c) carnal knowledge. The bill also requires the Parole Board to establish procedures for consideration of parole of persons entitled to it and also provides that any person who is eligible for parole as of July 1, 2020, shall be scheduled for a parole interview no later than July 1, 2021, allowing for extension of time for reasonable cause. This bill is identical to [SB 793](#). The bill contains an emergency clause.

11/19/19 **House:** Referred to Committee on Public Safety
01/17/20 House: Reported from Public Safety with substitute (13-Y 9-N)
01/24/20 House: Read third time and passed House (52-Y 45-N)
01/27/20 **Senate:** Referred to Committee on Judiciary
02/12/20 Senate: Reported from Judiciary with substitute (15-Y 0-N)
02/17/20 Senate: Passed Senate with substitute (36-Y 4-N)
02/19/20 **House:** Senate substitute rejected by House 20108206D-S1 (0-Y 100-N)
02/24/20 Senate: Senate insisted on substitute (39-Y 0-N)
02/26/20 House: Conferees appointed by House: Delegates: Lindsey, Hope, Wright
02/27/20 Senate: Conferees appointed by Senate: Senators: McClellan, Stuart, Surovell
03/05/20 House: Conference report agreed to by House (53-Y 45-N)
03/07/20 Senate: Conference report agreed to by Senate (25-Y 14-N)
03/12/20 **Governor:** Governor's Recommendation
04/22/20 House: House concurred in Governor's recommendation (50-Y 44-N)
04/22/20 Senate: Senate concurred in Governor's recommendation (22-Y 18-N)
04/22/20 **House:** Enacted, Chapter 1200 (effective 4/22/20)

[HB 35](#) Juvenile offenders; eligibility for parole.

Patrons: Lindsey, Carr and Kory; Senator: McClellan

Summary as passed:

Juvenile offenders; parole. Provides that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentence and any person who has active sentences that total more than 20 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentences shall be eligible for parole.

01/17/20 **House:** Reported from Public Safety with amendments (15-Y 7-N)

01/17/20 **House:** Impact statement from DPB (HB35)

01/23/20 **House:** Read third time and passed House (56-Y 44-N)

01/24/20 **Senate:** Referred to Committee on Rehabilitation and Social Services

02/07/20 **Senate:** Rereferred from Rehabilitation and Social Services to Judiciary (11-Y 0-N)

02/12/20 **Senate:** Reported from Judiciary (12-Y 3-N)

02/17/20 **Senate:** Read third time and passed Senate (28-Y 11-N)

02/24/20 **Governor:** Approved by Governor-Chapter 2 (effective 7/1/20)

HB 61 Adults sentenced for juvenile offenses; good conduct credit.

Patron: Collins

Summary as introduced and passed:

Adults sentenced for juvenile offenses; good conduct credit. Provides that an adult sentenced for a juvenile offense can earn good conduct credit at the rate of one day for each one day served, including all days served while confined in jail or secured detention prior to conviction and sentencing, in which the adult has not violated the written rules and regulations of the jail.

01/17/20 **House:** Courts Criminal Subcommittee recommends reporting (7-Y 1-N)

01/22/20 **House:** Reported from Courts of Justice (20-Y 2-N)

01/28/20 **House:** Read third time and passed House (94-Y 4-N)

01/29/20 **Senate:** Referred to Committee on the Judiciary

02/12/20 **Senate:** Reported from Judiciary (11-Y 2-N)

02/17/20 **Senate:** Passed Senate (33-Y 7-N)

03/02/20 **Governor:** Approved by Governor-Chapter 18 (effective 7/1/20)

HB 253 Sex Offender and Crimes Against Minors Registry Act; offenses requiring registration.

Patron: Watts

Summary as passed House:

Offenses requiring registration under the Sex Offender and Crimes Against Minors Registry Act; unlawful dissemination or sale of images of another. Adds a third or subsequent conviction of unlawful dissemination or sale of images of another to the list of offenses requiring registration under the Sex Offender and Crimes Against Minors Registry if the offense was committed on or after July 1, 2020. The bill contains technical amendments.

12/30/19 **House:** Referred to Committee for Courts of Justice

02/07/20 House: Subcommittee recommends reporting (5-Y 0-N)
02/07/20 House: Reported from Courts of Justice with substitute (13-Y 2-N)
02/11/20 House: Read third time and passed House (85-Y 12-N)
02/12/20 **Senate:** Referred to Committee on the Judiciary
02/19/20 Senate: Reported from Judiciary (14-Y 0-N)
02/19/20 Senate: Rereferred to Finance and Appropriations
02/26/20 Senate: Reported from Finance and Appropriations (14-Y 0-N)
02/28/20 Senate: Passed Senate (37-Y 0-N)
03/23/20 **Governor:** Approved by Governor-Chapter 389 (effective 7/1/20)

[HB 259](#) Unrestorably incompetent defendant; competency report.

Patron: Simon

Summary as passed:

Unrestorably incompetent defendant; competency report. Provides that in cases where a defendant is likely to remain incompetent for the foreseeable future due to an ongoing and irreversible medical condition and prior medical or educational records are available to support the diagnosis, a competency report may recommend that the court find the defendant unrestorably incompetent to stand trial, and the court may proceed with the disposition of the case based on such recommendation. Under current law, the defendant is required to undergo treatment to restore his competency before the court can find a defendant unrestorably incompetent to stand trial. The bill also provides that such person who is found unrestorably incompetent to stand trial shall be prohibited from purchasing, possessing, or transporting a firearm. This bill is identical to [SB 670](#).

01/15/20 **House:** Courts Criminal Subcommittee recommends reporting with amendments (8-Y 0-N)
01/22/20 House: Reported from Courts of Justice with amendments (22-Y 0-N)
01/28/20 House: Read third time and passed House BLOCK VOTE (97-Y 0-N)
01/29/20 **Senate:** Referred to Committee on the Judiciary
02/12/20 Senate: Reported from Judiciary with substitute (15-Y 0-N)
02/17/20 Senate: Passed Senate with substitute (40-Y 0-N)
02/19/20 **House:** Senate substitute rejected by House 20108211D-S1 (3-Y 97-N)
02/21/20 Senate: Senate requested conference committee
02/24/20 House: Conferees appointed by House: Delegates: Simon, Mullin, Adams, L.R.
02/25/20 Senate: Conferees appointed by Senate: Senators: Mason, Deeds, McDougale
03/04/20 **Conference:** Amended by conference committee
03/04/20 House: Conference report agreed to by House (95-Y 0-N)
03/07/20 Senate: Conference report agreed to by Senate (37-Y 0-N)
04/10/20 **Governor:** Approved by Governor-Chapter 1121 (effective 7/1/20)

[HB 262](#) Inquiry and report of immigration status; certain victims or witnesses of crimes.

Patron: Lopez

Summary as Passed:

Inquiry and report of immigration status; certain victims or witnesses of crimes. Prohibits law-enforcement officers from inquiring into the immigration status of a person who (i) reports that he is a victim of a crime or a parent or guardian of a minor victim of a crime or (ii) is a witness in the investigation of a crime or the parent or guardian of a minor witness to a crime. However, a law-enforcement officer is not prohibited from making such

an inquiry if it is necessary for the enforcement or implementation of certain criminal provisions or if the parent or guardian has been arrested for, has been charged with, or is being investigated for a crime against the minor victim.

01/27/20 **House:** Courts Criminal Subcommittee recommends reporting with amendments (6-Y 1-N)

01/31/20 **House:** Reported from Courts of Justice with amendments (14-Y 5-N)

02/06/20 **House:** Read third time and passed House (57-Y 42-N)

02/07/20 **Senate:** Referred to Committee on the Judiciary

02/17/20 **Senate:** Reported from Judiciary with substitute (9-Y 6-N)

02/19/20 **Senate:** Passed Senate with substitute (20-Y 19-N)

02/21/20 **House:** Senate substitute agreed to by House 20108387D-S1 (54-Y 42-N)

03/11/20 **Governor:** Approved by Governor-Chapter 273 (effective 7/1/20)

HB 278 Home/electronic incarceration program; payment to defray costs.

Patron: Hope

Summary as Passed:

Home/electronic incarceration program; payment to defray costs. Changes from mandatory to optional the current requirement that the director or administrator of a home/electronic incarceration program charge an offender or accused a fee for participating in the program to be used for the cost of home/electronic incarceration equipment.

01/15/20 **House:** Criminal Subcommittee recommends reporting with amendment (7-Y 0-N)

01/22/20 **House:** Reported from Courts of Justice with amendment (22-Y 0-N)

01/28/20 **House:** Read third time and passed House BLOCK VOTE (97-Y 0-N)

01/29/20 **Senate:** Referred to Committee on Rehabilitation and Social Services

02/07/20 **Senate:** Reported from Rehabilitation and Social Services (15-Y 0-N)

02/11/20 **Senate:** Passed Senate (40-Y 0-N)

02/24/20 **Governor:** Approved by Governor-Chapter 10 (effective 7/1/20)

HB 298 Misdemeanor sexual offenses; increases statute of limitations, where the victim is a minor.

Patron: Tran

Summary as passed:

Misdemeanor sexual offenses where the victim is a minor; statute of limitations. Increases the statute of limitations for prosecuting misdemeanor violations where the victim is a minor from one year after the victim reaches the age of majority to five years after the victim reaches the age of majority if the offender was an adult at the time of the offense and more than three years older than the victim for the following misdemeanor violations: carnal knowledge of detainee by employee of bail bond company, sexual battery, attempted sexual battery, infected sexual battery, sexual abuse of a child age 13 or 14 by an adult, and tongue penetration by adult of mouth of child under age 13 with lascivious intent. This bill is identical to [SB 724](#).

12/30/19 **House:** Referred to Committee for Courts of Justice

02/04/20 **House:** Assigned Courts sub: Criminal

02/05/20 **House:** Subcommittee recommends reporting with substitute (6-Y 1-N)

02/07/20 House: Reported from Courts of Justice with substitute (16-Y 0-N)
02/11/20 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)
02/12/20 **Senate:** Referred to Committee on the Judiciary
02/19/20 Senate: Reported from Judiciary with substitute (14-Y 0-N)
02/24/20 Senate: Passed Senate with substitute (40-Y 0-N)
02/26/20 **House:** Senate substitute rejected by House 20108737D-S1 (1-Y 96-N)
02/28/20 Senate: Senate insisted on substitute (37-Y 0-N)
03/02/20 House: Conferees appointed by House: Delegates: Tran, Mullin, Collins
03/03/20 Senate: Conferees appointed by Senate: Senators: McClellan, Boysko, Obenshain
03/05/20 **Conference:** Amended by conference committee
03/05/20 House: Conference report agreed to by House (98-Y 0-N)
03/07/20 Senate: Conference report agreed to by Senate (39-Y 0-N)
04/10/20 **Governor:** Approved by Governor-Chapter 1122 (effective 7/1/20)

[HB 475](#) Virginia sexual assault forensic examiner coordination program; established, report.

Patron: Mullin

Summary as Passed:

Virginia sexual assault forensic examiner coordination program. Establishes the Virginia sexual assault forensic examiner coordination program within the Department of Criminal Justice Services. The bill requires the head of the program to create and coordinate an annual statewide sexual assault forensic nurse examiner training program; coordinate the development and enhancement of sexual assault forensic examiner programs across the Commonwealth; participate in the development of hospital protocols and guidelines for treatment of survivors of sexual assault; coordinate and strengthen communications among sexual assault nurse examiner medical directors, sexual assault response teams, and hospitals for existing and developing sexual assault nurse examiner programs; provide technical assistance for existing and developing sexual assault forensic examiner programs; create and maintain a statewide list, updated biannually, that includes pertinent information regarding sexual assault forensic examiners and nurse examiners; create sexual assault nurse examiner recruitment materials for universities and colleges with nursing programs; and support and coordinate community education and public outreach, when appropriate, relating to sexual assault nurse examiner issues for the Commonwealth. The provisions of the bill are contingent on funding in a general appropriation act.

01/03/20 **House:** Referred from Public Safety to Committee for Courts of Justice
01/29/20 House: Criminal Subcommittee recommends reporting with substitute (8-Y 0-N)
01/31/20 House: Reported from Courts of Justice with substitute (19-Y 0-N)
01/31/20 House: Referred to Committee on Appropriations
02/01/20 House: Assigned App. sub: Transportation & Public Safety
02/03/20 House: Subcommittee recommends reporting (8-Y 0-N)
02/03/20 House: Reported from Appropriations (18-Y 0-N)
02/07/20 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)
02/10/20 **Senate:** Referred to Committee on the Judiciary
02/17/20 Senate: Reported from Judiciary with substitute (15-Y 0-N)
02/19/20 Senate: Passed Senate with substitute (39-Y 0-N)
02/21/20 **House:** Senate substitute agreed to by House 20108355D-S1 (95-Y 0-N)
03/11/20 **Governor:** Approved by Governor-Chapter 274 (effective - see bill)

HB 477 Juveniles; increases minimum age at which a juvenile must be tried as an adult.

Patrons: Guzman, Hudson, Hope, Jenkins and Samirah

Summary as Passed:

Juveniles; trial as adult. Increases from 14 years of age to 16 years of age the minimum age at which a juvenile must be tried as an adult in circuit court for murder or aggravated malicious wounding; however, if the juvenile is 14 years of age or older but younger than 16 years of age, the court, on motion of the attorney for the Commonwealth, shall hold a transfer hearing. The minimum age is also raised from 14 to 16 for certain charges requiring notice of intent to try such juvenile as an adult by the attorney for the Commonwealth. In order to be tried as an adult in circuit court for the charges that under current law require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires that (i) a report concerning the juvenile be prepared by the court services unit or other qualified agency and (ii) the attorney for the Commonwealth provide written notice that he intends to proceed with a preliminary hearing for trial of such juvenile as an adult, including affirmation that he has read the report. This bill incorporates **HB 1440**.

01/22/20 **House:** Criminal Subcommittee recommends reporting with substitute (7-Y 0-N)

01/27/20 **House:** Reported from Courts of Justice with substitute (20-Y 0-N)

01/27/20 **House:** Incorporates HB1440 (Jones)

01/31/20 **House:** Read third time and passed House BLOCK VOTE (99-Y 0-N)

02/03/20 **Senate:** Referred to Committee on the Judiciary

02/12/20 **Senate:** Reported from Judiciary with substitute (12-Y 3-N)

02/17/20 **Senate:** Passed Senate with substitute (30-Y 9-N)

02/20/20 **House:** Senate substitute rejected by House 20108212D-S1 (0-Y 98-N)

02/24/20 **Senate:** Senate insisted on substitute (40-Y 0-N)

02/26/20 **House:** Conferees appointed by House: Delegates: Guzman, Mullin, Collins

02/27/20 **Senate:** Conferees appointed by Senate: Senators: Edwards, Morrissey, Stanley

03/05/20 **Conference:** Amended by conference committee

03/05/20 **House:** Conference report agreed to by House (71-Y 28-N)

03/07/20 **Senate:** Conference report agreed to by Senate (31-Y 9-N)

04/09/20 **Governor:** Approved by Governor-Chapter 987 (effective 7/1/20)

HB 674 Firearms; removal from persons posing substantial risk, penalties.

Patrons: Sullivan, Helmer, Hurst, Lopez, Carr, Filler-Corn, Levine and Murphy

Summary as Passed:

Firearms; removal from persons posing substantial risk; penalties. Creates a procedure by which any attorney for the Commonwealth or law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. Upon service of an emergency substantial risk order, the person who is subject to the order shall be given the opportunity to voluntarily relinquish any firearm. An emergency substantial risk order shall expire on the fourteenth day following issuance of the order. The bill requires a court hearing in the circuit court for the jurisdiction where the order was issued within 14 days from issuance of an emergency substantial risk order to determine whether a substantial risk order should be issued. Seized firearms shall be retained by a law-enforcement agency for the duration of an emergency substantial risk order or a substantial risk order or, for a substantial risk order and with court approval, may be transferred to a third party 21 years of age or older

chosen by the person from whom they were seized. The bill allows the complainant of the original warrant to file a motion for a hearing to extend the substantial risk order prior to its expiration. The court may extend the substantial risk order for a period not longer than 180 days. The bill provides that persons who are subject to a substantial risk order, until such order has been dissolved by a court, are guilty of a Class 1 misdemeanor for purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person he knows has been served with a warrant or who is the subject of a substantial risk order is guilty of a Class 4 felony. The bill creates a computerized substantial risk order registry for the entry of orders issued pursuant to provisions in the bill. This bill is identical to **SB 240**.

01/06/20 **House:** Referred to Committee on Public Safety
01/24/20 **House:** Reported from Public Safety (13-Y 9-N)
01/30/20 **House:** Read third time and passed House (52-Y 46-N)
01/31/20 **Senate:** Referred to Committee on the Judiciary
02/24/20 **Senate:** Reported from Judiciary with substitute (9-Y 6-N)
02/27/20 **Senate:** Passed Senate with substitute (20-Y 20-N)
02/27/20 **Senate:** Chair votes Yes
03/02/20 **House:** Senate substitute agreed to by House 20108857D-S1 (52-Y 48-N)
04/08/20 **Governor:** Approved by Governor-Chapter 887 (effective 7/1/20)

HB 752 Felons; postrelease incarceration of offenders sentenced for certain offenses.

Patron: Jones

Summary as Passed:

Postrelease incarceration of felons sentenced for certain offenses. Clarifies that offenders who are convicted of knowingly failing to register or reregister with, or knowingly providing materially false information to, the Sex Offender and Crimes Against Minors Registry are subject to added terms of postrelease incarceration. The bill also clarifies that when a sentence is imposed upon conviction of a felony that includes an active term of incarceration and the court does not order a suspended term of confinement of at least six months, a period of postrelease incarceration shall be imposed that is not less than six months or more than three years. The bill also clarifies that it is the period of postrelease incarceration that is required to be suspended, not the period of postrelease supervision. As introduced, this bill was a recommendation of the Judicial Council. This bill is identical to **SB 312**.

01/07/20 **House:** Referred to Committee for Courts of Justice
01/16/20 **House:** Assigned Courts sub: Criminal
01/22/20 **House:** Subcommittee recommends reporting with substitute (8-Y 0-N)
01/27/20 **House:** Reported from Courts of Justice with substitute (20-Y 0-N)
01/31/20 **House:** VOTE: Block Vote Passage (99-Y 0-N)
02/03/20 **Senate:** Referred to Committee on the Judiciary
02/12/20 **Senate:** Reported from Judiciary with substitute (13-Y 2-N)
02/18/20 **Senate:** Passed Senate with substitute (37-Y 0-N)
02/20/20 **House:** Senate substitute rejected by House 20108410D-S2 (1-Y 97-N)
02/24/20 **Senate:** Senate insisted on substitute (40-Y 0-N)
02/26/20 **House:** Conferees appointed by House: Delegates: Jones, Mullin, Adams, L.R.
02/27/20 **Senate:** Conferees appointed by Senate: Senators: Stanley, McClellan, Surovell
03/04/20 **Conference:** Amended by conference committee

03/04/20 House: Conference report agreed to by House (94-Y 0-N)
03/07/20 Senate: Conference report agreed to by Senate (39-Y 1-N)
04/10/20 **Governor:** Approved by Governor-Chapter 1115 (effective 7/1/20)

HB 806 Criminal Injuries Compensation Fund; uncompensated medical costs, victims of sexual assault.

Patrons: Delaney, Hope, Levine, Mugler and Rasoul; Senator: Morrissey

Summary as Passed:

Criminal Injuries Compensation Fund; uncompensated medical costs; victims of sexual assault. Adds to those persons invited to participate in the annual meeting of the group led by the attorney for the Commonwealth to coordinate the multidisciplinary response to criminal sexual assault in each political subdivision (i) local health department district directors; (ii) the administrator of each licensed hospital within the jurisdiction; (iii) the director of each health safety net clinic within the jurisdiction; and (iv) any other local health care providers, or their designees, and authorizes attorneys for the Commonwealth to conduct the sexual assault response team annual meetings using other methods, such as electronic communication means, to encourage attendance. The bill also directs the Secretary of Health and Human Resources to establish a work group to evaluate the feasibility of moving responsibility for the SAFE program from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services and to provide recommendations related to (i) the feasibility and cost of expanding the type of services for which the Criminal Injuries Compensation Fund will make awards to include claims or portions of claims based on the claimant's actual expenses incurred for unreimbursed medical costs resulting from sexual abuse, including the cost of physical evidence recovery kit examinations conducted on victims of sexual assault, unreimbursed medical expenses or indebtedness reasonably incurred for medical expenses, expenses attributable to pregnancy resulting from such sexual abuse, and any other reasonable and necessary expenses and indebtedness associated with or attributable to the sexual abuse upon which such claim is based and (ii) the feasibility of transferring responsibility from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services for the Sexual Assault Forensic Examination program (the SAFE program) and related claims for medical expenses related to sexual assault, strangulation, domestic and intimate partner violence, human trafficking, and adult and child abuse. If the work group finds that it is not feasible to move responsibility for the SAFE program and related claims from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services, the work group shall develop recommendations for creation of an efficient, seamless electronic medical claim processing system for hospitals and health care providers that coordinates payments from all available sources, suppresses explanations of benefits, and removes the patient from the medical billing and reimbursement process. The work group's report shall include specific legislative, regulatory, and budgetary changes necessary to implement the work group's recommendations. The work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, and the Joint Commission on Health Care by September 1, 2020. This bill is identical to **SB 949**.

01/22/20 **House:** Referred from Courts of Justice
01/22/20 House: Referred to Committee on Health, Welfare and Institutions
01/28/20 House: HWI Health Subcommittee recommends reporting with amendments (8-Y 0-N)
01/30/20 House: Reported from Health, Welfare and Institutions with amendments (22-Y 0-N)
01/30/20 House: Referred to Committee on Appropriations; sub: Health & Human Resources
02/05/20 House: Subcommittee recommends reporting with substitute (8-Y 0-N)
02/05/20 House: Reported from Appropriations with substitute (21-Y 0-N)
02/10/20 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)
02/11/20 **Senate:** Referred to Committee on the Judiciary

02/19/20 Senate: Reported from Judiciary (14-Y 0-N)
02/19/20 Senate: Rereferred to Finance and Appropriations
02/26/20 Senate: Reported from Finance and Appropriations with substitute (13-Y 0-N 1-A)
02/28/20 Senate: Passed Senate with substitute (37-Y 0-N)
03/02/20 **House:** Senate substitute rejected by House 20109167D-S1 (0-Y 99-N)
03/03/20 **Senate:** Senate insisted on substitute (40-Y 0-N)
03/05/20 House: Conferees appointed by House: Delegates: Delaney, Jenkins, Edmunds
03/05/20 Senate: Conferees appointed by Senate: Senators: Surovell, Boysko, Stuart
03/05/20 **Conference:** Amended by conference committee
03/05/20 House: Conference report agreed to by House (96-Y 0-N)
03/07/20 Senate: Conference report agreed to by Senate (40-Y 0-N)
04/10/20 **Governor:** Approved by Governor-Chapter 1072 (effective 7/1/20)

[HB 808](#) Survivors of sexual assault.; every hospital to provide treatment or transfer services.

Patrons: Delaney and Wilt

Summary as Passed:

Services for survivors of sexual assault. Requires every hospital in the Commonwealth to provide treatment or transfer services, as defined in the bill, to survivors of sexual assault pursuant to a plan approved by the Department of Health; establishes specific requirements for providers of services to pediatric survivors of sexual assault; and establishes the Task Force on Services for Survivors of Sexual Assault to facilitate the development of services for survivors of sexual assault. Certain provisions of the bill have a delayed effective date of July 1, 2023.

01/22/20 **House:** Referred from Courts of Justice to Committee on Health, Welfare and Institutions
01/28/20 House: HWI Health Subcommittee recommends reporting with substitute (8-Y 0-N)
01/30/20 House: Reported from Health, Welfare and Institutions with substitute (22-Y 0-N)
01/30/20 House: Referred to Committee on Appropriations, sub: Health & Human Resources
02/07/20 House: Subcommittee recommends reporting with substitute (8-Y 0-N)
02/07/20 House: Reported from Appropriations with substitute (22-Y 0-N)
02/11/20 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)
02/12/20 **Senate:** Referred to Committee on Education and Health
02/21/20 Senate: Assigned Education sub: Health
02/27/20 Senate: Reported from Education and Health with amendments (15-Y 0-N)
02/27/20 Senate: Rereferred to Finance and Appropriations
03/02/20 Senate: Reported from Finance and Appropriations (15-Y 0-N)
03/05/20 Senate: Passed Senate with amendments (40-Y 0-N)
03/05/20 **House:** Senate amendments agreed to by House (95-Y 0-N)
04/06/20 **Governor:** Approved by Governor-Chapter 725 (effective - see bill)

[HB 988](#) Compensating victims of crime; persons eligible for award includes grandchildren.

Patrons: Batten and Kory

Summary as introduced and Passed:

Compensating victims of crime; persons eligible for award; grandchildren. Includes grandchildren of the victim of a crime, who are alive at the time of the commission of the crime, in the list of persons eligible for

compensation as a result of the death of the victim (i) as a direct result of the crime or (ii) due to the victim's trying to prevent a crime or attempted crime from occurring or trying to apprehend a person who had committed a crime in his presence or had committed a felony.

01/07/20 **House:** Referred to Committee for Courts of Justice
01/17/20 **House:** Criminal Subcommittee recommends reporting (7-Y 1-N)
01/22/20 **House:** Reported from Courts of Justice (21-Y 1-N)
01/22/20 **House:** Referred to Committee on Appropriations
01/27/20 **House:** Transportation & Public Safety Subcommittee recommends reporting (7-Y 0-N)
01/29/20 **House:** Reported from Appropriations (18-Y 0-N)
02/04/20 **House:** Read third time and passed House (97-Y 1-N)
02/05/20 **Senate:** Referred to Committee on the Judiciary
02/17/20 **Senate:** Reported from Judiciary (15-Y 0-N)
02/17/20 **Senate:** Rereferred to Finance and Appropriations
02/25/20 **Senate:** Reported from Finance and Appropriations (16-Y 0-N)
02/27/20 **Senate:** Passed Senate (40-Y 0-N)
03/25/20 **Governor:** Approved by Governor-Chapter 446 (effective 7/1/20)

HB 1004 Protective orders; possession of firearms, surrender or transfer of firearms, penalty.

Patrons: Mullin, Helmer, Murphy, Filler-Corn, Levine and Lopez

Summary as enacted with Governor's Recommendations:

Protective orders; possession of firearms; surrender or transfer of firearms; penalty. Prohibits any person subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) from knowingly possessing a firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order such person may continue to possess such firearm for the purposes of selling or transferring it to any person who is not otherwise prohibited by law from possessing such firearm. A violation of this provision is a Class 6 felony. The bill also provides that a court shall order a person subject to a permanent protective order to (i) within 24 hours, surrender any firearm possessed by such person to a designated local law-enforcement agency or sell or transfer any firearm possessed by such person to a dealer or to any person who is not otherwise prohibited by law from possessing such firearm and (ii) certify in writing that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order within 48 hours after being served with a protective order. The bill provides that the willful failure of any person to certify in writing that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms shall constitute contempt of court. The bill provides procedures for designating a local law-enforcement agency to receive and store firearms, as well as a process to return such surrendered firearms. The bill also makes it a Class 4 felony for any person to sell, barter, give, or furnish any firearm to any person he knows is prohibited from possessing or transporting a firearm who is subject to a permanent protective order. This bill incorporates **HB 856** and is identical to **SB 479**.

01/07/20 **House:** Referred to Committee on Public Safety
01/24/20 **House:** Reported from Public Safety with substitute (20-Y 2-N)
01/24/20 **House:** Incorporates HB856 (Murphy)
01/30/20 **House:** Read third time and passed House (58-Y 42-N)
01/31/20 **Senate:** Referred to Committee on the Judiciary

02/24/20 Senate: Reported from Judiciary with substitute (9-Y 6-N)
02/26/20 Senate: Passed Senate with substitute (22-Y 18-N)
02/28/20 House: Senate substitute agreed to by House 20108967D-S1 (56-Y 42-N)
04/11/20 **House: Governor's** recommendation received by House
04/22/20 House: House concurred in Governor's recommendation (51-Y 42-N)
04/22/20 Senate: Senate concurred in Governor's recommendation (21-Y 19-N)
04/22/20 **House:** Enacted, Chapter 1221 (effective 7/1/20)

[HB 1150](#) Inquiry and report of immigration status; persons charged with or convicted of certain crimes.

Patrons: Lopez, Hudson and Levine

Summary as Passed:

Inquiry and report of immigration status; persons charged with or convicted of certain crimes. Provides that the provisions requiring (i) jail officers to ascertain the citizenship of any inmate taken into custody at a jail, (ii) officers in charge of correctional facilities to inquire as to the citizenship of any person committed to a correctional facility, and (iii) the mandatory duty of the clerk of a court committing a convicted alien to a correctional facility to furnish related court records to a United States immigration officer are limited to felony offenses. The bill also provides that the clerk of court report to the Bureau of Immigration and Customs Enforcement of the U.S. Department of Homeland Security any juvenile adjudicated of delinquency or finding of guilt for a violent juvenile felony. This bill incorporates **HB 244** and is identical to **SB 491**.

01/27/20 **House:** Courts Criminal Subcommittee recommends reporting with substitute (5-Y 2-N)
01/31/20 House: Reported from Courts of Justice with substitute (13-Y 6-N)
02/06/20 House: Read third time and passed House (51-Y 47-N)
02/07/20 **Senate:** Referred to Committee on the Judiciary
02/12/20 Senate: Reported from Judiciary with substitute (10-Y 5-N)
02/17/20 Senate: Passed Senate with substitute (21-Y 19-N)
02/19/20 **House:** Senate substitute rejected by House 20108215D-S1 (0-Y 100-N)
02/21/20 **Senate:** Senate insisted on substitute (36-Y 3-N)
02/24/20 House: Conferees appointed by House: Delegates: Lopez, Mullin, Coyner
02/25/20 Senate: Conferees appointed by Senate: Senators: Surovell, Boysko, Norment
03/05/20 **Conference:** Amended by conference committee
03/05/20 House: Conference report agreed to by House (54-Y 45-N)
03/07/20 Senate: Conference report agreed to by Senate (21-Y 19-N)
04/09/20 **Governor:** Approved by Governor-Chapter 995 (effective 7/1/20)

[HB 1196](#) Driver's license; suspension for nonpayment of fines or costs.

Patrons: Lopez, Herring, LaRock, Simon, Guzman and Levine

Summary as Passed:

Suspension of driver's license for nonpayment of fines or costs. Repeals the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill also removes a provision allowing the court to require a defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. The bill requires the Commissioner of the Department of Motor Vehicles to return or reinstate any person's driver's license that was suspended prior to July 1, 2019, solely for nonpayment of fines

or costs. Such person does not have to pay a reinstatement fee. This bill incorporates **HB 17** and is identical to **SB 1**.

01/07/20 **House:** Referred to Committee on Transportation
01/21/20 **House:** Referred from Transportation to Committee for Courts of Justice
01/29/20 **House:** Criminal Subcommittee recommends reporting with substitute (7-Y 1-N)
01/31/20 **House:** Incorporates HB17 (Carroll Foy)
01/31/20 **House:** Reported from Courts of Justice with substitute (14-Y 3-N)
02/06/20 **House:** House committee, floor amendments and substitutes offered
02/06/20 **House:** Amendment by Delegate Lopez agreed to
02/06/20 **House:** Emergency clause deleted
02/07/20 **House:** Read third time and passed House (72-Y 27-N)
02/10/20 **Senate:** Referred to Committee on Transportation
02/20/20 **Senate:** Reported from Transportation with amendments (13-Y 2-N)
02/20/20 **Senate:** Rereferred to Finance and Appropriations
02/25/20 **Senate:** Reported from Finance and Appropriations with amendments (12-Y 2-N)
02/26/20 **Senate:** Passed Senate with amendments (37-Y 3-N)
02/26/20 **House:** Senate amendments rejected by House (1-Y 92-N)
02/26/20 **Senate:** Senate insisted on amendments (40-Y 0-N)
02/27/20 **House:** Conferees appointed by House: Delegates: Lopez, Mullin, Kilgore
02/27/20 **Senate:** Conferees appointed by Senate: Senators: Stanley, Ebbin, Morrissey
03/05/20 **Conference:** Amended by conference committee
03/05/20 **House:** Conference report agreed to by House (68-Y 30-N)
03/07/20 **Senate:** Conference report agreed to by Senate (36-Y 4-N)
04/09/20 **Governor:** Approved by Governor-Chapter 964 (effective 7/1/20)

[HB 1330](#) Child pornography; possession, distribution, production, publication, sale, financing, etc.

Patron: Byron

Summary as Passed:

Possession, distribution, production, publication, sale, financing, etc., of child pornography; venue. Provides that venue for a prosecution of child pornography possession, distribution, or production may lie in the jurisdiction where the alleged offender resides. Under current law, venue for a prosecution of such offense may lie only in the jurisdiction where the unlawful act occurs or where any sexually explicit visual material associated with the unlawful act is produced, reproduced, found, stored, or possessed. This bill incorporates **HB 478**.

01/08/20 **House:** Committee for Courts of Justice, Criminal Subcommittee recommends reporting with substitute (7-Y 0-N)
01/27/20 **House:** Reported from Courts of Justice with substitute (20-Y 0-N)
01/27/20 **House:** Incorporates HB478 (Mullin)
01/31/20 **House:** Read third time and passed House BLOCK VOTE (99-Y 0-N)
02/03/20 **Senate:** Referred to Committee on the Judiciary
02/19/20 **Senate:** Reported from Judiciary (13-Y 0-N)
02/24/20 **Senate:** Passed Senate (40-Y 0-N)
03/27/20 **Governor:** Approved by Governor-Chapter 489 (effective 7/1/20)

HB 1437 Juveniles; confinement for violation of court order.

Patron: Jones

Summary as introduced and Passed:

Juvenile confinement for violation of court order. Reduces from 10 days to seven days the maximum allowable period of confinement of a juvenile in a secure facility for a contempt violation or when a child in need of supervision is found to have willfully and materially violated an order of the court. The bill also provides that any order of disposition of such violation confining the juvenile in a secure facility for juveniles shall (i) identify the valid court order that has been violated; (ii) specify the factual basis for determining that there is reasonable cause to believe that the juvenile has violated such order; (iii) state the findings of fact that support a determination that there is no appropriate less restrictive alternative available to placing the juvenile in such a facility, with due consideration to the best interest of the juvenile; (iv) specify the length of time of such confinement, not to exceed seven days; and (v) include a plan for the juvenile's release from such facility.

01/08/20 **House:** Referred to Committee for Courts of Justice
01/22/20 **House:** Criminal Subcommittee recommends reporting (8-Y 0-N)
01/27/20 **House:** Reported from Courts of Justice (20-Y 0-N)
01/31/20 **House:** Read third time and passed House BLOCK VOTE (99-Y 0-N)
02/03/20 **Senate:** Referred to Committee on the Judiciary
02/19/20 **Senate:** Reported from Judiciary (14-Y 0-N)
02/24/20 **Senate:** Passed Senate (40-Y 0-N)
04/02/20 **Governor:** Approved by Governor-Chapter 593 (effective 7/1/20)

HB 1462 Admission to bail; rebuttable presumptions against bail.

Patron: Scott

Summary as passed:

Admission to bail; rebuttable presumptions against bail. Eliminates the provision prohibiting a judicial officer who is a magistrate, clerk, or deputy clerk of a district court or circuit court from admitting to bail, that is not set by a judge, any person who is charged with an offense giving rise to a rebuttable presumption against bail without the concurrence of an attorney for the Commonwealth. The bill also eliminates the requirement that notice be provided to the attorney for the Commonwealth before such judicial officer may set or admit a person to bail.

01/08/20 **House:** Referred to Committee for Courts of Justice
01/27/20 **House:** Criminal Subcommittee recommends reporting with substitute (5-Y 3-N)
02/05/20 **House:** Reported from Courts of Justice with substitute (15-Y 7-N)
02/07/20 **House:** Committee substitute agreed to 20107424D-H1
02/07/20 **House:** Amendment by Delegate Scott agreed to
02/10/20 **House:** Read third time and passed House (55-Y 44-N)
02/11/20 **Senate:** Referred to Committee on the Judiciary
02/19/20 **Senate:** Reported from Judiciary with amendment (8-Y 4-N)
02/24/20 **Senate:** Passed Senate with amendment (22-Y 18-N)
02/26/20 **House:** Senate amendment agreed to by House (53-Y 44-N)
04/09/20 **Governor:** Approved by Governor-Chapter 999 (effective 7/1/20)

[HB 1467](#) Prisoners; obtaining certain identification documentation upon release.

Patrons: Aird, Askew, Bagby, Hayes, Herring, McQuinn and Price

Summary as Passed:

Prisoners; obtaining certain identification documentation upon release. Requires the Department of Corrections and the sheriff, jail superintendent, or other jail administrator of a local correctional facility to provide the assistance necessary for any prisoner who does not already possess a government-issued identification card to apply for and obtain such identification. The requirement would apply for any prisoner who has been confined for a period of 90 days or more. If a prisoner is unable to obtain a government-issued identification, the Department would provide a Department of Corrections Offender Identification form. The bill further requires all costs and fees associated with obtaining such identification documentation to be paid by the prisoner unless the prisoner is determined to be indigent. Current law authorizes local correctional institutions to issue special identification cards prior to the release of any prisoner and requires the prisoner to pay all costs and fees associated with obtaining such card. This bill is identical to **HB 1093**.

01/08/20 **House:** Courts, Criminal Subcommittee recommends reporting with substitute (8-Y 0-N)

01/31/20 **House:** Reported from Courts of Justice with substitute (19-Y 0-N)

02/06/20 **House:** Read third time and passed House BLOCK VOTE (99-Y 0-N)

02/07/20 **Senate:** Referred to Committee on Rehabilitation and Social Services

02/14/20 **Senate:** Reported from Rehabilitation and Social Services with amendments (14-Y 1-N)

02/14/20 **Senate:** Rereferred to Finance and Appropriations

02/26/20 **Senate:** Reported from Finance and Appropriations with substitute (13-Y 2-N)

02/28/20 **Senate:** Committee substitute rejected 20108684D-S1

02/28/20 **Senate:** Substitute by Senator Favola agreed to 20109297D-S2

02/28/20 **Senate:** Passed Senate with substitute (26-Y 10-N)

03/02/20 **House:** Senate substitute agreed to by House 20109297D-S2 (99-Y 0-N)

03/31/20 **Governor:** Approved by Governor-Chapter 523 (effective 7/1/20)

[HB 1544](#) Children; strip searches.

Patron: Carter, Price, Rasoul and Samirah

Summary as enacted with Governor's Recommendations:

Strip searches of children. Provides that no child under the age of 18 shall be strip searched or subjected to a search of any body cavity by a law-enforcement officer or a jail officer. The bill provides exceptions for (i) children committed to the Department of Juvenile Justice or confined or detained in a secure local facility for juveniles or a jail or other facility for the detention of adults; (ii) persons taken into custody by or remanded to a law-enforcement officer pursuant to a circuit or district court order; and (iii) children in custodial arrest when there is reasonable cause to believe on the part of a law-enforcement officer or jail officer authorizing the search that the child is concealing a weapon.

01/10/20 **House:** Referred to Committee for Courts of Justice

01/22/20 **House:** Criminal Subcommittee recommends reporting with substitute (7-Y 0-N)

02/05/20 **House:** Reported from Courts of Justice with substitute (22-Y 0-N)

02/10/20 **House:** Read third time and passed House BLOCK VOTE (99-Y 0-N)

02/11/20 **Senate:** Referred to Committee on the Judiciary

02/19/20 **Senate:** Reported from Judiciary with substitute (12-Y 0-N)

02/24/20 Senate: Passed Senate with substitute (40-Y 0-N)
02/26/20 **House:** Senate substitute rejected by House 20108762D-S1 (0-Y 96-N)
02/28/20 **Senate:** Senate insisted on substitute (38-Y 0-N)
03/02/20 House: Conferees appointed by House: Delegates: Carter, Scott, Bell
03/03/20 Senate: Conferees appointed by Senate: Senators: Morrissey, Peake, Boysko
03/05/20 **Conference:** Amended by conference committee
03/05/20 House: Conference report agreed to by House (98-Y 0-N)
03/07/20 Senate: Conference report agreed to by Senate (40-Y 0-N)
04/11/20 **House: Governor's** recommendation received by House
04/22/20 House: House concurred in Governor's recommendation BLOCK VOTE (95-Y 0-N)
04/22/20 Senate: Senate concurred in Governor's recommendation (40-Y 0-N)
04/22/20 Governor: Governor's recommendation adopted
04/22/20 **House:** Enacted, Chapter 1236 (effective 7/1/20)

SB 1 Driver's license; suspension for nonpayment of fines or costs.

Patrons: Stanley, McClellan, Suetterlein, Ebbin, Edwards, Morrissey and Lewis; Delegate: Kory

Summary as Passed:

Suspension of driver's license for nonpayment of fines or costs. Repeals the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill also removes a provision allowing the court to require a defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. The bill requires the Commissioner of the Department of Motor Vehicles to return or reinstate any person's driver's license that was suspended prior to July 1, 2019, solely for nonpayment of fines or costs. Such person does not have to pay a reinstatement fee. This bill incorporates **SB 10, SB 514, and SB 814** and is identical to **HB 1196**.

EMERGENCY

11/18/19 **Senate:** Reported from Judiciary with substitute (14-Y 0-N)
01/15/20 Senate: Incorporates SB10 (Ebbin), SB514 (Edwards), and SB814 (Morrissey)
01/29/20 Senate: Reported from Finance and Appropriations with amendment (13-Y 2-N 1-A)
01/31/20 Senate: Emergency clause added
01/31/20 Senate: Engrossed by Senate - committee substitute with amendment SB1ES1
02/03/20 Senate: Read third time and passed Senate (40-Y 0-N)
02/18/20 **House:** Referred to Committee for Courts of Justice
02/19/20 House: Reported from Courts of Justice with amendment (18-Y 3-N)
02/19/20 House: Referred to Committee on Appropriations
02/21/20 House: Reported from Appropriations (16-Y 6-N)
02/26/20 House: Emergency clause deleted
02/26/20 House: Passed House with amendment (75-Y 25-N)
02/26/20 **Senate:** House amendment agreed to by Senate (38-Y 1-N)
04/09/20 **Governor:** Approved by Governor-Chapter 965 (effective 7/1/20)

SB 103 Juvenile offenders; parole.

Patrons: Marsden, McClellan and Morrissey; Delegate: Kory

Summary as introduced:

Juvenile offenders; parole. Provides that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentence, and any person who has active sentences that total more than 20 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentences, shall be eligible for parole.

12/05/19 **Senate:** Referred to Committee on the Judiciary
01/15/20 **Senate:** Reported from Judiciary (11-Y 2-N)
01/21/20 **Senate:** Read third time and passed Senate (29-Y 10-N)
02/18/20 **House:** Referred to Committee for Courts of Justice
02/24/20 **House:** Reported from Courts of Justice with substitute (12-Y 9-N)
02/27/20 **House:** Passed House with substitute (55-Y 44-N)
03/02/20 **Senate:** House substitute agreed to by Senate (26-Y 14-N)
03/31/20 **Governor:** Approved by Governor-Chapter 529 (effective 7/1/20)

SB 105 Best interests of the child; act of violence, force, or threat against an intimate partner, etc.

Patrons: Favola; Delegate: Kory

Summary as Passed:

Best interests of the child; history of child abuse. Provides that any history of child abuse and acts of violence, force, or threat that occurred no earlier than 10 years prior to the filing of a petition for custody or visitation of a child shall be considered by a court in determining the best interests of a child. This bill is identical to **HB 861**.

12/08/19 **Senate:** Referred to Committee on the Judiciary
01/27/20 **Senate:** Reported from Judiciary with amendments (12-Y 0-N)
01/30/20 **Senate:** Read third time and passed Senate (39-Y 0-N)
02/03/20 **House:** Referred to Committee for Courts of Justice
02/14/20 **House:** Reported from Courts of Justice with substitute (22-Y 0-N)
02/19/20 **House:** Passed House with substitute BLOCK VOTE (100-Y 0-N)
02/21/20 **Senate:** House substitute rejected by Senate (5-Y 34-N)
02/24/20 **House:** House insisted on substitute
02/26/20 **Senate:** Conferees appointed by Senate: Senators: Favola, Stuart, Surovell
02/27/20 **House:** Conferees appointed by House: Delegates: Levine, Kory, Coyner
03/05/20 **Conference:** Amended by conference committee
03/07/20 **House:** Conference report agreed to by House (98-Y 0-N)
03/07/20 **Senate:** Conference report agreed to by Senate (40-Y 0-N)
04/10/20 **Governor:** Approved by Governor-Chapter 1075 (effective 7/1/20)

SB 133 Criminal cases; deferred disposition.

Patrons: Stuart and Boysko

Summary as Passed:

Deferred disposition in criminal cases. Allows a court to defer and dismiss a criminal case where the defendant has been diagnosed with autism or an intellectual disability and the court finds by clear and convincing evidence that the criminal conduct was caused by or had a direct and substantial relationship to the person's disorder or disability.

12/18/19 **Senate:** Referred to Committee on the Judiciary
02/10/20 Senate: Reported from Judiciary (14-Y 0-N)
02/11/20 Senate: Passed Senate (40-Y 0-N)
02/14/20 **House:** Referred to Committee for Courts of Justice
02/14/20 House: Assigned Courts sub: Criminal
02/17/20 House: Subcommittee recommends reporting (4-Y 3-N)
02/19/20 House: Reconsidered by sub: Criminal
02/24/20 House: Subcommittee recommends reporting with substitute (6-Y 2-N)
02/28/20 House: Reported from Courts of Justice with substitute (17-Y 4-N)
03/04/20 House: Passed House with substitute (89-Y 7-N)
03/05/20 **Senate:** House substitute agreed to by Senate (40-Y 0-N)
04/09/20 **Governor:** Approved by Governor-Chapter 1004 (effective 7/1/20)

[SB 144](#) Protective orders; issuance upon convictions for certain felonies, penalty.

Patron: Stuart

Summary as Passed:

Protective orders; issuance upon convictions for certain felonies; penalty. Authorizes a court to issue a protective order upon convicting a defendant for an act of violence and upon the request of the victim or the attorney for the Commonwealth on behalf of the victim. The bill provides that the duration of such protective order can be for any reasonable period of time, including up to the lifetime of the defendant, that the court deems necessary to protect the health and safety of the victim. The bill provides that a violation of a protective order issued upon a conviction for an act of violence is punishable as a Class 1 misdemeanor.

12/18/19 **Senate:** Referred to Committee on the Judiciary
01/27/20 Senate: Reported from Judiciary with substitute (15-Y 0-N)
01/27/20 Senate: Rereferred to Finance and Appropriations
02/05/20 Senate: Reported from Finance and Appropriations with amendment (16-Y 0-N)
02/07/20 Senate: Passed Senate (39-Y 0-N)
02/12/20 **House:** Referred to Committee for Courts of Justice
02/18/20 House: Assigned Courts sub: Criminal
02/24/20 House: Subcommittee recommends reporting with substitute (7-Y 1-N)
02/28/20 House: Reported from Courts of Justice with substitute (19-Y 1-N)
03/04/20 House: Passed House with substitute (90-Y 7-N)
03/05/20 **Senate:** House substitute agreed to by Senate (40-Y 0-N)
04/09/20 **Governor:** Approved by Governor-Chapter 1005 (effective 7/1/20)

[SB 179](#) Hate crimes; adds gender, disability, gender identity, or sexual orientation, penalty.

Patrons: Favola, Bell, Boysko, Lewis and Morrissey; Delegate: Kory

Summary as Passed:

Hate crimes; gender, disability, gender identity, or sexual orientation; penalty. Adds gender, disability, 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 gender, disability, gender identity, and sexual orientation 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 provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by gender, disability, gender identity, or 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 gender, disability, gender identity, or sexual orientation. The bill also eliminates the mandatory minimum terms of confinement for such hate crimes.

12/21/19 **Senate:** Referred to Committee on the Judiciary
01/15/20 **Senate:** Reported from Judiciary with substitute (8-Y 3-N)
01/15/20 **Senate:** Rereferred to Finance and Appropriations
02/05/20 **Senate:** Reported from Finance and Appropriations with amendment (15-Y 1-N)
02/10/20 **Senate:** Read third time and passed Senate (26-Y 13-N)
02/18/20 **House:** Referred to Committee for Courts of Justice
02/18/20 **House:** Assigned Courts sub: Criminal
02/19/20 **House:** Subcommittee recommends reporting with amendment (5-Y 3-N)
02/24/20 **House:** Reported from Courts of Justice with amendment (13-Y 9-N)
02/27/20 **House:** Passed House with amendment (55-Y 44-N)
03/02/20 **Senate:** House amendment agreed to by Senate (22-Y 17-N)
04/11/20 **Governor:** Approved by Governor-Chapter 1171 (effective 7/1/20)

SB 240 Firearms; removal from persons posing substantial risk of injury to himself, etc., penalties.

Patrons: Barker, Morrissey, Surovell, Bell, Boysko, Ebbin, Favola, Howell and Lewis

Summary as Passed:

Firearms; removal from persons posing substantial risk; penalties. Creates a procedure by which any attorney for the Commonwealth or law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. Upon service of an emergency substantial risk order, the person who is subject to the order shall be given the opportunity to voluntarily relinquish any firearm. An emergency substantial risk order shall expire on the fourteenth day following issuance of the order. The bill requires a court hearing in the circuit court for the jurisdiction where the order was issued within 14 days from issuance of an emergency substantial risk order to determine whether a substantial risk order should be issued. Seized firearms shall be retained by a law-enforcement agency for the duration of an emergency substantial risk order or a substantial risk order or, for a substantial risk order and with court approval, may be transferred to a third party 21 years of age or older chosen by the person from whom they were seized. The bill allows the complainant of the original warrant to file a motion for a hearing to extend the substantial risk order prior to its expiration. The court may extend the substantial risk order for a period not longer than 180 days. The bill provides that persons who are subject to a substantial risk order, until such order has been dissolved by a court, are guilty of a Class 1 misdemeanor for

purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person he knows has been served with a warrant or who is the subject of a substantial risk order is guilty of a Class 4 felony. The bill creates a computerized substantial risk order registry for the entry of orders issued pursuant to provisions in the bill. This bill is identical to **HB 674**.

01/02/20 **Senate**: Referred to Committee on the Judiciary
01/13/20 **Senate**: Reported from Judiciary with substitute (9-Y 5-N)
01/21/20 **Senate**: Committee substitute rejected 20105669D-S1
01/21/20 **Senate**: Substitute by Senator Morrissey withdrawn 20105857D-S2
01/21/20 **Senate**: Substitute by Senator Surovell 20105922D-S3 agreed to (21-Y 19-N)
01/21/20 **Senate**: Amendment #1 by Senator Norment ruled out of order
01/21/20 **Senate**: Amendment #2 by Senator Norment ruled out of order
01/21/20 **Senate**: Amendment #3 by Senator Norment agreed to
01/21/20 **Senate**: Amendment by Senator Surovell agreed to
01/22/20 **Senate**: Read third time and passed Senate (21-Y 19-N)
02/13/20 **House**: Referred to Committee on Public Safety
02/21/20 **House**: House committee, floor amendments and substitutes offered
02/21/20 **House**: Reported from Public Safety with substitute (12-Y 8-N)
02/26/20 **House**: Passed House with substitute (53-Y 47-N)
02/28/20 **Senate**: House substitute agreed to by Senate (21-Y 17-N)
04/08/20 **Governor**: Approved by Governor-Chapter 888 (effective 7/1/20)

SB 248 Virginia Gun Violence Intervention and Prevention Fund; created.

Patron: Favola

Summary as Passed:

Virginia Gun Violence Intervention and Prevention Fund. Establishes the Virginia Violence Intervention and Prevention Fund to be administered by the Department of Criminal Justice Services for the purpose of supporting violence intervention and prevention programs, including street outreach, hospital-based violence intervention, and group violence intervention programs.

01/02/20 **Senate**: Referred to Committee on the Judiciary
01/22/20 **Senate**: Reported from Judiciary with substitute (9-Y 4-N)
01/22/20 **Senate**: Rereferred to Finance and Appropriations
02/04/20 **Senate**: Reported from Finance and Appropriations with amendment (16-Y 0-N)
02/07/20 **Senate**: Read third time and passed Senate (24-Y 15-N)
02/13/20 **House**: Referred to Committee on Appropriations
02/26/20 **House**: Assigned App. sub: Transportation & Public Safety
02/28/20 **House**: Subcommittee recommends reporting with amendment (5-Y 3-N)
02/28/20 **House**: Reported from Appropriations with amendment (14-Y 8-N)
03/04/20 **House**: House committee, floor amendments and substitutes offered
03/04/20 **House**: Amendments by Delegate Bourne agreed to
03/04/20 **House**: Passed House with amendments (57-Y 40-N)
03/05/20 **Senate**: House amendments agreed to by Senate (23-Y 17-N)
04/07/20 **Governor**: Approved by Governor-Chapter 818 (effective 7/1/20)

SB 297 Virginia Sexual and Domestic Violence Prevention Fund; created, report.

Patrons: Favola and McClellan; *Delegate:* Delaney

Summary as Passed:

Virginia Sexual and Domestic Violence Prevention Fund; report. Creates the Virginia Sexual and Domestic Violence Prevention Fund, which shall be administered by the Department of Social Services, in coordination with the Department of Health and the Virginia Sexual and Domestic Violence Action Alliance, and used to develop, support, and evaluate programs that prevent sexual and domestic violence through strategies that (i) promote healthy practices related to relationships, sexuality, and social-emotional development and (ii) counteract the factors associated with the initial perpetration of sexual and domestic violence. This bill is identical to **HB 1015**.

01/03/20 **Senate:** Referred to Committee on the Judiciary
01/13/20 **Senate:** Rereferred from Judiciary to Rehabilitation and Social Services (13-Y 0-N)
01/17/20 **Senate:** Reported from Rehabilitation and Social Services with amendment (14-Y 0-N)
01/17/20 **Senate:** Rereferred to Finance and Appropriations
02/04/20 **Senate:** Reported from Finance and Appropriations with amendments (16-Y 0-N)
02/06/20 **Senate:** Read third time and passed Senate (40-Y 0-N)
02/13/20 **House:** Referred to Committee on Health, Welfare and Institutions
02/18/20 **House:** Reported from Health, Welfare and Institutions with amendments (22-Y 0-N)
02/21/20 **House:** Passed House with amendments BLOCK VOTE (98-Y 0-N)
02/25/20 **Senate:** House amendments rejected by Senate (0-Y 40-N)
02/26/20 **House:** House insisted on amendments
02/28/20 **Senate:** Conferees appointed by Senate: Senators: Favola, McClellan, Chafin
03/02/20 **House:** Conferees appointed by House: Delegates: Herring, Guzman, Brewer
03/05/20 **Conference:** Amended by conference committee
03/05/20 **House:** Conference report agreed to by House (98-Y 1-N)
03/07/20 **Senate:** Conference report agreed to by Senate (40-Y 0-N)
04/09/20 **Governor:** Approved by Governor-Chapter 913 (effective 7/1/20)

SB 307 Adults sentenced for juvenile offenses; good conduct credit.

Patron: Stanley

Summary as introduced and Passed:

Adults sentenced for juvenile offenses; good conduct credit. Provides that an adult sentenced for a juvenile offense can earn good conduct credit at the rate of one day for each one day served, including all days served while confined in jail or secured detention prior to conviction and sentencing, in which the adult has not violated the written rules and regulations of the jail. This bill is a recommendation of the Virginia Criminal Justice Conference.

01/05/20 **Senate:** Referred to Committee on the Judiciary
02/10/20 **Senate:** Reported from Judiciary (10-Y 2-N)
02/11/20 **Senate:** Passed Senate (40-Y 0-N)
02/14/20 **House:** Referred to Committee for Courts of Justice

02/19/20 House: Reported from Courts of Justice (19-Y 2-N)
02/24/20 House: Passed House (96-Y 3-N)
03/31/20 **Governor:** Approved by Governor-Chapter 532 (effective 7/1/20)

SB 312 Felons; postrelease incarceration of offenders sentenced for certain offenses.

Patron: Stanley

Summary as Passed:

Postrelease incarceration of felons sentenced for certain offenses. Clarifies that offenders who are convicted of knowingly failing to register or reregister with, or knowingly providing materially false information to, the Sex Offender and Crimes Against Minors Registry are subject to added terms of postrelease incarceration. The bill also clarifies that when a sentence is imposed upon conviction of a felony that includes an active term of incarceration and the court does not order a suspended term of confinement of at least six months, a period of postrelease incarceration shall be imposed that is not less than six months or more than three years. The bill also clarifies that it is the period of postrelease incarceration that is required to be suspended, not the period of postrelease supervision. As introduced, this bill was a recommendation of the Judicial Council. This bill is identical to **HB 752**.

01/05/20 **Senate:** Referred to Committee on the Judiciary
02/10/20 Senate: Reported from Judiciary (13-Y 0-N)
02/11/20 Senate: Passed Senate (40-Y 0-N)
02/14/20 **House:** Referred to Committee for Courts of Justice
02/17/20 House: Criminal Subcommittee recommends reporting with substitute (8-Y 0-N)
02/19/20 House: Reported from Courts of Justice with substitute (21-Y 0-N)
02/24/20 House: Passed House with substitute BLOCK VOTE (100-Y 0-N)
02/26/20 **Senate:** House substitute agreed to by Senate (40-Y 0-N)
04/10/20 **Governor:** Approved by Governor-Chapter 1116 (effective 7/1/20)

SB 325 Voir dire examination of persons called as jurors; criminal case.

Patron: Deeds

Summary as introduced and passed:

Voir dire examination of persons called as jurors; criminal case. Allows the court and counsel for either party in a criminal case to (i) ask potential jurors any relevant question to ascertain whether the juror can sit impartially in either the guilt or sentencing phase of the case and (ii) inform any potential juror as to the potential range of punishments to ascertain if the person or juror can sit impartially in the sentencing phase of the case.

01/06/20 **Senate:** Referred to Committee on the Judiciary
02/10/20 Senate: Reported from Judiciary (13-Y 0-N)
02/11/20 Senate: Passed Senate (40-Y 0-N)
02/14/20 **House:** Referred to Committee for Courts of Justice
02/19/20 House: Reported from Courts of Justice (16-Y 5-N)
02/24/20 House: Passed House (64-Y 36-N)
03/31/20 **Governor:** Approved by Governor-Chapter 588 (effective 7/1/20)

SB 373 Virginia sexual assault forensic examiner coordination program; established, report.

Patron: Deeds

Summary as Passed:

Virginia sexual assault forensic examiner coordination program. Establishes the Virginia sexual assault forensic examiner coordination program within the Department of Criminal Justice Services. The bill provides that the coordinator of the program shall create and coordinate an annual statewide sexual assault forensic nurse examiner training program; coordinate the development and enhancement of sexual assault forensic examiner programs across the Commonwealth; participate in the development of hospital protocols and guidelines for treatment of survivors of sexual assault; coordinate and strengthen communications among sexual assault nurse examiner medical directors, sexual assault response teams, and hospitals for existing and developing sexual assault nurse examiner programs; provide technical assistance for existing and developing sexual assault forensic examiner programs; create and maintain a statewide list, updated biannually, that includes pertinent information regarding sexual assault forensic examiners and nurse examiners; create sexual assault nurse examiner recruitment materials for universities and colleges with nursing programs; and support and coordinate community education and public outreach, when appropriate, relating to sexual assault nurse examiner issues for the Commonwealth.

01/06/20 **Senate:** Referred to Committee on the Judiciary

01/25/20 **Senate:** Impact statement from DPB (SB373)

01/29/20 **Senate:** Reported from Judiciary with substitute (14-Y 0-N)

01/29/20 **Senate:** Rereferred to Finance and Appropriations

02/04/20 **Senate:** Impact statement from DPB (SB373S1)

02/05/20 **Senate:** Reported from Finance and Appropriations with amendment (16-Y 0-N)

02/07/20 **Senate:** Engrossed by Senate - committee substitute with amendment SB373ES1

02/07/20 **Senate:** Passed Senate (39-Y 0-N)

02/12/20 **House:** Referred to Committee for Courts of Justice

02/14/20 **House:** Reported from Courts of Justice with amendments (22-Y 0-N)

02/19/20 **House:** Passed House with amendments BLOCK VOTE (100-Y 0-N)

02/21/20 **Senate:** House amendments agreed to by Senate (39-Y 0-N)

03/11/20 **Governor:** Approved by Governor-Chapter 276 (effective 7/1/20)

SB 423 Health insurance; mandated coverage for hearing aids for minors.

Patrons: DeSteph, Bell, Boysko, Chase, Cosgrove, Ebbin, Edwards, Kiggans, Lucas, Marsden, Mason, Morrissey, Norment, Spruill, Surovell and Vogel; *Delegates:* Cole, J.G. and Plum

Summary as Passed:

Health insurance; mandated coverage for hearing aids for minors. Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for hearing aids and related services for children 18 years of age or younger when an otolaryngologist recommends such hearing aids and related services. The coverage includes one hearing aid per hearing-impaired ear, up to a cost of \$1,500, every 24 months. The measure applies to policies, contracts, and plans delivered, issued for delivery, or renewed on and after January 1, 2021.

01/20/20 **Senate:** Reported from Commerce and Labor with amendment (15-Y 0-N)
01/20/20 Senate: Rereferred to Finance and Appropriations
01/28/20 Senate: Reported from Finance and Appropriations (15-Y 0-N)
01/31/20 Senate: Read third time and passed Senate (40-Y 0-N)
02/13/20 **House:** Referred to Committee on Labor and Commerce
02/14/20 House: Assigned L & C sub: Subcommittee #2
02/18/20 House: Subcommittee recommends reporting (7-Y 1-N)
02/18/20 House: Subcommittee recommends referring to Committee on Appropriations
02/20/20 House: Reported from Labor and Commerce (22-Y 0-N)
02/20/20 House: Referred to Committee on Appropriations
02/28/20 House: House committee, floor amendments and substitutes offered
02/28/20 House: Reported from Appropriations with amendments (21-Y 0-N)
03/05/20 House: Passed House with amendments (97-Y 2-N)
03/05/20 **Senate:** House amendments rejected by Senate (0-Y 39-N)
03/05/20 **House:** House insisted on amendments
03/05/20 Senate: Conferees appointed by Senate: Senators: DeSteph, Spruill, Deeds
03/05/20 House: Conferees appointed by House: Delegates: Cole, J.G., Carroll Foy, Fariss
03/07/20 **Conference:** Amended by conference committee
03/07/20 Senate: Conference report agreed to by Senate (38-Y 0-N)
03/08/20 House: Conference report agreed to by House (91-Y 2-N)
04/10/20 **Governor:** Approved by Governor-Chapter 1094 (effective 7/1/20)

SB 479 Protective orders; possession of firearms, surrender or transfer of firearms, penalty.

Patrons: Howell, Favola, Saslaw and Boysko

Summary as enacted with Governor's Recommendations:

Protective orders; possession of firearms; surrender or transfer of firearms; penalty. Prohibits any person subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) from knowingly possessing a firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order such person may continue to possess such firearm for the purposes of selling or transferring it to any person who is not otherwise prohibited by law from possessing such firearm. A violation of this provision is a Class 6 felony. The bill also provides that a court shall order a person subject to a permanent protective order to (i) within 24 hours, surrender any firearm possessed by such person to a designated local law-enforcement agency or sell or transfer any firearm possessed by such person to a dealer or to any person who is not otherwise prohibited by law from possessing such firearm and (ii) certify in writing that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order within 48 hours after being served with a protective order. The bill provides that the willful failure of any person to certify in writing that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms shall constitute contempt of court. The bill provides procedures for designating a local law-enforcement agency to receive and store firearms, as well as a process to return such surrendered firearms. The bill also makes it a Class 4 felony for any person to sell, barter, give, or furnish any firearm to any person he knows is prohibited from possessing or transporting a firearm who is subject to a permanent protective order. This bill incorporates **SB 372** and is identical to **HB 1004**.

01/07/20 **Senate:** Referred to Committee on the Judiciary
01/22/20 Senate: Reported from Judiciary with substitute (10-Y 4-N)

01/22/20 Senate: Incorporates SB372 (Saslaw)
01/28/20 Senate: Read third time and passed Senate (23-Y 17-N)
02/18/20 **House:** Referred to Committee on Public Safety
02/21/20 House: Reported from Public Safety with amendment (15-Y 6-N)
02/26/20 House: Committee amendment rejected
02/26/20 House: Substitute by Delegate Mullin agreed to 20108989D-H1
02/26/20 House: Passed House with substitute (56-Y 41-N)
03/02/20 **Senate:** House substitute agreed to by Senate (21-Y 19-N)
04/11/20 **Senate: Governor's** recommendation received by Senate
04/22/20 Senate: Senate concurred in Governor's recommendation (20-Y 18-N)
04/22/20 House: House concurred in Governor's recommendation (50-Y 42-N)
04/22/20 **House:** Enacted, Chapter 1260 (effective 7/1/20)

SB 546 Juveniles; trial as adult.

Patron: Edwards

Summary as Passed:

Juveniles; trial as adult. Increases from 14 years of age to 16 years of age the minimum age at which a juvenile must be tried as an adult in circuit court for murder or aggravated malicious wounding; however, if the juvenile is 14 years of age or older but younger than 16 years of age, the court, on motion of the attorney for the Commonwealth, shall hold a transfer hearing. The minimum age is also raised from 14 to 16 for certain charges requiring notice of intent to try such juvenile as an adult by the attorney for the Commonwealth. In order to be tried as an adult in circuit court for the charges that under current law require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires that (i) a report concerning the juvenile be prepared by the court services unit or other qualified agency and (ii) the attorney for the Commonwealth provide written notice that he intends to proceed with a preliminary hearing for trial of such juvenile as an adult, including affirmation that he has read the report.

01/07/20 **Senate:** Referred to Committee on the Judiciary
02/10/20 Senate: Reported from Judiciary with substitute (9-Y 4-N)
02/11/20 Senate: Passed Senate (31-Y 8-N)
02/14/20 **House:** Referred to Committee for Courts of Justice
02/17/20 House: Subcommittee recommends reporting with substitute (8-Y 0-N)
02/19/20 House: Reported from Courts of Justice with substitute (16-Y 5-N)
02/26/20 House: Committee substitute rejected 20108510D-H1
02/26/20 House: Substitute by Delegate Mullin agreed to 20108708D-H2
02/26/20 House: Passed House with substitute (88-Y 10-N)
02/28/20 **Senate:** House substitute agreed to by Senate (32-Y 6-N)
04/09/20 **Governor:** Approved by Governor-Chapter 988 (effective 7/1/20)

SB 670 Unrestorably incompetent defendant; competency report.

Patron: Mason

Summary as Passed:

Unrestorably incompetent defendant; competency report. Provides that in cases where a defendant is likely to remain incompetent for the foreseeable future due to an ongoing and irreversible medical condition and prior

medical or educational records are available to support the diagnosis, a competency report may recommend that the court find the defendant unrestorably incompetent to stand trial, and the court may proceed with the disposition of the case based on such recommendation. Under current law, the defendant is required to undergo treatment to restore his competency before the court can find a defendant unrestorably incompetent to stand trial. The bill also provides that such person who is found unrestorably incompetent to stand trial shall be prohibited from purchasing, possessing, or transporting a firearm. This bill is identical to **HB 259**.

01/07/20 **Senate:** Referred to Committee on the Judiciary
01/22/20 **Senate:** Impact statement from DPB (SB670)
02/03/20 **Senate:** Reported from Judiciary (15-Y 0-N)
02/06/20 **Senate:** Read third time and passed Senate (40-Y 0-N)
02/12/20 **House:** Referred to Committee for Courts of Justice
02/14/20 **House:** Reported from Courts of Justice with amendments (22-Y 0-N)
02/19/20 **House:** Passed House with amendments BLOCK VOTE (100-Y 0-N)
02/21/20 **Senate:** House amendments agreed to by Senate (39-Y 0-N)
03/11/20 **Governor:** Approved by Governor-Chapter 299 (effective 7/1/20)

[SB 724](#) Misdemeanor sexual offenses; increases statute of limitations, when victim was a minor.

Patron: McClellan

Summary as Passed:

Misdemeanor sexual offenses where the victim is a minor; statute of limitations. Increases the statute of limitations for prosecuting misdemeanor violations where the victim is a minor from one year after the victim reaches the age of majority to five years after the victim reaches the age of majority if the offender was an adult at the time of the offense and more than three years older than the victim for the following misdemeanor violations: carnal knowledge of detainee by employee of bail bond company, sexual battery, attempted sexual battery, infected sexual battery, sexual abuse of a child age 13 or 14 by an adult, and tongue penetration by adult of mouth of child under age 13 with lascivious intent. This bill is identical to **HB 298**.

01/07/20 **Senate:** Referred to Committee on the Judiciary
01/27/20 **Senate:** Reported from Judiciary with substitute (15-Y 0-N)
01/27/20 **Senate:** Rereferred to Finance and Appropriations
02/05/20 **Senate:** Reported from Finance and Appropriations with amendment (16-Y 0-N)
02/07/20 **Senate:** Passed Senate (39-Y 0-N)
02/12/20 **House:** Referred to Committee for Courts of Justice
02/14/20 **House:** Reported from Courts of Justice with substitute (22-Y 0-N)
02/19/20 **House:** Passed House with substitute BLOCK VOTE (100-Y 0-N)
02/21/20 **Senate:** House substitute agreed to by Senate (39-Y 0-N)
03/11/20 **Governor:** Approved by Governor-Chapter 277 (effective 7/1/20)

[SB 788](#) Grand larceny; increases threshold amount.

Patron: McClellan

Summary as introduced and passed:

Grand larceny; threshold. Increases from \$500 to \$1,000 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.

01/08/20 **Senate:** Referred to Committee on the Judiciary
02/05/20 **Senate:** Reported from Judiciary (8-Y 5-N)
02/11/20 **Senate:** Read third time and passed Senate (26-Y 14-N)
02/14/20 **House:** Referred to Committee for Courts of Justice
02/19/20 **House:** Reported from Courts of Justice (14-Y 7-N)
02/24/20 **House:** Passed House (58-Y 40-N)
03/23/20 **Governor:** Approved by Governor-Chapter 401 (effective 7/1/20)

[SB 949](#) Criminal Injuries Compensation Fund; uncompensated medical costs, victims of sexual assault.

Patron: Lucas

Summary as Passed:

Criminal Injuries Compensation Fund; uncompensated medical costs; victims of sexual assault. Adds to those persons invited to participate in the annual meeting of the group led by the attorney for the Commonwealth to coordinate the multidisciplinary response to criminal sexual assault in each political subdivision (i) local health department district directors; (ii) the administrator of each licensed hospital within the jurisdiction; (iii) the director of each health safety net clinic within the jurisdiction; and (iv) any other local health care providers, or their designees, and authorizes attorneys for the Commonwealth to conduct the sexual assault response team annual meetings using other methods, such as electronic communication means, to encourage attendance. The bill also eliminates the requirement that a victim of sexual assault report the assault to law enforcement or undergo a physical evidence recovery kit examination to be eligible for compensation for uncompensated medical costs through the Criminal Injuries Compensation Fund, and directs the Secretary of Health and Human Resources to establish a work group to evaluate the feasibility of moving responsibility for the SAFE program from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services and to provide recommendations related to increasing the reimbursement rates for sexual assault forensic examinations to cover the actual cost of such examinations and including reimbursement of costs associated with preparing for and participating in a criminal trial related to the sexual assault when a sexual assault forensic nurse is subpoenaed to participate in such trial as a cost that is reimbursable through the SAFE program. The workgroup shall report its findings and conclusions to the Governor and the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance, and the Joint Commission on Health Care by September 1, 2020. This legislation is approved by the Joint Commission on Health Care. This bill is identical to **HB 806**.

01/13/20 **Senate:** Referred to Committee on the Judiciary
02/03/20 **Senate:** Reported from Judiciary with substitute (9-Y 5-N 1-A)
02/03/20 **Senate:** Rereferred to Finance and Appropriations
02/06/20 **Senate:** Reported from Finance and Appropriations with amendment (16-Y 0-N)
02/11/20 **Senate:** Passed Senate (32-Y 7-N)
02/14/20 **House:** Referred to Committee for Courts of Justice
02/19/20 **House:** Referred from Courts of Justice
02/19/20 **House:** Referred to Committee on Health, Welfare and Institutions
02/25/20 **House:** Reported from Health, Welfare and Institutions with substitute (22-Y 0-N)
02/28/20 **House:** Passed House with substitute BLOCK VOTE (100-Y 0-N)
03/02/20 **Senate:** House substitute agreed to by Senate (39-Y 0-N)
04/10/20 **Governor:** Approved by Governor-Chapter 1073 (effective 7/1/20)

HOUSE AND SENATE BILLS AND RESOLUTIONS THAT HAVE FAILED

[HB 17](#) Driver's license; suspension for nonpayment of fines or costs.

Patrons: Carroll Foy, Samirah and Carter; Senator: McClellan

Summary as introduced:

Suspension of driver's license for nonpayment of fines or costs. Repeals the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill also removes a provision allowing the court to require a defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. The bill requires the Commissioner of the Department of Motor Vehicles to return or reinstate any person's driver's license that was suspended prior to July 1, 2020, solely for nonpayment of fines or costs. Such person does not have to pay a reinstatement fee.

01/31/20 House: Incorporated by Courts of Justice (HB1196-Lopez)

[HB 31](#) Charges and convictions, certain; expungement.

Patron: Lindsey

Summary as introduced:

Expungement of certain charges and convictions. Allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's twenty-first birthday; all court costs, fines, and restitution have been satisfied; and five years have elapsed since the date of completion of all terms of sentencing and probation.

01/31/20 House: Continued to 2021 in Courts of Justice

[HB 32](#) Police and court records; expungement of records for misdemeanor and nonviolent felony convictions.

Patrons: Lindsey, Carr and Samirah

Summary as introduced:

Expungement of police and court records; misdemeanor and nonviolent felony convictions. Allows a person convicted of a misdemeanor or nonviolent felony to file a petition requesting expungement of the police and court records relating to the conviction if such person has (i) been free from any term of incarceration, probation, and postrelease supervision imposed as a result of such conviction for at least eight years, (ii) no prior or subsequent convictions other than traffic infractions, and (iii) no pending criminal proceeding.

01/31/20 House: Continued to 2021 in Courts of Justice

[HB 85](#) Death penalty; abolishes penalty, including those persons currently under a death sentence.

Patrons: Carter and Kory

Summary as introduced:

Abolition of the death penalty. Abolishes the death penalty, including for those persons currently under a death sentence.

02/11/20 House: Left in Courts of Justice

[HB 159](#) Protective orders; prohibited contact, remote control of appliance, etc., by electronic device.

Patrons: Kory, Levine and Samirah

Summary as introduced:

Protective orders; prohibited contact; remote control of appliance, utility, or device by electronic device.

Clarifies that a court entering a protective order may, as a condition of such protective order, prohibit the respondent from using any electronic device to remotely control any appliance, utility, or device located on or within the petitioner's residence or the curtilage thereof.

02/11/20 House: Left in Courts of Justice

[HB 244](#) Inquiry and report of immigration status; persons charged with or convicted of certain crimes.

Patron: Levine

Summary as introduced:

Inquiry and report of immigration status; persons charged with or convicted of certain crimes. Removes provisions requiring (i) jail officers to ascertain the citizenship of any inmate taken into custody at a jail, (ii) probation and parole officers to inquire as to the citizenship status of an individual convicted of a felony in circuit court and referred to such officers, and (iii) officers in charge of correctional facilities to inquire as to the citizenship of any person committed to a correctional facility, and therefore such information is not required to be reported to the Central Criminal Records Exchange of the Department of State Police. The bill also removes the mandatory duty of the clerk of a court committing a convicted alien to a correctional facility to furnish related court records to a United States immigration officer and the requirement that an intake officer report to the Bureau of Immigration and Customs Enforcement of the U.S. Department of Homeland Security any juvenile detained on an allegation that the juvenile, believed to be in the United States illegally, committed a violent felony.

01/31/20 House: Incorporated by Courts of Justice (HB1150-Lopez)

[HB 250](#) Juvenile offenders; eligibility for parole.

Patrons: Watts and Lopez

Summary as introduced:

Juvenile offenders; parole. Provides that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentence and any person who has active sentences that total more than 25 years for a single

felony offense 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.

01/31/20 House: Continued to 2021 in Courts of Justice

[HB 251](#) Prostitution-related crimes; minors, increases penalties.

Patrons: Watts and Lopez

Summary as passed House:

Prostitution-related crimes; minors; penalties. Makes it a Class 6 felony for an adult to visit a bawdy place with a minor when he knows that the bawdy place is used or to be used for lewdness, assignation, or prostitution. The bill also adds felony violations of such offense to (i) the list of offenses for which registration in the Sex Offender and Crimes Against Minors Registry is required, (ii) the definition of violent felony for the purposes of the sentencing guidelines, (iii) the list of predicate criminal acts that constitutes the definition of street gangs, (iv) the list of offenses that may constitute racketeering under the Virginia Racketeer Influenced and Corrupt Organization Act, and (v) the offenses that may be investigated by a multi-jurisdiction grand jury. The bill also makes applicable to all persons, regardless of the gender of the victim, the crimes of (a) assisting or aiding in the abduction of or threatening to abduct a female under 16 years of age for the purpose of concubinage or prostitution, which the bill also changes to include any person under 18 years of age, and (b) placing or leaving one's wife in a bawdy place.

12/30/19 **House:** Referred to Committee for Courts of Justice

02/04/20 House: Assigned Courts sub: Criminal

02/06/20 House: Subcommittee recommends reporting with substitute (7-Y 0-N)

02/07/20 House: Reported from Courts of Justice with substitute (16-Y 1-N)

02/11/20 House: Read third time and passed House (96-Y 1-N)

02/12/20 **Senate:** Referred to Committee on the Judiciary

02/19/20 Senate: Continued to 2021 in Judiciary (14-Y 0-N)

[HB 252](#) Causing or encouraging acts rendering children sexually abused; penalty.

Patron: Watts

Summary as introduced:

Causing or encouraging acts rendering children sexually abused; penalty. Provides that any person 18 years of age or older who (i) (a) has physical custody of a minor, (b) allows a minor to reside at his residence, (c) is in a position of trust or authority over a minor, or (d) is the temporary caretaker of a minor; (ii) is more than three years older than such minor; and (iii) willfully contributes to, encourages, or causes any act, omission, or condition that results in any sexual act upon the minor in violation of the law is guilty of a Class 4 felony.

02/07/20 House: Continued to 2021 in Courts of Justice

[HB 258](#) Post-conviction relief; previously admitted scientific evidence, report.

Patron: Simon

Summary as introduced:

Post-conviction relief; previously admitted scientific evidence. Provides that a person who was convicted of certain offenses, upon a plea of not guilty or an Alford plea, or who was adjudicated delinquent, upon a plea of not guilty or an Alford plea, by a circuit court of an offense that would be a covered offense if committed by an adult may petition the Court of Appeals to have his conviction vacated. The petition shall allege (i) the covered offense for which the petitioner was convicted or adjudicated delinquent; (ii) that the petitioner did not commit the covered offense for which the petitioner was convicted or adjudicated delinquent, nor engage in conduct that would support a conviction for a lesser offense or any other crime arising from, or reasonably connected to, the facts supporting the indictment or information upon which he was convicted or adjudicated delinquent; (iii) an exact description of the forensic scientific evidence and its relevance in demonstrating that the petitioner did not commit the covered offense; (iv) specific facts indicating that relevant forensic scientific evidence was not available or could not have been obtained in the exercise of diligence before the expiration of 21 days following entry of the final order of conviction or adjudication of delinquency, or that discredited forensic scientific evidence was admitted at the petitioner's trial or adjudication of delinquency; and (v) that the admission of the discredited forensic scientific evidence or the absence of the newly available forensic scientific evidence was not harmless. The bill provides that if the court finds by clear and convincing evidence that the admission of the discredited forensic scientific evidence or the absence of the newly available forensic scientific evidence was not harmless, the court may grant the petition and vacate the petitioner's conviction, subject to retrial in the discretion of the Commonwealth. The bill has a delayed effective date of July 1, 2021, and an expiration date of July 1, 2025.

01/22/20 House: Criminal Subcommittee recommends laying on the table (5-Y 3-N)

[HB 267](#) Police and court records, expungement of records.

Patrons: Heretick, Cole, M.L., Delaney, Guy, Hope, Jenkins, Kory, Levine, Rasoul, Samirah and Simonds; *Senators:* Morrissey and Spruill

Summary as introduced:

Expungement of police and court records. 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, enter an order requiring the expungement of the police and court records relating to the charge.

01/31/20 House: Continued to 2021 in Courts of Justice

[HB 268](#) Victim of human trafficking; petition for vacatur/expungement of convictions & police/court records.

Patrons: Heretick, Delaney, Cole, M.L., Guy, Hope, Jenkins, Kory, Levine, Lindsey, Lopez, Rasoul, Simonds, Watts and Willett; *Senator:* Morrissey

Summary as introduced:

Petition for vacatur and expungement of convictions and police and court records of victims of human trafficking. Allows any person who was a victim of human trafficking at the time of an offense that led to a criminal charge or conviction of certain crimes to petition the court to vacate such conviction and expunge the police and court records related to such conviction or to expunge the police and court records related to such charge. The bill provides that there is a rebuttable presumption that a person's participation in an offense was a

result of having been a victim of human trafficking if there is official documentation, defined in the bill, of the petitioner's status as a victim of human trafficking at the time of the offense.

01/31/20 House: Continued to 2021 in Courts of Justice

[HB 274](#) Juveniles; trial as adult.

Patrons: Cole, J.G., Hope, Jenkins, Kory, Rasoul, Samirah and Simon; *Senators:* McClellan and Morrissey

Summary as introduced:

Juveniles; trial as adult. Increases from 14 years of age to 16 years of age the minimum age at which a juvenile can be tried as an adult in circuit court for a felony.

02/11/20 House: Left in Courts of Justice

[HB 279](#) Sentencing proceeding by the jury after conviction; recommendation of leniency.

Patrons: Hope, Kilgore and Scott

Summary as introduced:

Sentencing proceeding by the jury after conviction; recommendation of leniency. Provides that a jury may, in ascertaining the punishment for a person convicted of a felony or Class 1 misdemeanor, recommend that the sentence imposed be suspended in whole or in part, or that sentences imposed for multiple offenses be served concurrently, except where such suspension of sentence or concurrent service is prohibited by law. The bill prohibits the trial court from imposing an active term of incarceration in excess of the active term of incarceration recommended by the jury. The bill also allows the jury to recommend that the defendant be placed on probation, make full or partial restitution, perform community service, or receive mental health or substance abuse treatment in lieu of incarceration or as a condition of any suspended sentence, and requires the court to follow such recommendation unless good cause is shown for why the recommendation is inappropriate or unavailable.

02/11/20 House: Left in Courts of Justice

[HB 280](#) Death penalty; severe mental illness.

Patron: Hope

Summary as introduced:

Death penalty; severe mental illness. Provides that a defendant in a capital case who had a severe mental illness, as 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. The bill provides that 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. The bill also provides that in the event the defendant fails to provide notice that he will offer testimony by an expert witness at such sentencing proceeding, the court may either allow the

Commonwealth a continuance or, where the defendant is unable to show good cause for untimely notice, bar the defendant from presenting such evidence.

02/11/20 House: Left in Courts of Justice

[HB 285](#) Admission to bail; secure bond.

Patron: Carter

Summary as introduced:

Admission to bail; secure bond. Prohibits a court from requiring the execution of a secure bond as a condition of pretrial release of a person arrested for either a felony or misdemeanor offense.

02/11/20 House: Left in Courts of Justice

[HB 288](#) Criminal sexual assault; definition of sexual abuse, complaining witness under age 13, penalty.

Patrons: Gooditis and Delaney

Summary as introduced:

Criminal sexual assault; definition of sexual abuse; complaining witness under age 13; penalty. Includes in the definition of "sexual abuse" the intentional touching of any part of a complaining witness's body, on either the skin or the material covering the complaining witness's body, if the complaining witness is under the age of 13 and the act is committed with the intent to sexually molest, arouse, or gratify any person. The bill repeals the Class 1 misdemeanor prohibiting adult penetration of the mouth of a child under the age of 13 with lascivious intent.

02/07/20 House: Continued to 2021 in Courts of Justice

[HB 289](#) Child abuse; interviews.

Patron: Gooditis

Summary as introduced:

Child abuse; interviews. Requires that interviews of child victims of alleged sexual abuse be conducted as a forensic interview at the local child advocacy center in accordance with the center's protocol, unless a forensic interview is not appropriate based on the child's age and development or the center's protocol. The bill allows such interviews to be conducted at a nearby child advocacy center if no child advocacy center exists in the locality where the alleged abuse occurred.

02/11/20 House: Left in Courts of Justice

[HB 290](#) Limitations period; previously time-barred actions, sexual abuse, three-year time period to file.

Patron: Gooditis

Summary as introduced:

Limitations period; previously time-barred actions; sexual abuse; three-year time period to file. Creates a three-year time period within which persons previously time-barred from filing an action for injury to such person for sexual abuse occurring during the infancy or incapacity of such person due to the expiration of the statute of limitations may file such an action.

02/11/20 House: Left in Courts of Justice

[HB 295](#) Probation; maximum term.

Patron: Scott

Summary as introduced:

Maximum term of probation. Limits to five years the term of probation for a person convicted of an offense other than a violent felony, an act of violence, or an offense for which registration with the Sex Offender and Crimes Against Minors Registry is required.

01/31/20 House: Continued to 2021 in Courts of Justice

[HB 372](#) Violation of protective orders; assault and battery.

Patrons: Bell and McNamara

Summary as introduced:

Violation of protective orders; assault and battery. Removes the requirement that a violation of a protective order involving an assault and battery that is committed by the respondent against a protected party result in a bodily injury for the enhanced penalty to apply.

02/11/20 House: Left in Courts of Justice

[HB 403](#) Safe days for employees; private employers required to allow days.

Patron: Keam

Summary as introduced:

Safe days for employees. Requires private employers to allow an employee safe days, with pay, if the employee is a victim of domestic violence, sexual assault, or stalking or is a family member of a victim of domestic violence, sexual assault, or stalking. Employers are required to provide employees with four safe days per year if the employee has fewer than 120 consecutive months of employment with the employer and five safe days if the employee has 120 or more consecutive months of employment with the employer. "Safe days" are leave from work that is used to allow the employee to obtain for the employee or the employee's family member, as applicable, (i) medical attention needed to recover from physical or psychological injury or disability caused by domestic violence or sexual assault; (ii) psychological or other counseling; (iii) relocation due to domestic violence, sexual assault, or stalking; or (iv) legal services. Employers are prohibited from discharging or discriminating against an employee because the employee exercises the right to safe days. Employees may bring a private action against an employer that violated these provisions.

01/30/20 House: Continued to 2021 in Labor and Commerce

[HB 412](#) Family or household member; adds to existing definition.

Patron: Delaney

Summary as introduced:

Family or household member; definition. Adds to the existing definition of "family or household member" any individual who is in or who, within the previous 12 months, has been in a dating relationship with the person. The definition is used for purposes of statutes related to assault and battery against a family or household member, stalking a family or household member, protective orders, and the recruitment of persons for criminal street gangs.

02/07/20 House: Continued to 2021 in Courts of Justice

[HB 423](#) Gun Violence Survivor Assistance Fund and Grant Program; established.

Patrons: Price, Kory and Rasoul

Summary as introduced:

Gun Violence Survivor Assistance Fund and Grant Program. Establishes the Gun Violence Survivor Assistance Fund and Grant Program, to be administered by the Department of Criminal Justice Services for the purpose of providing grants to gun violence survivors who are in need of financial assistance to make accessibility adaptations to their homes to accommodate a disability resulting from a gun violence-related injury.

02/11/20 House: Left in Public Safety

[HB 431](#) Geriatric prisoners; conditional release.

Patron: Scott

Summary as introduced:

Conditional release of geriatric prisoners. Provides that any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, (i) who has reached the age of 65 or older and who has served at least five years of the sentence imposed or (ii) who has reached the age of 60 or older and who has served at least 10 years of the sentence imposed shall be granted conditional release. Under current law, such persons may petition the Parole Board for conditional release, which may be granted or denied.

02/11/20 House: Left in Public Safety

[HB 462](#) Certified sexual assault nurse examiners; Secretary of HHR to study shortage.

Patron: Sullivan

Summary as introduced:

Secretary of Health and Human Resources; task force; shortage of certified sexual assault nurse examiners in the Commonwealth; report. Directs the Secretary of Health and Human Resources to establish a task force to

study the shortage of certified sexual assault nurse examiners in the Commonwealth. The task force shall report its findings and conclusions, together with specific recommendations for legislative, regulatory, and budgetary actions, to the Governor and the General Assembly by December 1, 2020.

01/03/20 **House:** Referred to Committee on Rules
01/14/20 **House:** Impact statement from DPB (HB462)
01/27/20 **House:** Assigned Rules sub: Studies
02/03/20 **House:** Subcommittee recommends reporting (6-Y 0-N)
02/07/20 **House:** Reported from Rules (17-Y 0-N)
02/11/20 **House:** Read third time and passed House BLOCK VOTE (99-Y 0-N)
02/12/20 **Senate:** Referred to Committee on Rules
02/28/20 **Senate:** Stricken at request of Patron in Rules (14-Y 0-N)

HB 478 Child pornography; venue for prosecution.

Patron: Mullin

Summary as introduced:

Production, publication, sale, financing, etc., of child pornography; venue. Provides that venue for a prosecution of child pornography production may lie in the jurisdiction where the alleged offender resides. Under current law, venue for a prosecution of such offense may lie only in the jurisdiction where the unlawful act occurs or where any sexually explicit visual material associated with the unlawful act is produced, reproduced, found, stored, or possessed.

01/27/20 **House:** Incorporated by Courts of Justice (HB1330-Byron)

HB 488 Hate crimes; gender, disability, gender identity, or sexual orientation, penalty.

Patron: Kory

Summary as introduced:

Hate crimes; gender, disability, gender identity, or sexual orientation; penalty. Adds gender, disability, 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 gender, disability, gender identity, and sexual orientation 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 provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by gender, disability, 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 gender, disability, gender identity, or sexual orientation.

02/07/20 **House:** Incorporated by Courts of Justice (HB618-Plum)

HB 498 Hope Card Program; permanent protective orders.

Patrons: Hope, Delaney and Levine

Summary as introduced:

Hope Card Program; permanent protective orders. Requires the Office of the Executive Secretary of the Supreme Court of Virginia to develop and implement a Hope Card Program (the Program) for the issuance of a Hope Card to any person who has been issued a permanent protective order by any general district court, juvenile and domestic relations court, or circuit court. The bill states that a Hope Card issued pursuant to the Program shall be a durable, plastic, wallet-sized card containing essential information about the protective order, such as the identifying information and characteristics of the person subject to the protective order, the issuance and expiration date of the protective order, the terms of the protective order, and the names of any other persons protected by the protective order.

02/11/20 House: Left in Appropriations

[HB 673](#) Cruelty to children; increases penalty to a Class 4 felony.

Patron: Mullin

Summary as passed House:

Cruelty to children; penalty. Increases the penalty from a Class 6 felony to a Class 4 felony for any person employing or having custody of a child to willfully cause or permit such child to be tortured physically or psychologically, tormented, mutilated, beaten, or cruelly treated. The bill includes such offense in the definition of "violent felony" for purposes of determining felony sentencing guidelines. The bill also includes willful and negligent acts of cruelty and injuries to children in offenses prohibiting a person from operating or residing in a family day home and provides that a conviction is a barrier crime for persons providing care to certain children or the elderly or disabled.

01/06/20 **House:** Referred to Committee for Courts of Justice

02/07/20 House: Reported from Courts of Justice with substitute (14-Y 0-N)

02/11/20 House: Read third time and passed House (99-Y 0-N)

02/12/20 **Senate:** Referred to Committee on the Judiciary

02/24/20 Senate: Continued to 2021 in Judiciary (15-Y 0-N)

[HB 684](#) Online case information system; juvenile and domestic relations district court.

Patron: Bell

Summary as introduced:

Online case information system; juvenile and domestic relations district court. Requires the Executive Secretary of the Supreme Court to make certain nonconfidential information for adult criminal cases in the juvenile and domestic relations district courts publicly viewable in the online case information system. Under current law, only criminal cases in circuit courts participating in the Executive Secretary's case management system and in the general district courts are required to be made publicly available in such system.

02/11/20 House: Left in Courts of Justice

[HB 782](#) Geriatric, terminally ill, etc., prisoners; conditional release.

Patron: Mullin

Summary as introduced:

Conditional release of geriatric, terminally ill, or permanently physically disabled prisoners. Provides that any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, who is terminally ill or permanently physically disabled is eligible for consideration by the Parole Board for conditional release. The bill also provides that any person serving such sentence (i) who is 65 years of age or older and has served at least five years of the sentence imposed or (ii) who is 60 years of age or older and has served at least 10 years of the sentenced imposed is eligible for consideration by the Parole Board for conditional release without the need to petition the Parole Board.

02/11/20 House: Left in Public Safety

[HB 809](#) Child abuse and neglect; valid report or complaint, alleged abuser.

Patrons: Delaney, Levine, Cole, M.L., Hope, Jenkins and McNamara

Summary as introduced:

Child abuse and neglect; valid report or complaint; alleged abuser. Requires a local department of social services to conduct an investigation or family assessment when, among other things, a report or complaint of child abuse or neglect is received in which the alleged abuser (i) is the child's relative by blood, marriage, or adoption; (ii) is the child's caretaker or has supervisory control over such child; or (iii) resides or is regularly present in the same household as the child. The bill also amends the definition of "abused or neglected child" to accommodate this directive. Under current law, local departments are only required to conduct an investigation or family assessment when the alleged abuser is the child's parent or other caretaker.

02/11/20 House: Left in Appropriations

[HB 1423](#) Orders of restitution; enforcement.

Patron: Bell

Summary as introduced: **Orders of restitution; enforcement.** Provides that an order of restitution shall be docketed in the name of the Commonwealth on behalf of a victim, unless the victim named in the order of restitution requests in writing that the order be docketed in the name of the victim. The bill provides that an order of restitution docketed in the name of the victim shall be enforced by the victim as a civil judgment. The bill also states that the clerk of such court shall record and disburse restitution payments in accordance with orders of restitution or judgments for restitution docketed in the name of the Commonwealth. The bill provides that at any time before a judgment for restitution docketed in the name of the Commonwealth is satisfied, the court shall, at the written request of the victim, order the circuit court clerk to execute and docket an assignment of the judgment to the victim and remove from its automated financial system the amount of unpaid restitution.

02/11/20 House: Left in Courts of Justice

[HB 1433](#) Criminal history information; destruction of information for certain charges and convictions.

Patron: Jones

Summary as introduced:

Destruction of criminal history information for certain charges and convictions. Provides that a court shall enter an order of destruction for police and court records, in the absence of good cause shown to the contrary by the Commonwealth, for a deferred disposition dismissal of (i) underage alcohol possession when one year has passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied or (ii) possession of marijuana when three years have passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied. The bill also provides that any person who has received such deferred disposition dismissals may file a petition with the court that disposed of such charge for an order of destruction at any time provided that all court costs and fines and all orders of restitution have been satisfied. This bill is a recommendation of the Virginia Criminal Justice Conference.

01/31/20 House: Continued to 2021 in Courts of Justice

[HB 1440](#) **Juveniles; trial as an adult.**

Patron: Jones

Summary as introduced:

Juveniles; trial as an adult. Increases from age 14 to age 16 the minimum age at which a juvenile must be tried as an adult in circuit court for murder or aggravated malicious wounding or for certain charges requiring notice of intent to try such juvenile as an adult by the attorney for the Commonwealth. In order to be tried as an adult in circuit court for charges that require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires that (i) a report of the juvenile be prepared by probation services or other qualified agency and (ii) the attorney for the Commonwealth review such report prior to filing his notice of intent to proceed with a preliminary hearing for trial of such juvenile as an adult.

01/27/20 House: Incorporated by Courts of Justice (HB477-Guzman)

[HB 1444](#) **Discovery in criminal cases; duty to provide.**

Patron: Cole, J.G.

Summary as introduced:

Discovery in criminal cases; duty to provide. 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 and copy or photograph (i) any relevant written or recorded statements or confessions made by the accused and the substance of any oral statements or confessions made by the accused to any law-enforcement officer; (ii) any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, and other 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, buildings, or places, or copies or portions thereof, that are within the possession, custody, or control of the Commonwealth; (iv) any relevant police reports, as defined in the bill; and (v) all relevant statements, as defined in the bill, of any non-expert witness whom the Commonwealth is required to designate on a witness list. The bill also provides that if the accused files a written notice the accused shall (a) permit the Commonwealth to inspect, copy, or photograph any written reports of autopsy examinations, ballistic tests, fingerprint, blood, urine, and breath analyses, and

other scientific tests that are within the possession, custody, or control of the accused and that the accused intends to introduce in evidence at the trial or sentencing; (b) disclose whether he intends to introduce evidence to establish an alibi; and (c) if he intends to rely upon a defense of insanity, permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the accused made in connection with the case. The bill provides that for good cause a party may withhold or redact certain information from such disclosures and the opposing party may file a motion to compel disclosure or to remove any restriction. The accused's duty to provide discovery shall be in addition to any duty to provide reciprocal discovery pursuant to Rule 3A:11 of the Rules of Supreme Court of Virginia.

01/31/20 House: Stricken from docket by Courts of Justice (20-Y 0-N)

[HB 1461](#) Appeal from bail, bond, or recognizance order; a court may stay the execution.

Patron: Scott

Summary as introduced:

Appeal from bail, bond, or recognizance order. Provides that a court may stay the execution of a bail order, in all bail decisions, for as long as reasonably practicable, but in no event more than three days, for a party to obtain an expedited appeal before the next higher court. Under current law, there is no maximum time for the stay unless the bail decision was governed by the bail presumption provisions.

02/11/20 House: Left in Courts of Justice

[HB 1463](#) Court Reporters, Virginia Board for; created, report.

Patron: Miyares

Summary as introduced:

Virginia Board for Court Reporters. Creates the Virginia Board for Court Reporters as an independent board to regulate court reporting services in the state. Beginning July 1, 2021, no person may engage in or offer to engage in work as a court reporter unless he has been licensed by the Board. The bill establishes standards of conduct for court reporters and creates the Board for Court Reporters Fund to receive licensing and registration fees to fund the regulatory program.

02/11/20 House: Left in Courts of Justice

[HB 1532](#) Corrections, Department of; earned sentence credits.

Patron: Scott

Summary as introduced:

Department of Corrections; earned sentence credits. Establishes a four-level classification system for the awarding and calculation of earned sentence credits. The bill requires the calculation of earned sentence credits to apply retroactively to the entire sentence of any inmate who is confined in a state correctional facility and participating in the earned sentence credit system on July 1, 2020.

02/05/20 House: Continued to 2021 in Courts of Justice

[HB 1545](#) Discretionary sentencing guideline midpoints; act of domestic terrorism enhancement.

Patron: Samirah

Summary as introduced:

Discretionary sentencing guideline midpoints; act of domestic terrorism enhancement. Provides that in addition to any increase in the midpoint of an initial recommended sentencing range already calculated for a defendant's criminal history, a defendant who commits an act of domestic terrorism, as defined in the bill, shall have the midpoint of the recommended sentencing range for his offense further increased by 200 percent in all cases.

02/07/20 House: Continued to 2021 in Courts of Justice

[HB 1687](#) Violence Intervention and Prevention Fund and Grant Program; established.

Patron: Rasoul

Summary as introduced:

Violence Intervention and Prevention Fund and Grant Program; firearm and ammunition tax. Establishes the Violence Intervention and Prevention Fund (the Fund), to be administered by the Department of Criminal Justice Services (the Department), to distribute grants to localities and organizations for the purpose of improving public health and safety by supporting effective violence reduction initiatives in communities that are disproportionately impacted by violence, particularly homicides, shootings, and aggravated assaults. Funds may also be used to finance the hiring of counselors in public elementary and secondary schools and research initiatives that have the objective of reducing gun violence.

The bill provides that the Department shall issue grants on a competitive basis. As a condition of receiving a grant, a locality or organization must commit a cash or in-kind contribution equivalent to the amount of the grant, with waivers allowed for good cause, and report on its progress toward achieving the grant's objectives. The bill requires the Department to provide public access to such reports.

The bill imposes a 15 percent tax on the sale of any firearm or ammunition, with all revenue from the tax accruing to the Fund. Sales to state or local agencies or law-enforcement officers are exempt from the tax.

02/05/20 House: Continued to 2021 in Finance

[HJ 28](#) Criminal records; State Crime Commission to study expungement of records.

Patron: Mullin

Summary as introduced:

Study; expungement of criminal records; report. Directs the Virginia State Crime Commission to study expungement of criminal records.

02/11/20 House: Left in Rules

[HJ 43](#) Firearms; DCJS, study enforcemt. of law prohibiting individual subject to certain protective orders.

Patrons: Sullivan and Lopez

Summary as introduced:

Study; DCJS; enforcement of the law prohibiting individuals subject to permanent protective orders for family abuse from possessing firearms while such order is in effect; report. Directs the Department of Criminal Justice Services to study the enforcement of the law prohibiting individuals subject to permanent protective orders for family abuse from possessing firearms while such order is in effect.

02/11/20 House: Left in Rules

[HJ 56](#) Privately operated prisons; JLARC to study use.

Patrons: Plum, Hope, Rasoul and Samirah; *Senators:* Boysko, Edwards and Howell

Summary as introduced:

Study; JLARC; privately operated prisons; report. Directs the Joint Legislative Audit and Review Commission, in consultation with the Department of Corrections, to study the use of privately operated prisons in the Commonwealth.

02/11/20 House: Left in Rules

[SB 10](#) Driver's license; suspension for nonpayment of fines or costs.

Patrons: Ebbin and McClellan; *Delegate:* Kory

Summary as introduced:

Suspension of driver's license for nonpayment of fines or costs. Repeals the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill also removes a provision allowing the court to require a defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. The bill requires the Commissioner of the Department of Motor Vehicles to return or reinstate any person's driver's license that was suspended prior to July 1, 2020, solely for nonpayment of fines or costs. Such person does not have to pay a reinstatement fee.

01/15/20 Senate: Incorporated by Judiciary (SB1-Stanley) (14-Y 0-N)

[SB 76](#) Protective orders; possession of firearms, penalty.

Patrons: Howell and Boysko; *Delegate:* Kory

Summary as introduced:

Protective orders; possession of firearms; penalty. Provides that it is a Class 6 felony for a person who is subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) for subjecting another person to an act of violence, force, or threat to possess a firearm while the order is in effect, which is equivalent to the existing penalty for possession of a firearm by a person subject to a permanent protective order for family abuse. The bill also provides that such person may continue to possess and transport a firearm

for 24 hours after being served with the order for the purposes of selling or transferring the firearm to another person.

01/22/20 Senate: Stricken at the request of Patron in Judiciary (14-Y 0-N)

SB 91 Parole; application of statutes.

Patrons: Edwards and McClellan; *Delegates:* Guzman and Kory

Summary as introduced:

Application of parole statutes. Repeals the abolition of parole. The bill also provides that the Virginia Parole Board shall establish procedures for consideration of parole for persons who were previously ineligible for parole, because parole was abolished, to allow for an extension of time for reasonable cause.

02/03/20 Senate: Continued to 2021 in Judiciary (15-Y 0-N)

SB 116 Death penalty; severe mental illness.

Patrons: Favola and Boysko; *Delegate:* Kory

Summary as introduced:

Death penalty; severe mental illness. Provides that a defendant in a capital case who had a severe mental illness, as 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. The bill provides that 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. The bill also provides that in the event the defendant fails to provide notice that he will offer testimony by an expert witness at such sentencing proceeding, the court may either allow the Commonwealth a continuance or, where the defendant is unable to show good cause for untimely notice, bar the defendant from presenting such evidence.

12/14/19 **Senate:** Referred to Committee on the Judiciary

01/27/20 Senate: Reported from Judiciary (9-Y 4-N)

01/30/20 Senate: Read third time and passed Senate (32-Y 7-N)

02/03/20 **House:** Referred to Committee for Courts of Justice

03/03/20 House: Left in Courts of Justice

SB 145 Protective orders; violations, penalty.

Patron: Stuart

Summary as introduced:

Violations of protective orders; penalty. Provides that any person who commits any assault, assault and battery, or bodily wounding upon any party protected by a protective order is guilty of a Class 6 felony. Currently, the Class 6 felony is only applicable if the person commits an assault and battery that results in serious bodily injury to the protected party.

01/27/20 Senate: Failed to report (defeated) in Judiciary (7-Y 8-N)

[SB 223](#) Juvenile records; expungement.

Patrons: Favola and Boysko

Summary as introduced:

Juvenile records; expungement. Provides for the expungement of juvenile records for offenses that would be felony larceny if committed by an adult. Under current law, juvenile records of all delinquent acts that would be a felony if committed by an adult are retained.

01/29/20 Senate: Continued to 2021 in Judiciary (14-Y 0-N)

[SB 242](#) Carnal knowledge of an inmate, parolee, etc.; penalty.

Patron: Marsden

Summary as Passed:

Carnal knowledge of an inmate, parolee, probationer, arrestee, detainee, or pretrial defendant or posttrial offender; local or state law-enforcement officer; penalty. Adds law-enforcement officers to those persons who are guilty of a Class 6 felony if they are in a position of authority over and carnally know without force, threat, or intimidation any inmate, parolee, probationer, arrestee, detainee, or pretrial or posttrial offender, including those in the custody of a private, local, or state law-enforcement agency. In addition, the bill adds arrestees to the list of those persons for whom it is unlawful for a person in such authority to commit the offense of carnal knowledge. The provisions of the bill are contingent on funding in a general appropriation act.

01/02/20 **Senate:** Referred to Committee on the Judiciary

01/15/20 Senate: Reported from Judiciary and Rereferred to Finance and Appropriations (13-Y 0-N)

02/05/20 Senate: Reported from Finance and Appropriations with amendment (16-Y 0-N)

02/07/20 Senate: Passed Senate (39-Y 0-N)

02/12/20 **House:** Referred to Committee for Courts of Justice

02/24/20 House: Reported from Courts of Justice with substitute (22-Y 0-N)

02/24/20 House: Referred to Committee on Appropriations

03/03/20 House: Left in Appropriations

[SB 309](#) Deferred dispositions; property crimes, larceny and receiving stolen goods.

Patron: Stanley

Summary as introduced:

Deferred dispositions; property crimes; larceny and receiving stolen goods. Provides that a court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation subject to terms and conditions for a first offense misdemeanor larceny provided such person has not previously been convicted of any felony or had a prior deferred disposition for the same offense. This bill is a recommendation of the Virginia Criminal Justice Conference.

02/10/20 Senate: Incorporated by Judiciary (SB286-Deeds) (12-Y 0-N)

[SB 326](#) Sentencing proceeding by the jury after conviction; recommendation of leniency.

Patron: Deeds

Summary as Passed Senate:

Sentencing proceeding by the jury after conviction; recommendation of leniency. Provides that a jury may, in ascertaining the punishment for a person convicted of a felony or Class 1 misdemeanor, recommend that the sentence imposed be suspended in whole or in part, or that sentences imposed for multiple offenses be served concurrently, except where such suspension of sentence or concurrent service is prohibited by law. The bill prohibits the trial court from imposing an active term of incarceration in excess of the active term of incarceration recommended by the jury.

01/06/20 **Senate:** Referred to Committee on the Judiciary

02/05/20 Senate: Reported from Judiciary with amendment (10-Y 3-N)

02/06/20 Senate: Reported from Finance and Appropriations (15-Y 0-N)

02/11/20 Senate: Passed Senate (22-Y 18-N)

02/14/20 **House:** Referred to Committee for Courts of Justice

02/24/20 House: Continued to 2021 in Courts of Justice

[SB 372](#) Protective orders; possession of firearms, surrender or transfer of firearms, penalty.

Patron: Saslaw

Summary as introduced:

Protective orders; possession of firearms; surrender or transfer of firearms; penalty. Provides that a court shall order a person subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) to (i) within 24 hours, surrender any firearm possessed by such person to a designated local law-enforcement agency, or sell or transfer any firearm possessed by such person to a dealer or to any person who is not otherwise prohibited by law from possessing such firearm, and (ii) certify in writing that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order. The bill provides that any person who fails to certify in writing in accordance with this section that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms is guilty of a Class 1 misdemeanor. The bill provides procedures for designating a local law-enforcement agency to receive and store firearms, as well as a process to return such surrendered firearms. The bill also makes it a Class 4 felony for any person to sell, barter, give, or furnish any firearm to any person he knows is prohibited from possessing or transporting a firearm who is the subject to a permanent protective order.

01/22/20 Senate: Incorporated by Judiciary (SB479-Howell) (13-Y 1-N)

[SB 449](#) Death penalty; abolishes penalty, including those persons currently under a death sentence.

Patrons: Surovell and Boysko

Summary as introduced:

Abolition of the death penalty. Abolishes the death penalty, including for those persons currently under a death sentence.

02/05/20 Senate: Continued to 2021 in Judiciary (9-Y 6-N)

[SB 489](#) Criminal cases; authority to defer and dismiss.

Patron: Surovell

Summary as passed Senate:

Authority to defer and dismiss a criminal case. Provides that a trial court presiding in a criminal case may, after any plea or trial, with or without a determination, finding, or pronouncement of guilt, and notwithstanding the entry of a conviction order, upon consideration of the facts and circumstances of the case, upon its own motion with the consent of the defendant, or with the agreement of the defendant and the Commonwealth, defer proceedings, defer entry of a conviction order, if none, or defer entry of a final order, and continue the case for final disposition, on such reasonable terms and conditions as may be agreed upon by the parties and placed on the record, or if there is no agreement, as may be imposed by the court. The bill provides that final disposition may include (a) conviction of the original charge, (b) conviction of an alternative charge, or (c) dismissal of the proceedings.

01/07/20 **Senate:** Referred to Committee on the Judiciary

2/05/20 Senate: Reported from Judiciary with substitute (13-Y 1-N)

02/11/20 Senate: Read third time and passed Senate (39-Y 0-N)

02/14/20 **House:** Referred to Committee for Courts of Justice

02/28/20 House: Criminal Subcommittee recommends reporting with substitute (5-Y 3-N)

03/02/20 House: Reported from Courts of Justice with substitute (14-Y 6-N)

03/05/20 House: Passed House with substitute (59-Y 40-N)

03/05/20 **Senate:** House substitute rejected by Senate (1-Y 38-N)

03/05/20 **House:** House insisted on substitute

03/05/20 Senate: Conferees appointed by Senate: Senators: Surovell, Deeds, Stanley

03/05/20 House: Conferees appointed by House: Delegates: Watts, Scott, Collins

03/12/20 **Senate:** Failed to pass in Senate

[SB 490](#) Firearms; purchase, possession, etc., following a conviction.

Patron: Favola

Summary as introduced:

Purchase, possession, or transportation of firearms following conviction for assault and battery of a family or household member; permit to restore rights; penalties. Prohibits a person who has been convicted of stalking, sexual battery, or assault and battery of a family or household member from purchasing, possessing, or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor. The bill provides for a process by which a person convicted of such crime may petition the circuit court for a reinstatement of his right to possess or transport a firearm and the factors a court shall consider in determining such reinstatement.

02/03/20 Senate: Continued to 2021 in Judiciary (12-Y 0-N)

[SB 493](#) Geriatric, terminally ill, etc., prisoners; conditional release.

Patrons: Bell, Morrissey and Surovell

Summary as passed Senate:

Conditional release of geriatric, terminally ill, or permanently physically disabled prisoners. Provides that any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, who is terminally ill or permanently physically disabled is eligible for consideration by the Parole Board for conditional release. The bill also provides that any person serving such sentence (i) who is 65 years of age or older and has served at least five years of the sentence imposed or (ii) who is 60 years of age or older and has served at least 10 years of the sentence imposed is eligible for consideration by the Parole Board for conditional release without the need to petition the Parole Board.

01/10/20 **Senate:** Reported from Rehabilitation and Social Services with amendment (9-Y 6-N)

01/10/20 **Senate:** Rereferred to Finance and Appropriations

01/22/20 **Senate:** Reported from Finance and Appropriations (15-Y 1-N)

01/24/20 **Senate:** Amendment by Senator Bell withdrawn

01/27/20 **Senate:** Read third time and passed Senate (23-Y 15-N)

02/18/20 **House:** Referred to Committee for Courts of Justice

02/28/20 **House:** Failed to report (defeated) in Courts of Justice (9-Y 12-N)

[SB 514](#) Driver's license; suspension for nonpayment of fines or costs.

Patron: Edwards

Summary as introduced:

Suspension of driver's license for nonpayment of fines or costs. Removes the requirement that a court suspend the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs. The bill provides that the fine for any moving violation while operating a motor vehicle in a designated highway safety corridor shall be no more than \$500 for any violation that is a traffic infraction and not less than \$200 for any violation that is a criminal offense. The bill also repeals the Nonresident Violator Compact of 1977. The bill contains an emergency clause. EMERGENCY

01/15/20 **Senate:** Incorporated by Judiciary (SB1-Stanley) (14-Y 0-N)

[SB 534](#) Hope Card Program; permanent protective orders.

Patrons: Vogel and Boysko; *Delegate:* Delaney

Summary as passed Senate:

Hope Card Program; permanent protective orders. Requires the Office of the Executive Secretary of the Supreme Court of Virginia to develop and implement a Hope Card Program (the Program) for the issuance of a Hope Card to any person who has been issued a permanent protective order by any general district court, juvenile and domestic relations court, or circuit court. The bill states that a Hope Card issued pursuant to the Program shall be a durable, plastic, wallet-sized card containing essential information about the protective order, such as the identifying information and characteristics of the person subject to the protective order, the issuance and expiration date of the protective order, the terms of the protective order, and the names of any

other persons protected by the protective order. The provisions of the bill are contingent on funding in a general appropriation act.

01/07/20 **Senate:** Referred to Committee on the Judiciary
01/29/20 **Senate:** Reported from Judiciary with amendments (14-Y 0-N)
01/29/20 **Senate:** Rereferred to Finance and Appropriations
02/06/20 **Senate:** Reported from Finance and Appropriations with amendment (14-Y 0-N)
02/11/20 **Senate:** Passed Senate (39-Y 0-N)
02/14/20 **House:** Referred to Committee for Courts of Justice
02/24/20 **House:** Reported from Courts of Justice with amendment (22-Y 0-N)
03/03/20 **House:** Left in Appropriations

SB 624 Geriatric prisoners; conditional release.

Patrons: Spruill and Morrissey

Summary as introduced:

Conditional release of geriatric prisoners. Allows any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, who (i) is 55 years of age or older and has served at least 15 years of the sentence imposed or (ii) is 50 years of age or older and has served at least 20 years of the sentence imposed, to petition the Parole Board for conditional release.

01/17/20 **Senate:** Reported from Rehabilitation and Social Services (9-Y 5-N)
01/29/20 **Senate:** Reported from Finance and Appropriations (12-Y 2-N)
02/03/20 **Senate:** Read third time and passed Senate (21-Y 19-N)
02/12/20 **House:** Referred to Committee for Courts of Justice
02/24/20 **House:** Continued to 2021 in Courts of Justice

SB 721 Orders of restitution; enforcement.

Patron: McClellan

Summary as introduced:

Orders of restitution; enforcement. Provides that an order of restitution shall be docketed in the name of the Commonwealth on behalf of a victim and that the clerk of such court, prior to satisfaction of the judgment and upon written request of the victim, shall enter a judgment in the victim's favor for the amount of unpaid restitution, remove from its automated financial system the amount of unpaid restitution, and record a release of any judgment for restitution previously entered in favor of the Commonwealth on behalf of the victim.

02/05/20 **Senate:** Continued to 2021 in Judiciary (13-Y 0-N)

SB 805 Robbery; definition, penalty.

Patrons: Morrissey; Delegates: Bagby and Hope

Summary as passed Senate:

Robbery; penalty. Defines "robbery" and creates degrees of punishment corresponding to the severity of a

robbery offense. Any person who commits a robbery by causing serious bodily injury is guilty of robbery in the first degree, which is punishable by confinement in a state correctional facility for a maximum term of life. Any person who commits robbery by displaying a firearm in a threatening manner is guilty of robbery in the second degree, which is punishable by confinement in a state correctional facility for a maximum term of 20 years. Any person who commits robbery by using physical force not resulting in serious bodily injury, or by displaying a deadly weapon other than a firearm in a threatening manner, is guilty of robbery in the third degree, which is punishable as a Class 5 felony. Any person who commits robbery by any other means is guilty of robbery in the fourth degree, which is punishable as a Class 6 felony. Under current law, any robbery is punishable by confinement in a state correctional facility for life or any term not less than five years.

01/08/20 **Senate:** Referred to Committee on the Judiciary
02/03/20 **Senate:** Reported from Judiciary with substitute (10-Y 5-N)
02/06/20 **Senate:** Read third time and passed Senate (20-Y 20-N)
02/06/20 **Senate:** Chair votes Yes
02/12/20 **House:** Referred to Committee for Courts of Justice
02/28/20 **House:** Continued to 2021 in Courts of Justice

SB 807 Larceny; subsequent offenses, penalty.

Patrons: Morrissey; *Delegates:* Bagby, Hope and Samirah

Summary as introduced:

Larceny; subsequent offenses; penalty. Eliminates the enhanced Class 6 felony applicable for a third or subsequent offense of petit larceny.

01/08/20 **Senate:** Referred to Committee on the Judiciary
02/10/20 **Senate:** Reported from Judiciary (7-Y 5-N 2-A)
02/11/20 **Senate:** Passed Senate (23-Y 17-N)
02/14/20 **House:** Referred to Committee for Courts of Justice
03/03/20 **House:** Left in Courts of Justice

SB 808 Police and court records; expungement of records, misdemeanor and felony convictions.

Patrons: Morrissey; *Delegates:* Cole, M.L. and Hope

Summary as introduced:

Expungement of police and court records; misdemeanor and felony convictions. Allows a person convicted of a criminal offense to file a petition requesting expungement of the police and court records relating to the conviction if such person (i) has been free from any term of incarceration, probation, and postrelease supervision imposed as a result of such conviction for (a) at least eight years for a misdemeanor offense or (b) at least 12 years for a felony offense, (ii) has no subsequent convictions other than traffic infractions, and (iii) has no pending criminal proceeding.

01/29/20 **Senate:** Continued to 2021 in Judiciary (14-Y 0-N)

SB 809 Parole; application of statutes.

Patrons: Morrissey; *Delegates:* Bagby, Hope and Samirah

Summary as introduced:

Application of parole statutes. Repeals the abolition of parole. The bill also provides that the Virginia Parole Board shall establish procedures for consideration of parole for persons who were previously ineligible for parole, because parole was abolished, to allow for an extension of time for reasonable cause.

02/03/20 Senate: Incorporated by Judiciary (SB91-Edwards) (15-Y 0-N)

SB 810 Discretionary sentencing guidelines worksheets; use by juries.

Patrons: Morrissey; *Delegates:* Bagby, Hope and Samirah

Summary as introduced:

Discretionary sentencing guidelines worksheets; use by juries. Requires that the jury be given the applicable discretionary sentencing guidelines worksheets during a sentencing proceeding and that the court instruct the jury that the sentencing guidelines worksheets are discretionary and not binding on the jury. The bill requires sentencing guidelines worksheets to be kept confidential by the jurors and filed under seal by the court.

01/08/20 **Senate:** Referred to Committee on the Judiciary

02/10/20 Senate: Reported from Judiciary (8-Y 6-N)

02/11/20 Senate: Passed Senate (22-Y 18-N)

02/14/20 **House:** Referred to Committee for Courts of Justice

02/18/20 House: Assigned Courts sub: Criminal

03/03/20 House: Left in Courts of Justice

SB 811 Sentencing in a criminal case; bifurcated jury trial.

Patrons: Morrissey; *Delegate:* Samirah

Summary as passed Senate:

Sentencing in a criminal case; bifurcated jury trial. Provides that in a criminal case the court shall ascertain the extent of the punishment, unless the accused has requested that the jury ascertain punishment or was found guilty of capital murder.

01/08/20 **Senate:** Referred to Committee on the Judiciary & assigned Judiciary sub: Criminal Law

02/05/20 Senate: Reported from Judiciary with substitute (10-Y 5-N)

02/11/20 Senate: Read third time and passed Senate (23-Y 17-N)

02/14/20 **House:** Referred to Committee for Courts of Justice

03/02/20 House: Continued to 2021 in Courts of Justice

SB 814 Driver's licenses; suspension for nonpayment of fines or costs.

Patrons: Morrissey; *Delegate:* Samirah

Summary as introduced:

Suspension of driver's license for nonpayment of fines or costs. Repeals the requirement that the driver's

license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill also removes a provision allowing the court to require a defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. The bill requires the Commissioner of the Department of Motor Vehicles to return or reinstate any person's driver's license that was suspended prior to July 1, 2020, solely for nonpayment of fines or costs. Such person does not have to pay a reinstatement fee.

01/15/20 Senate: Incorporated by Judiciary (SB1-Stanley) (14-Y 0-N)

[SB 821](#) Parole; exception to limitation on the application of parole statutes.

Patrons: Morrissey; *Delegates:* Hope and Samirah

Summary as introduced:

Parole; exception to limitation on the application of parole statutes. Provides that an incarcerated person is eligible for parole if (i) such person 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 a noncapital felony committed on or after the abolition of parole went into effect (on January 1, 1995) and (ii) the jury was not instructed on the abolition of parole in the Commonwealth. The bill also provides that any person eligible for parole as provided by the provisions of this bill shall be given priority for consideration of parole over all other eligible persons and shall have a parole hearing no later than July 1, 2021.

02/03/20 Senate: Incorporated by Judiciary (SB793-McClellan) (15-Y 0-N)

[SB 840](#) Insanity; persons acquitted.

Patron: Ebbin

Summary as Passed:

Persons acquitted by reason of insanity. Makes various changes to the provisions regarding confinement hearings and conditional release procedures for persons who have been acquitted of a violent felony by reason of insanity. Under current law, such provisions do not distinguish between persons acquitted of a violent felony or any other felony offense.

01/08/20 **Senate:** Referred to Committee on the Judiciary

02/03/20 Senate: Reported from Judiciary with substitute (15-Y 0-N)

02/06/20 Senate: Read third time and passed Senate (40-Y 0-N)

02/12/20 **House:** Referred to Committee for Courts of Justice

02/19/20 House: Reported from Courts of Justice with substitute (18-Y 2-N)

02/19/20 House: Referred to Committee on Appropriations

03/03/20 House: Left in Appropriations

[SB 914](#) Victim of human trafficking; petition for vacatur/expungement of convictions & police/court records.

Patron: Locke

Summary as introduced:

Petition for vacatur and expungement of convictions and police and court records of victims of human trafficking. Allows any person who was a victim of human trafficking at the time of an offense that led to a criminal charge or conviction of certain crimes to petition the court to vacate such conviction and expunge the police and court records related to such conviction or to expunge the police and court records related to such charge. The bill provides that there is a rebuttable presumption that a person's participation in an offense was a result of having been a victim of human trafficking if there is official documentation, defined in the bill, of the petitioner's status as a victim of human trafficking at the time of the offense.

01/29/20 Senate: Continued to 2021 in Judiciary (14-Y 0-N)

SJ 9 JLARC; reinstatement of discretionary parole, report.

Patrons: Marsden; Delegate: Kory

Summary as passed Senate:

Study; JLARC; reinstatement of discretionary parole; report. Directs the State Crime Commission to study the reinstatement of discretionary parole, which was abolished in 1995.

12/04/19 **Senate:** Referred to Committee on Rules

02/07/20 Senate: Reported from Rules with amendments

02/11/20 Senate: Agreed to by Senate by voice vote

02/19/20 **House:** Tabled in Rules (17-Y 0-N)

SJ 39 Justice system; Virginia State Crime Commission to study effect of abolishing jury sentencing.

Patrons: Edwards; Delegates: Rasoul and Samirah

Summary as introduced:

Study; Virginia State Crime Commission; effect of abolishing jury sentencing on the justice system; report. Directs the Virginia State Crime Commission to (i) identify the most common charges tried before juries within the Commonwealth and determine the average sentence per charge as recommended by a jury; (ii) compare the jury-recommended sentence to the average sentence for each identified charge, factoring in alternative sentences and suspended time, as determined by a judge during a bench trial; (iii) identify any perceived negative impacts to the judicial system associated with abolishing the practice of jury sentencing and make recommendations as to how these potential negative impacts could be avoided; and (iv) determine the feasibility of abolishing jury sentencing for noncapital offenses within the Commonwealth.

01/31/20 **Senate:** Reported from Committee on Rules

01/31/20 Senate: Reported from Rules

02/06/20 Senate: Read third time and agreed to by Senate by voice vote

02/27/20 **House:** Continued to 2021 in Rules by voice vote

Prepared by Sue Rowland. Questions and comments to Sue@SueRowlandConsulting.com