



2017 General Assembly Update

The reconvened session ended on April 5, 2017. Below is an update on the Action Alliance's priorities and other key legislation of interest to our constituency. Legislation must pass the House, Senate, and be approved by the Governor before becoming law. When available, we have noted the Action Alliance's position on the legislation. For actual votes and language of the bills, please click on the link provided. Please note that we only provided links to legislation that is still active. Unless noted in the law, legislation becomes effective July 1, 2017.

STATUS ON LEGISLATIVE PRIORITIES THE ACTION ALLIANCE SUPPORTS

1. PROTECT PROGRESS – PREVENT CUTS IN SERVICES FOR VICTIM SERVICES

The General Assembly passed an amended 2016-2018 budget. We are pleased to report that the amended budget includes a \$1.5 million increase in funding for sexual and domestic violence victim services. This funding is essential to meet federal match requirements. The budget now goes to the Governor for his review. Any changes the Governor proposes to the passed budget will be considered during the reconvened session on April 5, 2017.

2. POLICIES THAT INCREASE VICTIM SAFETY BY REDUCING OFFENDER ACCESS TO FIREARMS

The following bills to disarm offenders were defeated:

SB 1039 (Sen. Howell)
HB 2044 (Del. Murphy)
HB 1706 (Del. Filler-Corn)

3. ENSURE THAT ALL VICTIMS, REGARDLESS OF RACE, ABILITY, SEXUAL ORIENTATION, GENDER IDENTITY, OR IMMIGRATION STATUS HAVE ACCESS TO FAIR, EQUAL AND RESPECTFUL TREATMENT.

Economic and housing stability is a key component of a survivor's efforts to move toward safety and self-sufficiency. The Action Alliance supports promoting policies that ensure all victims of violence have equal and fair access to employment and housing. Such protections would also help ensure that offenders cannot sabotage employment and/or housing by "outing" the victim.

The following bills to promote equality were defeated:

April 7, 2017: For more information contact Kristine Hall at 804-377-0335 or email khall@vsdvalliance.org.

HB 2129 (Del. Levine)
HB 2057 (Del. Kory)
SB 783 (Sen. Ebbin)
SB 822 (Sen. Wexton)

The Action Alliance supports expanding access to drivers' licenses because the inability to access a driver's license is a barrier for immigrant victims who are trying to work, support a family and/or escape violence.

The following bills to expand access to drivers' license were defeated:

HB 1682 (Del. Bloxom)
HB 2020 (Del. Villanueva)
SB 1345 (Sen. Surovell)

Recognizing that sexual and domestic violence is linked to other forms of oppression, the Action Alliance supports expanding the definition of what constitutes a hate crime. Everyone deserves to live a life free from violence and no one should be targeted specifically because of who they are.

The following bills to fight discrimination, protect the safety and rights of communities vulnerable to and targeted for violence, and promote equality were defeated:

HB 1776 (Del. Plum)
HB 1779 (Del. Plum)
SB 1525 (Sen. Favola)

4. PROMOTE EVIDENCE-INFORMED, AGE-APPROPRIATE, AND COMPREHENSIVE APPROACHES TO EDUCATION ABOUT HEALTHY RELATIONSHIPS

HB 2257 (Del. Filler-Corn) — Passed—approved by the Governor.

Provides that any high school family life education curriculum offered by a local school division may incorporate age-appropriate elements of effective and evidence-based programs on the law and meaning of consent.

SB 1475 (Sen. McClellan) — Passed—approved by the Governor.

Makes changes to family life education curriculum guidelines and curricula, including requiring family life education curriculum guidelines to include instruction as appropriate for the age of the student in the value of family relationships and permitting the age-appropriate elements of effective and evidence-based programs on sexual violence that are required to be incorporated into any high school family life education curriculum offered by a local school division to include instruction that increases student awareness of the fact that consent is required before sexual activity.

The following bills were defeated.

HB 2406 (Del. Filler-Corn)
SB 825 (Sen. Wexton)

5. PROMOTE CONDITIONS THAT ENSURE EVERY CHILD HAS OPPORTUNITY TO REACH THEIR FULL POTENTIAL

Recognizing the intersection of childhood trauma and potential academic and behavior problems, the Action Alliance supports efforts to promote positive, trauma-informed disciplinary responses that balance child/public/school safety, make our schools more conducive to learning for all students, address racial disparities and decrease the number of youth pushed into the juvenile justice system.

The following bills to reform school policies and practices regarding long-term suspension were defeated:

HB 1534 (Del. Richard Bel)
HB 1535 (Del. Richard Bell)
HB 1536 (Del. Richard Bell)
SB 995 (Sen. Stanley)
SB 996 (Sen. Stanley)
SB 997 (Sen. Stanley)

6. PROMOTE AN EFFECTIVE, TRAUMA-INFORMED AND COORDINATED COMMUNITY RESPONSE TO SEXUAL AND INTIMATE PARTNER VIOLENCE

HJ 653 (Del. Carr) – Agreed to by House and Senate.

SR 101 (Sen. Hanger & Sen. Howell) – Agreed to by House and Senate.

Commends the Trauma-Informed Community Networks for their work to promote best practices, to address childhood trauma and toxic stress, and to become trauma-informed, resilient communities.

HB 1851 (Del. Gilbert) – Passed—approved by the Governor.

Provides that a person charged with a first offense of assault against a family or household member who consents to probation and a deferred disposition of the charge has no right of appeal if he is subsequently found guilty of the original charge after violation of the terms of his probation. The bill allows for the person to file a motion to withdraw his consent to the deferral and waiver of his right to appeal within 10 days of the entry of the order deferring proceedings. If such motion is filed to withdrawal consent, the court shall schedule a hearing within 30 days of receipt of the motion and shall provide reasonable notice to the attorney for the Commonwealth and to the person and his attorney, if any. If the person appears at the hearing and requests to withdraw his consent, the court shall grant such request, enter a final order adjudicating guilt, and sentence the person accordingly. Under current law, defendants were appealing the original assault and battery charge after charged with violation of probation—sometimes months or years later. This essentially allows a defendant to reconsider the decision to take the defer and dismiss option, but puts

a reasonable time frame on it. Once the 10-day period expires, the defendant can't appeal months and years down the road after they are charged with violation of the terms of probation.

HB 2217 (Del. Toscano) – Passed—approved by the Governor.

Expands eligibility to apply for the address confidentiality program to include sexual violence and human trafficking and increases the certification period from one to three years. The bill authorizes accredited sexual or domestic violence programs to accept applications and authorizes crime victim and witness assistance programs to accept applications.

HB 2240 (Del. Miller) – Passed—approved by the Governor.

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

SB 1150 (Sen. Favola) – Passed—approved by the Governor.

Directs the Alcoholic Beverage Control Board to promulgate regulations that establish and make available to all retail on-premises licensees and permittees for which on-premises consumption of alcoholic beverages is allowed and employees of such licensees and permittees who serve as a bartender or otherwise sell, serve, or dispense alcoholic beverages for on-premises consumption a bar bystander training module, which shall include (i) information that enables licensees and their employees to recognize situations that may lead to sexual assault and (ii) intervention strategies to prevent such situations from culminating in sexual assault.

SB 1501 (Sen. Favola) — Passed—approved by the Governor.

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

STATUS ON LEGISLATIVE PRIORITIES THE ACTION ALLIANCE OPPOSES

1. POLICIES THAT PROPOSE ARMING VICTIMS, RATHER THAN DISARMING OFFENDERS, AS THE SOLUTION TO SEXUAL AND DOMESTIC VIOLENCE.

The Action Alliance opposes the following bills because there is no evidence suggesting firearms will make victims safer. We need policy measures that enable victims to live lives free of violence without having to choose violence or an option that puts them at greater danger by introducing a firearm into the situation. These bills, as proposed, circumvent reasonable training requirements to minimize risks; amendments to provide these safeguards in conjunction with an expedited concealed carry process have been rejected

thus far.

SB 1299 (Sen. Vogel) – Vetoed by the Governor.

HB 1852 (Del. Gilbert) – Vetoed by the Governor.

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

SB 1300 (Sen. Vogel)— Vetoed by the Governor.

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

HB 1853 (Del. Gilbert)— Vetoed by the Governor.

Creates the Virginia Firearms Safety and Training for Sexual and Domestic Violence Victims Fund. The bill provides that the Department of Criminal Justice Services may distribute funds from the Fund to reimburse an entity that offers a firearms safety or training course or class approved by the Department free of charge to victims of domestic violence, sexual abuse, stalking, or family abuse. The bill also requires that, upon the issuance of a protective order, the petitioner for the order be provided with a list of such approved courses or classes. The Action Alliance requested a VETO.

2. POLICIES THAT ENDORSE DISCRIMINATION AND ROLL- BACK, ERODE AND BLOCK ACCESS TO ECONOMIC SECURITY, SAFETY AND EQUALITY FOR PERSONS WHO IDENTIFY AS LESBIAN, GAY, BISEXUAL, TRANSGENDER AND/OR QUEER.

The following bill were defeated:

HB 1612 (Del. Marshall) & HB 2011 (Del. Marshall)

ADDITIONAL SEXUAL AND DOMESTIC VIOLENCE LEGISLATION PASSED

Sexual Assault

HB 2127 (Del. Levine) — Passed—approved by the Governor.

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

Custody and Spousal Support

HB 1456 (Del. Albo) — Passed—approved by the Governor.

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

HB 1586 (Del. Campbell) — Passed—approved by the Governor.

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

Domestic Violence and Protective Orders

HB 1912 (Del. Yost) — Passed—approved by the Governor.

Entitles a person to vote absentee if the person has been granted a protective order issued by or under the authority of any court of competent jurisdiction.

HB 2064 (Del. Mullins) — Passed—approved by the Governor.

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

SEXUAL AND DOMESTIC VIOLENCE LEGISLATION DEFEATED

HB 1844 (Del. Ransone)

HB 2065 (Del. Mullins)

HB 2128 (Del. Levine)

SB 1389 (Sen. Mason)

HB 2157 (Del. Rasoul)

HB 2271 (Del. Krizek)

HB 2452 (Del. Morris)

HB 2473 (Del. Cline)

SB 824 (Sen. Wexton)

SB 861 (Sen. Surovell)

SB 1344 (Sen. Surovell)

SB 1445 (Sen. Howell)

To learn more about any of these defeated bills, please visit <http://lis.virginia.gov/> and click on “Bills & Resolutions” to search by bill number.