

2018 General Assembly Session: Action Alliance Legislative Update



The 2018 General Assembly adjourned on March 10th, 2018 without a finalized state budget. Legislators reconvened in Richmond on April 11th with the task of determining a 2-year budget for the Commonwealth – finally, on May 30th, the Senate and House agreed on a new state budget that, among other things, includes Medicaid expansion for Virginia. See below for detailed budget updates.

The following 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, 2018. For more information on bills of interest and news from this past session, see the Alliance in Action blog post [here](#).

STATUS ON BILLS THAT THE ACTION ALLIANCE SUPPORTS

✓ CLOSE THE FUNDING GAP FOR SEXUAL & DOMESTIC VIOLENCE AGENCIES

The Senate and House released their budgets on February 18, 2018. Unfortunately, neither of these budgets included our proposed \$1.5 million increase in DCJS funding for sexual and domestic violence victim services. This funding is essential for local agencies to meet federal match requirements. On a positive note, the House’s budget did include \$1 million in TANF monies for Domestic Violence programs and an additional \$600,000 in TANF for Child Advocacy Centers, but those monies cannot be used to match the VOCA funds. However, after months of negotiations between House and Senate budget conferees, the two chambers agreed on a new budget that includes Medicaid expansion for over 300,000 low-income and under-insured Virginians.

The new budget invests most of the Medicaid expansion funds into Health & Human Resources (HHR) programs (behavioral health, health care, social services) and education. Therefore, the roughly \$1 million-dollar match for Victims of Crime Act (VOCA) funding that the Action Alliance requested is not in the final compromise budget. The HHR/TANF funding that the House included for the Office on Family Violence (OFV) is in the compromise budget at \$500,000 per year. There is also an additional \$300,000 each year allocated for Virginia’s Child Advocacy Centers. And finally, two items included in the budget package that are cause for concern are capital funding for a new 60-bed juvenile correctional center to replace the much larger youth prison closed last year at Beaumont in Powhatan County in addition to a last-minute amendment that earmarks \$500,000 directly to one specific Sexual and Domestic Violence Agency.

While the Action Alliance welcomes state funding set aside for sexual and domestic violence services and prevention, we believe that funding for these vital programs is more effective when it serves survivors throughout the entirety of the Commonwealth as opposed to one specific locality. In the 2019 session, we hope to achieve a final close to the budget gap for sexual and domestic violence services statewide by securing an additional \$1.5 million for sexual and domestic violence programming.

✓ **INCREASE VICTIM SAFETY:
REDUCE OFFENDER ACCESS TO FIREARMS**

HB 405 (Del. Levine) – Not heard in House Courts of Justice. Because there were so many bills and such little time to review them all, the House determined which bills would have significant fiscal impact and set these aside - not to be heard by a Committee during the 2018 session.

✓ **PREVENT VIOLENCE BEFORE IT HAPPENS:
PROMOTE EVIDENCE-INFORMED, AGE-APPROPRIATE, COMPREHENSIVE
APPROACHES TO HEALTHY RELATIONSHIPS AND CONSENT EDUCATION**

[SB 101](#) (Sen. McClellan) – Passed and approved by Governor.

*Requires any high school family life education curriculum offered by a local school division to incorporate age-appropriate elements of effective and evidence-based programs on the prevention of sexual harassment using electronic means. The bill permits any family life education curriculum offered by a local school division to incorporate age-appropriate elements of effective and evidence-based programs on the prevention, recognition, and awareness of child abduction, child abuse, child sexual exploitation, and child sexual abuse. This bill incorporates [SB 425](#), [SB 789](#), and [SB 843](#).

[HB 45](#) (Del. Filler-Corn) – Passed in House and Senate Public Ed Subcommittee.

*Requires any family life education curriculum offered in any elementary school, middle school, or high school to incorporate age-appropriate elements of effective and evidence-based programs on the importance of the personal privacy and personal boundaries of other individuals and tools for a student to use to ensure that he respects the personal privacy and personal boundaries of other individuals.

HB 159 (Del. Rasoul) – Defeated in Subcommittee.

HB 44 (Del. Filler-Corn) – Defeated in House Subcommittee.

✓ **PROMOTE ACCESS TO CONFIDENTIAL AND TRAUMA-INFORMED RESPONSES ON COLLEGE CAMPUSES**
INCREASE SAFE REPORTING ON COLLEGE CAMPUSES

HB 522 (Del. Sullivan) – Defeated in House Subcommittee.

✓ **A NEW FRAMEWORK FOR CRIMINAL SEXUAL ASSAULT CODE IN VIRGINIA**

HB 208 (Del. Mullin) – Not heard in House Courts of Justice. Because there were so many bills and such little time to review them all, the House determined which bills would have significant fiscal impact and set these aside - not to be heard by a Committee during the 2018 session.

HB 1062 (Del. Tran) - Not heard in House Courts of Justice. Because there were so many bills and such little time to review them all, the House determined which bills would have significant fiscal impact and set these aside - not to be heard by a Committee during the 2018 session.

✓ **END THE TRAUMA TO PRISON PIPELINE:**
PROMOTE CONDITIONS THAT ENSURE EVERY CHILD HAS THE OPPORTUNITY TO REACH THEIR FULL POTENTIAL

SB 170 (Sen. Stanley & McClellan) – Passed and signed by Governor.

* Prohibits, except for drug offenses, firearm offenses, and certain criminal acts, students in preschool through grade three from being suspended for more than three school days or expelled from attendance at school unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department of Education.

HB1600 (Del. Bourne) – Passed and signed by Governor.

* Reduces the maximum length of a long-term suspension from 364 calendar days to 45 school days. The bill permits a long-term suspension to extend beyond a 45-school-day period, not to exceed 364 calendar days, if (i) the offense involves weapons, drugs, or serious bodily injury or (ii) the school board or division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department of Education. The bill requires the Department of Education's definition of aggravating circumstances to include consideration of a student's disciplinary history.

HB 296 (Del. Dicky Bell & Bourne) - Defeated in Subcommittee.

SB 476 (Sen. Reeves) – Defeated/Continued to 2019 in Courts of Justice by voice vote

✓ **PROMOTE RACIAL AND REPRODUCTIVE JUSTICE IN VA:
EXPAND ACCESS TO HEALTH & SAFETY FOR ALL SURVIVORS**

[HB 83](#) (Del. Kory) - **Passed in House & Senate, pending Governor recommended changes.**

* Directs the State Board of Corrections and the Director of the Department of Corrections to each adopt and implement a standard to ensure the provision of feminine hygiene products to female prisoners and inmates without charge.

HB 10 (Del. Kory) – **Defeated in Subcommittee.**

HB 450 (Del. Rodman) – **Defeated in Subcommittee.**

HB 21 (Del. Kory) – **Defeated in Subcommittee.**

✓ **#METOO
PROMOTE EFFECTIVE AND TRAUMA-INFORMED COORDINATED COMMUNITY
RESPONSES TO SEXUAL AND INTIMATE PARTNER VIOLENCE**

[HB 371](#) (Del. Robinson) – **Passed and signed by Governor.**

Requires General Assembly members, full-time legislative staff of General Assembly members compensated with state appropriations, and full-time employees of each legislative branch agency to complete sexual harassment training once every two calendar years. Training offered by the Office of the Clerk of the House of Delegates and the Office of the Clerk of the Senate must be substantially similar and provided to their respective members and their staff. All other legislative branch employees shall complete the sexual harassment training course offered by either Clerk. The training must be available online 24 hours per day, seven days per week and be substantially similar to any sexual harassment training course offered through the Commonwealth of Virginia Learning Center administered by the Department of Human Resource Management. Persons elected to the General Assembly or commencing or recommencing full-time employment in the legislative branch will have 90 days from the election or their dates of hire to complete the training unless the person previously completed such training earlier in the same calendar year. The bill has a delayed effective date of January 1, 2019. This bill incorporates [HB 1057](#) and is identical to [SB 796](#).

SB 796 (Sen. Sturtevant) – **Incorporated into HB371 and passed and signed by Governor.**

HB 1462 (Del. Tran) – **Defeated in House Subcommittee.**

HB 1561 (Del. Delaney) – **Defeated in House Subcommittee.**

STATUS ON BILLS THAT THE ACTION ALLIANCE OPPOSES

○ POLICIES THAT ARE POTENTIALLY HARMFUL TO VICTIMS OF SEXUAL AND DOMESTIC VIOLENCE

HB 1074 (Del. Heretick) – Not heard in House Courts of Justice. Because there were so many bills and such little time to review them all, the House determined which bills would have significant fiscal impact and set these aside - not to be heard by a Committee during the 2018 session.

HB 478 (Del. Reid) - Not heard in House Courts of Justice. Because there were so many bills and such little time to review them all, the House determined which bills would have significant fiscal impact and set these aside - not to be heard by a Committee during the 2018 session.

HB1580 (Del. Cline) – Passed in House, defeated in Senate.

HB 588 (Del. LaRock) – Defeated in Subcommittee.

HB 807 (Del. Levine) – Defeated in Subcommittee.

ADDITIONAL BILLS PASSED THAT IMPACT SURVIVORS AND SERVICE-PROVIDERS

[HB262](#) (Del. Miyares) – Passed and signed by Governor.

* Provides that as a condition to be imposed by the court on the respondent, a petitioner with a protective order issued in a case that alleges family abuse and, where appropriate, any other family or household member may be granted exclusive use and possession of a cellular telephone number or electronic device. The bill further provides that a respondent may be enjoined from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The bill provides that the court may enjoin the respondent from using a cellular telephone or electronic device to locate the petitioner.

[HB840](#) (Del. Rob Bell) – Passed and signed by Governor.

* Provides that upon request of a crime victim or a witness in a criminal prosecution of a violent felony, law enforcement, the attorney for the Commonwealth, counsel for a defendant, and the Department of Corrections are prohibited from disclosing any telephone number or email address of such victim or witness except to the extent that such disclosure is required by law, necessary for law-enforcement purposes, or permitted by the court. The bill also provides that during any criminal proceeding, upon

motion of the defendant or the attorney for the Commonwealth, a judge may prohibit testimony as to any telephone number or email address of a victim or witness if the judge determines that this information is not material under the circumstances of the case. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to [SB 457](#).

[HB986](#) (Del. Gilbert) – Passed and signed by Governor.

*Requires local boards of social services, prior to placement of a child in any foster home or children's residential facility, to provide to the foster home or residential facility all reasonably ascertainable background, medical, and psychological records of the child, including whether the child has been the subject of an investigation as the perpetrator of sexual abuse. The bill also requires that the background information provided to prospective adoptive parents by a child placing agency or local department of social services include whether the child has been the subject of an investigation as the perpetrator of sexual abuse.

[SB426](#) (Sen. Wexton) – Passed and signed by Governor.

*Provides that upon issuance of an emergency, preliminary, or permanent protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

[HB1212](#) (Del. Cline) – Passed and signed by Governor.

* Provides that a minor who is not represented by an attorney shall sign his pleading, motion, or other paper by his next friend. The bill further provides that either or both parents of such minor may sign on such minor's behalf as his next friend, unless such signature is otherwise prohibited by § 64.2-716 of the Uniform Trust Code.

[SB85](#) (Sen. Surovell) – Passed in Senate, defeated in House.

[HB661](#) (Del. Murphy) – Passed in House, defeated in Senate.

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.



Virginia Sexual and Domestic Violence
ACTION ALLIANCE

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#VLAW18 #SupportSurvivors #ExpandMedicaidVA