

2018 General Assembly Session: Action Alliance Legislative Priorities



SUPPORT

✓ CLOSE THE FUNDING GAP FOR SEXUAL & DOMESTIC VIOLENCE AGENCIES

Talking point: This additional \$1.5 million in funding is needed to safeguard the progress we've made in restoring, stabilizing and strengthening crisis, counseling and legal advocacy services for victims of sexual and domestic violence.

- ❖ **House Budget Amendment: ITEM 395 #4h (Delegate Peace)**
- ❖ **Senate Budget Amendment: ITEM 395 #4s (Senator Howell)**

✓ INCREASE VICTIM SAFETY: REDUCE OFFENDER ACCESS TO FIREARMS

Talking point: Intimate partner homicide occurs at extraordinary rates in Virginia. And often, firearms are the means by which abusers escalate and enact lethal force on victims and their families. To promote victim safety, the Action Alliance is committed to reducing offender access to firearms in the Commonwealth.

- ❖ **HB 405 (Del. Levine)** – Prohibits a person who has been convicted of misdemeanor sexual battery or assault and battery where the victim is 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.

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

Talking point: Prevention works. If we want to one day live in a world free from violence, we need to invest in comprehensive, evidence-informed, and ongoing prevention education both with young people and with communities at large. While prevention programming happens in many different settings and with many different populations, the Family Life Education Standards of Learning provide Virginia with a unique opportunity to ensure that our young people are reached early and often.

- ❖ **HB 44 (Del. Filler-Corn) and SB 101 (Sen. McClellan)** – 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 consent. Under current law, such elements are permitted but not required to be incorporated into such curricula. Also includes the use of “medically accurate information” in reproductive health education and requires the inclusion of age-appropriate instruction in prevention, recognition, and awareness of child abduction and child sexual abuse and exploitation.
- ❖ **HB 45 (Del. Filler-Corn)** – Requires any family life education curriculum offered in any elementary, middle, or high school to include age-appropriate and evidence-based instruction on personal privacy and boundaries, including tools for skills-building in these areas of development.
- ❖ **HB 159 (Del. Rasoul)** – Requires each local school board to implement a comprehensive, sequential family life education curriculum in grades K-12 that is consistent with FLE standards of learning and removes from such standards and guidelines messaging on value of marriage, abstinence education, value of postponing sexual activity, and the benefits of adoption in event of unwanted pregnancy.

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

Talking point: Not only is sexual violence one of the most severely underreported crimes - but those most at risk of experiencing violence are between the ages of 18 and 24. To increase survivor access to critical advocacy services, we need to make confidential reporting safer and more trauma-informed for students in Virginia.

- ❖ **HB 522 (Del. Sullivan)** - Establishes an affirmative defense to prosecution of an individual for (i) simple possession of a controlled substance, marijuana, or controlled paraphernalia; (ii) intoxication in public; or (iii) the unlawful purchase, possession, or consumption of alcohol if such individual reports to a law-enforcement officer that he was the victim of or witness to a criminal sexual assault that occurred. The bill provides further that no disciplinary action, including expulsion, shall be taken against a student for any conduct involving alcohol, marijuana, a controlled substance, or an imitation controlled substance on a school bus, school property, or at a school-sponsored activity if, concurrent to such conduct, the student was a victim of or witness to a criminal sexual assault.

✓ A NEW FRAMEWORK FOR CRIMINAL SEXUAL ASSAULT CODE IN VIRGINIA

Talking point: Virginia's criminal sexual assault code is fractured and incomplete. The Action Alliance is interested in supporting a critical review of the code to move towards a more comprehensive one that fits the needs of prosecutors, judges, advocates, and survivors.

- ❖ **HB 208 (Del. Mullin)** – Removes requirement that sexual battery be committed by force, threat, intimidation, or ruse; focusing determination and prosecution of such cases on the presence (or absence) of consent. Also eliminates a provision, rendered superfluous by such removal, that makes a person guilty of sexual battery who, within a two-year period, sexually abuses more than one complaining witness or one complaining witness on more than one occasion.
- ❖ **HB 1062 (Del. Tran)** - Eliminates the statute of limitations for prosecuting misdemeanor violations of the following crimes: female genital mutilation, carnal knowledge of offender by employee of bail bond company, sexual battery, infected sexual battery, sexual abuse of a child age 13 or 14 by an adult, attempted sexual battery, and tongue penetration by adult of mouth of child under age 13.

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

Talking point: Recognizing the intersection of childhood trauma and the presence of academic and/or behavioral problems, the Action Alliance supports efforts to promote positive solutions to school discipline that balance public and school safety, make our schools more conducive to learning for all students, reduce racial disparities in school suspension, expulsion and disciplinary processes, and decrease the number of young people pushed into the juvenile justice system.

- ❖ **SB 170 (Sen. Stanley & McClellan) and HB 296 (Del. Bell & Bourne)**: Once again, we'll be working hard to roll back harmful school suspension and expulsion laws. This year we'll be focusing on eliminating suspension and expulsion for students in Pre-K to 3rd grade. The bad/sad news is that suspension of all children—including elementary-age kids—increased again according to the 2015-2016 data, while disparities widened.
- ❖ **SB 476 (Del. Reeves)**: In an effort to limit unnecessary and harmful contact between students and law enforcement, we are supporting this bill to give schools discretion in whether to refer students to law enforcement for misdemeanors and status offenses. Currently, schools have no choice and are mandated to refer nearly all offenses.

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

Talking point: Sexual and intimate partner violence are connected to other forms of oppression. In recognition of this, the Action Alliance is working to make healthcare - including reproductive health services - economic security, survivor-centered justice, and safety a priority, not just for all survivors, but for all Virginians.

- ❖ **HB 83 (Del. Kory)** - Provides that feminine hygiene products shall be provided to female prisoners and inmates at no cost.
- ❖ **HB 10 (Del. Kory)** - Adds disability, gender, gender identity, and sexual orientation to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense.
- ❖ **HB 450 (Del. Rodman)** - Repeals the statutory requirements that a physician obtain a pregnant woman's informed written consent and perform fetal transabdominal ultrasound imaging before performing an abortion.
- ❖ **HB 21 (Del. Kory)** - Requires health benefit plans to cover the costs of specified health care services, drugs, devices, products, and procedures related to reproductive health, including (i) well-woman preventive visits; (ii) counseling for sexually transmitted infections; (iii) screening for certain conditions; (iv) folic acid supplements; (v) breastfeeding support, counseling, and supplies; (vi) breast cancer chemoprevention counseling; (vii) contraceptive drugs, devices, or products; (viii) voluntary sterilization; and (ix) any additional preventive services for women that must be covered without cost sharing under federal law as of January 1, 2017.

✓ **#METOO**

PROMOTE EFFECTIVE AND TRAUMA-INFORMED COORDINATED COMMUNITY RESPONSES TO SEXUAL AND INTIMATE PARTNER VIOLENCE

Talking point: Now is a pivotal moment to intensify our focus on the problem of sexual harassment and assault. The Action Alliance believes that effective sexual harassment prevention strategies need to include 3 things: Leadership and accountability, organizational policies, and training. To this end, we support efforts to make our General Assembly and legislative bodies reflective of the culture that we'd all like to build: one free from violence.

- ❖ **HB 1571 (Del. Delaney)** - Provides that any provision in a contract or agreement by which a party waives a claim of sexual assault or harassment or agrees to nondisclosure of such a claim is unconscionable and against public policy and void

and unenforceable unless the waiver is in writing and the waiving party consulted with counsel who approved the waiver or the court approved the waiver.

- ❖ **HB 371 (Del. Robinson) and SB 796 (Sen. Sturtevant)** - 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 calendar year through the Commonwealth of Virginia Learning Center administered by the Department of Human Resource Management.
- ❖ **HB 1462 (Del. Tran)** - Includes protection against sexual harassment in the workplace for all individuals of the Commonwealth as part of the Virginia Human Rights Act (§ 2.2-3900 et seq.). The bill requires that all contracting agencies entering into government contracts of over \$10,000 include a provision in the contract requiring (i) the contractor to provide training to all supervisors and employees providing services in the Commonwealth on the contractor's sexual harassment policy and (ii) that the contractor agree to post the contractor's sexual harassment policy in (a) a conspicuous public place in each building located in the Commonwealth owned or leased by the contractor for business purposes or (b) the contractor's employee handbook. The bill also requires the Department of Human Resource Management to develop an online training module addressing sexual harassment in the workplace that shall be available for use by all employees and agencies of the Commonwealth, including contractors for compliance with the Fair Employment Contracting Act (§ 2.2-4200 et seq.), by January 1, 2019.

OPPOSE

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

Talking point: The Action Alliance opposes changes to the protective order statutes that enact reciprocal no-contact orders (without due process and in violation of VAWA) in addition to enhanced and/or altered penalties for POs that put survivors, who become respondents, at risk of penalty.

- ❖ **HB 1074 (Del. Heretick)** - Protective orders; reciprocal no contact provisions. Provides that any protective order that prohibits contacts by the respondent with the petitioner may also include a provision prohibiting contacts by the petitioner with the respondent.
- ❖ **HB 478 (Del. Reid)** - Punishes a misdemeanor offense of violating a protective order, assault and battery against a family or household member, or stalking as a Class 6 felony if the person charged has been previously convicted of any of these offenses, however

punished, or of assault or bodily wounding within the preceding 20 years and the victim of the prior and the instant offenses is the same.

Talking point: The Action Alliance opposes the inclusion of subjective language like “traumatic event that results in harm” in the definition of abused or neglected child. This puts parenting survivors – and caregivers experiencing domestic violence - at risk of facing criminal charges. Additionally, expanding the definition of family abuse to include “other violent abuse” in custody determinations is potentially harmful to parenting survivors who are escaping violence.

- ❖ **HB 588 (Del. LaRock)** - Expands the definition of "abused or neglected child" to include any child whose parent or caregiver, by other than accidental means, exposes the child to a traumatic event that results in harm to the child's psychological or emotional health or development.
- ❖ **HB 807 (Del. Levine)** - Adds a definition of "other violent abuse" and requires the court to consider any history of abuse of persons other than family members when determining the best interests of the child for the purposes of custody and visitation arrangements.



Virginia Sexual and Domestic Violence
ACTIONALLIANCE

1118 West Main Street
Richmond, VA 23220

www.vsdvalliance.org | info@vsdvalliance.org | 804.377.0335

@VActionAlliance

#VLAW2018