



This document is intended to accompany the resource *NEW 2019 VIRGINIA LAW: A legal guide for sexual & domestic violence advocates and survivors in Virginia*. The following is a brief summary of those 2019 policy measures impacting the sexual and domestic violence field and those that promote the world that the Action Alliance and our member-agencies are committed to building. Please note that for information on specific bills that the Action Alliance supported and opposed this session, you can refer to the [2019 General Assembly Report](#) and for legislative code changes expected to go into effect July 1<sup>st</sup>, 2019, you can refer to full NEW 2019 VIRGINIA LAW resource.

### **ANIMAL CRUELTY & DOMESTIC VIOLENCE**

Two bills were introduced this session that would have recognized violations related to animal cruelty carried out with the intent to threaten, intimidate, coerce, harass, or terrorize an intimate partner. These bills were incorporated into another bill – referred to by animal rights activists as “Tommie’s Law” – which creates a Class 6 felony penalty for cruelly or unnecessarily beating, maiming, mutilating, or killing an animal.

### **CRIMINAL JUSTICE REFORM**

While a major focus of the 2018 session was reaching bipartisan consensus on modest increases to Virginia’s larceny threshold, criminal justice reform measures this year were largely put on the backburner. Measures to support data transparency with regards to Virginia’s pretrial detention/cash bail system were quickly defeated in both the House and Senate, in addition to broadening both discretionary parole for juvenile offenders and expungement for certain offenders. Meanwhile, the General Assembly moved to require the Department of Corrections begin reporting population statistics of those incarcerated in state correctional institutions, including making statistics available on offenders placed in and released from restrictive housing and Shared Allied Management Units.

### **ELECTORAL ACCESS**

While a large majority of this year’s measures to increase poll access, promote campaign transparency, and lift voting restrictions were dead on arrival, the legislature did pass no-excuse absentee voting. The passed legislation creates a seven-day window before an election in which voters can cast ballots in person without having to give an excuse. Enactment of this legislation will not go into effect until the 2020 election.



## ENVIRONMENTAL JUSTICE

The General Assembly backed bipartisan legislation to hold Dominion Energy accountable for cleaning up toxic coal ash (a byproduct of burning coal). The legislation will soon be signed by the governor and will require the complete excavation of more than 28 million tons of toxic coal ash that Dominion currently stores at Chesterfield Power Station, Chesapeake Energy Center, Possum Point Power Station, and Bremo Power Station. This will help to protect the clean water and the health of families that live near these coal ash ponds. For more on environmental justice measures introduced this session, see the Virginia Interfaith Center for Public Policy's [recap here](#).

## HUMAN TRAFFICKING

A package of bills aimed at reducing the likelihood of trafficking and increasing effective prosecution cleared the legislature. Some of these measures include the utilization of trafficking assessments by local departments of social services, the initiation of a Virginia Prevention of Sex Trafficking Fund and Human Trafficking Response Coordinator at the Virginia Department of Criminal Justice Services, as well as changes to human trafficking outreach and awareness policies and criminal prosecution practices.

## LYNCHING & VIRGINIA'S LEGACY OF RACIAL VIOLENCE

The House and Senate passed resolutions in which the General Assembly acknowledges “with profound regret the existence and acceptance of lynching within the Commonwealth” and calls for reconciliation among all Virginians. To this end, there were several impassioned floor speeches and testimonies provided by Delegates and Senators alike this session. In case you missed it, here is [Delegate Jay Jones' speech](#) on the deep impact of racism in Virginia, promoting healing, and working to bridge racial divides and unify our Commonwealth.

## MATERNAL MORTALITY

This year, measures passed to support the State's Maternal Mortality Review Team in developing and implementing new procedures to ensure that maternal deaths occurring in the Commonwealth are analyzed in a more systematic way. Legislators worked with state partners to address gaps in existing protocol and to ensure coordinated access to vital records required for fatality review.

## PREVENTION

Legislators approved measures to require Virginia's high school family life education (FLE) curriculum to incorporate programs on the law and meaning of consent. Under current law, such elements are permissive in any high school FLE curriculum and those school districts that teach this content most effectively do so by partnering with their local sexual and domestic violence agencies.

## PROTECTIVE ORDERS

Every session, there are dozens of proposed changes made to protective order (PO) statutes. In 2019, legislators agreed on several changes/updates to the process. One bill clarifies that if a court is lawfully closed and a full hearing for a preliminary protective order cannot be held within 15 days of the issuance, the hearing will be held on the next day that courts are open. Another change to current PO statutes requires any elementary or secondary school principle – who has an enrolled student for which a judge, court, or magistrate has issued a protective order for the protection of the child – to



notify school personnel/educators who would have legitimate interest in such information that an order has been issued. This legislation also requires Virginia Board of Education to establish guidelines and develop model policies to aid school boards in the implementation of such notification. Finally, another bill requires that when a preliminary protective order is issued in an ex parte hearing where the petition for the order is not supported by an affidavit, the court issuing the order state the basis of the order including a summary of the allegations made and the court's findings.

## **REDISTRICTING**

After several judicial interventions and over a year of pressure placed on Virginia's lawmakers, a deal was struck to create a 16-member redistricting commission that would redraw the state's legislative and congressional district boundaries, with a focus on correcting racial gerrymandering, after the 2020 census.

## **SCHOOL SAFETY**

A special committee on school/public safety convened shortly after last year's deadly school shooting in Parkland, FL and produced a list of significant policy recommendations for Virginia's legislators going into the 2019 session. Some of these recommendations, including changes to training for administrators and improving Virginia's student-to-counselor ratio, passed the legislature.

## **SEXUAL ASSAULT RESPONSE & SERVICES**

Three notable measures backed by the General Assembly this session will serve to provide sexual assault survivors with greater access to services and protection while supporting coordinated community responses to these issues. One bill directs the Virginia Crime Commission to study statewide access to forensic nurse examiners with a focus on recommendations for improving access statewide. Another bill removes Sexual Assault Response Teams and Multidisciplinary Child Sexual Abuse Teams from the list of those public entities subject to Freedom of Information Act (FOIA) requests. And finally, new legislation will prohibit employers from requiring employees to execute or renew any provision in a nondisclosure or confidentiality agreement that has the purpose or effect of concealing claims of sexual assault.

## **TRAUMA TO PRISON PIPELINE**

While advocates during the 2018 session were largely successful in setting the stage for significant advances with regards to dismantling the trauma to prison pipeline in Virginia, legislators struck down most reasonable policy advancements on these issues in 2019. Measures to protect students from being charged with "disorderly conduct," which is a misdemeanor and can come with a fine of up to \$2,500 and up to a year in jail, were blocked this session.



## Action Alliance Legislative Advocacy Day January 2019



Each year, advocates from around the state gather in Richmond, VA to advocate for survivor rights and policies that support healthy and thriving communities. We understand just how important each voice is, and we invite you to join us in person or to advocate virtually by email, phone, and social media as we educate legislators on the issues that matter most to survivors and advocates statewide!

### Want to join us?!

Email [policy@vsdvalliance.org](mailto:policy@vsdvalliance.org) to stay updated on our latest policy activities and to get involved.



You can also find us on [Twitter](#) and [Facebook](#) to join the conversation.

