

VIRGINIA BEACH BAR ASSOCIATION  
2022 LEGISLATIVE UPDATE AND BENCH BAR CONFERENCE

JULY 20, 2022  
10:00am – 5:00pm

VIRGINIA MUSEUM OF CONTEMPORARY ART  
2200 PARKS AVENUE, VIRGINIA BEACH, VA 23451

AGENDA:

- |                          |   |
|--------------------------|---|
| <b>10:00am – 12:00pm</b> | <b>Legislative Update</b><br><b>Moderated by:</b> Edwin S. Booth, Esq.<br><b>Presented by:</b><br>Senator Bill DeSteph - District 8<br>Delegate Tim Anderson – 83 <sup>rd</sup> District  |
| <b>12:00pm – 1:30pm</b>  | <b>Lunch (Atrium)</b>   |
| <b>1:30pm – 2:30pm</b>   | <b>Juvenile and Domestic Relations District Court</b><br><b>Moderated by:</b> Wanda Cooper, Esq.<br><b>Presented by:</b><br>Honorable Cheshire I’Anson Eveleigh<br>Honorable Jennifer B. Shupert<br>Honorable Timothy J. Quick                                    |
| <b>2:30pm – 3:30pm</b>   | <b>General District Court</b><br><b>Moderated by:</b> Wanda Cooper, Esq.<br><b>Presented by:</b><br>Honorable Afshin Farashahi<br>Honorable Sandra S. Menago  |
| <b>3:30pm – 3:45pm</b>   | <b>Break</b>  |
| <b>3:45pm – 5:00pm</b>   | <b>Circuit Court</b><br><b>Moderated by:</b> Christy L. Murphy, Esq.<br><b>Presented by:</b><br>Honorable Tanya Bullock<br>Honorable Stephen C. Mahan<br>Honorable Tina E. Sinnen, Clerk of the Court<br>Amy Jones, Esq., Law Clerk, Virginia Beach Circuit Court |
| <b>5:00pm – 7:00pm</b>   | <b>Cocktail Reception (Rodriguez Pavilion)</b>  |

# 2022 Bills of Interest

Passed or Considered  
by the  
2022 Session  
of the  
General Assembly of Virginia

Presented at the  
2022 Virginia Trial Lawyers Association Conference  
Lansdowne Resort

## 2022 BILLS OF INTEREST – OVERVIEW

**PASSED** -SB 633 (Stanley) & HB 1145 (Leftwich) - **Civil actions; health care bills and records.** Defines the term "bill" for the purposes of evidence of medical services provided in certain civil actions as a statement of charges, an invoice, or any other form prepared by the health care provider or its third-party bill administrator identifying the costs of health care services provided. The bill also clarifies the procedures for introducing evidence of medical reports, statements, or records of a health care provider by affidavit in general district court.

**PASSED** -HB 1132 (Williams) **Payment of small amounts to certain persons without involvement of fiduciary; threshold.** Increases from \$25,000 to \$50,000 the amount under which a payment to certain persons may be made without the involvement of a fiduciary.

**PASSED** - SB 64 (Surovell) **Proceeds of compromise agreements; minors; investment in college savings trust accounts.** Permits a court to direct the payment of the proceeds of an approved compromise agreement, in the case of damage to the person or property of a minor, by investment in a college savings trust account for which the minor is the beneficiary pursuant to a college savings trust agreement with the Virginia College Savings Plan, provided that (i) the investment options pursuant to such agreement are restricted to target enrollment portfolios; (ii) the order or decree approving and confirming the

compromise requires the minor beneficiary's parent, as that term is defined in relevant law, to act as the custodian of the account; and (iii) except in the case of a distribution from the account to be applied toward the minor beneficiary's qualified higher education expenses, as that term is defined in relevant federal law, the order or decree approving and confirming the compromise prohibits the minor beneficiary's parent from making any transfer, withdrawal, termination, or other account transaction unless the court provides prior approval pursuant to a written order.

**PASSED** SB 350 (Surovell) **Health records; patient's right to disclosure.** Requires a health care entity to include in its disclosure of an individual's health records any changes made to the health records and an audit trail for such records if the individual specifically requests that such information be included in the health records disclosure. The bill permits the health care entity to charge the requester reasonable costs to produce an audit trail, if specifically requested.

**PASSED** SB 681 (Obenshain) **Duty of in-network providers to submit claims to health insurers; Virginia Consumer Protection Act.** Provides that a knowing violation of the existing requirement for an in-network provider that provides health care services to a covered patient to submit its claim to the health insurer for the health care services in accordance with the terms of the applicable provider agreement or as permitted under applicable federal or state laws is a prohibited practice under the Virginia Consumer Protection Act.

**PASSED** SB 124 (Obenshain) **Misuse of power of attorney; financial exploitation; incapacitated adults; penalty.** Makes it a Class 1 misdemeanor for an agent under a power of attorney who knowingly or intentionally engages in financial exploitation of an incapacitated adult who is the principal of that agent. The bill also provides that the agent's authority terminates upon such conviction. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference. This bill incorporates [SB 10](#) and [SB 690](#) and is identical to [HB 497](#).

**PASSED** SB 148 (Norment) **Public health emergencies; immunity for health care providers.** Expands immunity provided to health care providers responding to a disaster to include actions or omissions taken by the provider as directed by any order of public health in response to such disaster when a local emergency, state of emergency, or public health emergency has been declared.

**PASSED** SB 754 (Obenshain/Ballard) **Motor vehicle insurance; underinsured motor vehicle.** Changes the manner by which underinsured motorist coverage may be offset by amount of liability coverage available for payment, depending upon election of consumer. Also provides for changes in notifications to insured and insurance company. Bill was supported by Independent Insurance Agents of Virginia.

**PASSED** SB 689 (Wampler) **Workers' compensation; employer duty to furnish medical attention; cost limit.** Adds scooters to the list of medical equipment an employer is required to furnish to an employee under certain circumstances under the Virginia Workers' Compensation Act. The bill raises the limit on the aggregate cost of items and modifications required to be furnished by an employer to an injured employee from \$42,000 to \$55,000, to be increased on an annual basis.

**PASSED** SB 677 (Lewis) **Workers' compensation; cost of living supplements.** Provides that cost-of-living supplements shall be payable to claimants who are receiving disability benefits under the Virginia Workers' Compensation Act but are not receiving federal disability benefits.

**PASSED** SB 351 (Surovell) **Workers' compensation; permanent and total incapacity; subsequent**

**accident.** Requires compensation for permanent and total incapacity to be awarded for the loss of both hands, both arms, both feet, both legs, both eyes, or any two thereof either from the same accident or a compensable consequence of an injury sustained in the original accident. Under current law, compensation for permanent and total incapacity is required only when such loss occurs in the same accident.

**FAILED** HB 1002 (Guzman) **Workers' compensation; injuries caused by repetitive and sustained physical stressors.** Provides that, for the purposes of the Virginia Workers' Compensation Act, "occupational disease" includes injuries from conditions resulting from repetitive and sustained physical stressors, including repetitive and sustained motions, exertions, posture stress, contact stresses, vibration, or noise. The bill provides that such injuries are covered under the Act. Such coverage does not require that the injuries occurred over a particular time period under the bill, provided that such a period can be reasonably identified. The bill failed in the House Commerce & Energy Subcommittee, 6-4.

**PASSED** SB 631 (Barker) **Fair Labor Standards Act; overtime; employer liability.** Replaces the current provisions of the Virginia Overtime Wage Act with the provision that any employer that violates the overtime wage requirements of the federal Fair Labor Standards Act,

and any related laws and regulations, shall be liable to its employee for remedies or other relief available under the Fair Labor Standards Act. The bill requires an employer to compensate employees of a derivative carrier, defined in the bill, at a rate not less than one and one-half times the employee's regular rate of pay for any hours worked in excess of 40 hours in any one workweek. The bill requires the Secretary of Labor to convene a work group that includes certain industry representatives and legislators to review overtime issues and the Virginia Overtime Wage Act and requires the work group to submit a report on its findings and recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Commerce and Energy and the Senate Committees on Finance and Appropriations and Commerce and Labor by November 1, 2022. This bill is identical to [HB 1173](#).

**FAILED** SB 555 (Obenshain) **Liability for sale of alcohol to an underage person.** Creates a cause of action against an alcoholic beverage control retail licensee who sells alcohol to an underage person who was visibly intoxicated if the consumption of the alcohol caused or contributed to an injury to person or property while the underage person operated a motor vehicle. The plaintiff must prove such negligence by a clear and convincing evidence standard. The bill was defeated in the Senate Judiciary Committee, 4-10.

**FAILED** - SB 642 (Morrissey)

**Preliminary analysis of breath to determine alcoholic content of blood; failure to advise person of rights.**

Provides that if a police officer or a member of any sheriff's department fails to advise a person of his rights to refuse a preliminary breath test, any preliminary breath test sample shall not be admissible for the purpose of determining probable cause or used in evidence at any hearing or trial

**FAILED** SB 144 (Edwards) **Admissibility of statements of a deceased or incompetent party.**

Repeals the "dead man's statute," which provides that no judgment shall be entered against a person incapable of testifying based upon the uncorroborated testimony of the adverse party. Senator Edwards ultimately presented a bill to the full Senate Judiciary Committee that did not repeal the Deadman's statute but amended it. The full Committee did not look favorably on the substitute bill and decided to carry-over, effectively killing the bill.

**FAILED** HB 609 (Bourne) **Civil action for the deprivation of rights; duties and liabilities of certain employers.**

Creates a civil cause of action for the deprivation of any rights, privileges, or immunities pursuant to the constitutions and laws of the United States and the Commonwealth due to the acts or omissions of either a public employer or its employee and provides that a plaintiff may maintain an action to establish liability and recover compensatory damages, punitive damages, and equitable relief against the

public employer and its employee. The bill provides that sovereign immunity is not a defense to such an action. The bill further provides that public employers owe a duty of reasonable care to third parties in the hiring, supervision, training, retention, and use of their employees and that a person who claims to have suffered injury or sustained damages caused, in whole or in part, by a breach of this duty may maintain an action to establish liability and recover compensatory damages, punitive damages, and equitable relief against such public employer.

**FINAL ACTION TO BE DETERMINED** SB

440 (Boysko) **Unlawful hazing;**

**penalty.** Provides immunity for arrest and prosecution for hazing and involuntary manslaughter if a person in good faith seeks or obtains emergency medical attention for a person who has received a bodily injury by hazing or renders emergency care or assistance, including cardiopulmonary resuscitation (CPR), to a person who has received a bodily injury by hazing while another person seeks or obtains emergency medical attention for such person. The bill also clarifies that a prosecution of a hazing violation shall not preclude prosecution under any other statute. The bill also provides that the attorney for the Commonwealth may file a petition for mandamus or injunction against the president or other presiding official of any school or institution of higher education receiving appropriations from the state treasury seeking to enforce the required disciplinary and notifications provisions associated with acts of hazing.

**PASSED** HB 734 (Bell) **Virginia Freedom of Information Act; disclosure of certain criminal records.** Provides that (i) criminal investigative files relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act, but may be disclosed by the custodian of such records to certain individuals except as otherwise provided in the bill, and (ii) no criminal investigative file or portion thereof shall be disclosed to any requester except (a) the victim; (b) members of the victim's immediate family, if the victim is deceased; (c) the victim's parent or guardian, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding; or (d) an attorney representing a petitioner in a petition for a writ of actual innocence, unless the public body has notified any such individual of the request for such information. Upon notification of a request, such persons may file a petition in an appropriate court for an injunction to prevent disclosure of the records. The bill requires the court to consider certain information in making its determination and provides that a public body shall be prohibited from disclosing criminal investigative files if the court awards an injunction.

**FAILED** SB 669 (Surovell) **Alleged wrongdoing of law-enforcement employees.** Requires that all law-enforcement agencies that employ at least 10 law-enforcement officers, ensure that, in the case of all written citizen complaints or complaints submitted in an electronic format, the agency (i) allows for the

submission of citizen complaints through the agency's website or other electronic format; (ii) provides a receipt or written acknowledgment confirming the submission of the complaint to the individual filing such complaint; (iii) provides a written response to any individual who has filed a complaint indicating the complaint has been finalized, and (iv) provides notice to any individual who has filed a complaint if an investigation into a previously filed complaint has been reopened upon the submission of new materials after a final resolution for the previously filed complaint has been reached.

**PASSED** HB 496 (Mullin) **Abuse and neglect; financial exploitation; incapacitated adults; penalties.** Changes the term "incapacitated adult" to "vulnerable adult" for the purposes of the crime of abuse and neglect of such adults and defines "vulnerable adult" as any person 18 years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, or other causes, including age, to the extent the adult lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his well-being or has one or more limitations that substantially impair the adult's ability to independently provide for his daily needs or safeguard his person, property, or legal interests. The bill also changes the term "person with mental incapacity" to the same meaning of "vulnerable adult" for the purposes of the crime of financial exploitation. As introduced, the bill was a recommendation of the Virginia Criminal Justice Conference. The bill incorporates [SB 126](#).

**PASSED** HB 869 (Brewer)

**Adoption.** Allows a circuit court, upon consideration of a petition for adoption, to immediately enter an interlocutory order referring the case to a child-placing agency to conduct a visitation instead of entering an order of reference referring the case to a child-placing agency for investigation and makes other amendments to accommodate for and bolster this change. The bill allows petitions for adoption submitted by the persons listed as the child's parents on his birth certificate to be filed and granted under the provisions governing stepparent adoptions. The bill states that a putative father's registration with the Virginia Birth Father Registry is untimely regarding a child whose adoption has been finalized 180 days or more prior to such registration and in certain other instances set forth in the bill and allows written notice of an adoption plan to be

sent to a putative father by express mail with proof of delivery in addition to delivery by personal service or certified mailing as in current law.

**FAILED** HB 365 (Sullivan) **Parenting**

**Coordinator Act.** Supported by the Virginia Family Law Coalition, the bill creates the Parenting Coordinator Act, which provides a framework for the use of a parenting coordinator in actions for divorce, separate maintenance, or annulment in which custody or visitation is in issue, petitions for custody or visitation, and written agreements between parties and parenting coordinators. The Act governs the qualifications, scope of authority, appointment and removal, confidentiality, communication, records maintenance, and fees of such parenting coordinators. The bill failed in the House Courts Civil Law Subcommittee.



2022 General Assembly Bills of Interest

# Civil Procedure

Virginia Trial Lawyers Association

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 481</a>	<a href="#">Dan I. Helmer</a>	<p><b>Hospitals; price transparency.</b></p> <p>Hospitals; price transparency. Requires every hospital to make information about standard charges for items and services provided by the hospital available on the hospital's website.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101862D: 32.1-137.05</p>	House • Mar 11, 2022: Enrolled	<a href="#">Civil Procedure</a>
<a href="#">HB 504</a>	<a href="#">Michael P. Mullin</a>	<p><b>Expunged criminal records; use in civil action.</b></p> <p>Expunged criminal records; use in civil action. Allows any party to a civil action filed arising out of or relating to a criminal charge wherein criminal records have been expunged or a petition to expunge such records is pending to file a motion for the release of such records for use in such civil action.</p>	House • Feb 15, 2022: Left in Courts of Justice	<a href="#">Civil Procedure</a>
<a href="#">HB 505</a>	<a href="#">Michael P. Mullin</a>	<p><b>Civil actions; filed on behalf of multiple persons.</b></p> <p>Civil actions filed on behalf of multiple persons. Provides that a circuit court may enter an order joining, coordinating, consolidating, or transferring civil actions upon finding that separate civil actions brought by a plaintiff on behalf of multiple similarly situated persons involve common questions of law or fact and arise out of the same transaction, occurrence, or series of transactions or occurrences. The bill requires the Supreme Court to promulgate rules no later than November 1, 2022, governing such actions. The bill has a delayed effective date of July 1, 2023.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102203D: 8.01-267.1</p>	House • Feb 15, 2022: Left in Courts of Justice	<a href="#">Civil Procedure</a>
<a href="#">HB 515</a>	<a href="#">Marie E. March</a>	<p><b>Malicious prosecution; creates civil cause of action, self-defense.</b></p> <p>Civil action for malicious prosecution; self-defense. Creates a civil cause of action for malicious prosecution in any case in which a criminal defendant charged with aggravated murder, murder in the first degree, murder in the second degree, or voluntary manslaughter is found to have acted solely in self-defense. The bill provides that such cause of action shall lie against the prosecutor who brought the charges or prosecuted such criminal case if such criminal defendant can prove that such prosecution was malicious and motivated by reasons other than bringing the alleged defendant to justice.</p>	House • Jan 28, 2022: Stricken from docket by Courts of Justice (18-Y 0-N)	<a href="#">Civil Procedure</a>
<a href="#">HB 555</a>	<a href="#">C.E. Cliff Hayes, Jr.</a>	<p><b>Health care providers; transfer of patient records in conjunction with closure, etc.</b></p> <p>Health care providers; transfer of patient records in conjunction with closure, sale, or relocation of practice; electronic notice permitted. Allows health care providers to notify patients either electronically or by mail prior to the transfer of patient records in conjunction with the closure, sale, or relocation of the health care provider's practice. Current law requires health care providers to provide such notice by mail.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102359D: 54.1-2405</p>	executive • Mar 09, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<a href="#">Civil Procedure</a>
<a href="#">HB 573</a>	<a href="#">Nadarius E. Clark</a>	<p><b>Statute of limitations; actions on contract for services provided by licensed health care provider.</b></p> <p>Statute of limitations; medical debt; judgment entered for medical debt. Provides that the statute of limitations for an action on any contract, written or unwritten, to collect medical debt, including actions brought by the Commonwealth, is three years. The bill further provides that no execution shall be issued and no action brought on a judgment, including a judgment in favor of the Commonwealth, rendered on medical debt after seven years from the date of such judgment; where the medical debt incurred was for life-sustaining treatment, no execution shall be issued and no action brought on such judgment more than three years from the date of such judgment. Under current law, the period within which such execution or action shall be brought is 20 years in circuit court and 10 years in general district court.</p>	House • Mar 10, 2022: Enrolled	<a href="#">Civil Procedure</a>
<a href="#">HB 599</a>	<a href="#">Danica A. Roem</a>	<p><b>Virginia Freedom of Information Act; charges for production of public records.</b></p> <p>Virginia Freedom of Information Act; charges for production of public records. Prohibits a public body from charging a requester for any costs incurred during the first two hours spent accessing or searching for requested records when such requester has made four or fewer individual record requests to such public body within 31 consecutive days. The bill provides that for any additional time spent accessing or searching for such records, or when such requester makes five or more individual record requests to such public body within any 31-consecutive-day period, the public body shall not charge an hourly rate for accessing or searching for the records exceeding the lesser of the hourly rate of pay of the lowest-paid individual capable of fulfilling the request or \$33 per hour. The bill allows a public body to petition the appropriate court for relief from the \$33 per hour fee cap upon showing by a preponderance of the evidence that there is no qualified individual capable of fulfilling the request for \$33 per hour or less and requires such petition to be heard within seven days of when the petition is made, provided that the public body has sent and the requester has received a copy of the petition at least three working days prior to filing. The bill also provides that in certain instances a hearing on any petition shall be given precedence on a circuit court's docket over all cases that are not otherwise given precedence by law and that the time period the public body has t...</p>	House • Feb 15, 2022: Left in General Laws	<a href="#">Civil Procedure</a>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 609</a>	<a href="#">Jeffrey M. Bourne</a>	<p><b>Civil action for the deprivation of rights; duties and liabilities of certain employers.</b></p> <p>Civil action for the deprivation of rights; duties and liabilities of certain employers. Creates a civil cause of action for the deprivation of any rights, privileges, or immunities pursuant to the constitutions and laws of the United States and the Commonwealth due to the acts or omissions of either a public employer or its employee and provides that a plaintiff may maintain an action to establish liability and recover compensatory damages, punitive damages, and equitable relief against the public employer and its employee. The bill provides that sovereign immunity is not a defense to such an action. The bill further provides that public employers owe a duty of reasonable care to third parties in the hiring, supervision, training, retention, and use of their employees and that a person who claims to have suffered injury or sustained damages caused, in whole or in part, by a breach of this duty may maintain an action to establish liability and recover compensatory damages, punitive damages, and equitable relief against such public employer.</p>	House • Feb 15, 2022: Left in Courts of Justice	<a href="#">Civil Procedure</a>
<a href="#">HB 611</a>	<a href="#">Jeffrey M. Bourne</a>	<p><b>Early Identification System (EIS); DCJS to establish.</b></p> <p>Conduct of law-enforcement officers; establishment of an Early Identification System. Requires the Department of Criminal Justice Services (the Department) to establish a best practices model for the implementation, training, and management of an Early Identification System (EIS). The bill defines an EIS as a system through which a law-enforcement agency collects and manages data to identify and assess patterns of behavior, including misconduct and high-risk behavior, or performance of law-enforcement officers and law-enforcement agency employees. The bill directs each sheriff or chief of police to implement an EIS by July 1, 2024, and requires that law-enforcement officers receive training prior to implementation of the EIS and annually thereafter. The bill also directs the Department to establish and administer written policies and procedures for law-enforcement agencies to report to the Office of the Attorney General all judgments or settlements in cases relating to negligence or misconduct of a law-enforcement officer.</p>	House • Feb 11, 2022: Tabled in Public Safety (11-Y 10-N)	<a href="#">Civil Procedure</a>
<a href="#">HB 801</a>	<a href="#">Marcia S. "Cia" Price</a>	<p><b>Civilian deaths in custody; report.</b></p> <p>Civilian deaths in custody; report. Requires every law-enforcement agency and correctional facility to report to the Department of Criminal Justice Services certain information regarding the death of any person who is detained, under arrest or in the process of being arrested, en route to be incarcerated, incarcerated, or otherwise in the custody of such law-enforcement agency or correctional facility. The bill provides that any law-enforcement agency or correctional facility that fails to comply may, at the discretion of the Department, be declared ineligible for state grants or funds. The bill also requires the Department to analyze the submitted data to (i) determine the means by which such information can be used to reduce the number of such deaths and (ii) examine the relationship, if any, between the number of such deaths and the actions of management of such law-enforcement agencies and correctional facilities. The Director of the Department shall annually report the findings and recommendations resulting from the analysis and interpretation of the data to the Governor, the General Assembly, and the Attorney General beginning on or before July 1, 2023, and each July 1 thereafter. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101213D: 9.1-192</p>	House • Feb 15, 2022: Left in Public Safety	<a href="#">Civil Procedure</a>
<a href="#">HB 984</a>	<a href="#">Chris S. Runion</a>	<p><b>Alcohol or marijuana product; liability for sale to an underage person.</b></p> <p>Liability for sale of alcohol or marijuana product to an underage person. Creates a cause of action against an alcoholic beverage control retail licensee or cannabis control retail licensee who sells alcohol or a marijuana product to an underage person if the consumption of the alcohol or marijuana product caused or contributed to an injury to person or property while the underage person operated a motor vehicle. The provisions of this act related to the sale of marijuana products have a delayed effective date of January 1, 2024.</p>	House • Feb 15, 2022: Left in Courts of Justice	<a href="#">Civil Procedure</a>
<a href="#">HB 993</a>	<a href="#">Kathleen Murphy</a>	<p><b>Unlawful hazing; amends definition, civil and criminal liability, penalties.</b></p> <p>Unlawful hazing; penalty. Amends the definition of hazing to include the reckless or intentional act of causing another person to suffer severe emotional distress through outrageous or intolerable conduct when the severe emotional distress was caused by the outrageous or intolerable conduct. The bill also makes the crime of hazing a Class 5 felony if such hazing results in death or serious bodily injury to any person. The crime of hazing that does not result in death or serious bodily injury remains a Class 1 misdemeanor. The bill provides immunity for arrest and prosecution for hazing if a person in good faith seeks or obtains emergency medical attention for a person who has received a bodily injury by hazing or renders emergency care or assistance, including cardiopulmonary resuscitation (CPR), to a person who has received a bodily injury by hazing while another person seeks or obtains emergency medical attention for such person. The bill also creates a civil penalty for certain organizations if such organization had specific credible knowledge that its student members were participating, aiding, or assisting in any act of hazing and did not attempt to intervene to stop the hazing or report it to the appropriate local authorities. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22103988D: 15.2-1627, 18.2-56</p>	House • Mar 12, 2022: Second conferees appointed by House	<a href="#">Civil Procedure</a>
<a href="#">HB 1018</a>	<a href="#">Kaye Kory</a>	<p><b>Failure to wear a seatbelt; primary offense.</b></p> <p>Failure to wear a seatbelt; primary offense. Changes from a secondary offense to a primary offense the failure to wear a seatbelt as required by law. A primary offense is one for which a law-enforcement officer may stop a motor vehicle. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100505D: 46.2-1094</p>	House • Feb 01, 2022: Stricken from docket by Transportation (22-Y 0-N)	<a href="#">Civil Procedure</a>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 1048</a>	<a href="#">Phillip A. Scott</a>	<p><b>Death of parent or guardian of a child resulting from driving under the influence; child support.</b></p> <p>Death of the parent or guardian of a child resulting from driving under the influence; child support. Provides that in any case where a person was convicted of involuntary manslaughter as a result of driving a motor vehicle or operating a watercraft under the influence where the victim was the parent or legal guardian of a child, the person who has custody of such child may petition the sentencing court to order that the defendant pay child support.</p>	House • Feb 15, 2022: Left in Courts of Justice	<a href="#">Civil Procedure</a>
<a href="#">HB 1071</a>	<a href="#">Kathy K.L. Tran</a>	<p><b>Hospitals; determination of patient eligibility for financial assistance.</b></p> <p>Hospitals; debt collection; determination of patient eligibility for financial assistance. Requires every hospital to screen every patient to determine the patient's household income and whether the individual is eligible for medical assistance pursuant to the state plan for medical assistance, charity care, discounted care, or other financial assistance with the cost of medical care and provides that, notwithstanding any other provision of law, no hospital shall engage in extraordinary collection actions to recover a debt for medical services against any patient until such hospital has performed such screening.</p>	Senate • Mar 11, 2022: Conference report agreed to by Senate (40-Y 0-N)	<a href="#">Civil Procedure</a>
<a href="#">HB 1132</a>	<a href="#">Wren M. Williams</a>	<p><b>Fiduciaries; payment of small amounts to certain persons without involvement, threshold amount.</b></p> <p>Payment of small amounts to certain persons without involvement of fiduciary; threshold. Increases from \$25,000 to \$50,000 the amount under which a payment to certain persons may be made without the involvement of a fiduciary. Statutes affected: House: Presented and ordered printed 22103555D: 8.01-606</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<a href="#">Civil Procedure</a>
<a href="#">HB 1145</a>	<a href="#">James A. "Jay" Leftwich</a>	<p><b>Civil actions; health care bills and records.</b></p> <p>Civil actions; health care bills and records. Defines the term "bill" for the purposes of evidence of medical services provided in certain civil actions as a summary of charges, an invoice, or any other form prepared by the health care provider or its third-party bill administrator identifying the costs of health care services provided. The bill also clarifies the procedures for introducing evidence of medical reports, statements, or records of a health care provider by affidavit in general district court. Statutes affected: House: Presented and ordered printed 22103334D: 8.01-413.01, 16.1-88.2</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<a href="#">Civil Procedure</a>
<a href="#">HB 1234</a>	<a href="#">Christopher T. Head</a>	<p><b>Judgments; limitations on enforcement, extensions and renewals.</b></p> <p>Limitations on enforcement of judgments; extensions and renewals. Provides that after a judgment has been extended twice, it may be extended in the same manner for additional 10-year periods only upon motion of the judgment creditor or his assignee in a circuit court in which the judgment is docketed or recorded as a lien, with notice to the judgment debtor, and an order of such court granting leave to the judgment creditor or his assignee to file such certificate of extension. The bill further extends from five to 10 years the timeframe within which a suit shall be brought to enforce the lien of a judgment. The bill allows a judgment creditor's assignee or such assignee's attorney or authorized agent to go through the process to extend the limitations period. Statutes affected: House: Presented and ordered printed 22104536D: 8.01-251</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<a href="#">Civil Procedure</a>
<a href="#">SB 9</a>	<a href="#">J. Chapman Petersen</a>	<p><b>Eminent domain; payment of judgment, attorney fees.</b></p> <p>Eminent domain; payment of judgment; attorney fees. Provides for attorney fees to be awarded in eminent domain cases in which there is a judgment for a property owner if such judgment is not paid within the time required by law.</p>	House • Mar 08, 2022: Signed by Speaker	<a href="#">Civil Procedure</a>
<a href="#">SB 64</a>	<a href="#">Scott A. Surovell</a>	<p><b>Proceeds of compromise agreements; investment in college savings trust accounts for minors.</b></p> <p>Proceeds of compromise agreements; minors; investment in college savings trust accounts. Permits a court to direct the payment of the proceeds of an approved compromise agreement, in the case of damage to the person or property of a minor, by investment in a college savings trust account for which the minor is the beneficiary pursuant to a college savings trust agreement with the Virginia College Savings Plan, provided that (i) the investment options pursuant to such agreement are restricted to target enrollment portfolios; (ii) the order or decree approving and confirming the compromise requires the minor beneficiary's parent, as that term is defined in relevant law, to act as the custodian of the account; and (iii) except in the case of a distribution from the account to be applied toward the minor beneficiary's qualified higher education expenses, as that term is defined in relevant federal law, the order or decree approving and confirming the compromise prohibits the minor beneficiary's parent from making any transfer, withdrawal, termination, or other account transaction unless the court provides prior approval pursuant to a written order. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22100154D: 8.01-424</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<a href="#">Civil Procedure</a>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 176</a>	<a href="#">Mark J. Peake</a>	<p><b>Emergency custody and temporary detention; transportation of person when transfer of custody.</b></p> <p>Emergency custody and temporary detention; transportation; transfer of custody. Makes clear that, in cases in which transportation of a person subject to an emergency custody order or temporary detention order is ordered to be provided by an alternative transportation provider, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order, and that the alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the community services board or its designee that is responsible for conducting the evaluation or the temporary detention facility, as is appropriate. The bill also adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22102915D: 37.2-808, 37.2-810</p>	Senate • Feb 03, 2022: Incorporated by Education and Health (SB650-Hanger) (15-Y 0-N)	<a href="#">Civil Procedure</a>
<a href="#">SB 208</a>	<a href="#">J. Chapman Petersen</a>	<p><b>Civil actions; standing.</b></p> <p>Civil actions; standing. Provides that a person in a civil action shall be deemed to have standing if that person has a cognizable interest in the outcome of the matter, which may be represented by the ownership of an affected property interest or the suffering of an injury unique to that individual.</p>	Senate • Feb 02, 2022: Stricken at the request of Patron in Judiciary (15-Y 0-N)	<a href="#">Civil Procedure</a>
<a href="#">SB 230</a>	<a href="#">Emmett W. Hanger, Jr.</a>	<p><b>Liability for sale of alcohol to an impaired customer; injury to another person.</b></p> <p>Liability for sale of alcohol to an impaired customer; injury to another person due to operation of vehicle while intoxicated. Creates a cause of action against an alcoholic beverage control retail licensee who sells alcohol to a customer who subsequently injures another by driving while impaired if the consumption of the alcohol caused or contributed to an injury to person or property while the customer operated a motor vehicle.</p>	Senate • Feb 02, 2022: Incorporated by Judiciary (SB555-Obenshain) (11-Y 0-N)	<a href="#">Civil Procedure</a>
<a href="#">SB 245</a>	<a href="#">Ghazala F. Hashmi</a>	<p><b>Public hospitals; medical debt collection practices.</b></p> <p>Public hospitals; medical debt collection practices. Requires the University of Virginia Medical Center (the Medical Center) and the Virginia Commonwealth University Health System Authority (the Authority) to make payment plans available to each person who incurs a debt related to medical treatment. The bill (i) requires that such payment plans be provided in writing and cap monthly payments at no more than five percent of the person's household income, (ii) provides that the first payment under such payment plan shall not be due until a date that is at least 90 days after the date on which treatment was provided or the date on which the person discharged, and (iii) provides that a person who has made at least 10 payments pursuant to the payment plan in a 12-month period shall be deemed to be in compliance with the payment plan. The bill also prohibits the Medical Center and the Authority from charging interest or late fees for medical debt, requires the Medical Center and Authority to make information available in writing in languages other than English spoken in the service area and via oral translation service for other languages, prohibits the Medical Center and the Authority from selling medical debt to any person other than an organization that purchases medical debt for the purpose of paying such debt in full, and requires the Medical Center and the Authority to establish a Financial Assistance Ombudsman Office to assist patients and other persons with issues related t...</p>	Senate • Feb 03, 2022: Incorporated by Education and Health (SB201-Favola) (15-Y 0-N)	<a href="#">Civil Procedure</a>
<a href="#">SB 350</a>	<a href="#">Scott A. Surovell</a>	<p><b>Health records; patient's right to disclosure.</b></p> <p>Health records; patient's right to disclosure. Requires a health care entity to include in its disclosure of an individual's health records any changes made to the health records and an audit trail for such records if the individual requests that such information be included in the health records disclosure.</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<a href="#">Civil Procedure</a>
<a href="#">SB 633</a>	<a href="#">William M. Stanley, Jr.</a>	<p><b>Civil actions; health care bills and records.</b></p> <p>Civil actions; health care bills and records. Defines the term "bill" for the purposes of evidence of medical services provided in certain civil actions as a summary of charges, an invoice, or any other form prepared by the health care provider or its third-party bill administrator identifying the costs of health care services provided. The bill also clarifies the procedures for introducing evidence of medical reports, statements, or records of a health care provider by affidavit in general district court. Statutes affected: Senate: Presented and ordered printed 22103315D: 8.01-413.01, 16.1-88.2</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<a href="#">Civil Procedure</a>
<a href="#">SB 681</a>	<a href="#">Mark D. Obenshain</a>	<p><b>Health insurers; duty of in-network providers to submit claims, prohibited practices.</b></p> <p>Duty of in-network providers to submit claims to health insurers; civil penalty. Provides that any in-network provider that provides health care services to a covered patient that does not submit its claim to the health insurer for the health care services in accordance with the terms of the applicable provider agreement or as permitted under applicable federal or state laws or regulations shall be subject to a civil penalty of \$1,000 per violation. Statutes affected: Senate: Presented and ordered printed 22104364D: 8.01-27.5</p>	Senate • Mar 10, 2022: Signed by President	<a href="#">Civil Procedure</a>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 715</a>	<a href="#">J. Chapman</a> <a href="#">Petersen</a>	Injunctions; review by the Supreme Court of Virginia.  Injunctions; review by the Supreme Court of Virginia. Restores the Supreme Court of Virginia's jurisdiction over appeals of injunctions. Under current law, injunctions must first be appealed to the Court of Appeals. Statutes affected: Senate: Presented and ordered printed 22104872D: 8.01-626	House • Mar 08, 2022: Signed by Speaker	<a href="#">Civil Procedure</a>

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2022 General Assembly Bills of Interest

# Civil Rights

Virginia Trial Lawyers Association

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 493</a>	<a href="#">Michael P. Mullin</a>	<p>Virginia Freedom of Information Act; required release of law-enforcement disciplinary records.</p> <p>Virginia Freedom of Information Act; required release of law-enforcement disciplinary records; exceptions. Requires the release of law-enforcement disciplinary records related to completed disciplinary investigations. The bill defines "law-enforcement disciplinary records" as any record created in furtherance of a law-enforcement disciplinary proceeding or any other administrative or judicial proceeding arising from the law-enforcement officer's conduct, whether such proceeding takes place in the Commonwealth or in another jurisdiction. The bill allows for the redaction of certain personal contact information of the law-enforcement officer, complainant, and witness and of their families; social security numbers; certain medical and identifying information of the law-enforcement officer and complainant; and any technical infraction, as defined in the bill, by the law-enforcement officer. This bill is a recommendation of the Virginia Freedom of Information Advisory Council. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100266D: 2.2-3706</p>	House • Feb 15, 2022: Left in Public Safety	Civil Rights
<a href="#">HB 512</a>	<a href="#">Marie E. March</a>	<p>COVID-19 immunization; prohibition on requirement, discrimination prohibited.</p> <p>COVID-19 immunization; prohibition on requirement; discrimination prohibited. Prohibits the State Health Commissioner and the Board of Health, the Board of Behavioral Health and Developmental Services, the Department of Health Professions and any regulatory board therein, and the Department of Social Services from requiring any person to undergo vaccination for COVID-19 and prohibits discrimination based on a person's COVID-19 vaccination status (i) with regard to education, employment, insurance, or issuance of a driver's license or other state identification or (ii) in numerous other contexts. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101287D: 2.2-2901.1, 2.2-3004, 15.2-1500.1, 15.2-1507, 15.2-1604, 22.1-271.2, 22.1-271.4, 22.1-289.031, 22.1-295.2, 22.1-306, 23.1-800, 32.1-43, 32.1-47, 32.1-47.1, 32.1-48, 32.1-127, 38.2-3407.15, 38.2-3438, 38.2-3454, 44-146.17, 63.2-603, 65.2-402.1</p>	House • Feb 15, 2022: Left in Health, Welfare and Institutions	Civil Rights
<a href="#">HB 611</a>	<a href="#">Jeffrey M. Bourne</a>	<p>Early Identification System (EIS); DCJS to establish.</p> <p>Conduct of law-enforcement officers; establishment of an Early Identification System. Requires the Department of Criminal Justice Services (the Department) to establish a best practices model for the implementation, training, and management of an Early Identification System (EIS). The bill defines an EIS as a system through which a law-enforcement agency collects and manages data to identify and assess patterns of behavior, including misconduct and high-risk behavior, or performance of law-enforcement officers and law-enforcement agency employees. The bill directs each sheriff or chief of police to implement an EIS by July 1, 2024, and requires that law-enforcement officers receive training prior to implementation of the EIS and annually thereafter. The bill also directs the Department to establish and administer written policies and procedures for law-enforcement agencies to report to the Office of the Attorney General all judgments or settlements in cases relating to negligence or misconduct of a law-enforcement officer.</p>	House • Feb 11, 2022: Tabled in Public Safety (11-Y 10-N)	Civil Rights
<a href="#">HB 759</a>	<a href="#">Les R. Adams</a>	<p>Window tinting; vehicle stop.</p> <p>Window tinting; vehicle stop. Removes the prohibition on a law-enforcement officer from stopping a motor vehicle for a violation of provisions related to window tinting and the prohibition of evidence discovered or obtained at such stop from being admissible in court. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101500D: 46.2-1052</p>	House • Feb 15, 2022: Left in Courts of Justice	Civil Rights
<a href="#">HB 800</a>	<a href="#">Marcia S. "Cia" Price</a>	<p>Medical assistance services; eligibility, individuals confined in state correctional facilities.</p> <p>Medical assistance services; individuals confined in state correctional facilities. Requires the Department of Medical Assistance Services to enroll any person who is in the custody of a state correctional facility and who meets the criteria for eligibility for services under the state plan for medical assistance in the Commonwealth's program of medical assistance services; however, no services under the state plan for medical assistance shall be furnished to the person while he is confined in a state correctional facility unless federal financial participation is available to pay for the cost of the services provided. The bill also provides that, upon release from the custody of a state correctional facility, such individual shall continue to be eligible for services under the state plan for medical assistance until such time as the person is determined to no longer be eligible for medical assistance and that, to the extent permitted by federal law, the time during which a person is confined in a state correctional facility shall not be included in any calculation of when the person must recertify his eligibility for medical assistance.</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	Civil Rights



Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 801</a>	<a href="#">Marcia S. "Cia" Price</a>	<p><b>Civilian deaths in custody; report.</b></p> <p>Civilian deaths in custody; report. Requires every law-enforcement agency and correctional facility to report to the Department of Criminal Justice Services certain information regarding the death of any person who is detained, under arrest or in the process of being arrested, en route to be incarcerated, incarcerated, or otherwise in the custody of such law-enforcement agency or correctional facility. The bill provides that any law-enforcement agency or correctional facility that fails to comply may, at the discretion of the Department, be declared ineligible for state grants or funds. The bill also requires the Department to analyze the submitted data to (i) determine the means by which such information can be used to reduce the number of such deaths and (ii) examine the relationship, if any, between the number of such deaths and the actions of management of such law-enforcement agencies and correctional facilities. The Director of the Department shall annually report the findings and recommendations resulting from the analysis and interpretation of the data to the Governor, the General Assembly, and the Attorney General beginning on or before July 1, 2023, and each July 1 thereafter. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101213D: 9.1-192</p>	House • Feb 15, 2022: Left in Public Safety	Civil Rights
<a href="#">HB 1000</a>	<a href="#">Chris S. Runion</a>	<p><b>Law-enforcement civilian oversight bodies; requirements of members.</b></p> <p>Law-enforcement civilian oversight bodies; requirements. Requires every member appointed to a locality's law-enforcement civilian oversight body to observe a law-enforcement officer employed with such locality's law-enforcement agency while such law-enforcement officer is engaged in his official duties. The bill also provides that any disciplinary determination recommended by a law-enforcement civilian oversight body shall be advisory and that if any law-enforcement agency declines to implement such recommendation, such agency shall create and make available to the public within 30 days from the date such recommendation is reported to such agency a written public record of its rationale for declining to implement such recommendation. The bill requires that such observation take place within 90 days of the member's appointment to the civilian oversight body and total no fewer than 24 hours, a portion of which includes a ride-along with a law-enforcement officer. The bill also requires each law-enforcement civilian oversight body to include at least one retired law-enforcement officer as a voting member; under current law, a retired law-enforcement officer may serve on such body as an advisory, nonvoting ex officio member. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100522D: 9.1-601</p>	Senate • Feb 28, 2022: Passed by indefinitely in Judiciary (9-Y 6-N)	Civil Rights
<a href="#">HB 1133</a>	<a href="#">Wendell S. Walker</a>	<p><b>Nondiscrimination in places of public accommodation, definitions.</b></p> <p>Nondiscrimination in places of public accommodation, definitions.</p>	House • Feb 15, 2022: Left in General Laws	Civil Rights
<a href="#">HJ 60</a>	<a href="#">William C. Wampler III</a>	<p><b>Constitutional amendment; qualified immunity for government officials (first reference).</b></p> <p>Constitutional amendment (first reference); qualified immunity for government officials. Establishes the right of government officials to qualified immunity. The amendment provides that a government official may not be found liable for the deprivation of any person's rights, privileges, or immunities secured by the Constitution of Virginia and the laws of Virginia if such official establishes that (i) the right, privilege, or immunity alleged to be violated was not clearly established at the time of the person's deprivation by the official, or that at such time, the state of the law was not sufficiently clear that every reasonable official would have understood that the conduct alleged constituted a violation of the Constitution or the laws of Virginia or (ii) a court of competent jurisdiction had issued a final decision on the merits holding that the specific conduct alleged to be unlawful was consistent with the Constitution and the laws of Virginia.</p>	House • Feb 15, 2022: Left in Privileges and Elections	Civil Rights
<a href="#">SB 177</a>	<a href="#">Mark J. Peake</a>	<p><b>Human rights and fair housing; religious organizations, promotion of religious principles.</b></p> <p>Human rights and fair housing; religious organizations; promotion of religious principles. Provides that nothing in the Virginia Human Rights Act prohibits a religious corporation, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from taking any action to promote the religious principles for which it is established or maintained. The bill exempts any place of accommodation owned by or operated on behalf of a religious corporation, association, or society from the nondiscrimination in public places of accommodation provisions of the Virginia Human Rights Act. Under current law, such places of accommodation are exempt only when not open to the public. The bill adds preschools to the list of educational institutions that are exempt from discriminatory hiring practices with respect to the hiring and employment of employees of a particular religion when such institutions are owned, supported, controlled, or managed by a particular religion or religious corporation, association, or society. The bill clarifies that the term "religion" includes all aspects of religious observance and practice as well as belief for the purposes of the exemption from discrimination in employment of individuals employed to perform work associated with the activities of a particular religion by a religious corporation, association, educational institution, or society. The ...</p>	Senate • Jan 26, 2022: Passed by indefinitely in General Laws and Technology (8-Y 7-N)	Civil Rights

Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 246</a>	<a href="#">Scott A. Surovell</a>	<p>Law-enforcement officer; purpose of traffic stop.</p> <p>Law-enforcement officer; purpose of traffic stop. Provides that the operator of a motor vehicle, trailer, or semitrailer that has stopped on the signal of any law-enforcement officer shall exhibit his registration card, learner's permit, or temporary driver's permit for the purpose of establishing his identity upon being advised of the purpose of the stop within a reasonable time by the law-enforcement officer. Current law requires that such materials be exhibited upon the law-enforcement officer's request.</p>	House • Mar 08, 2022: Left in Courts of Justice	Civil Rights
<a href="#">SB 582</a>	<a href="#">Amanda F. Chase</a>	<p>Virginia Human Rights Act; nondiscrimination in places of public accommodation.</p> <p>Virginia Human Rights Act; nondiscrimination in places of public accommodation and certain private establishments; face coverings. Prohibits discrimination in places of public accommodations including public and private elementary and secondary schools and institutions of higher education and certain private establishments because the individual is or is not wearing a face covering for the purpose of preventing the transmission of COVID-19. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22103802D: 2.2-3904</p>	Senate • Jan 19, 2022: Passed by indefinitely in General Laws and Technology (8-Y 6-N)	Civil Rights

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2022 General Assembly Bills of Interest

# Consumer

Virginia Trial Lawyers Association

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 160</a>	<a href="#">Candi Mundon King</a>	<p><b>Virginia Residential Landlord and Tenant Act; landlord obligations, tenant safety.</b></p> <p>Virginia Residential Landlord and Tenant Act; landlord obligations; tenant safety. Requires a landlord who owns more than four rental dwelling units, or more than a 10 percent interest in more than four rental dwelling units, to require all employees and applicants for employment to submit to fingerprinting and provide personal descriptive information to be forwarded along with the employee's or applicant's fingerprints through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such employee or applicant. The bill allows a landlord to disqualify from employment any person who has been convicted of or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a violent crime committed in any jurisdiction. The bill also provides that a landlord must (i) establish written policies and procedure for the storage and management of, access to, and return of all keys for each rental dwelling unit; (ii) regulate the secure storage of and access to unissued keys; and (iii) maintain a written log for the issuance and return of all keys. Finally, pursuant to the bill, all relevant landlords must submit certain information on a quarterly basis to the Department of Housing and Community Development to prove compliance with the provisions outlined in the bill.</p>	House • Feb 11, 2022: Tabled in Appropriations (10-Y 8-N)	Consumer
<a href="#">HB 259</a>	<a href="#">Scott A. Wyatt</a>	<p><b>Motor vehicle dealers and manufacturers; compensation for recall, warranty, and maintenance.</b></p> <p>Motor vehicle dealers and manufacturers; compensation for recall, warranty, and maintenance obligations. Provides that manufacturer or distributor compensated parts, service, diagnostic work, updates to a vehicle accessory or function, and associated maintenance are subject to compensation related to recall and warranty. The bill provides that certain parts and services cannot be considered in calculating recall and warranty compensation and clarifies what is required of manufacturers and dealers in compensating motor vehicle dealers for recall and warranty parts and service. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102121D: 46.2-1571</p>	executive • Mar 09, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	Consumer
<a href="#">HB 376</a>	<a href="#">Kelly K. Convirs-Fowler</a>	<p><b>Virginia Residential Property Disclosure Act; residential property disclosure statement form.</b></p> <p>Virginia Residential Property Disclosures Act; Real Estate Board; residential property disclosure statement form. Requires the residential property disclosure statement form developed by the Real Estate Board and maintained on its website to include a statement signed by the parties acknowledging that the purchaser has been advised of the disclosures listed in residential property disclosure statement. Under current law, the form that contains the statement to be signed by the parties is not required to be included with the residential property disclosure statement form. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102247D: 54.1-2105.1</p>	House • Feb 15, 2022: Left in General Laws	Consumer
<a href="#">HB 381</a>	<a href="#">Glenn R. Davis</a>	<p><b>Consumer Data Protection Act; data deletion request.</b></p> <p>Consumer Data Protection Act; data deletion request. Authorizes a controller of personal data to treat a consumer request to delete data obtained by a third party about a consumer as a request to opt the consumer out of the processing of that data for (i) targeted advertising, (ii) the sale of personal data, or (iii) profiling in furtherance of decisions that produce legal or similarly significant effects concerning the consumer. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101391D: 59.1-577</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	Consumer
<a href="#">HB 532</a>	<a href="#">Kelly K. Convirs-Fowler</a>	<p><b>Public accommodations, employment, and housing; prohibited discrimination.</b></p> <p>Public accommodations, employment, and housing; prohibited discrimination on the basis of political affiliation. Prohibits discrimination in public accommodations, employment, and housing on the basis of a person's political affiliation. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102253D: 2.2-2901.1, 2.2-3900, 2.2-3902, 2.2-3904, 2.2-3905, 15.2-853, 15.2-854, 15.2-965, 15.2-1500.1, 15.2-1604, 22.1-295.2, 36-96.1, 36-96.3, 36-96.4, 36-96.6, 55.1-1310</p>	House • Feb 08, 2022: Stricken from docket by General Laws (22-Y 0-N)	Consumer
<a href="#">HB 552</a>	<a href="#">Israel D. O'Quinn</a>	<p><b>Consumer Data Protection Act; clarifies definition of nonprofit organizations.</b></p> <p>Consumer Data Protection Act; nonprofit organizations. Provides, for the purposes of the Consumer Data Protection Act, that the definition for "nonprofit organization" includes certain nonprofit organizations exempt from taxation under § 501 (c)(4) of the Internal Revenue Code. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101082D: 59.1-575</p>	House • Feb 15, 2022: Left in Commerce and Energy	Consumer
<a href="#">HB 702</a>	<a href="#">Mark L. Keam</a>	<p><b>Virginia Residential Property Disclosure Act; required disclosures, maximum lot coverage.</b></p> <p>Residential Property Disclosure Act; required disclosures; maximum lot coverage. Requires an owner of a single-family detached residential property to disclose in writing to any prospective purchaser or lessee of the property the existing lot coverage and the maximum lot coverage for the property as permitted by zoning ordinance in the locality in which the property is located.</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	Consumer

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 714</a>	<a href="#">C.E. Cliff Hayes, Jr.</a>	<p><b>Consumer Data Protection Act; definitions, enforcement, abolishes Consumer Privacy Fund.</b></p> <p>Consumer Data Protection Act; enforcement; Consumer Privacy Fund. Authorizes the Attorney General to pursue actual damages to consumers to the extent they exist if a controller or processor of the personal data of Virginians continues to violate the Consumer Data Protection Act following a 30-day cure period offered by the Attorney General or breaches an express written statement provided to the Attorney General. Political organizations are classified as nonprofit organizations and thus exempt from the Act. The bill specifies that the Attorney General may deem whether a cure under the provisions of the Act is possible for consumers. In addition, the bill abolishes the Consumer Privacy Fund and all civil penalties, expenses, and attorney fees collected from enforcement of the Act shall be deposited into the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22103039D: 59.1-585</p>	Senate • Mar 08, 2022: Signed by President	Consumer
<a href="#">HB 737</a>	<a href="#">Paul E. Krizek</a>	<p><b>Virginia Consumer Protection Act; certain disclosure in advertising required.</b></p> <p>Virginia Consumer Protection Act; certain disclosure in advertising required. Provides that is a violation of the Virginia Consumer Protection Act for a supplier in connection with a consumer transaction to fail to disclose in any advertisement for goods or services that the provisions of any contract or written agreement associated with the goods or services advertised restrict the consumer's rights in any civil action or right to file a civil action to resolve a dispute that arises in connection with the consumer transaction. The bill provides that such provisions shall be void and unenforceable in any instance where the supplier fails to provide the required notice. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100867D: 59.1-200</p>	House • Feb 15, 2022: Left in Commerce and Energy	Consumer
<a href="#">HB 802</a>	<a href="#">Marcia S. "Cia" Price</a>	<p><b>Virginia Residential Landlord and Tenant Act; enforcement by localities.</b></p> <p>Virginia Residential Landlord and Tenant Act; enforcement by localities. Provides that any county, city, or town may bring an action to enforce the provisions of the Virginia Residential Landlord and Tenant Act related to health and safety, provided that (i) the property where the violations occurred is within the jurisdictional boundaries of the county, city, or town; (ii) the county, city, or town has notified the landlord who owns the property directly or through the managing agent of the nature of the violations and the landlord has not remedied the violations within a reasonable time after receiving such notice to the satisfaction of the county, city, or town; and (iii) such enforcement action may include seeking an injunction, damages, or both. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22104059D: 55.1-1259</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	Consumer
<a href="#">HB 803</a>	<a href="#">Marcia S. "Cia" Price</a>	<p><b>Virginia Residential Landlord &amp; Tenant Act; landlord remedies, noncompliance with rental agreement.</b></p> <p>Virginia Residential Landlord and Tenant Act; landlord remedies; noncompliance with rental agreement. Increases from five days to 14 days the mandatory waiting period after a landlord serves written notice on a tenant notifying the tenant of his nonpayment of rent and of the landlord's intention to terminate the rental agreement if rent is not paid before the landlord may pursue remedies for termination of the rental agreement. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22104222D: 55.1-1245</p>	House • Feb 15, 2022: Left in General Laws	Consumer
<a href="#">HB 804</a>	<a href="#">Marcia S. "Cia" Price</a>	<p><b>Virginia Residential Landlord and Tenant Act; nonrefundable application fee, limitations.</b></p> <p>Virginia Residential Landlord and Tenant Act; nonrefundable application fee; limitations. Places limitations on when a landlord may charge a nonrefundable application fee in addition to a refundable application deposit. The bill prohibits a landlord with more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units from charging prospective tenants any nonrefundable application fee in excess of the amount necessary to reimburse the landlord for any actual out-of-pocket expenses paid by the landlord to a third party performing a number of pre-occupancy checks on the applicant. The bill allows an applicant to choose to provide certain information to the landlord in the form of a portable tenant screening report in lieu of paying an application fee. When an applicant chooses not to provide such report, a landlord that owns four or fewer rental dwelling units may charge such applicant actual out-of-pocket expenses paid by the landlord to a third party performing certain pre-occupancy checks on the applicant or, in the case of an application for a public housing unit, an application fee of no more than \$32, including any actual out-of-pocket expenses paid to a third party by the landlord performing background, credit, or other pre-occupancy checks on the applicant. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22104105D: 36-96.2, 55.1-1203</p>	House • Feb 15, 2022: Left in General Laws	Consumer
<a href="#">HB 840</a>	<a href="#">Alfonso H. Lopez</a>	<p><b>Virginia Residential Landlord and Tenant Act; retaliatory conduct, rebuttable presumption.</b></p> <p>Virginia Residential Landlord and Tenant Act; retaliatory conduct; rebuttable presumption. Establishes a rebuttable presumption of retaliatory conduct pursuant to the provisions of the Virginia Residential Landlord and Tenant Act if a landlord increases rent beyond that which is charged for similar market rentals, decreases services, brings or threatens to bring an action for possession, or terminates the rental agreement within six months of having knowledge of certain actions made by a tenant. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102940D: 55.1-1258</p>	House • Feb 15, 2022: Left in General Laws	Consumer

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 868</a>	<a href="#">Alfonso H. Lopez</a>	<p>Virginia Residential Landlord and Tenant Act; terms and conditions of rental agreement.</p> <p>Virginia Residential Landlord and Tenant Act; terms and conditions of rental agreement; warranty of habitability. Prohibits a landlord from waiving, either orally or in writing, his duty to maintain a fit premises, and requires a landlord to include in every rental agreement the terms and conditions governing such duty. Statutes affected:</p> <p>House: Prefiled and ordered printed; offered 01/12/22 22102953D: 55.1-1204, 55.1-1220</p>	House • Feb 15, 2022: Left in General Laws	Consumer
<a href="#">HB 882</a>	<a href="#">Alfonso H. Lopez</a>	<p>Virginia Residential Landlord and Tenant Act; tenant's assertion, condemnation of dwelling unit.</p> <p>Virginia Residential Landlord and Tenant Act; tenant's assertion; condemnation of dwelling unit; remedies. Provides a rebuttable presumption of a landlord's material noncompliance with the rental agreement if the leased premises was condemned by an appropriate state or local agency due to the landlord's or his agent's refusal or failure to remedy a condition for which he was served a condemnation notice. The bill requires a court, when such rebuttable presumption is established, to award the tenant the amount of three months' rent, any prepaid rent, and any security deposit paid by the tenant. Statutes affected:</p> <p>House: Prefiled and ordered printed; offered 01/12/22 22102913D: 55.1-1244</p>	House • Feb 15, 2022: Left in General Laws	Consumer
<a href="#">HB 888</a>	<a href="#">Terry G. Kilgore</a>	<p>Online Marketplace Consumer Protection Act; high-volume third-party sellers in online marketplace.</p> <p>Online Marketplace Consumer Protection Act; high-volume third-party sellers in an online marketplace; civil penalty. Establishes requirements for high-volume third-party sellers, defined in the bill as participants in an online marketplace that have entered into at least 200 discrete sales or transactions for 12 continuous months during the past 24 months resulting in accumulation of an aggregate total of \$5,000 or more in gross revenues. The bill requires high-volume third-party sellers to provide identifying information and contact information to the online marketplace and requires the online marketplace to verify the information upon receipt. The bill requires that high-volume third-party sellers make certain conspicuous disclosures to consumers on their product listing pages, with certain limited exceptions. The bill authorizes the Attorney General to initiate an action in the name of the Commonwealth against an online marketplace or high-volume third party seller that has violated the provisions of the bill and either failed to cure the violation within a 30-day cure period or failed to comply with an express written statement to the Attorney General that the alleged violations have been cured and no further violations will occur. The Attorney General may seek an injunction to restrain any such violations and civil penalties of up to \$7,500 for each such violation.</p>	House • Feb 08, 2022: Stricken from docket by Commerce and Energy (21-Y 0-N)	Consumer
<a href="#">HB 893</a>	<a href="#">Michelle Lopes Maldonado</a>	<p>Virginia Residential Landlord and Tenant Act; terms and conditions of rental agreement.</p> <p>Virginia Residential Landlord and Tenant Act; terms and conditions of rental agreement; automatic renewal; notice of rent increase. Requires a landlord that owns more than four rental dwelling units to, in the case of any rental agreement that provides for automatic renewal of such agreement, provide separate written notice to the tenant notifying the tenant of any increase in rent. The bill provides that such notice shall be provided to the tenant no less than 30 days before the automatic renewal takes effect. Statutes affected:</p> <p>House: Prefiled and ordered printed; offered 01/12/22 22103537D: 55.1-1204</p>	House • Feb 15, 2022: Left in General Laws	Consumer
<a href="#">HB 909</a>	<a href="#">Alfonso H. Lopez</a>	<p>Virginia Residential Landlord and Tenant Act; prohibited discrimination, national origin.</p> <p>Virginia Residential Landlord and Tenant Act; prohibited discrimination; national origin. Provides that a landlord may not discriminate against any person in the terms, conditions, or privileges with respect to the rental of a dwelling unit, or in the provision of services or facilities in the connection therewith, to any person because of such person's national origin.</p>	House • Feb 15, 2022: Left in General Laws	Consumer
<a href="#">HB 1062</a>	<a href="#">Paul E. Krizek</a>	<p>Manufactured Home Lot Rental Act; notice, sale of manufactured home park.</p> <p>Manufactured Home Lot Rental Act; notice; sale of manufactured home park. Changes from 180 days to 270 days the notice period a landlord has to give to a tenant before the sale of a manufactured home park. Statutes affected:</p> <p>House: Prefiled and ordered printed; offered 01/12/22 22102267D: 55.1-1308, 55.1-1308.1</p>	House • Feb 08, 2022: Stricken from docket by General Laws (22-Y 0-N)	Consumer

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 1065</a>	<a href="#">Paul E. Krizek</a>	<p><b>Manufactured home lot rental agreements and public notices; work group to develop sample documents.</b></p> <p>Manufactured Home Lot Rental Act; notice of intent to sell. Requires the owner of a manufactured home park who offers or lists the park for sale to a third party to provide written notice of the prospective sale to the locality where the park is located. Under current law, such notice is only required to be sent to the Department of Housing and Community Development. The bill also provides that acceptance of an offer to purchase a manufactured home park is contingent upon the park owner sending written notice of the proposed sale, including certain information listed in the real estate purchase contract, to the locality where the park is located at least 90 days before the closing date. Under current law, such notice is required to be sent only to the Department of Housing and Community Development at least 60 days before the closing date. Additionally, these notices are to be provided to any tenant of the manufactured home park, in clear, understandable language and translated into the tenant's preferred language if the tenant is unable to speak or understand English adequately enough to understand the content of such notice. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102276D: 55.1-1308.2</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	Consumer
<a href="#">HB 1092</a>	<a href="#">Terry G. Kilgore</a>	<p><b>Nonrepairable and rebuilt vehicles; repeals sunset clause.</b></p> <p>Nonrepairable and rebuilt vehicles; sunset. Repeals the sunset clause for certain amendments related to definitions of nonrepairable and rebuilt vehicles. As enacted in 2017, the amendments would have expired on July 1, 2021. However, language in Item 436 of Chapter 552 of the Acts of Assembly of 2021, Special Session I (the Appropriation Act), provided that, notwithstanding any other law, the amendments would remain in place until July 1, 2022. The bill makes the amendments permanent.</p>	House • Mar 10, 2022: Enrolled	Consumer
<a href="#">HB 1097</a>	<a href="#">Emily M. Brewer</a>	<p><b>Fair Housing Law; exemptions, tenant's source of funds.</b></p> <p>Fair Housing Law; exemptions; tenant's source of funds. Exempts an owner that, individually or through a business entity, owns more than a 10 percent interest in more than 10 rental dwelling units in the Commonwealth from the provisions of the Fair Housing Law that prohibit discrimination against a person based on such person's source of funds. Current law exempts owners that own more than 10 percent interest in more than four rental dwelling units in the Commonwealth. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101363D: 36-96.2</p>	House • Feb 03, 2022: Failed to report (defeated) in General Laws (10-Y 11-N)	Consumer
<a href="#">HB 1151</a>	<a href="#">Dawn M. Adams</a>	<p><b>Virginia Motor Vehicle Warranty Enforcement Act; adds autocycles to the vehicles protected by Act.</b></p> <p>Virginia Motor Vehicle Warranty Enforcement Act. Adds autocycles to the vehicles protected by the Virginia Motor Vehicle Warranty Enforcement Act (the Act), commonly known as the "lemon law." The bill applies the Act to vehicles purchased for business purposes by a business entity that owns or leases no more than five motor vehicles. The bill contains technical amendments. Statutes affected: House: Presented and ordered printed 22103657D: 59.1-207.11, 59.1-207.13, 59.1-207.16</p>	Senate • Mar 08, 2022: Signed by President	Consumer
<a href="#">HB 1259</a>	<a href="#">Michael J. Webert</a>	<p><b>Consumer Data Protection Act; sensitive data.</b></p> <p>Consumer Data Protection Act; sensitive data. Provides that, for purposes of the Consumer Data Protection Act, personal data revealing racial or ethnic origin, religious beliefs, mental or physical diagnosis, sexual orientation, or citizenship or immigration status shall only be considered sensitive data if used to make a decision that results in a legal or similarly significant effect for a consumer. Statutes affected: House: Presented and ordered printed 22104375D: 59.1-575</p>	Senate • Mar 02, 2022: Passed by indefinitely in General Laws and Technology (9-Y 6-N)	Consumer
<a href="#">SB 43</a>	<a href="#">Barbara A. Favola</a>	<p><b>Virginia Residential Landlord and Tenant Act; county and city enforcement.</b></p> <p>Virginia Residential Landlord and Tenant Act; county and city enforcement. Provides that any county or city may bring an action to enforce the provisions of the Virginia Residential Landlord and Tenant Act related to health and safety, provided that (i) the property where the violations occurred is within the jurisdictional boundaries of the county or city; (ii) the county or city has notified the landlord who owns the property directly or through the managing agent of the nature of the violations and the landlord has not remedied the violations within a reasonable time after receiving such notice to the satisfaction of the county or city; and (iii) such enforcement action may include seeking an injunction, damages, or both. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22101625D: 55.1-1259</p>	Senate • Feb 02, 2022: Stricken at request of Patron in General Laws and Technology (15-Y 0-N)	Consumer
<a href="#">SB 69</a>	<a href="#">Barbara A. Favola</a>	<p><b>Virginia Residential Landlord and Tenant Act; rental agreements, child care.</b></p> <p>Virginia Residential Landlord and Tenant Act; prohibited provisions in rental agreements. Prohibits a rental agreement from containing provisions that prohibit the operation of properly licensed and authorized child care services. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22100311D: 55.1-1208</p>	Senate • Mar 11, 2022: Enrolled	Consumer



Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 215</a>	<a href="#">Jeremy S. McPike</a>	<p><b>Electronic vehicle titling and registration; permits DMV to expand existing program.</b></p> <p>Electronic vehicle titling and registration. Permits the Department of Motor Vehicles to expand the existing electronic titling program for new motor vehicles to all applications for original motor vehicle titles, thereby authorizing person-to-person online titling. The bill authorizes the Department to charge certain fees. The bill also allows for the online registration of such motor vehicles and the issuance of a temporary certificate of registration.</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	Consumer
<a href="#">SB 216</a>	<a href="#">Jeremy S. McPike</a>	<p><b>Motor vehicle dealers and manufacturers; compensation for recall, warranty, and maintenance.</b></p> <p>Motor vehicle dealers and manufacturers; compensation for recall, warranty, and maintenance obligations. Provides that manufacturer or distributor compensated parts, service, diagnostic work, updates to a vehicle accessory or function, and associated maintenance are subject to compensation related to recall and warranty. The bill provides that certain parts and services cannot be considered in calculating recall and warranty compensation and clarifies what is required of manufacturers and dealers in compensating motor vehicle dealers for recall and warranty parts and service.</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	Consumer
<a href="#">SB 284</a>	<a href="#">Adam P. Ebbin</a>	<p><b>Virginia Residential Landlord and Tenant Act; landlord's noncompliance as defense to action.</b></p> <p>Virginia Residential Landlord and Tenant Act; landlord's noncompliance as defense to action for possession for nonpayment of rent. Removes the requirement that a tenant, if in possession of a dwelling unit, must pay for the court to hold the amount of rent found to be due and unpaid pending the issuance of an order pursuant to an action by the landlord for possession based upon nonpayment of rent where the tenant has asserted a defense that there exists upon the leased premises a condition that constitutes, or will constitute, a fire hazard or a serious threat to the life, health, or safety of the occupant of the dwelling unit. The bill provides that (i) a tenant may assert such a defense if, prior to the commencement of the action for rent or possession, the landlord or his agent had notice of the condition, was given a reasonable opportunity to remedy the condition, and failed to do so and (ii) while the period of time that is deemed to be a unreasonable delay is left to the court, there shall be a rebuttable presumption that a period in excess of 14 days, changed from 30 days in current law, from receipt of the notification by the landlord is reasonable. Finally, the bill clarifies that, not only may the court issue an order that reduces rent by an equitable amount in consideration of the existence of an allowable condition asserted by the tenant, but the court may also refer any matter before it to the proper state or local agency for investigation and report and continue...</p>	Senate • Feb 09, 2022: Continued to 2023 in General Laws and Technology (12-Y 2-N)	Consumer
<a href="#">SB 309</a>	<a href="#">John S. Edwards</a>	<p><b>Consumer Protection Act; prohibited practices, certain restrictive provisions.</b></p> <p>Consumer Protection Act; prohibited practices; certain restrictive provisions in contract or written agreement. Provides that it is a violation of the Consumer Protection Act for a supplier in connection with a consumer transaction to use any provision in any contract or written agreement that restricts a consumer's right to file a civil action to resolve a dispute that arises in connection with a consumer transaction that does not involve interstate commerce. The bill provides that such provisions are void and unenforceable. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22100501D: 59.1-200</p>	Senate • Feb 08, 2022: Read third time and defeated by Senate (19-Y 21-N)	Consumer
<a href="#">SB 341</a>	<a href="#">George L. Barker</a>	<p><b>Consumer protection; online marketplace, high-volume third-party sellers.</b></p> <p>Consumer protection; online marketplace; high-volume third-party sellers. Establishes requirements for high-volume third-party sellers, defined in the bill as participants in an online marketplace that have entered into at least 200 discrete sales or transactions for 12 continuous months during the past 24 months resulting in accumulation of an aggregate total of \$5,000 or more in gross revenues. The bill requires high-volume third-party sellers to provide identifying information and contact information to the online marketplace and requires the online marketplace to verify the information upon receipt. The bill requires that high-volume third-party sellers make certain conspicuous disclosures to consumers on their product listing pages, with certain limited exceptions. The bill provides that any violation of its provisions is a prohibited practice under the Virginia Consumer Protection Act. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22101756D: 59.1-200</p>	House • Mar 08, 2022: Left in Commerce and Energy	Consumer
<a href="#">SB 368</a>	<a href="#">Bryce E. Reeves</a>	<p><b>Vehicle history report companies; notifications.</b></p> <p>Vehicle history report companies; notifications. Requires vehicle history report companies, as defined in the bill, to notify a vehicle owner and lienholder, if any, if his vehicle has been deemed nonrepairable or any comparable term in the records of such company. The bill requires vehicle history report companies to establish and maintain a process for disputing such a designation and, if appropriate, having it corrected in a timely manner. The bill provides that a failure to notify the owner constitutes a violation of the Virginia Consumer Protection Act. The bill authorizes the Department of Motor Vehicles to release the name and address of the vehicle owner and lienholder for the purpose of such notification. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22104106D: 46.2-208</p>	Senate • Feb 10, 2022: Continued to 2023 in Transportation (14-Y 0-N)	Consumer



Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 410</a>	<a href="#">Joseph D. Morrissey</a>	<p>Uniform Statewide Building Code; lead-safe rental housing.</p> <p>Uniform Statewide Building Code; lead-safe rental housing. Provides that the local governing body of a locality may adopt an ordinance that requires the inspection and certification of a residential rental dwelling unit built prior to 1986 for the purpose of ensuring the absence of lead hazards in such dwelling unit. The bill requires any such inspection and certification to be completed by a person licensed and qualified pursuant to appropriate state and federal laws and regulations and prohibits the rental of any residential dwelling unit that does not receive a satisfactory post-inspection certification based on certain factors outlined in the bill. Pursuant to the provisions of the bill, any locality that adopts an ordinance shall establish a fund to pay for the cost of remediation or require the landlord to pay for remedying the lead hazard. Finally, the bill allows a locality to waive inspection requirements for certain reasons and permits the local governing body of a locality to adopt additional lead-safe and lead-free inspection and certification requirements or higher standards for inspection and certification, if it so chooses.</p>	Senate • Feb 09, 2022: Continued to 2023 in General Laws and Technology (12-Y 0-N)	Consumer

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2022 General Assembly Bills of Interest

# Criminal

Virginia Trial Lawyers Association

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 16</a>	<a href="#">Hyland F. "Buddy" Fowler, Jr.</a>	<p>Safe haven protections; newborn safety device at hospitals for reception of children.</p> <p>Abuse and neglect of a child; safe haven defense. Increases from 14 days to 30 days the maximum age of an infant whom a parent may voluntarily deliver to a hospital or emergency medical services agency and claim an affirmative defense to prosecution for abuse or neglect if such prosecution is based solely upon the parent's having left the infant at such facility.</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>
<a href="#">HB 25</a>	<a href="#">Timothy V. Anderson</a>	<p>Earned sentence credits; possession of child pornography.</p> <p>Earned sentence credits; possession of child pornography. Excludes a first offense for the crime of possession of child pornography from the crimes that will eligible for enhanced sentencing credits effective July 1, 2022.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100808D: 53.1-202.3</p>	Senate • Feb 28, 2022: Passed by indefinitely in Judiciary (9-Y 6-N)	<b>Criminal</b>
<a href="#">HB 42</a>	<a href="#">Timothy V. Anderson</a>	<p>Improper driving; person may be charged with offense when conduct constitutes reckless driving.</p> <p>Improper driving. Provides that a person may be charged with the offense of improper driving when his conduct is of the kind that constitutes reckless driving but when his degree of culpability is slight. Currently, a law-enforcement officer is not able to charge a person with improper driving, but a charge of reckless driving may be reduced to improper driving by the court or the attorney for the Commonwealth.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22103504D: 46.2-869</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 159</a>	<a href="#">Kathy J. Byron</a>	<p>Emergency custody and temporary detention orders; transportation of minor, acceptance of custody.</p> <p>Emergency custody and temporary detention orders; custody. Requires a facility or location to which a minor or adult who is subject to an emergency custody or temporary detention order is transported to accept custody of the minor or adult upon completion of transportation and arrival of the minor or adult at the facility and specifies that the primary law-enforcement agency shall provide transportation of a person who is involved in the involuntary commitment process, rather than a sheriff, as provided under current law .</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 163</a>	<a href="#">Margaret B. Ransone</a>	<p>Emergency custody and temporary detention; governing transportation &amp; custody of minors and adults.</p> <p>Emergency custody and temporary detention; transportation and custody. Amends numerous sections governing emergency custody and temporary detention of minors and adults to clarify duties of law-enforcement agencies and mental health facilities with regard to custody. The bill requires facilities to take custody of a minor or person who is the subject of an emergency custody order or temporary detention order immediately upon completion of transportation and arrival of the minor or person at the facility; specifies that if a facility does not take custody of a minor or person immediately upon completion of transportation and arrival at the facility, the order is void and the minor or person shall be released; provides that emergency custody orders shall not be extended; and makes other changes to clarify the role and obligations of law enforcement in the emergency custody and temporary detention process.</p>	House • Feb 15, 2022: Left in Appropriations	<b>Criminal</b>
<a href="#">HB 181</a>	<a href="#">Margaret B. Ransone</a>	<p>Criminal records; sealing of records.</p> <p>Criminal records; sealing of records; repeal. Repeals provisions not yet effective allowing for the automatic and petition-based sealing of police and court records for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102320D: 19.2-72, 19.2-74, 19.2-340, 19.2-390, 9.1-101, 9.1-128, 9.1-134, 17.1-293.1, 17.1-502, 19.2-310.7, 19.2-389.3, 17.1-205.1</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 247</a>	<a href="#">Margaret B. Ransone</a>	<p>Grand larceny and certain property crimes; decreases threshold amount, penalty.</p> <p>Grand larceny and certain property crimes; threshold; penalty. Decreases from \$1,000 to \$500 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 decreases the threshold by the same amount for the classification of certain property crimes.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102219D: 18.2-23, 18.2-80, 18.2-81, 18.2-95, 18.2-97, 18.2-102, 18.2-103, 18.2-108.01, 18.2-145.1, 18.2-150, 18.2-152.3, 18.2-162, 18.2-181, 18.2-181.1, 18.2-182, 18.2-186, 18.2-186.3, 18.2-187.1, 18.2-188, 18.2-195, 18.2-195.2, 18.2-197, 18.2-340.37, 19.2-289, 19.2-290, 19.2-386.16, 29.1-553</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 322</a>	<a href="#">Jeffrey L. Campbell</a>	<p><b>Criminal records; changes to provisions to sealing of records.</b></p> <p>Criminal records; sealing of records. Makes changes to the sealing provisions as they shall become effective pursuant to Chapters 524 and 542 of the 2021 Acts of Assembly, Special Session I, related to the types of offenses eligible to be sealed by petition. The bill limits such offenses eligible for sealing by petition to convictions for a Class 2, 3, or 4 misdemeanor and deferral and dismissals of misdemeanor offenses, Class 5 or 6 felonies, or felony larceny-related offenses. Under the related provisions as they shall become effective pursuant to Chapters 524 and 542, a person convicted of or who has had a charge deferred and dismissed for a misdemeanor offense, Class 5 or 6 felony, or felony larceny-related offense is eligible to petition to have such conviction or charge sealed. The bill also changes the provisions related to criminal penalties for disclosure of sealed records to require proof that such disclosure was done maliciously and intentionally and reduces the penalty for such violation to a Class 1 misdemeanor. Under the related provisions as they shall become effective pursuant to Chapters 524 and 542, disclosure of such records done willfully is a Class 1 misdemeanor and disclosure done maliciously and intentionally is a Class 6 felony. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101250D: 19.2-392.5, 19.2-392.12, 19.2-392.14</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 345</a>	<a href="#">Vivian E. Watts</a>	<p><b>Robbery; conforms certain provisions of the Code of Virginia to the degrees of robbery offenses.</b></p> <p>Robbery. Conforms certain provisions of the Code referencing robbery to the degrees of robbery offenses established by Chapter 534 of the Acts of Assembly of 2021, Special Session I. These changes include: (i) limiting certain non-robbery crimes for which committing such crime with the intent to commit a robbery is an element to the offenses to the two higher degrees of robbery, (ii) allowing persons convicted of the two lesser degrees of robbery to be eligible for conditional release if they are terminally ill and for the enhanced earned sentence credits, (iii) allowing persons who are ineligible for parole as a result of being convicted of three certain enumerated offenses to be eligible for parole if convicted of an offense that would constitute any of the three lesser degrees of robbery, (iv) limiting the application of the three-strikes law to the two higher degrees of robbery and making persons convicted under the three-strikes law eligible for parole if one of the three convictions resulting in the mandatory life sentence would constitute one of the two lesser degrees of robbery, and (v) specifying that persons convicted of either of the two higher degrees of robbery while on administrative furlough or released for work release are ineligible for further furlough or work release and that persons convicted of such offenses are ineligible for home/electronic incarceration. The bill leaves unchanged the current law making all degrees of robbery predicate criminal acts by ...</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 366</a>	<a href="#">Vivian E. Watts</a>	<p><b>Assault and battery; penalties when committed against certain persons.</b></p> <p>Assault and battery; penalties. Provides that a simple assault or an assault and battery committed against a judge, magistrate, law-enforcement officer, correctional officer, person directly involved in the care, treatment, or supervision of inmates, firefighter, or volunteer firefighter or emergency medical services personnel by a juvenile who has not been previously convicted of or proceeded against informally or adjudicated delinquent for an offense that would be a felony if committed by an adult is punishable as a Class 1 misdemeanor. Currently, any such offense is a punishable as a Class 6 felony, with a mandatory minimum term of confinement of six months. The bill also provides that any person charged with such offense who has been diagnosed by a psychiatrist or clinical psychologist with a mental illness, developmental disability, or intellectual disability and the violation was caused by or had a direct and substantial relationship to the person's mental illness or disability, then such person is guilty of a Class 1 misdemeanor. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101630D: 18.2-57</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 369</a>	<a href="#">Angelia Williams Graves</a>	<p><b>Court appearance of a person not free on bail; changes to provisions regarding bail hearings, etc.</b></p> <p>Court appearance of a person not free on bail. Makes various changes to provisions regarding bail hearings, including (i) the appointment of counsel for the accused, (ii) the information provided to counsel for the accused, (iii) a requirement that counsel for the accused be provided with adequate time to confer with the accused prior to any bail hearing, and (iv) the compensation of counsel for the accused. Effective in due course, the bill provides that the chief judge in each circuit shall create a plan to be completed by October 1, 2022, that establishes the means by which the jurisdiction will meet these requirements. The remainder of the bill has a delayed effective date of January 1, 2023. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101429D: 19.2-158</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 404</a>	<a href="#">Karrie K. Delaney</a>	<p><b>Sexual assault nurse &amp; forensic examiners; testimony by two-way video conferencing.</b></p> <p>Admission into evidence of certain forensic medical examination reports by sexual assault nurse examiners and sexual assault forensic examiners; testimony by two-way video conferencing; notice and waiver procedures. Creates procedures allowing a forensic medical examination report conducted by a sexual assault nurse examiner or sexual assault forensic examiner to be admitted into evidence without the testimony of such examiner and allowing for such examiner to testify by two-way video conferencing if certain filing and notice provisions are met and the defendant does not object. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101617D: 17.1-275.5, 19.2-183, 19.2-243</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 415</a>	<a href="#">Jason S. Ballard</a>	<b>Criminal cases; sentencing by jury.</b>  Criminal cases; sentencing by jury. Provides that if a jury finds a person guilty of a criminal offense, such jury shall ascertain the punishment of the offense. Under current law, unless the accused has requested that the jury ascertain punishment, the court shall fix punishment after the accused has been found guilty by a jury.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102281D: 19.2-288, 19.2-295, 19.2-295.1, 19.2-295.3	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 422</a>	<a href="#">Charniele L. Herring</a>	<b>Writ of actual innocence; previously unknown or unavailable nonbiological evidence, etc.</b>  Writ of actual innocence; previously unknown or unavailable nonbiological evidence; contents and form of petition. Changes the provision requiring that a petitioner petitioning for a writ of actual innocence based on previously unknown or unavailable nonbiological evidence allege that such evidence is such as could not, by the exercise of diligence, have been discovered or obtained before the expiration of 21 days following entry of the final order of conviction or adjudication of delinquency by the circuit court to instead require that the petitioner allege such evidence could not have been discovered or obtained before the conviction or adjudication of delinquency became final in the circuit court.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102518D: 19.2-327.11	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>
<a href="#">HB 423</a>	<a href="#">Charniele L. Herring</a>	<b>Writ of actual innocence; previously unknown or unavailable nonbiological evidence.</b>  Writ of actual innocence; previously unknown or unavailable nonbiological evidence; contents and form of petition. Changes the requirement that a petitioner allege in a writ of actual innocence based on nonbiological evidence previously unknown or unavailable that such previously unknown or unavailable evidence is such as could not, by the exercise of diligence, have been discovered or obtained before the expiration of 21 days following entry of the final order of conviction or adjudication of delinquency by the circuit court to instead require that the petitioner allege such evidence was not discovered or obtained prior to such expiration of 21 days.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102523D: 19.2-327.11	House • Feb 11, 2022: Stricken from docket by Courts of Justice (18-Y 0-N)	<b>Criminal</b>
<a href="#">HB 451</a>	<a href="#">Elizabeth B. Bennett-Parker</a>	<b>Stalking; venue, penalty.</b>  Stalking; venue; penalty. Allows a person to be prosecuted for a stalking charge in the jurisdiction where the person at whom the stalking conduct is directed received a communication from the person engaged in the stalking conduct that placed him in reasonable fear of death, criminal sexual assault, or bodily injury to himself or a family or household member. The bill also provides that evidence of any such conduct that occurred outside the Commonwealth may be admissible, if relevant, in any prosecution for stalking. Currently, such evidence is admissible as long as the prosecution is based upon conduct occurring within the Commonwealth.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22103062D: 18.2-60.3	House • Mar 10, 2022: VOTE: Adoption (100-Y 0-N)	<b>Criminal</b>
<a href="#">HB 493</a>	<a href="#">Michael P. Mullin</a>	<b>Virginia Freedom of Information Act; required release of law-enforcement disciplinary records.</b>  Virginia Freedom of Information Act; required release of law-enforcement disciplinary records; exceptions. Requires the release of law-enforcement disciplinary records related to completed disciplinary investigations. The bill defines "law-enforcement disciplinary records" as any record created in furtherance of a law-enforcement disciplinary proceeding or any other administrative or judicial proceeding arising from the law-enforcement officer's conduct, whether such proceeding takes place in the Commonwealth or in another jurisdiction. The bill allows for the redaction of certain personal contact information of the law-enforcement officer, complainant, and witness and of their families; social security numbers; certain medical and identifying information of the law-enforcement officer and complainant; and any technical infraction, as defined in the bill, by the law-enforcement officer. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100266D: 2.2-3706	House • Feb 15, 2022: Left in Public Safety	<b>Criminal</b>
<a href="#">HB 496</a>	<a href="#">Michael P. Mullin</a>	<b>Abuse and neglect; financial exploitation, changes term incapacitated adults, definitions, penalties</b>  Abuse and neglect; financial exploitation; incapacitated adults; penalties. Changes the term "incapacitated adult" to "vulnerable adult" for the purposes of the crime of abuse and neglect of such adults and defines "vulnerable adult" as any person 18 years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, advanced age, or other causes to the extent the adult lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his well-being or has one or more limitations that substantially impair the adult's ability to independently provide for his daily needs or safeguard his person, property, or legal interests. The bill adds the definition of "advanced age" as it is used in the definition of "vulnerable adult" to mean 65 years of age or older. The bill also changes the term "person with mental incapacity" to the same meaning of "vulnerable adult" for the purposes of the crime of financial exploitation. This bill is a recommendation of the Virginia Criminal Justice Conference.	House • Mar 10, 2022: Enrolled	<b>Criminal</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 499</a>	<a href="#">Michael P. Mullin</a>	<p><b>Grand jury, regular; provisions for court reporter, use and disposition of notes, etc.</b></p> <p>Regular grand jury; provisions for court reporter; use and disposition of notes, tapes, and transcriptions. Provides that a court reporter shall be provided for a regular grand jury to record, manually or electronically, and transcribe all oral testimony taken before a regular grand jury, but such reporter shall not be present during any stage of its deliberations. The bill provides that the foreman shall cause the notes, tapes, and transcriptions of the court reporter to be sealed, the container dated, and delivered to the court and that the court shall cause the sealed container to be kept safely. The bill provides for certain circumstances in which the court may authorize disclosure of such sealed notes, tapes, and transcriptions. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101915D:</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 501</a>	<a href="#">Michael P. Mullin</a>	<p><b>Discovery in criminal cases; copies of discovery for the accused.</b></p> <p>Discovery in criminal cases; copies of discovery for the accused. Provides that for any discovery materials or evidence that the accused is permitted to inspect and review, the accused may request the Commonwealth to copy or photograph such discovery materials or evidence, and the Commonwealth shall provide such copies or photographs to the accused or his counsel. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101913D: 19.2-265.4</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 502</a>	<a href="#">Michael P. Mullin</a>	<p><b>Credit for time spent in confinement while awaiting trial; separate, dismissed, etc.</b></p> <p>Credit for time spent in confinement while awaiting trial; separate, dismissed, or nolle prosequi charges. Provides that credit for time spent in confinement while awaiting trial shall include any time spent in pretrial confinement or detention on separate, dismissed, or nolle prosequi charges that are from the same act as the violation for which the person is convicted and sentenced to a term of confinement. This bill is a recommendation of the Virginia Criminal Justice Conference. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101926D: 53.1-187</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>
<a href="#">HB 503</a>	<a href="#">Michael P. Mullin</a>	<p><b>Bail; subsequent proceeding arising out of initial arrest.</b></p> <p>Bail in subsequent proceeding arising out of initial arrest. Provides that any person who was previously admitted to bail shall be granted bail and have the terms of bond or recognizance fixed in the amount or manner consistent with the prior admission to bail, but if the court having jurisdiction of the subsequent proceeding believes bail is inappropriate, or the amount of bond or security inadequate or excessive, it may deny bail, or change the amount of such bond or security, require new and additional sureties, or set other terms of bail as are appropriate to the case. Under current law, any person who was previously admitted to bail is not required to be admitted to bail in any subsequent proceeding arising out of the initial arrest unless the court having jurisdiction of such subsequent proceeding deems the initial amount of bond or security taken inadequate. This bill is a recommendation of the Virginia Criminal Justice Conference. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101928D: 19.2-130</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 504</a>	<a href="#">Michael P. Mullin</a>	<p><b>Expunged criminal records; use in civil action.</b></p> <p>Expunged criminal records; use in civil action. Allows any party to a civil action filed arising out of or relating to a criminal charge wherein criminal records have been expunged or a petition to expunge such records is pending to file a motion for the release of such records for use in such civil action.</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 536</a>	<a href="#">Kelly K. Convors-Fowler</a>	<p><b>General district courts; filing an order of disposition from a criminal case.</b></p> <p>Filing an order of disposition from a criminal case in general district courts. Provides that any adult criminal disposition for a misdemeanor or felony in a juvenile and domestic relations district court may be submitted to the general district court of the same territorial jurisdiction to be filed as a general district court record upon a petition filed by the victim of the offense and with the consent of the juvenile and domestic relations district court.</p>	House • Feb 07, 2022: Stricken from docket by Courts of Justice (20-Y 0-N)	<b>Criminal</b>
<a href="#">HB 609</a>	<a href="#">Jeffrey M. Bourne</a>	<p><b>Civil action for the deprivation of rights; duties and liabilities of certain employers.</b></p> <p>Civil action for the deprivation of rights; duties and liabilities of certain employers. Creates a civil cause of action for the deprivation of any rights, privileges, or immunities pursuant to the constitutions and laws of the United States and the Commonwealth due to the acts or omissions of either a public employer or its employee and provides that a plaintiff may maintain an action to establish liability and recover compensatory damages, punitive damages, and equitable relief against the public employer and its employee. The bill provides that sovereign immunity is not a defense to such an action. The bill further provides that public employers owe a duty of reasonable care to third parties in the hiring, supervision, training, retention, and use of their employees and that a person who claims to have suffered injury or sustained damages caused, in whole or in part, by a breach of this duty may maintain an action to establish liability and recover compensatory damages, punitive damages, and equitable relief against such public employer.</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 613</a>	<a href="#">Jeffrey M. Bourne</a>	<p><b>Arrest/prosecution of individual experiencing mental health emerg.; assault against law enforcement.</b></p> <p>Arrest and prosecution of individual experiencing a mental health emergency; assault or assault and battery against a law-enforcement officer. Provides that no individual shall be subject to arrest or prosecution for an assault or assault and battery against a law-enforcement officer if at the time of the assault or assault and battery (i) the individual (a) is experiencing a mental health emergency or (b) meets the criteria for issuance of an emergency custody order pursuant to 37.2-808 and (ii) the law-enforcement officer subject to the assault or assault and battery was responding to a call for service requesting assistance for such individual. The bill provides that no law-enforcement officer acting in good faith shall be found liable for false arrest if it is later determined that the person arrested was immune from prosecution.</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 614</a>	<a href="#">Jeffrey M. Bourne</a>	<p><b>Appeals bond; removes requirement for indigent parties to post, appeal of unlawful detainer.</b></p> <p>Requirement for appeals bond; indigent parties; appeal of unlawful detainer. Removes the requirement for an indigent defendant in civil actions to post an appeal bond in any civil case appealed from the general district court. The bill also removes provisions of the Code allowing a plaintiff in an unlawful detainer case that has been appealed to the circuit court to request the judge to order a writ of eviction immediately upon entry of judgment for possession.</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>
<a href="#">HB 617</a>	<a href="#">Jeffrey M. Bourne</a>	<p><b>Discretionary sentencing guidelines; prior convictions and juvenile adjudications.</b></p> <p>Discretionary sentencing guidelines; prior convictions and juvenile adjudications. Provides that, for the purposes of the discretionary sentencing, previous convictions shall not include (i) any adult conviction more than 10 years prior to the date of the commission of the present offense, unless the prior adult conviction was for a violent felony offense punishable by a maximum term of imprisonment of 40 years or more, the defendant was sentenced to an active prison term of more than 12 months for the offense, and the defendant has committed another violent felony within a 15-year period between the date of the defendant's sentencing for the prior offense and commission of the present offense and (ii) any juvenile adjudications of delinquency or any juvenile convictions, unless the juvenile was tried as an adult and the conviction was for a violent felony offense punishable by a maximum term of imprisonment of 40 years or more, the defendant was sentenced to an active prison term of more than 12 months, and the date of offense was within the 10 years preceding sentencing for the present offense. The bill also provides that juvenile adjudications of delinquency and certain adult prior convictions shall not serve as the basis for any sentencing enhancement in an adult criminal case.</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 618</a>	<a href="#">Sally L. Hudson</a>	<p><b>Barrier crimes; possession of controlled substances.</b></p> <p>Possession of controlled substances; barrier crimes. Removes from the definition of barrier crime a felony violation of possession of a controlled substance.</p>	House • Feb 15, 2022: Left in Health, Welfare and Institutions	<b>Criminal</b>
<a href="#">HB 619</a>	<a href="#">Sally L. Hudson</a>	<p><b>Controlled substances; substance shall not include mere residue that is not a usable quantity, etc.</b></p> <p>Possession of controlled substances; residue. Provides that for the purposes of the crime of possession of controlled substances, "controlled substance" shall not include mere residue of any substance that is not a usable quantity or a countable dosage unit.</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 620</a>	<a href="#">Sally L. Hudson</a>	<p><b>Criminal cases and traffic infractions; eliminates accrual of interest on fines and costs.</b></p> <p>Interest on fines and costs in criminal cases and traffic infractions. Eliminates the accrual of interest on any fine or costs imposed in a criminal case or in a case involving a traffic infraction. The bill provides that any such fine or costs that have accrued interest prior to July 1, 2022, shall cease to accrue interest on July 1, 2022, and any unpaid interest that has accrued on such fine or costs shall be automatically waived.</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 622</a>	<a href="#">Sally L. Hudson</a>	<p><b>Custodial interrogation of a child; advisement of rights.</b></p> <p>Custodial interrogation of a child; advisement of rights. Requires that prior to any custodial interrogation of a child by a law-enforcement officer, the child and, if no attorney is present and if no exception to the requirement that the child's parent, guardian, or legal custodian be notified applies, the child's parent, guardian, or legal custodian shall be advised that (i) the child has a right to remain silent; (ii) any statement the child makes can and may be used against the child; (iii) the child has a right to an attorney and that one will be appointed for the child if the child is not represented and wants representation; and (iv) the child has a right to have his parent, guardian, custodian, or attorney present during any questioning. The bill states that if a child indicates in any manner and at any stage of questioning during a custodial interrogation that he does not wish to be questioned further, the law-enforcement officer shall cease questioning. The bill also requires, before admitting into evidence any statement made by a child during a custodial interrogation, that the court find that the child knowingly, intelligently, and voluntarily waived his rights and states that no admission or confession made by a child younger than 16 years of age during a custodial interrogation may be admitted into evidence unless it was made in the presence of the child's parent, guardian, custodian, or attorney.</p>	House • Jan 28, 2022: Continued to 2023 in Courts of Justice by voice vote	<b>Criminal</b>



Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 658</a>	<a href="#">Patrick A. Hope</a>	<p><b>Juveniles; appointment of counsel, indigency.</b></p> <p>Juveniles; appointment of counsel; indigency. Removes provisions stating that when the court appoints counsel to represent a child in a detention hearing or in a case involving a child who is alleged to be in need of services, in need of supervision, or delinquent and, after an investigation by the court services unit, finds that the parents are financially able to pay for such attorney in whole or in part and refuse to do so, the court shall assess costs against the parents for such legal services in the amount awarded the attorney by the court, not to exceed \$100 if the action is in circuit court or the maximum amount specified for court-appointed counsel appearing in district court. The bill also removes provisions requiring that before counsel is appointed in any case involving a child who is alleged to be in need of services, in need of supervision, or delinquent, the court determine that the child is indigent. The bill provides that for the purposes of appointment of counsel for a delinquency proceeding, a child shall be considered indigent. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22103997D: 16.1-266, 16.1-267</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 660</a>	<a href="#">William C. Wampler III</a>	<p><b>Search warrants; removes certain provisions in regard to execution of warrants.</b></p> <p>Search warrants; execution. Removes provisions requiring that search warrants for the search of any place of abode be executed by initial entry of the abode only in the daytime hours between 8:00 a.m. and 5:00 p.m. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102154D: 19.2-56</p>	House • Mar 12, 2022: Failed to pass in House	<b>Criminal</b>
<a href="#">HB 662</a>	<a href="#">William C. Wampler III</a>	<p><b>Multi-jurisdiction grand jury; investigation of elder abuse crimes.</b></p> <p>Multi-jurisdiction grand jury; elder abuse crimes. Adds the following to the list of crimes that a multi-jurisdiction grand jury may investigate: (i) financial exploitation of mentally incapacitated persons and (ii) abuse and neglect of incapacitated adults. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102157D: 19.2-215.1</p>	House • Jan 28, 2022: Incorporated by Courts of Justice (HB265-Campbell, R.R.) by voice vote	<b>Criminal</b>
<a href="#">HB 682</a>	<a href="#">Patrick A. Hope</a>	<p><b>Service of process; investigator employed by an attorney for the Commonwealth, etc.</b></p> <p>Service of process; investigator employed by an attorney for the Commonwealth or Indigent Defense Commission. Provides that all investigators employed by an attorney for the Commonwealth or by the Indigent Defense Commission while engaged in the performance of their official duties shall not be considered a party or otherwise interested in the subject matter in controversy and, thus, are authorized to serve process. The bill eliminates the requirement that the sheriff in the jurisdiction where process is to be served agrees that such investigators may serve process. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101921D: 8.01-293</p>	House • Mar 10, 2022: VOTE: Adoption (100-Y 0-N)	<b>Criminal</b>
<a href="#">HB 713</a>	<a href="#">Mark L. Keam</a>	<p><b>Family abuse; coercive control, penalty.</b></p> <p>Family abuse; coercive control; penalty. Makes it a Class 1 misdemeanor for a person to engage in coercive control, defined in the bill, of a family or household member. The bill also includes coercive control in the definition of "family abuse" used for the basis of the issuance of family abuse protective orders. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102744D: 16.1-228</p>	House • Feb 11, 2022: Continued to 2023 in Courts of Justice (18-Y 0-N)	<b>Criminal</b>
<a href="#">HB 719</a>	<a href="#">Eileen Filler-Corn</a>	<p><b>Physical evidence recovery kits; victim's right to notification, storage.</b></p> <p>Physical evidence recovery kits; victim's right to notification; storage. Provides that for a physical evidence recovery kit that (i) was collected by the Office of the Chief Medical Examiner as part of a routine death investigation, and the medical examiner and the law-enforcement agency agree that analysis is not warranted, (ii) was determined by the law-enforcement agency not to be connected to a criminal offense, or (iii) is connected to an offense that occurred outside of the Commonwealth or another law-enforcement agency has taken over responsibility of the investigation and such kit is not transferred to another law-enforcement agency, the law-enforcement agency that received the physical evidence recovery kit shall store such kit for a period of 10 years or until 10 years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. The bill provides that after the mandatory retention period, the law-enforcement agency may destroy the physical evidence recovery kit, or in its discretion, may elect to retain the physical evidence recovery kit for a longer period of time. The bill also requires the law-enforcement agency to inform the victim, parent, guardian, or next of kin of the unique identification number assigned to the physical evidence recovery kit utilized by the health care provider and provide information regarding the Physical Evidence Recovery Kit Tracking System, unless disclosing this information wo...</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>
<a href="#">HB 731</a>	<a href="#">Jeion A. Ward</a>	<p><b>Juvenile law-enforcement records; inspection of records.</b></p> <p>Juvenile law-enforcement records; inspection. Provides that a juvenile, the parent, guardian, or other custodian of the juvenile, and counsel for the juvenile may inspect a law-enforcement record concerning such juvenile if (i) no other law requires or allows withholding of the record; (ii) the parent, guardian, or other custodian requesting the record is not a suspect, offender, or person of interest in the record; and (iii) any identifying information of any other involved juveniles is redacted. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22103598D: 16.1-301</p>	Senate • Mar 08, 2022: Signed by President	<b>Criminal</b>



Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 736</a>	<a href="#">Robert B. Bell</a>	<p><b>Search warrants; execution.</b></p> <p>Search warrants; execution. Provides that a law-enforcement officer may seek, execute, or participate in the execution of a no-knock warrant if authorized by a judge for good cause shown by particularized facts. The bill also clarifies that a search warrant for any place of abode shall require that at least one law-enforcement officer be recognizable and identifiable as a uniformed law-enforcement officer and provide audible notice of his authority and purpose reasonably designed to be heard by the occupants of such place to be searched prior to the execution of such search warrant. The bill changes the hours of execution of a search warrant for the search of any place of abode from the daytime hours between 8:00 a.m. and 5:00 p.m. to between 6:00 a.m. and 9:00 p.m. The bill also provides that a magistrate may authorize the execution of such search warrant at another time as necessary for law-enforcement officers to obtain the objects or persons described in the warrant or in the interest of public safety. Currently, a judge or a magistrate, if a judge is not available, may authorize the execution of such search warrant at another time. The bill removes provisions stating that any evidence obtained from a search warrant in violation of any of the execution requirements shall not be admitted into evidence for the Commonwealth in any prosecution.Statutes affected:</p> <p>House: Prefiled and ordered printed; offered 01/12/22 22100839D: 19.2-56</p>	Senate • Mar 10, 2022: Conferees appointed by Senate	<b>Criminal</b>
<a href="#">HB 738</a>	<a href="#">Robert B. Bell</a>	<p><b>Competency to stand trial; order for evaluation or treatment.</b></p> <p>Competency to stand trial; order for evaluation or treatment; copy to the Department of Behavioral Health and Developmental Services. Provides that whenever a court orders an evaluation of a defendant's competency to stand trial, the clerk of the court shall provide a copy of the order to the Department of Behavioral Health and Developmental Services.Statutes affected:</p> <p>House: Prefiled and ordered printed; offered 01/12/22 22101063D: 19.2-169.8</p>	executive • Mar 09, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>
<a href="#">HB 748</a>	<a href="#">Robert B. Bell</a>	<p><b>DNA data bank sample tracking system; replaces certain references in Code.</b></p> <p>Department of Forensic Science; DNA data bank sample tracking system. Replaces certain references in the Code to the Local Inmate Data System with references to the Department of Forensic Science DNA data bank sample tracking system.</p>	executive • Mar 09, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>
<a href="#">HB 751</a>	<a href="#">Robert B. Bell</a>	<p><b>Suspected abuse; mandated reporters.</b></p> <p>Mandated reporters of suspected abuse. Adds practitioners of behavior analysis to the list of individuals required to report suspected adult or child abuse or neglect.Statutes affected:</p> <p>House: Prefiled and ordered printed; offered 01/12/22 22100593D: 63.2-1509, 63.2-1606</p>	executive • Mar 09, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>
<a href="#">HB 759</a>	<a href="#">Les R. Adams</a>	<p><b>Window tinting; vehicle stop.</b></p> <p>Window tinting; vehicle stop. Removes the prohibition on a law-enforcement officer from stopping a motor vehicle for a violation of provisions related to window tinting and the prohibition of evidence discovered or obtained at such stop from being admissible in court.Statutes affected:</p> <p>House: Prefiled and ordered printed; offered 01/12/22 22101500D: 46.2-1052</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 794</a>	<a href="#">Jason S. Ballard</a>	<p><b>Criminal proceedings; evidence of defendant's mental condition.</b></p> <p>Criminal proceedings; evidence of defendant's mental condition. Repeals provisions permitting the admission of evidence by the defendant concerning a defendant's mental condition at the time of an alleged offense, including expert testimony, if such evidence is relevant, is not evidence concerning an ultimate issue of fact, and (i) tends to show the defendant did or did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. The bill also removes provisions permitting a court to issue an emergency custody order in cases where such evidence was admitted and repeals provisions requiring the Office of the Executive Secretary of the Supreme Court to collect data regarding the cases that use such evidence.Statutes affected:</p> <p>House: Prefiled and ordered printed; offered 01/12/22 22102321D: 37.2-808</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 797</a>	<a href="#">Marcia S. "Cia" Price</a>	<p><b>Community service work in lieu of payment of fines and costs; underpaid work.</b></p> <p>Community service work in lieu of payment of fines and costs; underpaid work. Provides that in the program established by a court to provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work, underpaid work, as such term is defined in the bill, is added as an option for earning such credits before, during, or after such person is incarcerated in a state or local correctional facility, provided that such underpaid work is authorized by the court. The bill makes offering such option for community service work or underpaid work mandatory. The bill provides that a person who is performing underpaid work shall be credited at the same rate as the community service work rate less any wages received for the underpaid work. Under current law, a court is required to establish a program for providing an option for community service work in lieu of payment of fines and costs but offering such option was not mandatory.Statutes affected:</p> <p>House: Prefiled and ordered printed; offered 01/12/22 22101932D: 19.2-354</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 799</a>	<a href="#">Marcia S. "Cia" Price</a>	<p><b>Fines, costs, forfeitures, penalties, and restitution; collection fees.</b></p> <p>Fines, costs, forfeitures, penalties, and restitution; collection fees; assessment against incarcerated individuals. Provides that notwithstanding any other provision of law, no collection fees, including the fees of any private attorneys or collection agencies, administrative fees, or any other fees related to collection activities, shall be assessed for the collection of any fines, costs, forfeitures, penalties, or restitution imposed in a criminal case or in a case involving a traffic infraction (i) for any period during which the defendant is incarcerated and (ii) for a period of 90 days following the date of the defendant's release from incarceration if the sentence includes an active term of incarceration. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101223D: 19.2-349</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 805</a>	<a href="#">Marcia S. "Cia" Price</a>	<p><b>Barrier crimes; eliminates certain crimes from the definition, etc.</b></p> <p>Barrier crimes. Eliminates certain crimes from the definition of "barrier crime" and requires the State Board of Behavioral Health and Developmental Services, the Board of Education, the State Board of Health, and the State Board of Social Services to each adopt regulations that develop and implement a waiver process for individuals who have been convicted of a barrier crime and who serve in a position or seek to serve in a position with any qualified entity subject to the regulations of the board. The bill eliminates current exceptions and time limit mandates, as such information is required to be set out in each agency's waiver process. The bill sets out information to be included in the regulations of the individual boards. The bill also directs the Departments of Behavioral Health and Developmental Services, Education, Health, and Social Services to each publish information about the agency's waiver process in an easily accessible format on a website maintained by the department. The bill includes additional requirements for each waiver process, such as if an individual's application for a waiver is denied, the department must state the basis for denial in writing and provide such explanation to the individual. The bill provides that although a waiver granted to an individual by one department shall not be transferrable to a position under another department, proof of receipt of a waiver from one department shall be considered positively by another department when review...</p>	House • Feb 15, 2022: Left in Health, Welfare and Institutions	<b>Criminal</b>
<a href="#">HB 807</a>	<a href="#">Marcia S. "Cia" Price</a>	<p><b>Criminal history background checks; governing individuals providing certain services for adults.</b></p> <p>Criminal history background checks. Moves to separate sections of the Code of Virginia provisions governing background checks for individuals providing substance abuse and mental health services for adults. Currently, provisions governing background checks for individuals providing substance abuse and mental health services for adults are included together with provisions governing background checks for providers of substance abuse and mental health services for children and providers of developmental services for individuals of all ages.</p>	House • Feb 15, 2022: Left in Health, Welfare and Institutions	<b>Criminal</b>
<a href="#">HB 811</a>	<a href="#">Wren M. Williams</a>	<p><b>Admission to bail; rebuttable presumptions against bail.</b></p> <p>Admission to bail; rebuttable presumptions against bail. Creates a rebuttable presumption against bail for certain criminal offenses enumerated in the bill and for persons identified as being illegally present in the United States by U.S. Immigration and Customs Enforcement who are charged with certain offenses. The bill also provides that a magistrate, clerk, or deputy clerk of a district court or circuit court shall not admit 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 requires the court to consider specified factors when determining whether the presumption against bail has been rebutted and whether there are appropriate conditions of release. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100829D: 19.2-120, 19.2-124</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 812</a>	<a href="#">Wren M. Williams</a>	<p><b>Admission to bail; rebuttable presumptions against bail.</b></p> <p>Admission to bail; rebuttable presumptions against bail. Creates a rebuttable presumption against bail for certain criminal offenses enumerated in the bill and for persons identified as being illegally present in the United States by U.S. Immigration and Customs Enforcement who are charged with certain offenses. The bill also requires the court to consider specified factors when determining whether the presumption against bail has been rebutted and whether there are appropriate conditions of release. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100870D: 19.2-120, 19.2-124</p>	Senate • Feb 28, 2022: Passed by indefinitely in Judiciary (9-Y 6-N)	<b>Criminal</b>
<a href="#">HB 862</a>	<a href="#">Alfonso H. Lopez</a>	<p><b>Public defender; supplementing compensation.</b></p> <p>Supplementing compensation of public defender. Requires the governing body of any county or city that elects to supplement the compensation of the attorney for the Commonwealth, or any of his deputies or employees, above the salary of any such attorney for the Commonwealth, deputy, or employee, to proportionally supplement the compensation of the public defender, or any of his deputies or employees, commensurate with the compensation of the attorney for the Commonwealth, or any of his deputies or employees.</p>	House • Feb 15, 2022: Left in Counties, Cities and Towns	<b>Criminal</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 890</a>	<a href="#">Terry G. Kilgore</a>	<p>Va. Freedom of Information Act; release of certain law-enforcement criminal incident information.</p> <p>Virginia Freedom of Information Act; repeal; release of certain law-enforcement criminal incident information and criminal investigative files. Repeals the provisions in the Virginia Freedom of Information Act (i) regarding the release of criminal investigative files that relate to a criminal investigation or proceeding that is not ongoing; (ii) that provide limitations to the mandatory release of criminal incident information relating to felony offenses and certain criminal investigative files; and (iii) that allow for, in the case of a request for certain criminal investigative files, an additional 60 work days to respond to such request after the initial allowable five-work-day response period. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101446D: 2.2-3704, 2.2-3706, 2.2-3711, 2.2-3714, 19.2-174.1, 19.2-368.3, 2.2-3706.1</p>	House • Feb 10, 2022: Incorporated by General Laws (HB734-Bell) by voice vote	<b>Criminal</b>
<a href="#">HB 906</a>	<a href="#">Carrie E. Coyner</a>	<p>Petition for modification of sentence; eligibility, procedures.</p> <p>Petition for modification of sentence; eligibility; procedures. Provides a petition process for a person serving a sentence for any conviction or a combination of any convictions who remains incarcerated in a state or local correctional facility and meets certain criteria to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such sentence or run the unserved portion of such sentence concurrently with another sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed.</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 960</a>	<a href="#">William C. Wampler III</a>	<p>Marijuana and certain traffic offenses; issuing citations, exclusion of evidence.</p> <p>Issuing citations; marijuana and certain traffic offenses; exclusion of evidence. Removes provisions that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) with an expired safety inspection or registration sticker until the first day of the fourth month after the original expiration date; (ii) with defective and unsafe equipment; (iii) without a light illuminating a license plate; (iv) without brake lights, a high mount stop light, or headlights; or (v) without an exhaust system that prevents excessive or unusual levels of noise, and the accompanying exclusionary provisions. The bill also removes the exclusionary provisions for operating a motor vehicle (a) in violation of certain restrictions on people with a learner's permit, (b) while smoking with a minor present, (c) with certain sun-shading materials and tinting films, (d) with certain objects suspended in the vehicle, and (e) without the required use of seat belts, and for certain violations involving pedestrians crossing a highway. The bill also removes the exclusionary provision that no law-enforcement officer may lawfully stop, search, or seize any person, place, or thing solely on the basis of the odor of marijuana. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101174D: 4.1-1302, 15.2-919, 46.2-334.01, 46.2-646, 46.2-810.1, 46.2-923, 46.2-926, 46.2-1003, 46.2-1013, 46.2-1014, 46.2-1014.1, 46.2-1030, 46.2-1049, 46.2-1052, 46.2-1054, 46.2-1094, 46.2-1157, 46.2-...</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 1000</a>	<a href="#">Chris S. Runion</a>	<p>Law-enforcement civilian oversight bodies; requirements of members.</p> <p>Law-enforcement civilian oversight bodies; requirements. Requires every member appointed to a locality's law-enforcement civilian oversight body to observe a law-enforcement officer employed with such locality's law-enforcement agency while such law-enforcement officer is engaged in his official duties. The bill also provides that any disciplinary determination recommended by a law-enforcement civilian oversight body shall be advisory and that if any law-enforcement agency declines to implement such recommendation, such agency shall create and make available to the public within 30 days from the date such recommendation is reported to such agency a written public record of its rationale for declining to implement such recommendation. The bill requires that such observation take place within 90 days of the member's appointment to the civilian oversight body and total no fewer than 24 hours, a portion of which includes a ride-along with a law-enforcement officer. The bill also requires each law-enforcement civilian oversight body to include at least one retired law-enforcement officer as a voting member; under current law, a retired law-enforcement officer may serve on such body as an advisory, nonvoting ex officio member. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100522D: 9.1-601</p>	Senate • Feb 28, 2022: Passed by indefinitely in Judiciary (9-Y 6-N)	<b>Criminal</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 1037</a>	<a href="#">Briana D. Sewell</a>	<p><b>Emergency custody and temporary detention; transportation of person when transfer of custody.</b></p> <p>Emergency custody and temporary detention; transportation; transfer of custody. Provides that, in cases in which transportation of a person subject to an emergency custody order or temporary detention order is ordered to be provided by an alternative transportation provider, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order, and that the alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the community services board or its designee that is responsible for conducting the evaluation or the temporary detention facility, as is appropriate. The bill also adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers. The bill also requires the Department of Behavioral Health and Developmental Services to expand its existing contract for the provision of alternative transportation of a person who is subject to a temporary detention order or enter into new contracts for alternative transportation of a person who is subject to a temporary detention order to ensure sufficient availability of alternative transp...</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 1043</a>	<a href="#">Kathy K.L. Tran</a>	<p><b>Youth sports leagues; background checks and training requirements for coaches and staff.</b></p> <p>Child abuse and neglect; background check and training requirements for youth sports coaches and staff. Requires youth sports leagues to (i) require all coaches, staff members, employees, and other volunteers who will be alone with, in control of, or supervising children to complete a fingerprint-based background check; (ii) provide to all coaches, staff members, employees, and other volunteers who will be alone with, in control of, or supervising children and the parent of any child participating in the sports league written notice of the duty of all coaches, directors, and persons 18 years of age or older employed by or volunteering with the sports league to report suspected child abuse or neglect, information regarding how to report suspected child abuse or neglect, an explanation of the penalties that may be imposed for failure to file a required report, contact information for the local department of social services, and the telephone number for the Department of Social Services' toll-free child abuse and neglect hotline; and (iii) require all paid coaches, staff members, and employees who will be alone with, in control of, or supervising children to complete no less than four hours of training annually regarding child abuse prevention and response and require all volunteers who will be alone with, in control of, or supervising children to complete no less than two hours of training annually regarding child abuse prevention and response. The bill directs the Board of Edu...</p>	House • Mar 16, 2022: Failed to pass in House	<b>Criminal</b>
<a href="#">HB 1073</a>	<a href="#">James A. "Jay" Leftwich</a>	<p><b>Probation, revocation, and suspension of sentence; penalty.</b></p> <p>Probation, revocation, and suspension of sentence; penalty. Repeals the limitations on the amount of active incarceration a court can impose as a result of a revocation hearing for a probation violation or violation of the terms and conditions of a suspended sentence. Under current law, there are limitations on the amount of active incarceration a court can impose for defined technical violations. The bill also removes limitations on the lengths of a period of probation and period of suspension of a sentence that may be fixed by the court. Under current law, a court may fix the period of probation for up to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned and any period of supervised probation shall not exceed five years from the release of the defendant from any active period of incarceration, with some exceptions. The bill also makes changes to the time periods within which a court must issue process to notify the accused of a revocation hearing. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102343D: 19.2-303, 19.2-303.1, 19.2-306, 19.2-306.1</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 1116</a>	<a href="#">Candi Mundon King</a>	<p><b>Child abuse and neglect; valid complaint.</b></p> <p>Child abuse and neglect; valid complaint. Removes from the elements of a valid complaint or report of child abuse or neglect the requirement that the alleged abuser be the alleged victim child's parent or caretaker. The bill requires a local department of social services (local department) that receives a complaint or report of child abuse or neglect over which it does not have jurisdiction to forward such complaint or report to the appropriate local department. Statutes affected: House: Presented and ordered printed 22104220D: 63.2-1508</p>	House • Feb 10, 2022: Stricken from docket by Health, Welfare and Institutions (22-Y 0-N)	<b>Criminal</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 1118</a>	<a href="#">Don L. Scott</a>	<p><b>Earned sentence credits; credits may be earned by any person committed to the custody of the DOC.</b></p> <p>Earned sentence credits. Provides that sentence credits may be earned by any person committed to the custody of the Department of Corrections (the Department), regardless of whether the person is confined in a state or local correctional facility. The bill allows inmates to earn more than 4.5 sentence credits for each 30 days served on a sentence for a conviction of robbery or carjacking, provided that the inmate did not use a weapon or threaten or harm another person during the commission of the offense. The bill allows inmates to earn enhanced sentence credits for consecutive sentences served after the completion of any offense that would otherwise limit the inmate to earning 4.5 sentence credits for each 30 days served. The bill allows an inmate to earn Level I sentence credits if, provided certain other requirements are met, the inmate had no more than one minor correctional infraction and no serious correctional infractions within the previous 12 months. The bill directs the Department to establish a program that allows victims to advocate on behalf of an inmate for reclassification of the inmate's sentence credits. The bill provides that the earned sentence credit provisions of § 53.1-202.3 of the Code of Virginia, which would become effective on July 1, 2022, shall apply retroactively to the entire sentence of any person who is committed to the custody of the Department and is participating in the earned sentence credit program on July 1, 2022. The bill requires the ...</p>	House • Jan 28, 2022: Stricken from docket by Courts of Justice (18-Y 0-N)	<b>Criminal</b>
<a href="#">HB 1119</a>	<a href="#">Ronnie R. Campbell</a>	<p><b>Va. Retirement System; loss of benefits for certain felony convictions.</b></p> <p>Pensions; loss of benefits for certain felony convictions. Provides that a law-enforcement officer shall not lose his benefits in any retirement system administered by the Board of Trustees of the Virginia Retirement System upon being convicted of a felony, unless such felony was (i) the result of gross negligence or intentional misconduct by such officer or (ii) resulted in any pecuniary benefit for such officer. Statutes affected: House: Presented and ordered printed 22104243D: 51.1-124.13</p>	House • Feb 09, 2022: Stricken from docket by Appropriations (22-Y 0-N)	<b>Criminal</b>
<a href="#">HB 1181</a>	<a href="#">Michael P. Mullin</a>	<p><b>Right to counsel; target of investigation.</b></p> <p>Right to counsel; target of investigation. Provides that whenever a person is informed in writing by the attorney for the Commonwealth, the Attorney General, or counsel or special counsel for a multi-jurisdiction grand jury or special grand jury that he is the target of a criminal investigation for a criminal offense, the penalty for which may be confinement in the state correctional facility or jail, including charges for revocation of suspension of imposition or execution of sentence or probation, that target may present the written target letter to the clerk of the circuit court to set a hearing for the circuit court to inform him of his right to counsel and provide the target a reasonably opportunity to employ counsel, or if appropriate, execute a statement of indigence. The bill provides that the target letter, statement of indigence, other documents, and proceedings shall be sealed until such time as the target is charged with a criminal offense related to the target letter or until good cause is shown that they be unsealed. Statutes affected: House: Presented and ordered printed 22104017D: 19.2-157, 19.2-159</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 1182</a>	<a href="#">Michael P. Mullin</a>	<p><b>Fraud-related crimes; penalties.</b></p> <p>Fraud-related crimes; penalties. Creates felony offenses for crimes related to wire fraud, mail fraud, bank fraud, and health care fraud, each described in the bill, punishable by a term of imprisonment of not less than one nor more than 20 years.</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 1213</a>	<a href="#">Jackie H. Glass</a>	<p><b>Minor victims of sex trafficking; arrest and prosecution.</b></p> <p>Minor victims of sex trafficking; arrest and prosecution; services. Provides that no minor shall be subject to arrest, delinquency charges, or prosecution for (i) a status offense, (ii) an act that would be a misdemeanor if committed by an adult, or (iii) an act that would be a felony if committed by an adult other than a violent juvenile felony if the minor (a) is a victim of sex trafficking or severe forms of trafficking and (b) committed such offense as a direct result of being solicited, invited, recruited, encouraged, forced, intimidated, or deceived by another to engage in acts of prostitution or unlawful sexual intercourse for money or its equivalent, regardless of whether any other person has been charged or convicted of an offense related to the sex trafficking of such minor. The bill also clarifies that it is not a defense to a commercial sex trafficking charge where the adult committed such violation with a person under 18 years of age that such person under 18 years of age consented to any of the prohibited acts. The bill also provides that the local department of social services shall refer any child suspected or determined to be a victim of sex trafficking to an available victim assistance organization that provides comprehensive trauma-informed services designed to alleviate the adverse effects of trafficking and victimization and to aid in the child's healing, including assistance with case management, placement, access to educational and legal services, and m...</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 1235</a>	<a href="#">Jason S. Ballard</a>	<p><b>Geriatric prisoners; conditional release.</b></p> <p>Conditional release of geriatric prisoners. Expands the list of offenses that would prohibit a person from petitioning the Parole Board for conditional release as a geriatric prisoner if the offense was committed on or after July 1, 2022. Statutes affected: House: Presented and ordered printed 22104674D: 53.1-40.01</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>



Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 1236</a>	<a href="#">Clinton L. Jenkins</a>	<p><b>Summons for unlawful detainer; notice to tenant, adverse employment actions prohibited.</b></p> <p>Summons for unlawful detainer; notice; adverse employment actions prohibited. Requires any summons for unlawful detainer to include a notice to the tenant that it is unlawful for his employer to discharge him from employment or take any adverse personnel action against him for appearing at an initial or subsequent hearing on such summons, provided that he has given reasonable notice of such hearing to his employer.Statutes affected: House: Presented and ordered printed 22104518D: 8.01-126</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>
<a href="#">HB 1242</a>	<a href="#">Don L. Scott</a>	<p><b>Probation violations; periods of probation and suspension, technical violations.</b></p> <p>Probation violations; periods of probation and suspension; technical violations. Provides that the court may fix the period of probation and the period of suspension for up to the statutory maximum period for which the defendant might originally have been sentenced to be imposed for any offense; however, the court may fix the period of probation or suspension for up to two years for an offense punishable as a Class 1 or Class 2 misdemeanor if the sentence does not include any active period of incarceration. Currently, the limitation on periods of probation and periods of suspension is up to the statutory maximum period of imprisonment for any offense. The bill also specifies that a probationer's failure to maintain contact with the probation officer without reasonable excuse or justification whereby his whereabouts are no longer known to the probation officer shall not be treated as a technical violation; accordingly, if the court finds the basis of a violation is a probationer's failure to maintain such contact without reasonable excuse or justification, then the court is not subject to the limitations on sentencing and may revoke the suspension and impose or resuspend any or all of the period previously suspended.Statutes affected: House: Presented and ordered printed 22104530D: 19.2-303, 19.2-303.1, 19.2-306.1</p>	House • Jan 28, 2022: Stricken from docket by Courts of Justice (18-Y 0-N)	<b>Criminal</b>
<a href="#">HB 1279</a>	<a href="#">Timothy V. Anderson</a>	<p><b>Emergency and preliminary protective orders; expungement of orders.</b></p> <p>Expungement of emergency and preliminary protective orders. Provides that a person against whom an emergency or preliminary protective order has been issued may petition to have police and court records relating to such order expunged if the order expires or is dissolved by the issuing court or if a hearing for the issuance of a permanent protective order is scheduled or held and such permanent protective order is subsequently not issued.Statutes affected: House: Presented and ordered printed 22104750D: 19.2-392.4</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 1281</a>	<a href="#">Jackie H. Glass</a>	<p><b>Custodial interrogations; inauthentic replica documents prohibited.</b></p> <p>Custodial interrogations; inauthentic replica documents prohibited. Prohibits law-enforcement officers from using inauthentic replica documents during a custodial interrogation to secure a person's cooperation or confession or to secure a conviction. "Inauthentic replica document" is defined by the bill as any document generated by law-enforcement officers or their agents that (i) contains a false statement, signature, seal, letterhead, or contact information or (ii) materially misrepresents any fact.</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 1292</a>	<a href="#">Angelia Williams Graves</a>	<p><b>Right to counsel; target of investigation, accused appearing without counsel.</b></p> <p>Right to counsel; target of investigation. Provides that whenever a person is informed in writing by the attorney for the Commonwealth, the Attorney General, or counsel or special counsel for a multi-jurisdiction grand jury or special grand jury that he is the target of a criminal investigation for a criminal offense, the penalty for which may be confinement in the state correctional facility or jail, including charges for revocation of suspension of imposition or execution of sentence or probation, that target may present the written target letter to the clerk of the circuit court to set a hearing for the circuit court to inform him of his right to counsel and provide the target a reasonably opportunity to employ counsel, or if appropriate, execute a statement of indigence. The bill provides that the target letter, statement of indigence, other documents, and proceedings shall be sealed until such time as the target is charged with a criminal offense related to the target letter or until good cause is shown that they be unsealed.Statutes affected: House: Presented and ordered printed 22104358D: 19.2-157, 19.2-159</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 1306</a>	<a href="#">Marcus B. Simon</a>	<p><b>Firearms; removing, altering, etc., serial number, selling, etc., or possessing.</b></p> <p>Removing, altering, etc., serial number on firearm; selling, giving, etc., or possessing firearm with removed, altered, etc., serial number; penalty. Makes it a Class 1 misdemeanor for any person, firm, association, or corporation to knowingly possess any pistol, shotgun, rifle, machine gun, or any other firearm that has a serial number that has been removed, altered, changed, destroyed, or obliterated in any manner. The bill also makes it a Class 1 misdemeanor for any person, firm, association, or corporation to sell, give, or distribute any pistol, shotgun, rifle, machine gun, or other firearm that has a serial number that has been removed, defaced, altered, changed, destroyed, or obliterated in any manner.Statutes affected: House: Presented and ordered printed 22104748D: 18.2-311.1</p>	House • Mar 07, 2022: Conferees appointed by House	<b>Criminal</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 1321</a>	<a href="#">Les R. Adams</a>	<p><b>Admission to bail; rebuttable presumptions.</b></p> <p>Admission to bail; rebuttable presumptions. Creates a rebuttable presumption against releasing a person on his own recognizance or an unsecured bond in certain circumstances detailed in the bill. The bill provides that such presumption may be rebutted if the judicial officer finds, by clear and convincing evidence, that such person is not a flight risk and his liberty will not constitute an unreasonable danger to himself, family or household members, or the public. The bill also provides for an appeal, upon notice by the Commonwealth, of a district court's decision to release a person on his own recognizance or an unsecured bond over the presumption.</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">HB 1334</a>	<a href="#">Kathleen Murphy</a>	<p><b>Child abuse and neglect; amends definition, valid complaint.</b></p> <p>Child abuse and neglect; valid complaint. Amends the definition of "abused or neglected child" to include a child who is sexually exploited or abused by an intimate partner of the child's parent or caretaker and allows a complaint of child abuse or neglect to be deemed valid by a local department of social services (local department) in such instances. The bill allows a complaint of child abuse or neglect that alleges child trafficking to be deemed valid regardless of who the alleged abuser is or whether the alleged abuser has been identified. The bill requires a local department that receives a complaint or report of child abuse or neglect over which it does not have jurisdiction to forward such complaint or report to the appropriate local department, if the local department that does have jurisdiction is located in the Commonwealth. Statutes affected: House: Presented and ordered printed 22104535D: 16.1-228, 63.2-100, 63.2-1508</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>
<a href="#">HB 1339</a>	<a href="#">James A. "Jay" Leftwich</a>	<p><b>Facial recognition technology; redefines, local law enforcement and campus police to utilize.</b></p> <p>Facial recognition technology; local law enforcement; campus police. Redefines facial recognition technology, for the purposes of providing criteria for the lawful use of facial recognition technology by law enforcement, as conducting an algorithmic comparison of images of an individual's facial features for the purposes of verification or identification. The bill authorizes local law enforcement and campus police departments to utilize facial recognition technology for criminal investigative and administrative investigative purposes, provided that the technology meets specified criteria. Local law enforcement and campus police departments also are required by the bill to maintain records regarding the use of facial recognition technology and report the data annually to their communities. Additionally, the bill requires the Department of State Police to develop a model policy regarding the use of facial recognition technology. Under current law, a local law-enforcement agency or campus police department cannot purchase or deploy facial recognition technology unless it is expressly authorized by statute. Statutes affected: House: Presented and ordered printed 22102155D: 15.2-1723.2, 23.1-815.1</p>	Senate • Mar 10, 2022: Conferees appointed by Senate	<b>Criminal</b>
<a href="#">HB 1356</a>	<a href="#">Timothy V. Anderson</a>	<p><b>Fentanyl; selling, giving, etc., to another person, penalties.</b></p> <p>Manufacturing, selling, giving, distributing or possessing with intent to manufacture, sell, give, or distribute a controlled substance; fentanyl; penalties.</p>	Senate • Feb 28, 2022: Passed by indefinitely in Judiciary (9-Y 6-N)	<b>Criminal</b>
<a href="#">HJ 60</a>	<a href="#">William C. Wampler III</a>	<p><b>Constitutional amendment; qualified immunity for government officials (first reference).</b></p> <p>Constitutional amendment (first reference); qualified immunity for government officials. Establishes the right of government officials to qualified immunity. The amendment provides that a government official may not be found liable for the deprivation of any person's rights, privileges, or immunities secured by the Constitution of Virginia and the laws of Virginia if such official establishes that (i) the right, privilege, or immunity alleged to be violated was not clearly established at the time of the person's deprivation by the official, or that at such time, the state of the law was not sufficiently clear that every reasonable official would have understood that the conduct alleged constituted a violation of the Constitution or the laws of Virginia or (ii) a court of competent jurisdiction had issued a final decision on the merits holding that the specific conduct alleged to be unlawful was consistent with the Constitution and the laws of Virginia.</p>	House • Feb 15, 2022: Left in Privileges and Elections	<b>Criminal</b>
<a href="#">SB 79</a>	<a href="#">William M. Stanley, Jr.</a>	<p><b>Class 1 felonies; mandatory minimum term of imprisonment for life.</b></p> <p>Class 1 felonies; mandatory minimum term of imprisonment for life. Provides that any person convicted of a Class 1 felony who was 18 years of age or older at the time of the offense and is not determined to be a person with intellectual disability shall be sentenced to a mandatory minimum term of imprisonment for life. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22101412D: 18.2-10, 18.2-31</p>	Senate • Jan 19, 2022: Passed by indefinitely in Judiciary (8-Y 7-N)	<b>Criminal</b>
<a href="#">SB 104</a>	<a href="#">Joseph D. Morrissey</a>	<p><b>Mandatory minimum sentences; elimination, modification of sentence to mandatory minimum term.</b></p> <p>Elimination of mandatory minimum sentences; modification of sentence to mandatory minimum term of confinement for felony offenses; report. Eliminates all mandatory minimum sentences of confinement from the Code of Virginia. The bill directs the Secretary of Public Safety and Homeland Security to establish a work group to evaluate the feasibility of resentencing persons previously convicted of a felony offense that was punishable by a mandatory minimum term of confinement and to report its findings by November 1, 2022.</p>	Senate • Feb 14, 2022: Defeated by Senate (17-Y 23-N)	<b>Criminal</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 105</a>	<a href="#">Joseph D. Morrissey</a>	<b>Law-enforcement officers; evidence obtained during prohibited stop.</b>  Chapters 45 and 51 of the Acts of Assembly of 2020, Special Session I; retroactive and prospective effect. Provides that the provisions of Chapters 45 and 51 of the Acts of Assembly of 2020, Special Session I, shall be given retroactive and prospective effect.	House • Mar 08, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">SB 108</a>	<a href="#">Joseph D. Morrissey</a>	<b>Correctional facilities; prohibits use of isolated confinement.</b>  Correctional facilities; use of isolated confinement. Prohibits the use of isolated confinement in state correctional facilities and juvenile correctional centers, subject to certain exceptions. Isolated confinement is defined in the bill as confinement of an incarcerated person or juvenile to a cell, alone or with another incarcerated person or juvenile, for 20 hours or more per day, other than for the purpose of providing medical or mental health treatment. The bill has a delayed effective date of July 1, 2023.	House • Mar 11, 2022: VOTE: Adoption (93-Y 0-N)	<b>Criminal</b>
<a href="#">SB 109</a>	<a href="#">Joseph D. Morrissey</a>	<b>Offenders under 21 years of age; parole.</b>  Offenders under 21 years of age; 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 under 21 years of age 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 under 21 years of age and who has served at least 20 years of such sentences shall be eligible for parole. Under current law, such parole provisions apply only to juvenile offenders. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22101929D: 53.1-136, 53.1-165.1	Senate • Jan 20, 2022: Read third time and defeated by Senate (19-Y 21-N)	<b>Criminal</b>
<a href="#">SB 110</a>	<a href="#">Joseph D. Morrissey</a>	<b>Juvenile offenders; parole eligibility.</b>  Juvenile offenders; parole eligibility. Provides that 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 the lesser of at least 20 years of such sentences or 30 percent of the term of imprisonment imposed for such sentences shall be eligible for parole. Under current law, such person must have served at least 20 years before becoming parole eligible. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22101930D: 53.1-165.1	Senate • Feb 10, 2022: Read third time and defeated by Senate (19-Y 21-N)	<b>Criminal</b>
<a href="#">SB 112</a>	<a href="#">Joseph D. Morrissey</a>	<b>Parole statutes; application for juveniles and persons committed upon certain felony offenses.</b>  Application of parole statutes for juveniles and persons committed upon felony offenses committed on or after January 1, 1995. Repeals the abolition of parole. The bill requires the Virginia Parole Board to establish procedures for consideration of parole for persons who were previously ineligible for parole because parole was abolished and to allow for an extension of time for the scheduling of a parole interview for reasonable cause. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22103312D: 53.1-165.1	Senate • Jan 31, 2022: Continued to 2023 in Judiciary (15-Y 0-N)	<b>Criminal</b>
<a href="#">SB 123</a>	<a href="#">Mark D. Obenshain</a>	<b>Criminal cases; sentencing by jury.</b>  Criminal cases; sentencing by jury. Provides that if a jury finds a person guilty of a criminal offense, such jury shall ascertain the punishment of the offense. Under current law, unless the accused has requested that the jury ascertain punishment, the court shall fix punishment after the accused has been found guilty by a jury. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22102968D: 19.2-288, 19.2-295, 19.2-295.1, 19.2-295.3	Senate • Jan 19, 2022: Passed by indefinitely in Judiciary (9-Y 6-N)	<b>Criminal</b>
<a href="#">SB 124</a>	<a href="#">Mark D. Obenshain</a>	<b>Misuse of power of attorney; financial exploitation of incapacitated adults by an agent, penalty.</b>  Misuse of power of attorney; financial exploitation; incapacitated adults; penalty. Makes it a Class 1 misdemeanor for any person granted authority to act for a principal under a power of attorney to knowingly or intentionally engage in financial exploitation of an incapacitated adult. The bill also provides that the power of attorney terminates upon such conviction. This bill is a recommendation of the Virginia Criminal Justice Conference. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22100334D: 64.2-1608, 64.2-1621	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>
<a href="#">SB 126</a>	<a href="#">Mark D. Obenshain</a>	<b>Abuse and neglect; financial exploitation, changes term incapacitated adults, penalties.</b>  Abuse and neglect; financial exploitation; incapacitated adults; penalties. Changes the term "incapacitated adult" to "vulnerable adult" for the purposes of the crime of abuse and neglect of such adults and defines "vulnerable adult" as any person 18 years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, advanced age, or other causes to the extent the adult lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his well-being or has one or more limitations that substantially impair the adult's ability to independently provide for his daily needs or safeguard his person, property, or legal interests. The bill adds the definition of "advanced age" as it is used in the definition of "vulnerable adult" to mean 65 years of age or older. The bill also changes the term "person with mental incapacity" to the same meaning of "vulnerable adult" for the purposes of the crime of financial exploitation. This bill is a recommendation of the Virginia Criminal Justice Conference.	Senate • Feb 07, 2022: Incorporated by Judiciary (SB687-Mason) (15-Y 0-N)	<b>Criminal</b>



Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 136</a>	<a href="#">John S. Edwards</a>	<p><b>Court-appointed counsel; increases statutory caps for fees paid in indigent cases.</b></p> <p>Compensation of court-appointed counsel. Increases the statutory caps for fees paid to court-appointed counsel in indigent cases.Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22100119D: 19.2-163</p>	Senate • Feb 10, 2022: Incorporated by Finance and Appropriations (SB475-McClellan) (16-Y 0-N)	<b>Criminal</b>
<a href="#">SB 137</a>	<a href="#">John S. Edwards</a>	<p><b>Discretionary sentencing guidelines; written explanation, appeal.</b></p> <p>Sentencing guidelines; written explanation; appeal. Requires that the written explanation the court files with the record of a case when departing from the sentencing guidelines adequately explains the sentence imposed to promote fair sentencing. The bill also provides that the failure to follow any of the required sentencing provisions, including the failure to provide a written explanation that adequately explains the sentence imposed, may be reviewable on appeal or the basis of any other post-conviction relief. Under current law, the failure to follow any or all of the provisions of the sentencing guidelines or the failure to follow any or all of such provisions in the prescribed manner is not reviewable on appeal and cannot be the basis of any other post-conviction relief. The provisions of the bill apply only to those sentencing hearings conducted and such sentences imposed on or after July 1, 2022.Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22100360D: 19.2-298.01</p>	House • Mar 08, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">SB 138</a>	<a href="#">John S. Edwards</a>	<p><b>Discovery in criminal cases; copies of discovery for the accused.</b></p> <p>Discovery in criminal cases; copies of discovery for the accused. Provides that for any discovery materials or evidence that the accused is permitted to inspect and review, the accused may request the Commonwealth to copy or photograph such discovery materials or evidence, and the Commonwealth shall provide such copies or photographs to the accused or his counsel.Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22100389D: 19.2-265.4</p>	House • Mar 08, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">SB 149</a>	<a href="#">Thomas K. Norment, Jr.</a>	<p><b>Juvenile law-enforcement records; inspection of records.</b></p> <p>Juvenile law-enforcement records; inspection. Provides that a juvenile, the parent, guardian, or other custodian of the juvenile, and counsel for the juvenile may inspect a law-enforcement record concerning such juvenile if (i) no other law requires or allows withholding of the record; (ii) the parent, guardian, or other custodian requesting the record is not a suspect, offender, or person of interest in the record; and (iii) any identifying information of any other involved juveniles is redacted.Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22103601D: 16.1-301</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>
<a href="#">SB 150</a>	<a href="#">John S. Edwards</a>	<p><b>DNA data bank sample tracking system; replaces certain references in Code.</b></p> <p>Department of Forensic Science; DNA data bank sample tracking system. Replaces certain references in the Code to the Local Inmate Data System with references to the Department of Forensic Science DNA data bank sample tracking system.</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>
<a href="#">SB 155</a>	<a href="#">Emmett W. Hanger, Jr.</a>	<p><b>Killing the fetus of another; guilty of manslaughter, penalties.</b></p> <p>Killing the fetus of another; manslaughter; penalties. Provides that any person who kills the fetus of another by an intentional act committed while in the sudden heat of passion upon reasonable provocation is guilty of voluntary manslaughter, which is punishable as a Class 5 felony. The bill also provides that any person who kills the fetus of another accidentally, contrary to the intention of the parties and while engaged in conduct so gross, wanton, and culpable as to show a reckless disregard for human life, is guilty of involuntary manslaughter, which is also punishable as a Class 5 felony.Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22102069D: 18.2-32.2</p>	Senate • Jan 26, 2022: Incorporated by Judiciary (SB122-Obenshain) (15-Y 0-N)	<b>Criminal</b>
<a href="#">SB 191</a>	<a href="#">T. Montgomery "Monty" Mason</a>	<p><b>Criminal cases; increases compensation for experts.</b></p> <p>Compensation of experts in criminal cases. Increases from \$750 to \$1,200 the maximum fee that the court may pay for professional services rendered by each psychiatrist, clinical psychologist, or other expert appointed by the court to render professional service in a criminal case other than for aggravated murder cases.Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22100566D: 19.2-175</p>	House • Mar 08, 2022: Signed by Speaker	<b>Criminal</b>
<a href="#">SB 198</a>	<a href="#">T. Montgomery "Monty" Mason</a>	<p><b>Disposition when defendant found incompetent; involuntary admission of the defendant.</b></p> <p>Disposition when defendant found incompetent; involuntary admission of the defendant. Provides that when a defendant is found incompetent, the court may, after a preadmission screening report has been completed and the court has made a finding by clear and convincing evidence that a crime has occurred, without objection by counsel for the defendant as to the defendant's competency to stand trial and upon motion of the attorney for the Commonwealth or its own motion, permit the community services board or behavioral health authority to petition for involuntary admission of the defendant and enter an order of nolle prosequi or dismissal for the criminal charge. Under current law, the court is required to order that the defendant receive treatment to restore his competency. The bill also clarifies the process following the completion of the competency evaluation of a defendant.Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22103547D: 19.2-169.1, 19.2-169.2, 37.2-809</p>	Senate • Mar 12, 2022: Conference report agreed to by Senate (40-Y 0-N)	<b>Criminal</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 227</a>	<a href="#">Mark D. Obenshain</a>	<p>Misdemeanor sexual offenses where the victim is a minor; statute of limitations, penalty.</p> <p>Misdemeanor sexual offenses where the victim is a minor; statute of limitations; penalty. Provides that the prosecution of the misdemeanor offense of causing or encouraging acts rendering children delinquent where the alleged adult offender has consensual sexual intercourse with a minor who is 15 years of age or older at the time of the offense shall be commenced no later than five years after the victim reaches majority provided that the alleged adult offender was more than three years older than the victim at the time of the offense. Under current law, the prosecution of such offense shall be commenced within one year after commission of the offense.</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>
<a href="#">SB 246</a>	<a href="#">Scott A. Surovell</a>	<p>Law-enforcement officer; purpose of traffic stop.</p> <p>Law-enforcement officer; purpose of traffic stop. Provides that the operator of a motor vehicle, trailer, or semitrailer that has stopped on the signal of any law-enforcement officer shall exhibit his registration card, learner's permit, or temporary driver's permit for the purpose of establishing his identity upon being advised of the purpose of the stop within a reasonable time by the law-enforcement officer. Current law requires that such materials be exhibited upon the law-enforcement officer's request.</p>	House • Mar 08, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">SB 252</a>	<a href="#">John S. Edwards</a>	<p>Mandatory minimum sentences; elimination, modification of sentence to mandatory minimum term.</p> <p>Elimination of mandatory minimum sentences; modification of sentence to mandatory minimum term of confinement for felony offenses; report. Except for aggravated murder of a law-enforcement officer, eliminates all mandatory minimum sentences of confinement from the Code of Virginia. The bill directs the Secretary of Public Safety and Homeland Security to establish a work group to evaluate the feasibility of resentencing persons previously convicted of a felony offense that was punishable by a mandatory minimum term of confinement and to report its findings by November 1, 2022.</p>	Senate • Jan 17, 2022: Incorporated by Judiciary (SB104-Morrissey) (15-Y 0-N)	<b>Criminal</b>
<a href="#">SB 279</a>	<a href="#">Bill DeSteph</a>	<p>Vicious dogs; law-enforcement officer, etc., to apply to a magistrate for a summons, etc.</p> <p>Vicious dogs. Authorizes a law-enforcement officer or animal control officer to apply to a magistrate for a summons for a vicious dog if such officer is located in either the jurisdiction where the vicious dog resides or in the jurisdiction where the vicious dog committed one of the acts set forth in the definition. The bill also requires any evidentiary hearing or appeal to be held not less than 30 days from the date of the summons or appeal, unless good cause is found by the court.</p>	Senate • Mar 10, 2022: Enrolled	<b>Criminal</b>
<a href="#">SB 282</a>	<a href="#">Adam P. Ebbin</a>	<p>Public defender; supplementing compensation.</p> <p>Supplementing compensation of public defender. Requires the governing body of any county or city that elects to supplement the compensation of the attorney for the Commonwealth, or any of his deputies or his employees, above the salary of any such officer, deputy, or employee to supplement the compensation of the public defender, or any of his deputies or employees. The bill provides that such supplemental compensation is proportional if the public defender, his deputies, and his other employees are each paid in amounts commensurate to the closest equivalent position in the local Office of the Commonwealth's Attorney, as adjusted for seniority and experience level. The bill has a delayed effective date of July 1, 2024.</p>	Senate • Feb 10, 2022: Incorporated by Finance and Appropriations (SB475-McClellan) (16-Y 0-N)	<b>Criminal</b>
<a href="#">SB 291</a>	<a href="#">R. Creigh Deeds</a>	<p>Service of process; investigator employed by an attorney for the Commonwealth, etc.</p> <p>Service of process; investigator employed by an attorney for the Commonwealth or Indigent Defense Commission. Provides that all investigators employed by an attorney for the Commonwealth or by the Indigent Defense Commission while engaged in the performance of their official duties shall not be considered a party or otherwise interested in the subject matter in controversy and, thus, are authorized to serve process. The bill eliminates the requirement that the sheriff in the jurisdiction where process is to be served agrees that such investigators may serve process.</p>	Senate • Mar 10, 2022: Signed by President	<b>Criminal</b>
<a href="#">SB 404</a>	<a href="#">Richard H. Stuart</a>	<p>Search warrants; copy of search warrant and affidavit given to occupants.</p> <p>Search warrants; copy of search warrant and affidavit given to occupants. Clarifies that if the owner of the place to be searched is not present, a copy of the search warrant and affidavit shall be given to at least one occupant of the place to be searched. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22100035D: 19.2-56</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 412</a>	<a href="#">Joseph D. Morrissey</a>	<p><b>Parental rights; termination, murder of a child.</b></p> <p>Termination of parental rights; murder of child. Requires the court to terminate the parental rights of a parent upon finding, based upon clear and convincing evidence, that termination of parental rights is in the best interests of the child and that the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States, or any foreign jurisdiction that constitutes murder or voluntary manslaughter, or a felony attempt, conspiracy, or solicitation to commit any such offense, and the victim of the offense was the child of the parent over whom parental rights would be terminated. The bill also requires local boards of social services to file a petition to terminate parental rights in such instances.Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22103115D: 16.1-283, 63.2-910.2</p>	Senate • Feb 09, 2022: Continued to 2023 in Judiciary (13-Y 0-N)	<b>Criminal</b>
<a href="#">SB 423</a>	<a href="#">John S. Edwards</a>	<p><b>Discretionary sentencing guidelines; midpoint for violent felony offenses.</b></p> <p>Discretionary sentencing guidelines; midpoint for violent felony offenses. Clarifies the Virginia Criminal Sentencing Commission's authority to recommend revisions to the discretionary sentencing guidelines based on historical sentencing data.</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>
<a href="#">SB 424</a>	<a href="#">John S. Edwards</a>	<p><b>Probation violation guidelines; use of sentencing revocation report and discretionary sentencing.</b></p> <p>Probation violation guidelines; use of sentencing revocation report and discretionary sentencing guidelines in revocation proceedings. Authorizes the Virginia Sentencing Commission to develop, maintain, and modify a system of statewide discretionary sentencing guidelines for use in hearings conducted in circuit courts in which the defendant is cited for violation of a condition or conditions of supervised probation imposed as a result of a felony conviction. The bill provides that a court would be presented with such guidelines when a defendant is cited for violating a condition or conditions of supervised probation imposed as a result of a felony conviction and such person is under the supervision of a state probation and parole officer.Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22100695D: 17.1-803, 19.2-306</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>
<a href="#">SB 425</a>	<a href="#">John S. Edwards</a>	<p><b>Barrier crimes; eliminates certain crimes from the definition, etc.</b></p> <p>Barrier crimes. Eliminates certain crimes from the definition of "barrier crime" and requires the State Board of Behavioral Health and Developmental Services, the Board of Education, the State Board of Health, and the State Board of Social Services to each adopt regulations that develop and implement a waiver process for individuals who have been convicted of a barrier crime and who serve in a position or seek to serve in a position with any qualified entity subject to the regulations of the board. The bill eliminates current exceptions and time limit mandates, as such information is required to be set out in each agency's waiver process. The bill sets out information to be included in the regulations of the individual boards. The bill also directs the Departments of Behavioral Health and Developmental Services, Education, Health, and Social Services to each publish information about the agency's waiver process in an easily accessible format on a website maintained by the department. The bill includes additional requirements for each waiver process, such as if an individual's application for a waiver is denied, the department must state the basis for denial in writing and provide such explanation to the individual. The bill provides that although a waiver granted to an individual by one department shall not be transferrable to a position under another department, proof of receipt of a waiver from one department shall be considered positively by another department when reviewi...</p>	House • Mar 08, 2022: Left in Health, Welfare and Institutions	<b>Criminal</b>
<a href="#">SB 563</a>	<a href="#">Ryan T. McDougale</a>	<p><b>Attorney General; instituting or conducting criminal prosecutions for acts of violence.</b></p> <p>Attorney General; instituting or conducting criminal prosecutions for acts of violence. Authorizes the Attorney General to institute or conduct criminal prosecutions in cases involving a violation of the criminal laws involving an act of violence when such prosecution is requested by the sheriff or chief of police investigating the violation. The bill also provides that, prior to instituting or conducting a criminal prosecution for such cases involving a violation of the criminal laws involving an act of violence, the Attorney General shall give notice to the local attorney for the Commonwealth where such violation occurred of his intent to institute or conduct such criminal prosecution.Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22103980D: 2.2-511</p>	Senate • Jan 26, 2022: Passed by indefinitely in Judiciary (8-Y 7-N)	<b>Criminal</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 564</a>	<a href="#">L. Louise Lucas</a>	<p><b>Criminal records; sealing of offenses resulting in a deferred &amp; dismissed disposition or conviction.</b></p> <p>Sealing of offenses resulting in a deferred and dismissed disposition or conviction. Provides that a person shall not pay any fees or costs for filing a sealing criminal records petition. Under current law, a person is required to file an indigence petition for any fees or costs to be waived. The bill also eliminates the lifetime cap on the number of sealing petitions that may be filed. The bill reduces from seven years to three years for a misdemeanor offense and from 10 years to seven years for a felony offense the minimum period of time between the offense to be sealed and the filing of the sealing petition during which the petitioner must not have been convicted of violating any law of the Commonwealth. The bill also adds convictions for (i) failure to pay child support, (ii) driving without a license, (iii) driving with a suspended or revoked license, and (iv) a misdemeanor violation of reckless driving to the list of offenses eligible for an automatic sealing. The bill also specifies that the sealing of records related to a conviction includes sealing any criminal history record information and court records related to any violation of the terms and conditions of a suspended sentence or probation for such conviction. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22104109D: 19.2-392.6, 19.2-392.12</p>	House • Mar 08, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">SB 573</a>	<a href="#">Ryan T. McDougle</a>	<p><b>Defendants; evidence of mental condition, specific intent crimes.</b></p> <p>Evidence of defendant's mental condition; specific intent crimes. Clarifies that a defendant may offer evidence concerning the defendant's mental condition at the time of the alleged offense in certain circumstances for specific intent offenses only. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22100197D: 19.2-271.6</p>	Senate • Jan 26, 2022: Passed by indefinitely in Judiciary (9-Y 6-N)	<b>Criminal</b>
<a href="#">SB 614</a>	<a href="#">William M. Stanley, Jr.</a>	<p><b>Bail for a person accused of a crime that is an act of violence; notice to attorney.</b></p> <p>Bail for a person accused of a crime that is an act of violence; notice to attorney for the Commonwealth. Requires a magistrate to transmit the checklist for bail determination form to the attorney for the Commonwealth when a magistrate conducts a bail hearing for a person arrested on a warrant or capias for an act of violence. Statutes affected: Senate: Presented and ordered printed 22102935D: 19.2-121</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>
<a href="#">SB 639</a>	<a href="#">Joseph D. Morrissey</a>	<p><b>Overdoses; arrest and prosecution when experiencing or reporting.</b></p> <p>Arrest and prosecution when experiencing or reporting overdoses. Clarifies that the immunity afforded to the seeking of emergency help for an overdose also applies to a show cause, a probation revocation, or a parole violation.</p>	House • Mar 08, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">SB 642</a>	<a href="#">Joseph D. Morrissey</a>	<p><b>Analysis of breath to determine alcoholic content of blood; failure to advise person of rights.</b></p> <p>Preliminary analysis of breath to determine alcoholic content of blood; failure to advise person of rights. Provides that if a police officer or a member of any sheriff's department fails to advise a person of his rights to refuse a preliminary breath test, any preliminary breath test sample shall not be admissible for the purpose of determining probable cause or used in evidence at any hearing or trial.</p>	House • Mar 08, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">SB 645</a>	<a href="#">John A. Cosgrove, Jr.</a>	<p><b>Criminal proceedings; evidence of defendant's mental condition.</b></p> <p>Criminal proceedings; evidence of defendant's mental condition. Repeals provisions permitting the admission of evidence by the defendant concerning a defendant's mental condition at the time of an alleged offense, including expert testimony, if such evidence is relevant, is not evidence concerning an ultimate issue of fact, and (i) tends to show the defendant did or did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. The bill also removes provisions permitting a court to issue an emergency custody order in cases where such evidence was admitted and repeals provisions requiring the Office of the Executive Secretary of the Supreme Court to collect data regarding the cases that use such evidence.</p>	Senate • Jan 26, 2022: Passed by indefinitely in Judiciary (10-Y 5-N)	<b>Criminal</b>
<a href="#">SB 658</a>	<a href="#">Jennifer L. McClellan</a>	<p><b>Physical evidence recovery kits; victim's right to notification, storage.</b></p> <p>Physical evidence recovery kits; victim's right to notification; storage. Provides that for a physical evidence recovery kit that (i) was collected by the Office of the Chief Medical Examiner as part of a routine death investigation, and the medical examiner and the law-enforcement agency agree that analysis is not warranted, (ii) was determined by the law-enforcement agency not to be connected to a criminal offense, or (iii) is connected to an offense that occurred outside of the Commonwealth or another law-enforcement agency has taken over responsibility of the investigation and such kit is not transferred to another law-enforcement agency, the law-enforcement agency that received the physical evidence recovery kit shall store such kit for a period of 10 years or until 10 years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. The bill provides that after the mandatory retention period, the law-enforcement agency may destroy the physical evidence recovery kit, or in its discretion, may elect to retain the physical evidence recovery kit for a longer period of time. The bill also requires the law-enforcement agency to inform the victim, parent, guardian, or next of kin of the unique identification number assigned to the physical evidence recovery kit utilized by the health care provider and provide information regarding the Physical Evidence Recovery Kit Tracking System, unless disclosing this information wo...</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Criminal</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 664</a>	<a href="#">J. Chapman Petersen</a>	<p><b>Sex trafficking; minors engaged in prostitution, etc.</b></p> <p>Minor victims of sex trafficking; services. Provides that a minor engaged in prostitution or keeping, residing in, or frequenting a bawdy place shall not be proceeded upon as delinquent and shall be referred to the local department of social services for an assessment and services. Statutes affected: Senate: Presented and ordered printed 22104186D: 18.2-346, 18.2-347</p>	House • Mar 08, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">SB 669</a>	<a href="#">Scott A. Surovell</a>	<p><b>Law-enforcement employees; alleged wrongdoing.</b></p> <p>Alleged wrongdoing of law-enforcement employees. Requires that all law-enforcement agencies that employ at least two law-enforcement officers, reduced from at least 10 under current law, ensure that, in the case of all written citizen complaints or complaints submitted in an electronic format, the agency (i) allows for the submission of citizen complaints through the agency's website or other electronic format; (ii) provides a receipt or written acknowledgment confirming the submission of the complaint to the individual filing such complaint; (iii) provides a written response to any individual who has filed a complaint within 30 days of the filing of such complaint indicating the status of such complaint; (iv) provides a written response to any individual who has filed a complaint within 60 days of the filing of such complaint indicating the final disposition of such complaint and if any action, including disciplinary action, was taken as a result of such complaint or, if after 60 days a resolution of the complaint has not occurred, the law-enforcement agency provides a written response indicating the reason for the delay in reaching a final disposition and an anticipated date of completion; (v) for any complaint that is not resolved within 60 days, provides a written response to any individual who has filed a complaint upon the resolution of such complaint indicating the final disposition of such complaint and if any action, including disciplinary action, was taken as a resu...</p>	House • Mar 08, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">SB 674</a>	<a href="#">Emmett W. Hanger, Jr.</a>	<p><b>Pretrial Intervention and Diversion Program; created.</b></p> <p>Pretrial Intervention and Diversion Program. Authorizes the attorney for the Commonwealth for each judicial circuit of the Commonwealth to create and administer a Pretrial Intervention and Diversion Program for the purpose of providing an alternative to prosecuting offenders in the criminal justice system. The bill provides that entry into such program shall be at the discretion of the attorney for the Commonwealth based upon written guidelines and that no attorney for the Commonwealth shall accept any offender into such program for an offense for which punishment includes a mandatory minimum sentence of imprisonment.</p>	House • Mar 08, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">SB 680</a>	<a href="#">Mark D. Obenshain</a>	<p><b>Geriatric prisoners; conditional release.</b></p> <p>Conditional release of geriatric prisoners. Expands the list of offenses that would prohibit a person from petitioning the Parole Board for conditional release as a geriatric prisoner if the offense was committed on or after July 1, 2022. Statutes affected: Senate: Presented and ordered printed 22104476D: 53.1-40.01</p>	Senate • Feb 04, 2022: Passed by indefinitely in Rehabilitation and Social Services (8-Y 7-N)	<b>Criminal</b>
<a href="#">SB 687</a>	<a href="#">T. Montgomery "Monty" Mason</a>	<p><b>Abuse and neglect; financial exploitation, changes term incapacitated adults, definitions, penalties</b></p> <p>Abuse and neglect; financial exploitation; incapacitated adults; penalties. Changes the term "incapacitated adult" to "vulnerable adult" for the purposes of the crime of abuse and neglect of such adults and defines "vulnerable adult" as any person 18 years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, advanced age, or other causes to the extent the adult lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his well-being or has one or more limitations that substantially impair the adult's ability to independently provide for his daily needs or safeguard his person, property, or legal interests. The bill adds the definition of "advanced age" as it is used in the definition of "vulnerable adult" to mean 65 years of age or older. The bill also changes the term "person with mental incapacity" to the same meaning of "vulnerable adult" for the purposes of the crime of financial exploitation. This bill is a recommendation of the Virginia Criminal Justice Conference.</p>	House • Mar 11, 2022: VOTE: Adoption (97-Y 0-N)	<b>Criminal</b>
<a href="#">SB 728</a>	<a href="#">Frank M. Ruff, Jr.</a>	<p><b>Children's residential facilities; criminal history background checks.</b></p> <p>Criminal history background checks; children's residential facilities. Provides that a person may be hired for and may begin compensated employment at a children's residential facility prior to receipt of the results of the criminal history background check and check of the central registry of records but prohibits that person from being alone with, in control of, or supervising one or more children until such time as the criminal history background check and the check of the central registry of records have been completed. Currently, no person who is required to undergo a background check as a condition of employment at a children's residential facility may work at the children's residential facility until the background check is complete. Statutes affected: Senate: Presented and ordered printed 22103543D: 37.2-408.1, 63.2-1726</p>	Senate • Jan 28, 2022: Incorporated by Rehabilitation and Social Services (SB577-Mason) (14-Y 0-N)	<b>Criminal</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 742</a>	<a href="#">Scott A. Surovell</a>	<p><b>Marijuana; expungement of offenses, civil penalty.</b></p> <p>Expungement of offenses civil penalty. Provides for the automatic sealing of misdemeanor marijuana offenses and the petition-based sealing for certain felony marijuana offenses. The bill requires a business screening service, defined in the bill, to destroy all expunged records, as defined in the bill, and to follow reasonable procedures to ensure that it does not maintain or sell expunged records. The bill also provides that any petition for expungement shall be kept under seal and that an indigent person may file a petition for expungement without the payment of fees and costs and can request court-appointed counsel, who shall be paid from the Sealing Fee Fund. The bill has staggered delayed effective dates in order to develop systems for implementing the sealing provisions of the bill. Statutes affected: Senate: Presented and ordered printed 22104596D: 9.1-128, 17.1-205.1, 19.2-392.2, 19.2-392.6, 19.2-392.12, 19.2-392.16</p>	House • Mar 08, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">SB 746</a>	<a href="#">Scott A. Surovell</a>	<p><b>Minors; prohibition of deceptive tactics during custodial interrogation.</b></p> <p>Prohibition of deceptive tactics during the custodial interrogation of a minor. Provides that any confession of a minor, made as a result of a custodial interrogation conducted at a place of detention on or after July 1, 2022, shall be presumed to be inadmissible as evidence against such minor making such confession in any adjudication of delinquency or criminal proceeding for an act that if committed by an adult would be a criminal offense if, during the custodial interrogation, a law-enforcement officer knowingly engages in deception, as defined in the bill. The bill provides that the presumption of inadmissibility for such confession of a minor may be overcome if the confession was voluntarily given.</p>	House • Mar 08, 2022: Left in Courts of Justice	<b>Criminal</b>
<a href="#">SR 1</a>	<a href="#">John S. Edwards</a>	<p><b>Public defender offices; feasibility, expense, and implementation of statewide coverage, report.</b></p> <p>Feasibility, expense, and implementation of statewide coverage of public defender offices; study. Directs the Virginia Indigent Defense Commission (the Commission) to establish a work group to study the feasibility, cost, and implementation of statewide coverage of public defender offices. The bill directs the Commission to report its findings and recommendations to the chairmen of the Virginia State Crime Commission, the House Committee for Courts of Justice, the Senate Committee on the Judiciary, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations by November 1, 2022.</p>	Senate • Feb 07, 2022: Continued to 2023 in Judiciary (15-Y 0-N)	<b>Criminal</b>

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2022 General Assembly Bills of Interest

# Employment/ Labor

Virginia Trial Lawyers Association



Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 61</a>	<a href="#">John J. McGuire, III</a>	<p><b>Overtime pay requirements; volunteers.</b></p> <p>Overtime pay requirements; volunteers. Permits individuals who work as both employees and on a volunteer basis for a public body, church, or nonprofit organization to earn overtime wages for hours worked as an employee only and continues to exclude hours worked on a volunteer basis from overtime wage requirements. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102029D: 40.1-29.2</p>	House • Feb 15, 2022: Left in Commerce and Energy	<b>Employment/ Labor</b>
<a href="#">HB 171</a>	<a href="#">Daniel W. Marshall, III</a>	<p><b>Minimum wage; removes certain provisions relating to increasing state wage.</b></p> <p>Minimum wage. Repeals certain provisions of the Code of Virginia related to increasing the state minimum wage to more than \$11.00 per hour. The bill also repeals provisions related to increasing the state minimum wage based on an annual adjusted minimum wage determined by the Department of Labor and Industry. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100720D: 40.1-28.10</p>	House • Feb 15, 2022: Left in Commerce and Energy	<b>Employment/ Labor</b>
<a href="#">HB 296</a>	<a href="#">Joseph P. McNamara</a>	<p><b>Minimum wage; clarifies definition of wages.</b></p> <p>Minimum wage. Repeals certain provisions of the Code of Virginia related to increasing the state minimum wage to more than \$11.00 per hour. The bill also repeals provisions related to increasing the state minimum wage based on an annual adjusted minimum wage determined by the Department of Labor and Industry. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100725D: 40.1-28.10</p>	Senate • Feb 21, 2022: Passed by indefinitely in Commerce and Labor (11-Y 4-N)	<b>Employment/ Labor</b>
<a href="#">HB 363</a>	<a href="#">Nicholas J. Freitas</a>	<p><b>School board employees, certain; grounds for dismissal, report.</b></p> <p>Certain school board employees; dismissal; grounds; continuing contract study; report. Prohibits school board employees who are not required to hold a valid license issued by the Board of Education and public school teachers from being dismissed based on a last-hired, first-fired dismissal policy or any other similar policy that mandates that, when considering more than one such employee for dismissal, the seniority of each such employee shall be the sole determinative factor in the dismissal decision. The bill also requires the Board of Education, the House Committee on Education, and the Senate Committee on Education and Health, in consultation with local school boards, to study and make recommendations to the General Assembly no later than November 1, 2022, regarding effective, alternative ways in which the performance of teachers may be evaluated for the purpose of awarding or rescinding continuing contract status. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102139D: 22.1-79, 22.1-307</p>	House • Jan 26, 2022: Continued to 2023 in Education by voice vote	<b>Employment/ Labor</b>
<a href="#">HB 512</a>	<a href="#">Marie E. March</a>	<p><b>COVID-19 immunization; prohibition on requirement, discrimination prohibited.</b></p> <p>COVID-19 immunization; prohibition on requirement; discrimination prohibited. Prohibits the State Health Commissioner and the Board of Health, the Board of Behavioral Health and Developmental Services, the Department of Health Professions and any regulatory board therein, and the Department of Social Services from requiring any person to undergo vaccination for COVID-19 and prohibits discrimination based on a person's COVID-19 vaccination status (i) with regard to education, employment, insurance, or issuance of a driver's license or other state identification or (ii) in numerous other contexts. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101287D: 2.2-2901.1, 2.2-3004, 15.2-1500.1, 15.2-1507, 15.2-1604, 22.1-271.2, 22.1-271.4, 22.1-289.031, 22.1-295.2, 22.1-306, 23.1-800, 32.1-43, 32.1-47, 32.1-47.1, 32.1-48, 32.1-127, 38.2-3407.15, 38.2-3438, 38.2-3454, 44-146.17, 63.2-603, 65.2-402.1</p>	House • Feb 15, 2022: Left in Health, Welfare and Institutions	<b>Employment/ Labor</b>
<a href="#">HB 790</a>	<a href="#">Dave A. LaRock</a>	<p><b>Collective bargaining; law enforcement, transparency and accountability.</b></p> <p>Collective bargaining; law enforcement; transparency and accountability. Prohibits a county, city, or town from entering into a collective bargaining contract with a labor union or other employee association representing law-enforcement officers or employees of a law-enforcement agency that (i) prevents the Attorney General from seeking equitable relief against a law-enforcement agency engaging in a pattern or practice of unconstitutional misconduct; (ii) includes any stipulation that delays officer interviews or interrogations after alleged wrongdoing for a set length of time; (iii) provides officers with access to evidence before interviews or interrogations about alleged wrongdoing; (iv) mandates the destruction or purging of disciplinary records from personnel files after a set length of time, or limits the consideration of disciplinary records in future employment actions; (v) prohibits the interrogation, investigation, or punishment of officers on the basis of alleged wrongdoing if a set length of time has elapsed since its alleged occurrence, or since the initiation of the investigation; (vi) prohibits supervisors from interrogating, investigating, or disciplining officers on the basis of anonymous civilian complaints; or (vii) requires arbitration of disputes related to disciplinary penalties or termination. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102743D: 40.1-57.2</p>	Senate • Feb 28, 2022: Passed by indefinitely in Commerce and Labor (12-Y 3-N)	<b>Employment/ Labor</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 851</a>	<a href="#">David A. Reid</a>	<p><b>Paid sick leave; penalty, state tax deduction.</b></p> <p>Paid sick leave; penalty; state tax deduction. Requires employers, as defined in the bill, to provide 40 hours of paid sick leave, prorated to reflect the average number of hours worked per week by each employee, as defined in the bill, in the previous 12 months, for all existing eligible employees and eligible employees that have been employed for at least 12 months. For eligible employees who have been employed for less than 12 months, employers must provide 20 to 40 hours of paid sick leave, prorated to reflect the expected number of hours worked per week by each employee, as determined by the employer. Employers with at least 25 but not more than 49 full-time employees receive a nonrefundable state tax deduction equivalent to 120 percent of the value of any paid sick leave provided by an employer to an employee.</p> <p>Employers with existing paid sick leave policies providing at least 40 hours per year of paid sick leave are exempt from the requirements of the bill. The bill allows employers to request a hardship waiver from the Department of Labor and Industry for certain circumstances and requires employers to provide a written notice of information related to paid sick leave to each employee at the commencement of employment or by January 1, 2023. The bill requires that sick leave be available for any eligible employee to use at the commencement of employment and provides that paid sick leave may be used (i) for an employee's mental or physical illness, injury, or health con...</p>	House • Feb 15, 2022: Left in Commerce and Energy	Employment/ Labor
<a href="#">HB 883</a>	<a href="#">Kathy J. Byron</a>	<p><b>Project labor agreements; prevailing wage, collective bargaining for employees of local governments.</b></p> <p>Project labor agreements; prevailing wage; collective bargaining for employees of local governments. Repeals certain provisions of the Code that (i) require contractors and subcontractors under any public contract with a state agency or certain localities to pay the prevailing wage rate; (ii) authorize any public body, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, to require bidders to enter into or adhere to project labor agreements on the public works projects; and (iii) authorize a locality to recognize any labor union or other employee association as a bargaining agent of any public officers or employees or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101705D: 40.1-57.3., 40.1-57.2, 2.2-4321.3</p>	Senate • Feb 21, 2022: Passed by indefinitely in Commerce and Labor (12-Y 3-N)	Employment/ Labor
<a href="#">HB 889</a>	<a href="#">Terry G. Kilgore</a>	<p><b>Nonpayment of wages; defense of contractor.</b></p> <p>Nonpayment of wages; defense of contractor. Provides that a contractor, regardless of tier, has a valid defense to a claim for nonpayment of wages if he obtains a written certification from the subcontractor stating that (i) the subcontractor and each of his sub-subcontractors has paid all employees all wages due for the period during which the wages are claimed for the work performed on the project and (ii) to the subcontractor's knowledge, all sub-subcontractors below the subcontractor, regardless of tier, have similarly paid their employees all such wages. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102768D: 11-4.6</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	Employment/ Labor
<a href="#">HB 1015</a>	<a href="#">Tara A. Durant</a>	<p><b>Protective orders; workplace violence.</b></p> <p>Workplace violence protective orders. Provides that an employer may petition the court for a preliminary protective order or a protective order to protect the health and safety of its employees. The bill provides that the venue for a workplace violence protective order is the jurisdiction where the workplace is located from which the petitioner seeks to have the respondent prohibited. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22103928D: 19.2-152.11</p>	House • Feb 11, 2022: Continued to 2023 in Courts of Justice by voice vote	Employment/ Labor
<a href="#">HB 1017</a>	<a href="#">Elizabeth R. Guzman</a>	<p><b>Overtime; definition, compensable hours worked, compensatory time.</b></p> <p>Overtime; compensable hours worked; compensatory time. Defines compensable hours worked, for the purposes of the Virginia Overtime Wage Act, as the amount of time an employee is on duty or at a prescribed place of work and any time an employee is suffered or permitted to work. The bill states that such time shall include work performed at home, travel time, waiting time, and training and probationary periods. Under the bill, an employee may elect, during any probationary period of employment, to receive compensatory time in lieu of overtime pay. As used in the bill, compensatory time is the time an employee works behind his regular schedule that is authorized by the employee's employer to be used as paid time off. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22103151D: 40.1-29.2</p>	House • Feb 08, 2022: Stricken from docket by Commerce and Energy (21-Y 0-N)	Employment/ Labor
<a href="#">HB 1040</a>	<a href="#">Phillip A. Scott</a>	<p><b>Minimum wage; small employers.</b></p> <p>Minimum wage; small employers. Exempts employers that are individuals or entities with 10 or fewer employees from the state minimum wage requirements. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101296D: 40.1-28.9</p>	Senate • Feb 21, 2022: Passed by indefinitely in Commerce and Labor (12-Y 3-N)	Employment/ Labor

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 1110</a>	<a href="#">Michelle Lopes Maldonado</a>	<p>School boards, local; grievance procedure for certain employees, timing of resolution of disputes.</p> <p>Local school boards; grievance procedure for certain employees; timing of resolution of certain disputes. Requires each local school board's grievance procedure for school board employees, except the division superintendent, principals, assistant principals, teachers, supervisors, and other employees required to be licensed by the Board of Education, to afford a timely and fair method of the resolution of disputes arising between the school board and such employees before dismissal or other disciplinary actions, excluding suspensions. Current law requires such grievance procedures to afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding, but not before, dismissal or other disciplinary actions, excluding suspensions. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101450D: 22.1-79</p>	House • Feb 15, 2022: Left in Education	Employment/ Labor
<a href="#">HB 1133</a>	<a href="#">Wendell S. Walker</a>	<p>Nondiscrimination in places of public accommodation, definitions.</p> <p>Nondiscrimination in places of public accommodation, definitions.</p>	House • Feb 15, 2022: Left in General Laws	Employment/ Labor
<a href="#">HB 1143</a>	<a href="#">Kathy J. Byron</a>	<p>Virginia Overtime Wage Act; clarifies term "employee."</p> <p>Virginia Overtime Wage Act. Provides that for the purposes of the Virginia Overtime Wage Act, the term "employee" does not include certain persons excluded from the definition of "employee" under the federal Fair Labor Standards Act (the federal act). The bill provides that an employer may assert an exemption to the overtime requirement of the Virginia Overtime Wage Act for employees who meet certain exemptions set forth in the federal act. The bill also provides that a public agency, as defined in the federal act, may provide an employee compensatory time off in lieu of overtime compensation, in accordance with the federal act. Statutes affected: House: Presented and ordered printed 22103542D: 40.1-29.2</p>	House • Feb 15, 2022: Left in Commerce and Energy	Employment/ Labor
<a href="#">HB 1160</a>	<a href="#">Candi Mundon King</a>	<p>Health care providers and grocery store workers, etc.; employers to provide paid sick leave.</p> <p>Paid sick leave; health care providers and grocery store workers. Requires employers to provide paid sick leave to health care providers, grocery store workers, and home health workers who provide agency-directed services. Under current law, employers are only required to provide paid sick leave to home health workers who provide consumer-directed services. The bill removes requirements that workers work on average at least 20 hours per week or 90 hours per month to be eligible for paid sick leave. Additionally the bill provides that certain health care providers may waive their right to accrue and use paid sick leave and provides an exemption for certain other health care providers. Statutes affected: House: Presented and ordered printed 22103340D: 40.1-33.3</p>	House • Feb 15, 2022: Left in Commerce and Energy	Employment/ Labor
<a href="#">HB 1173</a>	<a href="#">R. Lee Ware</a>	<p>Fair Labor Standards Act; employer liability, overtime required for certain employees, report.</p> <p>Fair Labor Standards Act; overtime; employer liability. Replaces the current provisions of the Virginia Overtime Wage Act with the provision that any employer that violates the overtime wage requirements of the federal Fair Labor Standards Act, and any related laws and regulations, shall be liable to its employee for remedies or other relief available under the Fair Labor Standards Act. Statutes affected: House: Presented and ordered printed 22103494D: 40.1-29, 40.1-29.1, 40.1-29.2</p>	House • Mar 10, 2022: Enrolled	Employment/ Labor
<a href="#">HB 1201</a>	<a href="#">Kathy J. Byron</a>	<p>Unemployment compensation; disqualification for benefits, etc.</p> <p>Unemployment compensation; disqualification for benefits; misconduct does not include refusing COVID-19 vaccine. Provides that for the purposes of the Virginia Employment Commission determining if an individual was separated or partially separated from employment for misconduct and would be disqualified for unemployment benefits, the term "misconduct" does not include an employee's refusal to receive or receive in part any primary series or booster shot of a vaccine for the prevention of COVID-19. Statutes affected: House: Presented and ordered printed 22103654D: 60.2-618</p>	Senate • Feb 21, 2022: Passed by indefinitely in Commerce and Labor (12-Y 3-N)	Employment/ Labor
<a href="#">HB 1220</a>	<a href="#">Nadarius E. Clark</a>	<p>Right to work; repeals provisions of Code that refers to denial or abridgement.</p> <p>Right to unionize. Repeals the provisions of the Code of Virginia that, among other things, prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership in the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise.</p>	House • Feb 08, 2022: Stricken from docket by Rules (18-Y 0-N)	Employment/ Labor
<a href="#">SB 173</a>	<a href="#">Mark J. Peake</a>	<p>Minimum wage; removes certain provisions relating to increasing state wage.</p> <p>Minimum wage. Repeals certain provisions of the Code of Virginia related to increasing the state minimum wage to more than \$11.00 per hour. The bill also repeals provisions related to increasing the state minimum wage based on an annual adjusted minimum wage determined by the Department of Labor and Industry. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22102620D: 40.1-28.10</p>	Senate • Jan 17, 2022: Passed by indefinitely in Commerce and Labor (12-Y 3-N)	Employment/ Labor

Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 179</a>	<a href="#">Mark J. Peake</a>	<p>Virginia Human Rights Act; employee safety, definition changes.</p> <p>Virginia Human Rights Act; employee safety; definition changes. Amends the definitions of "domestic worker" to exclude babysitters, nannies, caretakers, home health aides, and personal care aids; "employer" to one who employs at least three persons; and "domestic service" to exclude services performed by companions. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22103133D: 2.2-3905, 40.1-2, 40.1-49.3, 40.1-49.8</p>	Senate • Jan 26, 2022: Passed by indefinitely in General Laws and Technology (8-Y 7-N)	Employment/ Labor
<a href="#">SB 264</a>	<a href="#">Ghazala F. Hashmi</a>	<p>Public employees; collective bargaining.</p> <p>Collective bargaining for public employees. Provides for collective bargaining by public employees. The bill creates the Public Employee Relations Board, which will determine appropriate bargaining units and provide for certification and decertification elections for exclusive bargaining representatives of state employees and local government employees. The measure requires public employers and employee organizations that are exclusive bargaining representatives to meet at reasonable times to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment. The measure repeals a provision enacted in 2013 that declares that, in any procedure providing for the designation, selection, or authorization of a labor organization to represent employees, the right of an individual employee to vote by secret ballot is a fundamental right that shall be guaranteed from infringement.</p>	Senate • Jan 17, 2022: Stricken at request of Patron in Commerce and Labor (15-Y 0-N)	Employment/ Labor
<a href="#">SB 331</a>	<a href="#">Bryce E. Reeves</a>	<p>Overtime pay requirements; volunteers.</p> <p>Overtime pay requirements; volunteers. Permits individuals who work as both employees and on a volunteer basis for a public body, church, or nonprofit organization to earn overtime wages for hours worked as an employee only and continues to exclude hours worked on a volunteer basis from overtime wage requirements. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22102129D: 40.1-29.2</p>	Senate • Feb 07, 2022: Stricken at request of Patron in Commerce and Labor (15-Y 0-N)	Employment/ Labor
<a href="#">SB 365</a>	<a href="#">Richard H. Stuart</a>	<p>Virginia Overtime Wage Act; clarifies term "employee."</p> <p>Virginia Overtime Wage Act. Provides that for the purposes of the Virginia Overtime Wage Act, the term "employee" does not include certain persons excluded from the definition of "employee" under the federal Fair Labor Standards Act (the federal act). The bill provides that an employer may assert an exemption to the overtime requirement of the Virginia Overtime Wage Act for employees who meet certain exemptions set forth in the federal act. The bill also provides that a public agency, as defined in the federal act, may provide an employee compensatory time off in lieu of overtime compensation, in accordance with the federal act. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22102524D: 40.1-29.2</p>	Senate • Feb 07, 2022: Incorporated by Commerce and Labor (SB631-Barker) (15-Y 0-N)	Employment/ Labor
<a href="#">SB 374</a>	<a href="#">Mark D. Obenshain</a>	<p>Project labor agreements; prevailing wage, collective bargaining for employees of local governments.</p> <p>Project labor agreements; prevailing wage; collective bargaining for employees of local governments. Repeals certain provisions of the Code that (i) require contractors and subcontractors under any public contract with a state agency or certain localities to pay the prevailing wage rate; (ii) authorize any public body, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, to require bidders to enter into or adhere to project labor agreements on the public works projects; and (iii) authorize a locality to recognize any labor union or other employee association as a bargaining agent of any public officers or employees or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22101706D: 40.1-57.3, 40.1-57.2, 2.2-4321.3</p>	Senate • Jan 31, 2022: Passed by indefinitely in Commerce and Labor (12-Y 3-N)	Employment/ Labor
<a href="#">SB 582</a>	<a href="#">Amanda F. Chase</a>	<p>Virginia Human Rights Act; nondiscrimination in places of public accommodation.</p> <p>Virginia Human Rights Act; nondiscrimination in places of public accommodation and certain private establishments; face coverings. Prohibits discrimination in places of public accommodations including public and private elementary and secondary schools and institutions of higher education and certain private establishments because the individual is or is not wearing a face covering for the purpose of preventing the transmission of COVID-19. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22103802D: 2.2-3904</p>	Senate • Jan 19, 2022: Passed by indefinitely in General Laws and Technology (8-Y 6-N)	Employment/ Labor
<a href="#">SB 631</a>	<a href="#">George L. Barker</a>	<p>Fair Labor Standards Act; employer liability, overtime required for certain employees, report.</p> <p>Fair Labor Standards Act; overtime; employer liability. Replaces the current provisions of the Virginia Overtime Wage Act with the provision that any employer that violates the overtime wage requirements of the federal Fair Labor Standards Act, and any related laws and regulations, shall be liable to its employee for remedies or other relief available under the Fair Labor Standards Act. Statutes affected: Senate: Presented and ordered printed 22103916D: 40.1-29, 40.1-29.1, 40.1-29.2</p>	House • Mar 08, 2022: Signed by Speaker	Employment/ Labor

Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 646</a>	<a href="#">John A. Cosgrove, Jr.</a>	<p>Unemployment compensation; disqualification for benefits, etc.</p> <p>Unemployment compensation; disqualification for benefits; misconduct does not include refusing COVID-19 vaccine. Provides that for the purposes of the Virginia Employment Commission determining if an individual was separated or partially separated from employment for misconduct and would be disqualified for unemployment benefits, the term "misconduct" does not include an employee's refusal to receive or receive in part any primary series or booster shot of a vaccine for the prevention of COVID-19.</p>	Senate • Feb 07, 2022: Passed by indefinitely in Commerce and Labor (11-Y 4-N)	Employment/ Labor
<a href="#">SB 655</a>	<a href="#">Adam P. Ebbin</a>	<p>Unemployment compensation; electronic submission of information.</p> <p>Unemployment compensation; required written notice upon separation. Requires each employer to provide each individual who is separated from such employer a written notice that includes the individual's name and social security number, the employer's legal name and unemployment tax account number, the reason for separation, and information on the individual's right to apply for unemployment compensation. The bill requires that such written notice be mailed to the individual's last known address or otherwise provided to the individual within three days of the separation. The bill requires the Virginia Employment Commission to establish and make available a sample form notice that an employer may use to comply with such notice requirement. The bill authorizes the Virginia Employment Commission to request, at any time, that an employer submit information related to a claim including separation information through electronic means unless the employer has been granted a waiver by the Commission.</p>	Senate • Mar 10, 2022: Enrolled	Employment/ Labor

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2022 General Assembly Bills of Interest

# Family

Virginia Trial Lawyers Association

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 69</a>	<a href="#">Glenn R. Davis</a>	<p>Best interests of the child; assuring frequent and continuing contact with both parents.</p> <p>Best interests of the child; assuring frequent and continuing contact with both parents. Provides that, in determining the best interests of a child for purposes of custody and parenting time arrangements, upon request of either party, the court shall assure a minor child of frequent and continuing contact with both parents so as to maximize the amount of time the minor child spends with each parent.</p>	House • Feb 15, 2022: Left in Courts of Justice	Family Law
<a href="#">HB 136</a>	<a href="#">Jeffrey L. Campbell</a>	<p>Wrongful death; death of parent or guardian of a child resulting from driving under the influence.</p> <p>Wrongful death; death of the parent or guardian of a child resulting from driving under the influence; child support. Provides that any action for death by wrongful act where the defendant, as a result of driving a motor vehicle or operating a watercraft under the influence, unintentionally caused the death of another person who was the parent or legal guardian of a child, the person who has custody of such child may petition the court to order that the defendant pay child support.</p>	House • Feb 07, 2022: Stricken from docket by Courts of Justice (20-Y 0-N)	Family Law
<a href="#">HB 359</a>	<a href="#">Vivian E. Watts</a>	<p>Termination of parental rights of person who committed sexual assault; evidence standard.</p> <p>Termination of parental rights of person who committed sexual assault; clear and convincing evidence standard. Provides that the parental rights of a person who has been found by a clear and convincing evidence standard to have committed rape, carnal knowledge, or incest, which act resulted in the conception of a child, may be terminated without the need for the person to have been charged with or convicted of such offense. The bill further provides that the consent of a person found to have committed such an offense is not necessary for the validity of an adoption of such a child.</p>	House • Feb 11, 2022: Continued to 2023 in Courts of Justice by voice vote	Family Law
<a href="#">HB 365</a>	<a href="#">Richard C. "Rip" Sullivan, Jr.</a>	<p>Parenting Coordinator Act; created.</p> <p>Parenting Coordinator Act. Creates the Parenting Coordinator Act, which provides a framework for the use of a parenting coordinator in actions for divorce, separate maintenance, or annulment in which custody or visitation is in issue, petitions for custody or visitation, and written agreements between parties and parenting coordinators. The Act governs the qualifications, scope of authority, appointment and removal, confidentiality, communication, records maintenance, and fees of such parenting coordinators.</p>	House • Feb 15, 2022: Left in Courts of Justice	Family Law
<a href="#">HB 424</a>	<a href="#">Charniele L. Herring</a>	<p>Guardianship; duties of guardian, visitation requirements.</p> <p>Guardianship; duties of guardian; visitation requirements. Requires a guardian to visit an incapacitated person at least once every three months and make certain observations and assessments during each visit. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102637D: 64.2-2019</p>	House • Feb 07, 2022: Stricken from docket by Courts of Justice (20-Y 0-N)	Family Law
<a href="#">HB 572</a>	<a href="#">Don L. Scott</a>	<p>Child support obligations; party's incarceration not deemed voluntary unemployment/underemployment.</p> <p>Child support obligations; party's incarceration not deemed voluntary unemployment or underemployment. Provides that a party's incarceration for 180 or more consecutive days shall not be deemed voluntary unemployment or underemployment for the purposes of calculating child support and imputing income for such calculation. The bill further provides that a party's incarceration for 180 or more consecutive days shall be a material change of circumstances upon which a modification of a child support order may be based.</p>	House • Feb 15, 2022: Left in Courts of Justice	Family Law
<a href="#">HB 622</a>	<a href="#">Sally L. Hudson</a>	<p>Custodial interrogation of a child; advisement of rights.</p> <p>Custodial interrogation of a child; advisement of rights. Requires that prior to any custodial interrogation of a child by a law-enforcement officer, the child and, if no attorney is present and if no exception to the requirement that the child's parent, guardian, or legal custodian be notified applies, the child's parent, guardian, or legal custodian shall be advised that (i) the child has a right to remain silent; (ii) any statement the child makes can and may be used against the child; (iii) the child has a right to an attorney and that one will be appointed for the child if the child is not represented and wants representation; and (iv) the child has a right to have his parent, guardian, custodian, or attorney present during any questioning. The bill states that if a child indicates in any manner and at any stage of questioning during a custodial interrogation that he does not wish to be questioned further, the law-enforcement officer shall cease questioning. The bill also requires, before admitting into evidence any statement made by a child during a custodial interrogation, that the court find that the child knowingly, intelligently, and voluntarily waived his rights and states that no admission or confession made by a child younger than 16 years of age during a custodial interrogation may be admitted into evidence unless it was made in the presence of the child's parent, guardian, custodian, or attorney.</p>	House • Jan 28, 2022: Continued to 2023 in Courts of Justice by voice vote	Family Law



Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 623</a>	<a href="#">Sally L. Hudson</a>	<p>Guardianship and conservatorship; duties of the guardian ad litem, report contents.</p> <p>Guardianship and conservatorship; duties of the guardian ad litem; report contents. Adds to the duty of a guardian ad litem appointed to represent the interests of a respondent in a guardianship or conservatorship case the requirement to recommend that counsel be appointed to represent such respondent upon the respondent's request. Under current law, the guardian ad litem is required to recommend counsel be appointed only when he believes appointment is necessary. The bill further directs the guardian ad litem to include in his report to the court an explanation by the guardian ad litem as to any (i) decision not to recommend the appointment of counsel for the respondent, (ii) determination that a less restrictive alternative to guardianship or conservatorship is not available, and (iii) determination that appointment of a limited guardian or conservator is not appropriate.</p>	Senate • Mar 08, 2022: Signed by President	Family Law
<a href="#">HB 686</a>	<a href="#">Kaye Kory</a>	<p>Death of parent or guardian of a child resulting from driving under the influence; child support.</p> <p>Death of the parent or guardian of a child resulting from driving under the influence; child support. Provides that in any case where a person was convicted of involuntary manslaughter as a result of driving a motor vehicle or operating a watercraft under the influence where the victim was the parent or legal guardian of a child, the person who has custody of such child may petition the sentencing court to order that the defendant pay child support.</p>	House • Feb 15, 2022: Left in Courts of Justice	Family Law
<a href="#">HB 716</a>	<a href="#">Wendy W. Gooditis</a>	<p>Kinship foster care; notice and appeal.</p> <p>Kinship foster care; notice and appeal. Requires local boards of social services (local boards), upon receiving a request from a child's relative to become a kinship foster parent, to provide the relative with an application to become a kinship foster parent within 15 days. The bill requires local boards, upon denying a relative's application to become a kinship foster parent, to provide to the relative (i) a clear and specific explanation of the reasons for denial, (ii) a statement that such denial is appealable, and (iii) an explanation of the procedure for filing such appeal. The bill allows relatives to file an appeal regarding such decisions with the Commissioner of Social Services and requires the Board of Social Services to adopt certain regulations regarding the timeline of such appeals. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100544D: 63.2-900.1, 63.2-915</p>	Senate • Mar 08, 2022: Signed by President	Family Law
<a href="#">HB 808</a>	<a href="#">Marcia S. "Cia" Price</a>	<p>Support orders; income withholding order, employer fees.</p> <p>Support orders; income withholding order; employer fees. Clarifies that a fee of up to a maximum of \$5 for each reply or remittance on account of a support obligor may be charged by an employer and withheld from the obligor's income in addition to the support amount to be withheld pursuant to an income withholding order. Currently, such amount is described only as a \$5 fee. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101231D: 20-79.3</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	Family Law
<a href="#">HB 856</a>	<a href="#">David A. Reid</a>	<p>Child custody, visitation, and placement; best interests of the child.</p> <p>Child custody, visitation, and placement; best interests of the child. Requires consideration of a child's attachment to a parent or guardian when determining the best interests of the child. The bill defines "attachment" as an aspect of the child's relationship with a parent or guardian that promotes the child's use of the parent or guardian as a secure base from which to explore, learn, and relate and to feel value, security, comfort, familiarity, and continuity. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101992D: 20-124.3</p>	House • Feb 07, 2022: Stricken from docket by Courts of Justice (20-Y 0-N)	Family Law
<a href="#">HB 869</a>	<a href="#">Emily M. Brewer</a>	<p>Adoption; court to refer case to child-placing agency.</p> <p>Adoption. Allows a circuit court, upon consideration of a petition for adoption, to immediately enter an interlocutory order referring the case to a child-placing agency to conduct a visitation instead of entering an order of reference referring the case to a child-placing agency for investigation and makes other amendments to accommodate for and bolster this change. The bill allows petitions for adoption submitted by the persons listed as the child's parents on his birth certificate to be filed and granted under the provisions governing stepparent adoptions. The bill prohibits putative fathers from registering with the Virginia Birth Father Registry regarding a child whose adoption has been finalized and in certain other instances set forth in the bill and allows written notice of an adoption plan to be sent to a putative father by express mail with proof of delivery in addition to delivery by personal service or certified mailing as in current law. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22104018D: 17.1-275, 63.2-1201, 63.2-1208, 63.2-1210, 63.2-1228, 63.2-1233, 63.2-1241, 63.2-1250</p>	Senate • Mar 08, 2022: Signed by President	Family Law
<a href="#">HB 1048</a>	<a href="#">Phillip A. Scott</a>	<p>Death of parent or guardian of a child resulting from driving under the influence; child support.</p> <p>Death of the parent or guardian of a child resulting from driving under the influence; child support. Provides that in any case where a person was convicted of involuntary manslaughter as a result of driving a motor vehicle or operating a watercraft under the influence where the victim was the parent or legal guardian of a child, the person who has custody of such child may petition the sentencing court to order that the defendant pay child support.</p>	House • Feb 15, 2022: Left in Courts of Justice	Family Law

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 1058</a>	<a href="#">A.C. Cordoza</a>	<p><b>Child support; interest on arrearages.</b></p> <p>Interest on child support arrearages. Provides that no interest shall accrue on arrearages for child support obligations when the order for such support was entered on or after July 1, 2022.</p>	House • Feb 15, 2022: Left in Courts of Justice	Family Law
<a href="#">HB 1077</a>	<a href="#">A.C. Cordoza</a>	<p><b>Paternity; genetic tests to determine parentage, relief from paternity, certain actions, penalty.</b></p> <p>Paternity; genetic tests to determine parentage; relief from paternity; certain actions; penalty. Provides that any person who knowingly gives any false information or makes any false statements for the purpose of determining paternity is guilty of a Class 6 felony. The bill further requires an alleged father of a child be informed of his option to request the administering of a genetic test prior to being entered as the father on a birth certificate. The bill further states that, in addition to any other available legal relief, an individual relieved of paternity who previously paid support pursuant to a child support order entered in conjunction with the set-aside paternity determination may file an action against the other party for repayment of any such support. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22103900D: 20-49.10, 32.1-257</p>	House • Feb 11, 2022: Continued to 2023 in Courts of Justice by voice vote	Family Law
<a href="#">HB 1086</a>	<a href="#">James A. "Jay" Leftwich</a>	<p><b>Adoption; death of joint petitioner prior to entry of final order.</b></p> <p>Death of joint petitioner prior to entry of final order of adoption. Provides that in cases in which married persons, or persons who were previously married and who are permitted to adopt a child, have jointly petitioned to adopt a child and one of the petitioners dies before entry of a final order of adoption, the adoption may proceed in the name of both petitioners upon request of the surviving petitioner. The bill further provides that, upon entry of a final order, the child shall be, for all intents and purposes, the child of both petitioners.</p>	House • Jan 25, 2022: Continued to 2023 in Health, Welfare and Institutions by voice vote	Family Law
<a href="#">HB 1351</a>	<a href="#">Nadarius E. Clark</a>	<p><b>Divorce; grounds of cruelty, abuse, desertion, or abandonment eliminates waiting period.</b></p> <p>Grounds for divorce; cruelty, abuse, desertion, or abandonment; waiting period. Eliminates the one-year waiting period for being decreed a divorce on the grounds of cruelty, reasonable apprehension of bodily hurt, or willful desertion or abandonment. Statutes affected: House: Presented and ordered printed 22103649D: 20-91</p>	House • Feb 15, 2022: Left in Courts of Justice	Family Law
<a href="#">SB 113</a>	<a href="#">Joseph D. Morrissey</a>	<p><b>Custody and visitation of a minor; grandparents petitions referred by court to mediation.</b></p> <p>Custody and visitation; grandparents; mediation. Requires any case in which a grandparent petitions the court for custody or visitation of a minor grandchild to be referred by the court to mediation. The bill requires the petitioning party to pay the fee of the mediator. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22100696D: 20-124.2, 20-124.4</p>	Senate • Feb 09, 2022: Passed by indefinitely in Judiciary (9-Y 4-N)	Family Law
<a href="#">SB 114</a>	<a href="#">Joseph D. Morrissey</a>	<p><b>Court-ordered custody and visitation arrangements; petition for visitation by grandparent.</b></p> <p>Visitation; petition of grandparent. Requires the court, in petitions for visitation filed by the grandparent of a child where either (i) the parent is the grandparent's child and is deceased, incarcerated, or incapacitated, or has had his parental rights terminated or (ii) the grandparent has an established relationship with the child and has provided a significant level of care for the child, to consider the following factors: (a) the historical relationship between the grandparent and child, (b) the motivation of the grandparent in seeking visitation, (c) the motivation of the living parent in denying visitation to the grandparent, (d) the quantity of time requested and the effect it will have on the child's daily activities, and (e) the benefits of maintaining a relationship with the extended family of the deceased parent. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22100697D: 20-124.2</p>	Senate • Jan 31, 2022: Passed by indefinitely in Judiciary (10-Y 5-N)	Family Law
<a href="#">SB 134</a>	<a href="#">John S. Edwards</a>	<p><b>Juvenile and domestic relations district courts; raises maximum age for delinquency matters.</b></p> <p>Juvenile and domestic relations district courts; Department of Juvenile Justice; extending jurisdiction in delinquency matters to persons 18 years of age or older but less than 21 years of age. Raises the maximum age for delinquency matters in juvenile and domestic relations district courts from persons under 18 years of age to persons under 21 years of age. The bill defines "underage person" as an individual who is 18 years of age or older but less than 21 years of age. The bill adds underage persons to all provisions regarding delinquency proceedings in juvenile and domestic relations district courts, the transfer of delinquency matters to circuit courts, and criminal procedure as currently applies to juveniles only. The bill differentiates between juveniles and underage persons in specific circumstances, including consent for medical or mental health records or procedures, mental health screenings in secure detention facilities, and provisions regarding release on bail or recognizance.</p>	House • Mar 08, 2022: Left in Courts of Justice	Family Law

Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 163</a>	<a href="#">Mark J. Peake</a>	<p>Surrogacy contracts; provisions requiring abortions or selective reductions unenforceable.</p> <p>Surrogacy contracts; provisions requiring abortions or selective reductions unenforceable. Provides that any provision of a surrogacy contract requiring an abortion or selective reduction is against the public policy of the Commonwealth and is void and unenforceable. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22100591D: 20-163</p>	House • Mar 08, 2022: Signed by Speaker	Family Law
<a href="#">SB 202</a>	<a href="#">Stephen D. Newman</a>	<p>Alternative custody arrangements; options to increase use for certain individuals.</p> <p>Study; Secretary of Health and Human Resources and Secretary of Public Safety and Homeland Security; increase use of alternative custody arrangements for individuals subject to an emergency custody or temporary detention order; report. Directs the Secretary of Health and Human Resources, together with the Secretary of Public Safety and Homeland Security, to study options to increase the use of alternative custody arrangements for individuals who are subject to an emergency custody or temporary detention order and to report his findings and recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and the Senate Committees on Education and Health and Finance and Appropriations by October 1, 2022.</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	Family Law
<a href="#">SB 307</a>	<a href="#">T. Montgomery "Monty" Mason</a>	<p>Kinship foster care; notice and appeal.</p> <p>Kinship foster care; notice and appeal. Requires local boards of social services (local boards), upon receiving a request from a child's relative to become a kinship foster parent, to provide the relative with an application to become a kinship foster parent within 15 days. The bill requires local boards, upon denying a relative's application to become a kinship foster parent, to provide to the relative (i) a clear and specific explanation of the reasons for denial, (ii) a statement that such denial is appealable, and (iii) an explanation of the procedure for filing such appeal. The bill allows relatives to file an appeal regarding such decisions with the Commissioner of Social Services and requires the Board of Social Services to adopt certain regulations regarding the timeline of such appeals. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22100568D: 63.2-900.1, 63.2-915</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	Family Law
<a href="#">SB 348</a>	<a href="#">Scott A. Surovell</a>	<p>Support orders; retroactivity, arrearages, party's incarceration.</p> <p>Support orders; retroactivity; arrearages; party's incarceration. Makes various changes to provisions of law related to child and spousal support orders, including (i) providing that in cases in which jurisdiction over child support or spousal support has been divested from the juvenile and domestic relations district court and no final support order has been entered, any award for child support or spousal support in the circuit court shall be retroactive to the date on which the proceeding was commenced by the filing of the action in the juvenile and domestic relations district court and (ii) specifying that prejudgment interest on child support should be retroactive to the date of filing. The bill provides that a party's incarceration alone for 180 or more consecutive days shall not ordinarily be deemed voluntary unemployment or underemployment for the purposes of calculating child support and imputing income for such calculation. The bill further provides that a party's incarceration for 180 or more days shall be a material change of circumstances upon which a modification of a child support order may be based. The provisions of the bill related to imputation of income apply only to petitions for child support and petitions for a modification of a child support order commenced on or after July 1, 2022, and do not create a material change in circumstances for the purposes of modifying a child support order if a parent was incarcerated prior to July 1, 2022, and the incarcer...</p>	Senate • Mar 12, 2022: Conference report agreed to by Senate (40-Y 0-N)	Family Law
<a href="#">SB 349</a>	<a href="#">Scott A. Surovell</a>	<p>Division of marital property; Va. Retirement System managed defined contribution plan, etc.</p> <p>Division of marital property; Virginia Retirement System managed defined contribution plan; calculation of gains and losses. Provides that if the court enters an order to distribute any Virginia Retirement System managed defined contribution plan, the Virginia Retirement System shall, if ordered by the court, calculate gains and losses from the valuation date through the date of distribution of the benefits. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22101344D: 20-107.3</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	Family Law
<a href="#">SB 412</a>	<a href="#">Joseph D. Morrissey</a>	<p>Parental rights; termination, murder of a child.</p> <p>Termination of parental rights; murder of child. Requires the court to terminate the parental rights of a parent upon finding, based upon clear and convincing evidence, that termination of parental rights is in the best interests of the child and that the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States, or any foreign jurisdiction that constitutes murder or voluntary manslaughter, or a felony attempt, conspiracy, or solicitation to commit any such offense, and the victim of the offense was the child of the parent over whom parental rights would be terminated. The bill also requires local boards of social services to file a petition to terminate parental rights in such instances. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22103115D: 16.1-283, 63.2-910.2</p>	Senate • Feb 09, 2022: Continued to 2023 in Judiciary (13-Y 0-N)	Family Law

Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 418</a>	<a href="#">Bill DeSteph</a>	<p>Division of marital property; military retainer pay.</p> <p>Division of marital property; military retainer pay. Provides that, for the purposes of dividing marital property, military retainer pay shall be classified as separate property. Statutes affected:</p> <p>Senate: Prefiled and ordered printed; offered 01/12/22 22101328D: 20-107.3</p>	Senate • Feb 09, 2022: Passed by indefinitely in Judiciary (8-Y 3-N)	Family Law
<a href="#">SB 455</a>	<a href="#">Jennifer B. Boysko</a>	<p>Child support; calculation of gross income for determination, rental income.</p> <p>Calculation of gross income for determination of child support; rental income. Provides that for the calculation of gross income for the purposes of determining child support, rental income shall be subject to the deduction of reasonable expenses. The bill further provides that the party claiming any such deduction has the burden of proof to establish such expenses by a preponderance of the evidence. This bill is in response to Ellis v. Sutton-Ellis, Va. App. No. 0710-20-1 (June 22, 2021).</p>	House • Mar 08, 2022: Signed by Speaker	Family Law

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2022 General Assembly Bills of Interest

# Immunity

Virginia Trial Lawyers Association

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 609</a>	<a href="#">Jeffrey M. Bourne</a>	<p><b>Civil action for the deprivation of rights; duties and liabilities of certain employers.</b></p> <p>Civil action for the deprivation of rights; duties and liabilities of certain employers. Creates a civil cause of action for the deprivation of any rights, privileges, or immunities pursuant to the constitutions and laws of the United States and the Commonwealth due to the acts or omissions of either a public employer or its employee and provides that a plaintiff may maintain an action to establish liability and recover compensatory damages, punitive damages, and equitable relief against the public employer and its employee. The bill provides that sovereign immunity is not a defense to such an action. The bill further provides that public employers owe a duty of reasonable care to third parties in the hiring, supervision, training, retention, and use of their employees and that a person who claims to have suffered injury or sustained damages caused, in whole or in part, by a breach of this duty may maintain an action to establish liability and recover compensatory damages, punitive damages, and equitable relief against such public employer.</p>	House • Feb 15, 2022: Left in Courts of Justice	Immunity
<a href="#">HB 611</a>	<a href="#">Jeffrey M. Bourne</a>	<p><b>Early Identification System (EIS); DCJS to establish.</b></p> <p>Conduct of law-enforcement officers; establishment of an Early Identification System. Requires the Department of Criminal Justice Services (the Department) to establish a best practices model for the implementation, training, and management of an Early Identification System (EIS). The bill defines an EIS as a system through which a law-enforcement agency collects and manages data to identify and assess patterns of behavior, including misconduct and high-risk behavior, or performance of law-enforcement officers and law-enforcement agency employees. The bill directs each sheriff or chief of police to implement an EIS by July 1, 2024, and requires that law-enforcement officers receive training prior to implementation of the EIS and annually thereafter. The bill also directs the Department to establish and administer written policies and procedures for law-enforcement agencies to report to the Office of the Attorney General all judgments or settlements in cases relating to negligence or misconduct of a law-enforcement officer.</p>	House • Feb 11, 2022: Tabled in Public Safety (11-Y 10-N)	Immunity
<a href="#">HB 913</a>	<a href="#">Emily M. Brewer</a>	<p><b>Underground Utility Damage Prevention Act; duties of operator, liability of excavator.</b></p> <p>Underground Utility Damage Prevention Act; duties of operator; liability of excavator. Requires an operator of residential telecommunications or cable television service, after receiving notification of an interruption in service due to the installation of broadband service at a given premises, to restore telecommunications or cable television service, such that a person at the premises can telephone emergency services by dialing 911, within two days of receiving such notification. The bill prohibits an operator from giving false or misleading information to the notification center and requires the State Corporation Commission to investigate certain claims following an informal complaint. The bill requires an operator to indemnify and hold harmless an excavator when the excavator is installing facilities for purposes of broadband service and damages a utility line used for residential telecommunications or cable television and provides that no excavator is liable for any such damage occurring on or after July 1, 2022. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101983D: 56-265.19, 56-265.25</p>	House • Feb 15, 2022: Left in Commerce and Energy	Immunity
<a href="#">HB 1095</a>	<a href="#">Kaye Kory</a>	<p><b>Health care; decision making, end of life, penalties.</b></p> <p>Health care; decision making; end of life; penalties. Allows an adult diagnosed with a terminal condition to request and an attending health care provider to prescribe a self-administered controlled substance for the purpose of ending the patient's life in a humane and dignified manner. The bill requires that a patient's request for a self-administered controlled substance to end his life must be given orally on two occasions and in writing, signed by the patient and one witness, and that the patient be given an express opportunity to rescind his request at any time. The bill makes it a Class 2 felony (i) to willfully and deliberately alter, forge, conceal, or destroy a patient's request, or rescission of request, for a self-administered controlled substance to end his life with the intent and effect of causing the patient's death; (ii) to coerce, intimidate, or exert undue influence on a patient to request a self-administered controlled substance for the purpose of ending his life or to destroy the patient's rescission of such request with the intent and effect of causing the patient's death; or (iii) to coerce, intimidate, or exert undue influence on a patient to forgo a self-administered controlled substance for the purpose of ending the patient's life. The bill also grants immunity from civil or criminal liability and professional disciplinary action to any person who complies with the provisions of the bill and allows health care providers to refuse to participate in the...</p>	House • Feb 15, 2022: Left in Courts of Justice	Immunity
<a href="#">HB 1178</a>	<a href="#">G. "John" Avoli</a>	<p><b>Seizure first aid information; Department of Labor and Industry to disseminate information.</b></p> <p>Department of Labor and Industry; seizure first aid information. Directs the Department of Labor and Industry (the Department) to disseminate information regarding seizure first aid, defined in the bill, to all employers and employees in the Commonwealth and requires all employers in the Commonwealth to physically post this information in a prominent location in the workplace. The bill incorporates the "Good Samaritan" provision of the Code of Virginia that shields a person from liability when rendering emergency care in good faith under certain circumstances.</p>	Senate • Mar 08, 2022: Signed by President	Immunity

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 1249</a>	<a href="#">Glenn R. Davis</a>	<b>Food donations; labeling, liability.</b>  Food donations; labeling; liability. Exempts individuals and entities that donate food and charitable organizations that accept food donations from criminal and civil liability for donating or receiving food past its best-by date or other non-safety labels so long as all parties are informed. The bill provides that immunity from liability shall not apply in instances of gross negligence or intentional misconduct. Statutes affected: House: Presented and ordered printed 22104344D: 3.2-5144, 35.1-14.2	Senate • Mar 10, 2022: Signed by President	Immunity
<a href="#">HB 1293</a>	<a href="#">Elizabeth B. Bennett-Parker</a>	<b>Food donations; labeling, liability.</b>  Food donations; labeling; liability. Exempts individuals and entities that donate food and charitable organizations that accept food donations from criminal and civil liability for donating or receiving food past its best-by date or other non-safety labels so long as all parties are informed. The bill provides that immunity from liability shall not apply in instances of gross negligence or intentional misconduct. Statutes affected: House: Presented and ordered printed 22104304D: 3.2-5144, 35.1-14.2	House • Feb 09, 2022: Stricken from docket by Agriculture, Chesapeake and Natural Resources (21-Y 0-N)	Immunity
<a href="#">SB 148</a>	<a href="#">Thomas K. Norment, Jr.</a>	<b>Public health emergencies; expands immunity for health care providers.</b>  Public health emergencies; immunity for health care providers. Expands immunity provided to health care providers responding to a disaster to include actions or omissions taken by the provider as directed by any order of public health in response to such disaster when a local emergency, state of emergency, or public health emergency has been declared. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22102585D: 8.01-225.01, 8.01-225.02	Senate • Mar 10, 2022: Enrolled	Immunity
<a href="#">SB 175</a>	<a href="#">Mark J. Peake</a>	<b>Safe haven protections; newborn safety device at hospitals for reception of children.</b>  Safe haven protections; newborn safety device. Provides an affirmative defense in certain criminal prosecutions and civil proceedings regarding child abuse or neglect to a parent who safely delivers his child within the first 30 days of the child's life to a newborn safety device located at a hospital that provides 24-hour emergency services or at an attended emergency medical services agency that employs emergency medical services personnel. The bill also provides civil and criminal immunity to such hospitals and emergency medical services agencies for injuries to children received through such newborn safety devices, provided that (i) the injuries are not the result of gross negligence or willful misconduct and (ii) the hospital or emergency medical services agency meets certain requirements regarding the establishment, functioning, and testing of the device. Current law requires the child to be delivered within the first 14 days of the child's life at such hospital or emergency medical services agency.	Senate • Jan 24, 2022: Incorporated by Judiciary (SB63-Ruff) (15-Y 0-N)	Immunity
<a href="#">SB 254</a>	<a href="#">John J. Bell</a>	<b>Alcoholic beverage control; delivery of alcoholic beverages, third-party delivery license.</b>  Alcoholic beverage control; delivery of alcoholic beverages; third-party delivery license; container. Creates a third-party delivery license that authorizes the licensee to deliver alcoholic beverages purchased by consumers from other retail licensees. The bill establishes conditions for the issuance of third-party delivery licenses, imposes eligibility requirements for delivery personnel, and sets forth requirements for a delivery to be made by such delivery personnel. The bill imposes a \$2,500 fine for first-time violations of the delivery requirements and a \$5,000 fine for second and subsequent violations. The bill also establishes container requirements for certain alcoholic beverages sold for off-premises consumption or delivery. The bill requires that such alcoholic beverages, if not contained in the manufacturer's original sealed container, (i) be enclosed in a container that has no straw holes or other openings and is sealed in a manner that allows a person to readily discern whether the container has been opened or tampered with; (ii) display the name of the licensee from which the alcoholic beverages were purchased; (iii) be clearly marked with the phrase "contains alcoholic beverages"; (iv) have a maximum volume of 16 ounces per beverage for certain beverages; and (v) be stored in the trunk of the vehicle, in an area that is rear of the driver's seat, in a locked container or compartment or, in the case of delivery by bicycle, in a compartment behind the bicyclist ...	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	Immunity
<a href="#">SB 711</a>	<a href="#">Amanda F. Chase</a>	<b>Prescriptions; off-label use.</b>  Prescriptions; off-label use. Provides that a licensed health care provider with prescriptive authority may prescribe, administer, or dispense a drug that has been approved for a specific use by the U.S. Food and Drug Administration for an off-label use when the health care provider determines, in his professional judgment, that such off-label use is appropriate for the care and treatment of the patient and prohibits a pharmacist from refusing to dispense a drug for off-label use if a valid prescription is presented.	Senate • Feb 10, 2022: Passed by indefinitely in Education and Health (9-Y 6-N)	Immunity



Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 737</a>	<a href="#">Jennifer B. Boysko</a>	<p>Early childhood care and education entities; administration of epinephrine.</p> <p>Early childhood care and education entities; administration of epinephrine. Requires the Board of Education to amend its regulations to require each early childhood care and education entity to implement policies for the possession and administration of epinephrine in every such entity, to be administered by any nurse at the entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to any child believed to be having an anaphylactic reaction. The bill mandates that such policies shall require that at least one school nurse, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine has the means to access at all times during regular facility hours any such epinephrine that is stored in a locked or otherwise generally inaccessible container or area. This bill shall be known as Elijah's Law. Statutes affected:</p> <p>Senate: Presented and ordered printed 22103738D: 8.01-225, 54.1-3408</p>	<p>executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022</p>	Immunity

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2022 General Assembly Bills of Interest

# Insurance

Virginia Trial Lawyers Association

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 446</a>	<a href="#">Schuyler T. VanValkenburg</a>	<p><b>Motor vehicle insurance policies; discrimination prohibited.</b></p> <p>Motor vehicle insurance policies; discrimination prohibited. Prohibits any policy for motor vehicle insurance that uses any of the following characteristics of a driver as a factor in calculating auto insurance rates or determining eligibility for a policy from being issued in the Commonwealth: education, occupation, employment status, homeownership status, credit score, gender, zip code, census tract, marital status, previous insurer, or previous purchase of insurance.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100873D: 46.2-475</p>	House • Feb 01, 2022: Stricken from docket by Commerce and Energy (21-Y 0-N)	<a href="#">Insurance</a>
<a href="#">HB 481</a>	<a href="#">Dan I. Helmer</a>	<p><b>Hospitals; price transparency.</b></p> <p>Hospitals; price transparency. Requires every hospital to make information about standard charges for items and services provided by the hospital available on the hospital's website.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101862D: 32.1-137.05</p>	House • Mar 11, 2022: Enrolled	<a href="#">Insurance</a>
<a href="#">SB 311</a>	<a href="#">Adam P. Ebbin</a>	<p><b>Real property; title insurance and duty to disclose ownership interest and lis pendens.</b></p> <p>Real property; title insurance and duty to disclose ownership interest and lis pendens. Provides that a real estate licensee has an affirmative duty, upon having substantive discussions about specific real property, to disclose in writing to the purchaser, seller, lessor, or lessee if he, any member of his family, his firm, any member of his firm, or any entity in which he has an ownership interest has or will have an ownership interest to the other parties to the transaction. The bill requires a settlement agent, in connection with any transaction involving the purchase or sale of an interest in residential real property, to obtain from the purchaser a statement in writing that he has been notified by the settlement agent that the purchaser may wish to obtain owner's title insurance coverage including affirmative mechanics' lien coverage, if available, and of the general nature of such insurance coverage in accordance with the standards of the American Land Title Association, and that the purchaser does or does not desire such coverage or desires coverage not consistent with the standards of the American Land Title Association. The bill requires such written notification to substantially comply with language provided in the bill. The bill requires that an owner of residential dwelling unit who has actual knowledge of a lis pendens filed against the dwelling unit to provide to a prospective purchaser a written disclosure of such fact to the purchaser on a form provided by the...</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<a href="#">Insurance</a>
<a href="#">SB 408</a>	<a href="#">Siobhan S. Dunnavant</a>	<p><b>Sentencing documents; transmission to the DHP and DBHDS.</b></p> <p>Transmission of sentencing documents to the Department of Health Professions and Department of Behavioral Health and Developmental Services. Provides that the attorney for the Commonwealth or his designee shall request the clerk of the court to transmit certified copies of sentencing documents to the Director of the Department of Health Professions or to the Director of the Department of Behavioral Health and Developmental Services when a practitioner or person who is licensed by a health regulatory board or the Department of Behavioral Health and Developmental Services has been convicted of a felony, crime involving moral turpitude, or crime that occurred during the course of practice for which such practitioner or person is licensed. The bill also provides that no clerk shall charge for copying or making for or furnishing to the Department of Health Professions or Department of Behavioral Health and Developmental Services a certified copy of a criminal judgment order or criminal sentencing order.Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22101439D: 17.1-267, 19.2-310.01</p>	House • Mar 08, 2022: Signed by Speaker	<a href="#">Insurance</a>
<a href="#">SB 681</a>	<a href="#">Mark D. Obenshain</a>	<p><b>Health insurers; duty of in-network providers to submit claims, prohibited practices.</b></p> <p>Duty of in-network providers to submit claims to health insurers; civil penalty. Provides that any in-network provider that provides health care services to a covered patient that does not submit its claim to the health insurer for the health care services in accordance with the terms of the applicable provider agreement or as permitted under applicable federal or state laws or regulations shall be subject to a civil penalty of \$1,000 per violation.Statutes affected: Senate: Presented and ordered printed 22104364D: 8.01-27.5</p>	Senate • Mar 10, 2022: Signed by President	<a href="#">Insurance</a>
<a href="#">SB 733</a>	<a href="#">Frank M. Ruff, Jr.</a>	<p><b>Exempted vehicles; insurance.</b></p> <p>Exempted vehicles; insurance. Requires motor vehicles, trailers, and semi-trailers exempted from the registration requirement to be covered by motor vehicle insurance or an umbrella or excess insurance policy. The bill requires the owner of any such motor vehicle, trailer, or semi-trailer to provide proof of insurance within 30 days when requested by a law-enforcement officer and provides that failure to do so is punishable as a traffic infraction by a fine of \$600 to be paid into the Uninsured Motorists Fund.Statutes affected: Senate: Presented and ordered printed 22104317D: 46.2-684.1</p>	Senate • Mar 10, 2022: Signed by President	<a href="#">Insurance</a>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 754</a>	<a href="#">Mark D. Obenshain</a>	<p>Motor vehicle insurance; underinsured motor vehicle.</p> <p>Motor vehicle insurance; underinsured motor vehicle. Requires any motor vehicle motor vehicle liability insurance policy issued, delivered, or renewed in the Commonwealth after July 1, 2022, to include a specific statement regarding the insurer requirements to provide underinsured motorist coverage that pays any damages due to an insured in addition to any bodily injury or property damage liability that is applicable to the insured's damages. Under the bill, underinsured motorist coverage shall be paid without any credit for the bodily injury and property damage coverage available for payment, unless any named insured elects to reduce any underinsured motorist coverage payments by notifying the insurer. If an injured person is entitled to underinsured motorist coverage under more than one policy, he may elect to receive a credit to the extent that the available liability coverage exceeds the amount of underinsured motorist coverage from a higher priority policy. The bill also provides that taxicab operators may fulfill their insurance filing requirement by showing evidence of a certificate of self-insurance. Statutes affected:</p> <p>Senate: Presented and ordered printed 22104918D: 38.2-2202, 38.2-2206, 46.2-2057</p>	Senate • Mar 11, 2022: Enrolled	<a href="#">Insurance</a>

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2022 General Assembly Bills of Interest

# Judicial Administration

Virginia Trial Lawyers Association

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 104</a>	<a href="#">Timothy V. Anderson</a>	<p>Judicial emergency; administrative delays, prosecution of felony due to lapse of time.</p> <p>Prosecution of felony due to lapse of time; judicial emergency; administrative delays. Provides that the speedy trial provisions shall be tolled upon a declaration of a judicial emergency. The bill also provides that the speedy trial provisions shall be tolled upon administrative delays resulting from the enactment of Chapter 43 of the Acts of Assembly of 2020, Special Session I, and creates a process by which a party may petition for an immediate interlocutory appeal of a trial date set outside of the speedy trial provisions if such trial could not be scheduled due to such administrative delays. The provisions of the bill related to such administrative delays sunset on December 31, 2024.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22103646D: 19.2-243</p>	Senate • Feb 21, 2022: Passed by indefinitely in Judiciary (9-Y 6-N)	Judicial Administration
<a href="#">HB 378</a>	<a href="#">Angelia Williams Graves</a>	<p>Jury duty; allowance increase.</p> <p>Jury duty; allowance increase. Increases the jury duty allowance from \$30 to \$40 for each day of attendance upon the court effective July 1, 2022; to \$45 effective July 1, 2023; and to \$50 effective July 1, 2024, and thereafter.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101434D: 17.1-618</p>	House • Feb 15, 2022: Left in Appropriations	Judicial Administration
<a href="#">HB 536</a>	<a href="#">Kelly K. Convors-Fowler</a>	<p>General district courts; filing an order of disposition from a criminal case.</p> <p>Filing an order of disposition from a criminal case in general district courts. Provides that any adult criminal disposition for a misdemeanor or felony in a juvenile and domestic relations district court may be submitted to the general district court of the same territorial jurisdiction to be filed as a general district court record upon a petition filed by the victim of the offense and with the consent of the juvenile and domestic relations district court.</p>	House • Feb 07, 2022: Stricken from docket by Courts of Justice (20-Y 0-N)	Judicial Administration
<a href="#">HB 594</a>	<a href="#">Don L. Scott</a>	<p>Magistrates; appointment and supervision.</p> <p>Magistrates; appointment and supervision. Gives supervisory control over the magistrate system to the chief circuit court judge and the Committee on District Courts and abolishes magisterial regions. Under current law, the Executive Secretary of the Virginia Supreme Court exercises such authority with a provision for consultation with the chief judges of the circuit courts in the region where the appointment is made.</p>	House • Feb 15, 2022: Left in Courts of Justice	Judicial Administration
<a href="#">HB 658</a>	<a href="#">Patrick A. Hope</a>	<p>Juveniles; appointment of counsel, indigency.</p> <p>Juveniles; appointment of counsel; indigency. Removes provisions stating that when the court appoints counsel to represent a child in a detention hearing or in a case involving a child who is alleged to be in need of services, in need of supervision, or delinquent and, after an investigation by the court services unit, finds that the parents are financially able to pay for such attorney in whole or in part and refuse to do so, the court shall assess costs against the parents for such legal services in the amount awarded the attorney by the court, not to exceed \$100 if the action is in circuit court or the maximum amount specified for court-appointed counsel appearing in district court. The bill also removes provisions requiring that before counsel is appointed in any case involving a child who is alleged to be in need of services, in need of supervision, or delinquent, the court determine that the child is indigent. The bill provides that for the purposes of appointment of counsel for a delinquency proceeding, a child shall be considered indigent.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22103997D: 16.1-266, 16.1-267</p>	House • Feb 15, 2022: Left in Courts of Justice	Judicial Administration
<a href="#">HB 682</a>	<a href="#">Patrick A. Hope</a>	<p>Service of process; investigator employed by an attorney for the Commonwealth, etc.</p> <p>Service of process; investigator employed by an attorney for the Commonwealth or Indigent Defense Commission. Provides that all investigators employed by an attorney for the Commonwealth or by the Indigent Defense Commission while engaged in the performance of their official duties shall not be considered a party or otherwise interested in the subject matter in controversy and, thus, are authorized to serve process. The bill eliminates the requirement that the sheriff in the jurisdiction where process is to be served agrees that such investigators may serve process.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101921D: 8.01-293</p>	House • Mar 10, 2022: VOTE: Adoption (100-Y 0-N)	Judicial Administration
<a href="#">HB 761</a>	<a href="#">Paul E. Krizek</a>	<p>Judicial Inquiry and Review Commission; availability of complaint forms.</p> <p>Judicial Inquiry and Review Commission; availability of complaint forms. Requires that any standard complaint form utilized by the Judicial Inquiry and Review Commission shall be made available in paper form at every clerk's office in all courts across the Commonwealth. The bill also requires that a sign be posted in all state courts of the Commonwealth, in a location accessible to the public, detailing the availability and location of such form. Such sign shall also include information on how to access a downloadable electronic version of the form, which shall be made available on the official website of the judicial system of the Commonwealth, every individual appellate, circuit, general district, and juvenile and domestic relations district court website, if such website exists, and the website for the Division of Legislative Services.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102454D: 17.1-917</p>	House • Mar 10, 2022: Enrolled	Judicial Administration

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 821</a>	<a href="#">Luke E. Torian</a>	<b>Judges; increases from six to seven the maximum number in the Thirty-first Judicial Circuit.</b>  Maximum number of judges in each judicial circuit. Increases from six to seven the maximum number of authorized judges in the Thirty-first Judicial Circuit. This bill is a recommendation of the Judicial Council of Virginia. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100583D: 17.1-507	House • Mar 10, 2022: Enrolled	<b>Judicial Administration</b>
<a href="#">HB 1241</a>	<a href="#">G. "John" Avoli</a>	<b>Pretrial Intervention and Diversion Program; created.</b>  Pretrial Intervention and Diversion Program. Authorizes the attorney for the Commonwealth for each judicial circuit of the Commonwealth to create and administer a Pretrial Intervention and Diversion Program for the purpose of providing an alternative to prosecuting offenders in the criminal justice system. The bill provides that entry into such program shall be at the discretion of the attorney for the Commonwealth based upon written guidelines and that no attorney for the Commonwealth shall accept any offender into such program for an offense for which punishment includes a mandatory minimum sentence of imprisonment.	House • Feb 15, 2022: Left in Courts of Justice	<b>Judicial Administration</b>
<a href="#">HB 1285</a>	<a href="#">Richard C. "Rip" Sullivan, Jr.</a>	<b>Virginia State Bar; repeals sunset provision on Supreme Court's authority to assess members.</b>  Virginia State Bar; Clients' Protection Fund; sunset. Repeals the sunset provision on the Supreme Court's authority to adopt rules assessing members of the Virginia State Bar an annual fee of up to \$25 to be deposited in the Clients' Protection Fund.	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Judicial Administration</b>
<a href="#">SB 83</a>	<a href="#">William M. Stanley, Jr.</a>	<b>Judicial retirement; increases mandatory age from 73 to 75.</b>  Mandatory judicial retirement age. Increases the mandatory judicial retirement age from 73 to 75. This increase in mandatory retirement age includes judges subject to mandatory retirement during the 2022 Regular Session of the General Assembly and allows any sitting judge who has attained age 73 and has submitted a notice of retirement but not yet retired to revoke the notice of retirement by written request. The bill requires the revocation of any certification of need to fill the vacancy determined by the Judicial Council or Committee on District Courts based on the original notice of retirement if a written request to revoke the notice of retirement is submitted by the judge. The bill contains an emergency clause. Statutes affected: Senate: Prefiled and ordered printed with emergency clause; offered 01/12/22 22101421D: 51.1-305	Senate • Jan 19, 2022: Passed by indefinitely in Judiciary (12-Y 3-N)	<b>Judicial Administration</b>
<a href="#">SB 143</a>	<a href="#">John S. Edwards</a>	<b>Court of Appeals of Virginia; makes various changes to procedures and jurisdiction of the Court.</b>  Court of Appeals of Virginia; emergency. Makes various changes to the procedures and jurisdiction of the Court of Appeals of Virginia, including (i) clarifying that an aggrieved party of certain pretrial orders may petition the Court of Appeals for review of such order and that such petitions shall be reviewed by a three-judge panel; (ii) providing that a party to an appeal that requests an extension for a filing deadline in the Court of Appeals must show good cause for the extension to be granted; (iii) clarifying that appeal bonds and security bonds are not required in criminal appeals; (iv) permitting the Court of Appeals to dispense with oral argument if the parties agree that it is not necessary; and (v) making consistent the grounds for seeking a delayed appeal in a criminal case in the Court of Appeals and the Supreme Court of Virginia. The bill additionally corrects the unintentional elimination of reviews of interlocutory decrees or orders involving certain equitable claims from the jurisdiction of the Court of Appeals. The bill contains an emergency clause that is applicable only to this correction. Statutes affected: Senate: Prefiled and ordered printed with emergency clause; offered 01/12/22 22103323D: 8.01-626, 8.01-671, 8.01-675.3, 8.01-675.6, 8.01-676.1, 17.1-403, 17.1-405, 17.1-408, 19.2-321.1, 19.2-321.2	Senate • Mar 11, 2022: Enrolled	<b>Judicial Administration</b>
<a href="#">SB 221</a>	<a href="#">Mark D. Obenshain</a>	<b>Index of wills; Rockingham Circuit Court to establish pilot program.</b>  Circuit court clerks; will index; online database. Requires circuit court clerks to make their will indices available to the public in online, searchable databases.	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Judicial Administration</b>
<a href="#">SB 561</a>	<a href="#">J. Chapman Petersen</a>	<b>Virginia Attorney Disciplinary Commission; established, report.</b>  Virginia Attorney Disciplinary Commission; established. Establishes the Virginia Attorney Disciplinary Commission in the legislative branch of state government for the purpose of holding disciplinary hearings initiated by the Virginia State Bar against an attorney for a violation of the Virginia Rules of Professional Conduct or Unauthorized Practice Rules that would be the basis for a sanction to be imposed against such attorney and grants the Commission the power to hold issue sanctions against such attorney. The bill transfers any existing authority to discipline attorneys from the Virginia State Bar to the Commission. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22104232D: 17.1-406, 18.2-455, 54.1-3909, 54.1-3910, 54.1-3913, 54.1-3915, 54.1-3938.1, 54.1-3935, 54.1-3938	Senate • Feb 02, 2022: Passed by indefinitely in Judiciary (11-Y 4-N)	<b>Judicial Administration</b>
<a href="#">SB 640</a>	<a href="#">Joseph D. Morrissey</a>	<b>Public defender office; establishes an office for the County of Henrico.</b>  Public defender offices; County of Henrico. Establishes a public defender office for the County of Henrico.	Senate • Feb 10, 2022: Incorporated by Finance and Appropriations (SB475-McClellan) (16-Y 0-N)	<b>Judicial Administration</b>



Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 696</a>	<a href="#">William M. Stanley, Jr.</a>	Judges; maximum number in each judicial district.  Maximum number of judges in each judicial district. Increases from two to three the maximum number of authorized general district court judges in the Twenty-second Judicial District.	Senate • Jan 26, 2022: Passed by indefinitely in Judiciary (13-Y 1-N)	Judicial Administration
<a href="#">SB 730</a>	<a href="#">Lynwood W. Lewis, Jr.</a>	Jurors; increases the daily compensation.  Jurors; compensation. Increases the daily compensation for jurors from \$30 to \$100. Statutes affected: Senate: Presented and ordered printed 22104517D: 17.1-618	House • Mar 07, 2022: Tabled in Appropriations (13-Y 9-N)	Judicial Administration
<a href="#">SR 1</a>	<a href="#">John S. Edwards</a>	Public defender offices; feasibility, expense, and implementation of statewide coverage, report.  Feasibility, expense, and implementation of statewide coverage of public defender offices; study. Directs the Virginia Indigent Defense Commission (the Commission) to establish a work group to study the feasibility, cost, and implementation of statewide coverage of public defender offices. The bill directs the Commission to report its findings and recommendations to the chairmen of the Virginia State Crime Commission, the House Committee for Courts of Justice, the Senate Committee on the Judiciary, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations by November 1, 2022.	Senate • Feb 07, 2022: Continued to 2023 in Judiciary (15-Y 0-N)	Judicial Administration

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2022 General Assembly Bills of Interest

# Long-Term Care

Virginia Trial Lawyers Association

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 97</a>	<a href="#">Christopher T. Head</a>	<p>Nursing homes; regulations, electronic monitoring.</p> <p>Nursing homes; regulations; electronic monitoring. Directs the Board of Health to include in regulations governing nursing homes a provision prohibiting a nursing home from refusing to admit, transferring, or discharging a patient on the grounds that the patient has implemented or requested to implement electronic monitoring, provided such request and electronic monitoring is in accordance with regulations of the Board. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100662D: 32.1-127</p>	House • Jan 20, 2022: Stricken from docket by Health, Welfare and Institutions (21-Y 0-N)	<a href="#">Long-Term Care</a>
<a href="#">HB 265</a>	<a href="#">Ronnie R. Campbell</a>	<p>Multi-jurisdiction grand jury; investigation of elder abuse crimes.</p> <p>Multi-jurisdiction grand jury; elder abuse crimes. Adds the following to the list of crimes that a multi-jurisdiction grand jury may investigate: (i) financial exploitation of mentally incapacitated persons and (ii) abuse and neglect of incapacitated adults. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102393D: 19.2-215.1</p>	Senate • Feb 16, 2022: Passed by indefinitely in Judiciary (9-Y 4-N)	<a href="#">Long-Term Care</a>
<a href="#">HB 330</a>	<a href="#">Vivian E. Watts</a>	<p>Nursing homes &amp; certified nursing facilities; minimum staffing standards, administrative sanctions.</p> <p>Minimum staffing standards for nursing homes and certified nursing facilities; administrative sanctions; Long-Term Care Services Fund. Requires nursing homes to meet a baseline staffing level based on resident acuity in alignment with the Centers for Medicare and Medicaid Services staffing level recommendations. The bill requires nursing homes to collect and submit to the Department of Health certain data related to staffing. The bill gives the Commissioner of Health the power to impose administrative sanctions on nursing homes and directs the Board of Health to promulgate regulations related to the criteria and procedures for imposition of administrative sanctions or initiation of court proceedings for violations of the bill. The bill provides that nursing homes shall only be subject to administrative sanctions upon initial funding for the state share of the cost to implement the provisions of the bill. The bill establishes the Long-Term Care Services Fund for the purpose of making grants to assist in the provision of activities that protect or improve the quality of care or quality of life for residents, patients, and consumers of long-term care services. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22104129D: 32.1-27.1, 32.1-127</p>	House • Feb 10, 2022: Continued to 2023 in Health, Welfare and Institutions by voice vote	<a href="#">Long-Term Care</a>
<a href="#">HB 481</a>	<a href="#">Dan I. Helmer</a>	<p>Hospitals; price transparency.</p> <p>Hospitals; price transparency. Requires every hospital to make information about standard charges for items and services provided by the hospital available on the hospital's website. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101862D: 32.1-137.05</p>	House • Mar 11, 2022: Enrolled	<a href="#">Long-Term Care</a>
<a href="#">HB 496</a>	<a href="#">Michael P. Mullin</a>	<p>Abuse and neglect; financial exploitation, changes term incapacitated adults, definitions, penalties</p> <p>Abuse and neglect; financial exploitation; incapacitated adults; penalties. Changes the term "incapacitated adult" to "vulnerable adult" for the purposes of the crime of abuse and neglect of such adults and defines "vulnerable adult" as any person 18 years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, advanced age, or other causes to the extent the adult lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his well-being or has one or more limitations that substantially impair the adult's ability to independently provide for his daily needs or safeguard his person, property, or legal interests. The bill adds the definition of "advanced age" as it is used in the definition of "vulnerable adult" to mean 65 years of age or older. The bill also changes the term "person with mental incapacity" to the same meaning of "vulnerable adult" for the purposes of the crime of financial exploitation. This bill is a recommendation of the Virginia Criminal Justice Conference.</p>	House • Mar 10, 2022: Enrolled	<a href="#">Long-Term Care</a>
<a href="#">HB 497</a>	<a href="#">Michael P. Mullin</a>	<p>Misuse of power of attorney; financial exploitation of incapacitated adults by an agent, penalty.</p> <p>Misuse of power of attorney; financial exploitation; incapacitated adults; penalty. Makes it a Class 1 misdemeanor for any person granted authority to act for a principal under a power of attorney to knowingly or intentionally engage in financial exploitation of an incapacitated adult. The bill also provides that the power of attorney terminates upon such conviction. This bill is a recommendation of the Virginia Criminal Justice Conference. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100840D: 64.2-1608, 64.2-1621</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<a href="#">Long-Term Care</a>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 569</a>	<a href="#">Nadarius E. Clark</a>	<p><b>Hospices, home care organizations, private providers, etc; immunity from liability.</b></p> <p>Hospices, home care organizations, private providers, assisted living facilities, and adult day care centers; immunity from liability. Repeals the provision that a licensed hospice, home care organization, private provider, assisted living facility, or adult day care center that delivers care to or withholds care from a patient, resident, or person receiving services who is diagnosed as being or is believed to be infected with the COVID-19 virus shall not be liable for any injury or wrongful death of such patient, resident, or person receiving services arising from the delivery or withholding of care when the emergency and subsequent conditions caused by the emergency result in a lack of resources, attributable to the disaster, that render such hospice, home care organization, private provider, assisted living facility, or adult day care center unable to provide the level or manner of care that otherwise would have been required in the absence of the emergency and that resulted in the injury or wrongful death at issue.</p>	House • Jan 28, 2022: Stricken from docket by Courts of Justice (18-Y 0-N)	<a href="#">Long-Term Care</a>
<a href="#">HB 646</a>	<a href="#">Betsy B. Carr</a>	<p><b>Nursing homes; standards of care and staff requirements, regulations.</b></p> <p>Nursing home standards of care and staff requirements; regulations. Requires the State Board of Health to establish staffing and care standards in nursing homes to require a minimum of direct care services to each resident per 24-hour period as follows: (i) a minimum of 2.8 direct care hours provided by a nurse aide per resident, per day; (ii) a minimum of 1.3 direct care hours provided by a registered nurse or licensed practical nurse per resident, per day; and (iii) a minimum of 0.75 hours out of total 4.1 required direct hours provided by a registered nurse per resident, per day. The bill requires nursing homes to provide quarterly staff training on first aid, medication administration, and compliance with nursing home policies and procedures. Additionally, the bill removes language requiring that each hospital, nursing home, and certified nursing facility establish protocols for patient visits from a rabbi, priest, minister, or clergy of any religious denomination or sect during a declared public health emergency related to a communicable disease of public health threat. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22103792D: 32.1-127</p>	House • Feb 10, 2022: Continued to 2023 in Health, Welfare and Institutions by voice vote	<a href="#">Long-Term Care</a>
<a href="#">HB 662</a>	<a href="#">William C. Wampler III</a>	<p><b>Multi-jurisdiction grand jury; investigation of elder abuse crimes.</b></p> <p>Multi-jurisdiction grand jury; elder abuse crimes. Adds the following to the list of crimes that a multi-jurisdiction grand jury may investigate: (i) financial exploitation of mentally incapacitated persons and (ii) abuse and neglect of incapacitated adults. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102157D: 19.2-215.1</p>	House • Jan 28, 2022: Incorporated by Courts of Justice (HB265-Campbell, R.R.) by voice vote	<a href="#">Long-Term Care</a>
<a href="#">HB 690</a>	<a href="#">Patrick A. Hope</a>	<p><b>Assisted living facilities; involuntary discharge of a resident.</b></p> <p>Assisted living facilities; involuntary discharge of a resident. Provides that an assisted living facility shall not involuntarily discharge a patient except (i) in cases in which the resident's condition presents an immediate and serious risk to the health, safety, or welfare of the resident or others and emergency discharge is necessary to protect the health, safety, or welfare of the resident or others; (ii) for nonpayment of contracted charges; or (iii) for failure of the resident to substantially comply with the terms and conditions of the lease agreement between the resident and the assisted living facility. The bill requires an assisted living facility to take steps to prevent the involuntary discharge, requires an assisted living facility to provide at least 30 days' notice of the involuntary discharge, and requires the assisted living facility to provide a discharge plan for the resident prior to involuntary discharge. The bill also requires the Department of Social Services to establish a process by which a resident or the resident's representative may appeal the decision of the assisted living facility to involuntarily discharge a resident to the Department and requires the Department to conduct a review to determine whether the assisted living facility has complied with the requirements of the bill. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22103628D: 63.2-1805</p>	House • Feb 15, 2022: Left in Appropriations	<a href="#">Long-Term Care</a>
<a href="#">HB 900</a>	<a href="#">G. "John" Avoli</a>	<p><b>Public health emergency; hospital or nursing home, addition of beds.</b></p> <p>Public health emergency; hospital or nursing home; addition of beds. Creates an exemption from the requirement for a certificate of public need or a license for the temporary addition of beds located in a temporary structure or satellite location by a hospital or nursing home in cases in which the Board of Health or the Commissioner of Health (the Commissioner) has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health and provides that such exemption shall apply for the duration of the emergency order plus 30 days. The bill also expands the duration of the existing exemption from the requirement for a certificate of public need or a license for the addition of temporary beds when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds to the duration of such determination plus 30 days and makes clear that such exemption shall apply to the temporary addition of beds located in a temporary structure or satellite location by a hospital or nursing home. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102131D: 32.1-102.2, 32.1-127</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<a href="#">Long-Term Care</a>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 406</a>	<a href="#">George L. Barker</a>	<p>Nursing homes &amp; certified nursing facilities; minimum staffing standards, administrative sanctions.</p> <p>Minimum staffing standards for nursing homes and certified nursing facilities; administrative sanctions; Long-Term Care Services Fund. Requires nursing homes to meet a baseline staffing level based on resident acuity in alignment with the Centers for Medicare and Medicaid Services staffing level recommendations. The bill requires nursing homes to collect and submit to the Department of Health certain data related to staffing. The bill gives the Commissioner of Health the power to impose administrative sanctions on nursing homes and directs the Board of Health to promulgate regulations related to the criteria and procedures for imposition of administrative sanctions or initiation of court proceedings for violations of the bill. The bill provides that nursing homes shall only be subject to administrative sanctions upon initial funding for the state share of the cost to implement the provisions of the bill. The bill establishes the Long-Term Care Services Fund for the purpose of making grants to assist in the provision of activities that protect or improve the quality of care or quality of life for residents, patients, and consumers of long-term care services. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22103793D: 32.1-27.1, 32.1-127</p>	Senate • Feb 03, 2022: Failed to report (defeated) in Education and Health (6-Y 8-N 1-A)	<a href="#">Long-Term Care</a>
<a href="#">SB 690</a>	<a href="#">T. Montgomery "Monty" Mason</a>	<p>Misuse of power of attorney; financial exploitation of incapacitated adults, penalty.</p> <p>Misuse of power of attorney; financial exploitation; incapacitated adults; penalty. Makes it a Class 1 misdemeanor for any person granted authority to act for a principal under a power of attorney to knowingly or intentionally engage in financial exploitation of an incapacitated adult. The bill also provides that the power of attorney terminates upon such conviction. This bill is a recommendation of the Virginia Criminal Justice Conference. Statutes affected: Senate: Presented and ordered printed 22104031D: 64.2-1608, 64.2-1621</p>	Senate • Jan 26, 2022: Incorporated by Judiciary (SB124-Obenshain) (15-Y 0-N)	<a href="#">Long-Term Care</a>

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2022 General Assembly Bills of Interest

# Medical Malpractice

Virginia Trial Lawyers Association

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 92</a>	<a href="#">Christopher T. Head</a>	<p>Health care providers; amends definition to include home care organizations and hospice.</p> <p>Health care providers; definition. Amends the definition of "health care provider" to include home care organizations and hospice. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100336D: 8.01-581.1</p>	House • Feb 15, 2022: Left in Health, Welfare and Institutions	<a href="#">Medical Malpractice</a>
<a href="#">HB 242</a>	<a href="#">Dawn M. Adams</a>	<p>Professional counselors, licensed; added to list of providers who can disclose or recommend records.</p> <p>Practice of licensed professional counselors. Adds licensed professional counselors to the list of eligible providers who can disclose or recommend the withholding of patient records, face a malpractice review panel, and provide recommendations on involuntary temporary detention orders.</p>	executive • Mar 09, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<a href="#">Medical Malpractice</a>
<a href="#">HB 243</a>	<a href="#">Dawn M. Adams</a>	<p>Medicine, osteopathy, chiropractic, and podiatric medicine; requirements for practitioners.</p> <p>Practitioners of medicine, osteopathy, chiropractic, and podiatric medicine; requirements. Increases the duration of postgraduate training required issuance of a license to practice medicine, osteopathy, chiropractic, or podiatric medicine from 12 months to 36 months requires every practitioner licensed to practice medicine, osteopathy, chiropractic, and podiatric medicine to obtain and maintain coverage by or to be named insured on a professional liability insurance policy with limits equal to the current limitation on damages set forth in the Code of Virginia. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101322D: 54.1-2930</p>	House • Feb 15, 2022: Left in Health, Welfare and Institutions	<a href="#">Medical Malpractice</a>
<a href="#">HB 264</a>	<a href="#">Christopher T. Head</a>	<p>Public health emergency; out-of-state licenses, deemed licensure.</p> <p>Public health emergency; out-of-state licensees; deemed licensure. Provides that when the Board of Health has entered an emergency order for the purpose of suppressing nuisances dangerous to the public health or communicable, contagious or infectious diseases or other dangers to the public life and health, a practitioner of a profession regulated by the Board of Medicine who is licensed in another state, the District of Columbia, or a United States territory or possession and who is in good standing with the applicable regulatory agency in that state, the District of Columbia, or that United States territory or possession shall not be prevented or prohibited from engaging in the practice of that profession in the Commonwealth with a patient located in the Commonwealth when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services and (ii) the patient is a current patient of the practitioner with whom the practitioner has previously established a practitioner-patient relationship. The bill also provides that when the Board of Health has entered an emergency order for the purpose of suppressing nuisances dangerous to the public health or communicable, contagious or infectious diseases or other dangers to the public life and health, individuals licensed or certified to practice medicine, osteopathic medicine, or podiatry or as a physician assistant, respiratory therapist, advanced practice registered nurse, registered nurse, li...</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<a href="#">Medical Malpractice</a>
<a href="#">HB 353</a>	<a href="#">Rodney T. Willett</a>	<p>Unaccompanied homeless youth; consent to medical care.</p> <p>Unaccompanied homeless youth; consent to medical care. Provides that except for the purposes of sterilization or abortion, a minor who is 14 years of age or older and who is an unaccompanied homeless youth shall be deemed an adult for the purpose of consenting to surgical or medical examination or treatment, including dental examination and treatment, for himself or his minor child. The bill describes evidence sufficient to determine that a minor is an unaccompanied homeless youth and provides that no health care provider shall be liable for any civil or criminal action for providing surgical or medical treatment to an unaccompanied homeless youth or his minor child without first obtaining the consent of his parent or guardian provided in accordance with the law, with the exception of liability for negligence in the diagnosis or treatment of such unaccompanied homeless youth. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22103664D: 54.1-2969</p>	House • Feb 15, 2022: Left in Health, Welfare and Institutions	<a href="#">Medical Malpractice</a>
<a href="#">HB 481</a>	<a href="#">Dan I. Helmer</a>	<p>Hospitals; price transparency.</p> <p>Hospitals; price transparency. Requires every hospital to make information about standard charges for items and services provided by the hospital available on the hospital's website. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101862D: 32.1-137.05</p>	House • Mar 11, 2022: Enrolled	<a href="#">Medical Malpractice</a>
<a href="#">HB 527</a>	<a href="#">Dan I. Helmer</a>	<p>Interstate Medical Licensure Compact and Commission; created.</p> <p>Interstate Medical Licensure Compact. Creates the Interstate Medical Licensure Compact to create a process for expedited issuance of a license to practice medicine in the Commonwealth for qualifying physicians to enhance the portability of medical licenses while protecting patient safety. The bill establishes requirements for coordination of information systems among member states and procedures for investigation and discipline of physicians alleged to have engaged in unprofessional conduct. The bill creates the Interstate Medical Licensure Compact Commission to administer the compact.</p>	House • Jan 25, 2022: Stricken from docket by General Laws (22-Y 0-N)	<a href="#">Medical Malpractice</a>



Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 555</a>	<a href="#">C.E. Cliff Hayes, Jr.</a>	<p><b>Health care providers; transfer of patient records in conjunction with closure, etc.</b></p> <p>Health care providers; transfer of patient records in conjunction with closure, sale, or relocation of practice; electronic notice permitted. Allows health care providers to notify patients either electronically or by mail prior to the transfer of patient records in conjunction with the closure, sale, or relocation of the health care provider's practice. Current law requires health care providers to provide such notice by mail. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102359D: 54.1-2405</p>	executive • Mar 09, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<a href="#">Medical Malpractice</a>
<a href="#">HB 566</a>	<a href="#">Sally L. Hudson</a>	<p><b>Public hospitals; medical debt collection practices.</b></p> <p>Public hospitals; medical debt collection practices. Requires the University of Virginia Medical Center (the Medical Center) and the Virginia Commonwealth University Health System Authority (the Authority) to make payment plans available to each person who incurs a debt related to medical treatment. The bill (i) requires that such payment plans be provided in writing and cap monthly payments at no more than five percent of the person's household income, (ii) provides that the first payment under such payment plan shall not be due until a date that is at least 90 days after the date on which treatment was provided or the date on which the person discharged, and (iii) provides that a person who has made at least 10 payments pursuant to the payment plan in a 12-month period shall be deemed to be in compliance with the payment plan. The bill also prohibits the Medical Center and the Authority from charging interest or late fees for medical debt, requires the Medical Center and Authority to make information available in writing in languages other than English spoken in the service area and via oral translation service for other languages, prohibits the Medical Center and the Authority from selling medical debt to any person other than an organization that purchases medical debt for the purpose of paying such debt in full, prohibits the Medical Center and the Authority from initiating any extraordinary debt collection action including garnishment of wages or liens on a debtor's pri...</p>	House • Feb 15, 2022: Left in Health, Welfare and Institutions	<a href="#">Medical Malpractice</a>
<a href="#">HB 573</a>	<a href="#">Nadarius E. Clark</a>	<p><b>Statute of limitations; actions on contract for services provided by licensed health care provider.</b></p> <p>Statute of limitations; medical debt; judgment entered for medical debt. Provides that the statute of limitations for an action on any contract, written or unwritten, to collect medical debt, including actions brought by the Commonwealth, is three years. The bill further provides that no execution shall be issued and no action brought on a judgment, including a judgment in favor of the Commonwealth, rendered on medical debt after seven years from the date of such judgment; where the medical debt incurred was for life-sustaining treatment, no execution shall be issued and no action brought on such judgment more than three years from the date of such judgment. Under current law, the period within which such execution or action shall be brought is 20 years in circuit court and 10 years in general district court.</p>	House • Mar 10, 2022: Enrolled	<a href="#">Medical Malpractice</a>
<a href="#">HB 580</a>	<a href="#">Schuyler T. VanValkenburg</a>	<p><b>Covenants not to compete; health care professionals, civil penalty.</b></p> <p>Covenants not to compete; health care professionals; civil penalty. Adds health care professionals as a category of employee with whom no employer shall enter into, enforce, or threaten to enforce a covenant not to compete. The bill defines health care professional as any physician, nurse, nurse practitioner, physician's assistant, pharmacist, social worker, dietitian, physical and occupational therapist, and medical technologist authorized to provide health care services in the Commonwealth. The bill provides that any employer that violates the prohibition against covenants not to compete with an employee health care professional is subject to a civil penalty of \$10,000 for each violation.</p>	House • Feb 15, 2022: Left in Commerce and Energy	<a href="#">Medical Malpractice</a>
<a href="#">HB 690</a>	<a href="#">Patrick A. Hope</a>	<p><b>Assisted living facilities; involuntary discharge of a resident.</b></p> <p>Assisted living facilities; involuntary discharge of a resident. Provides that an assisted living facility shall not involuntarily discharge a patient except (i) in cases in which the resident's condition presents an immediate and serious risk to the health, safety, or welfare of the resident or others and emergency discharge is necessary to protect the health, safety, or welfare of the resident or others; (ii) for nonpayment of contracted charges; or (iii) for failure of the resident to substantially comply with the terms and conditions of the lease agreement between the resident and the assisted living facility. The bill requires an assisted living facility to take steps to prevent the involuntary discharge, requires an assisted living facility to provide at least 30 days' notice of the involuntary discharge, and requires the assisted living facility to provide a discharge plan for the resident prior to involuntary discharge. The bill also requires the Department of Social Services to establish a process by which a resident or the resident's representative may appeal the decision of the assisted living facility to involuntarily discharge a resident to the Department and requires the Department to conduct a review to determine whether the assisted living facility has complied with the requirements of the bill. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22103628D: 63.2-1805</p>	House • Feb 15, 2022: Left in Appropriations	<a href="#">Medical Malpractice</a>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 800</a>	<a href="#">Marcia S. "Cia" Price</a>	<p><b>Medical assistance services; eligibility, individuals confined in state correctional facilities.</b></p> <p>Medical assistance services; individuals confined in state correctional facilities. Requires the Department of Medical Assistance Services to enroll any person who is in the custody of a state correctional facility and who meets the criteria for eligibility for services under the state plan for medical assistance in the Commonwealth's program of medical assistance services; however, no services under the state plan for medical assistance shall be furnished to the person while he is confined in a state correctional facility unless federal financial participation is available to pay for the cost of the services provided. The bill also provides that, upon release from the custody of a state correctional facility, such individual shall continue to be eligible for services under the state plan for medical assistance until such time as the person is determined to no longer be eligible for medical assistance and that, to the extent permitted by federal law, the time during which a person is confined in a state correctional facility shall not be included in any calculation of when the person must recertify his eligibility for medical assistance.</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<a href="#">Medical Malpractice</a>
<a href="#">HB 896</a>	<a href="#">Dawn M. Adams</a>	<p><b>Nurse practitioner; patient care team provider.</b></p> <p>Nurse practitioner; patient care team provider. Replaces the term "patient care team physician" with the term "patient care team provider" in the context of requirements for collaboration and consultation for nurse practitioners and provides that a nurse practitioner who is authorized to practice without a practice agreement may serve as a patient care team provider providing collaboration and consultation for nurse practitioners who are not authorized to practice without a practice agreement. Currently, only a licensed physician may provide collaboration and consultation, as evidenced by a practice agreement, for a nurse practitioner. The bill also eliminates authority of a physician on a patient care team to require a nurse practitioner practicing as part of a patient care team to be covered by a professional liability insurance policy and the requirement that a nurse practitioner practicing without a practice agreement obtain and maintain coverage by or be named insured on a professional liability insurance policy. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101321D: 54.1-2957, 54.1-2957.01</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<a href="#">Medical Malpractice</a>
<a href="#">HB 900</a>	<a href="#">G. "John" Avoli</a>	<p><b>Public health emergency; hospital or nursing home, addition of beds.</b></p> <p>Public health emergency; hospital or nursing home; addition of beds. Creates an exemption from the requirement for a certificate of public need or a license for the temporary addition of beds located in a temporary structure or satellite location by a hospital or nursing home in cases in which the Board of Health or the Commissioner of Health (the Commissioner) has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health and provides that such exemption shall apply for the duration of the emergency order plus 30 days. The bill also expands the duration of the existing exemption from the requirement for a certificate of public need or a license for the addition of temporary beds when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds to the duration of such determination plus 30 days and makes clear that such exemption shall apply to the temporary addition of beds located in a temporary structure or satellite location by a hospital or nursing home. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102131D: 32.1-102.2, 32.1-127</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<a href="#">Medical Malpractice</a>
<a href="#">HB 931</a>	<a href="#">Roxann L. Robinson</a>	<p><b>Virginia Birth-Related Neurological Injury Compensation Act; publication of disciplinary actions.</b></p> <p>Virginia Birth-Related Neurological Injury Compensation Act; publication of disciplinary actions; award eligibility. Requires, to the extent permissible by state and federal law, the Board of Medicine to publish on its website disciplinary action taken against a physician as a result of an investigation under the Virginia Birth-Related Neurological Injury Compensation Act (the Act). The bill also permits compensation under the Act for birth-related neurological injury deaths occurring up to a person's eighteenth birthday; current law limits awards to such deaths occurring during the person's infancy. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102413D: 38.2-5004, 38.2-5009.1</p>	House • Feb 15, 2022: Left in Health, Welfare and Institutions	<a href="#">Medical Malpractice</a>
<a href="#">HB 1071</a>	<a href="#">Kathy K.L. Tran</a>	<p><b>Hospitals; determination of patient eligibility for financial assistance.</b></p> <p>Hospitals; debt collection; determination of patient eligibility for financial assistance. Requires every hospital to screen every patient to determine the patient's household income and whether the individual is eligible for medical assistance pursuant to the state plan for medical assistance, charity care, discounted care, or other financial assistance with the cost of medical care and provides that, notwithstanding any other provision of law, no hospital shall engage in extraordinary collection actions to recover a debt for medical services against any patient until such hospital has performed such screening.</p>	Senate • Mar 11, 2022: Conference report agreed to by Senate (40-Y 0-N)	<a href="#">Medical Malpractice</a>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 1095</a>	<a href="#">Kaye Kory</a>	<p><b>Health care; decision making, end of life, penalties.</b></p> <p>Health care; decision making; end of life; penalties. Allows an adult diagnosed with a terminal condition to request and an attending health care provider to prescribe a self-administered controlled substance for the purpose of ending the patient's life in a humane and dignified manner. The bill requires that a patient's request for a self-administered controlled substance to end his life must be given orally on two occasions and in writing, signed by the patient and one witness, and that the patient be given an express opportunity to rescind his request at any time. The bill makes it a Class 2 felony (i) to willfully and deliberately alter, forge, conceal, or destroy a patient's request, or rescission of request, for a self-administered controlled substance to end his life with the intent and effect of causing the patient's death; (ii) to coerce, intimidate, or exert undue influence on a patient to request a self-administered controlled substance for the purpose of ending his life or to destroy the patient's rescission of such request with the intent and effect of causing the patient's death; or (iii) to coerce, intimidate, or exert undue influence on a patient to forgo a self-administered controlled substance for the purpose of ending the patient's life. The bill also grants immunity from civil or criminal liability and professional disciplinary action to any person who complies with the provisions of the bill and allows health care providers to refuse to participate in the...</p>	House • Feb 15, 2022: Left in Courts of Justice	<a href="#">Medical Malpractice</a>
<a href="#">SB 169</a>	<a href="#">Mark J. Peake</a>	<p><b>Practical nurses, licensed; authority to pronounce death for a patient in hospice, etc.</b></p> <p>Licensed practical nurses; authority to pronounce death. Extends to licensed practical nurses the authority to pronounce the death of a patient, provided that certain conditions are met. Current law provides that physicians, registered nurses, and physician assistants may pronounce death. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22102397D: 54.1-2972</p>	Senate • Mar 10, 2022: Signed by President	<a href="#">Medical Malpractice</a>
<a href="#">SB 176</a>	<a href="#">Mark J. Peake</a>	<p><b>Emergency custody and temporary detention; transportation of person when transfer of custody.</b></p> <p>Emergency custody and temporary detention; transportation; transfer of custody. Makes clear that, in cases in which transportation of a person subject to an emergency custody order or temporary detention order is ordered to be provided by an alternative transportation provider, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order, and that the alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the community services board or its designee that is responsible for conducting the evaluation or the temporary detention facility, as is appropriate. The bill also adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22102915D: 37.2-808, 37.2-810</p>	Senate • Feb 03, 2022: Incorporated by Education and Health (SB650-Hanger) (15-Y 0-N)	<a href="#">Medical Malpractice</a>
<a href="#">SB 245</a>	<a href="#">Ghazala F. Hashmi</a>	<p><b>Public hospitals; medical debt collection practices.</b></p> <p>Public hospitals; medical debt collection practices. Requires the University of Virginia Medical Center (the Medical Center) and the Virginia Commonwealth University Health System Authority (the Authority) to make payment plans available to each person who incurs a debt related to medical treatment. The bill (i) requires that such payment plans be provided in writing and cap monthly payments at no more than five percent of the person's household income, (ii) provides that the first payment under such payment plan shall not be due until a date that is at least 90 days after the date on which treatment was provided or the date on which the person discharged, and (iii) provides that a person who has made at least 10 payments pursuant to the payment plan in a 12-month period shall be deemed to be in compliance with the payment plan. The bill also prohibits the Medical Center and the Authority from charging interest or late fees for medical debt, requires the Medical Center and Authority to make information available in writing in languages other than English spoken in the service area and via oral translation service for other languages, prohibits the Medical Center and the Authority from selling medical debt to any person other than an organization that purchases medical debt for the purpose of paying such debt in full, and requires the Medical Center and the Authority to establish a Financial Assistance Ombudsman Office to assist patients and other persons with issues related t...</p>	Senate • Feb 03, 2022: Incorporated by Education and Health (SB201-Favola) (15-Y 0-N)	<a href="#">Medical Malpractice</a>
<a href="#">SB 317</a>	<a href="#">Barbara A. Favola</a>	<p><b>Out-of-state health care practitioners; temporary authorization to practice.</b></p> <p>Out-of-state health care practitioners; temporary authorization to practice; licensure by reciprocity for physicians; emergency. Allows a health care practitioner licensed in another state or the District of Columbia who has submitted an application for licensure to the appropriate health regulatory board to temporarily practice for a period of 90 days pending licensure, provided that certain conditions are met. The bill directs the Department of Health Professions to pursue reciprocity agreements with jurisdictions that surround the Commonwealth to streamline the application process in order to facilitate the practice of medicine. The bill requires the Department of Health Professions to annually report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions the number of out-of-state health care practitioners who have utilized the temporary authorization to practice pending licensure and have not subsequently been issued full licensure. The bill contains an emergency clause.</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<a href="#">Medical Malpractice</a>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 350</a>	<a href="#">Scott A. Surovell</a>	<p>Health records; patient's right to disclosure.</p> <p>Health records; patient's right to disclosure. Requires a health care entity to include in its disclosure of an individual's health records any changes made to the health records and an audit trail for such records if the individual requests that such information be included in the health records disclosure.</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<a href="#">Medical Malpractice</a>
<a href="#">SB 408</a>	<a href="#">Siobhan S. Dunnavant</a>	<p>Sentencing documents; transmission to the DHP and DBHDS.</p> <p>Transmission of sentencing documents to the Department of Health Professions and Department of Behavioral Health and Developmental Services. Provides that the attorney for the Commonwealth or his designee shall request the clerk of the court to transmit certified copies of sentencing documents to the Director of the Department of Health Professions or to the Director of the Department of Behavioral Health and Developmental Services when a practitioner or person who is licensed by a health regulatory board or the Department of Behavioral Health and Developmental Services has been convicted of a felony, crime involving moral turpitude, or crime that occurred during the course of practice for which such practitioner or person is licensed. The bill also provides that no clerk shall charge for copying or making for or furnishing to the Department of Health Professions or Department of Behavioral Health and Developmental Services a certified copy of a criminal judgment order or criminal sentencing order. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22101439D: 17.1-267, 19.2-310.01</p>	House • Mar 08, 2022: Signed by Speaker	<a href="#">Medical Malpractice</a>
<a href="#">SB 414</a>	<a href="#">Jennifer A. Kiggans</a>	<p>Nurse practitioners; patient care team physician supervision capacity increased.</p> <p>Nurse practitioners; patient care team physician supervision capacity increased. Increases from six to 10 the number of nurse practitioners a patient care team physician may supervise at any one time in accordance with a written or electronic practice agreement. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22100912D: 54.1-2957.01</p>	House • Mar 08, 2022: Signed by Speaker	<a href="#">Medical Malpractice</a>

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2022 General Assembly Bills of Interest

# Torts

Virginia Trial Lawyers Association

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 50</a>	<a href="#">C. Matthew Fariss</a>	<p><b>Infant relinquishment laws; DSS to establish hotline to make information available to public.</b></p> <p>Safe haven protections; newborn safety device. Provides an affirmative defense in certain criminal prosecutions and civil proceedings regarding child abuse or neglect to a parent who safely delivers his child within the first 30 days of the child's life to a newborn safety device located at a hospital that provides 24-hour emergency services or at an attended emergency medical services agency that employs emergency medical services personnel. The bill also provides civil and criminal immunity to such hospitals and emergency medical services agencies for injuries to children received through such newborn safety devices, provided that (i) the injuries are not the result of gross negligence or willful misconduct and (ii) the hospital or emergency medical services agency meets certain requirements regarding the establishment, functioning, and testing of the device. Current law requires the child to be delivered within the first 14 days of the child's life at such hospital or emergency medical services agency.</p>	Senate • Mar 11, 2022: Conference report agreed to by Senate (40-Y 0-N)	<b>Tort</b>
<a href="#">HB 136</a>	<a href="#">Jeffrey L. Campbell</a>	<p><b>Wrongful death; death of parent or guardian of a child resulting from driving under the influence.</b></p> <p>Wrongful death; death of the parent or guardian of a child resulting from driving under the influence; child support. Provides that any action for death by wrongful act where the defendant, as a result of driving a motor vehicle or operating a watercraft under the influence, unintentionally caused the death of another person who was the parent or legal guardian of a child, the person who has custody of such child may petition the court to order that the defendant pay child support.</p>	House • Feb 07, 2022: Stricken from docket by Courts of Justice (20-Y 0-N)	<b>Tort</b>
<a href="#">HB 353</a>	<a href="#">Rodney T. Willett</a>	<p><b>Unaccompanied homeless youth; consent to medical care.</b></p> <p>Unaccompanied homeless youth; consent to medical care. Provides that except for the purposes of sterilization or abortion, a minor who is 14 years of age or older and who is an unaccompanied homeless youth shall be deemed an adult for the purpose of consenting to surgical or medical examination or treatment, including dental examination and treatment, for himself or his minor child. The bill describes evidence sufficient to determine that a minor is an unaccompanied homeless youth and provides that no health care provider shall be liable for any civil or criminal action for providing surgical or medical treatment to an unaccompanied homeless youth or his minor child without first obtaining the consent of his parent or guardian provided in accordance with the law, with the exception of liability for negligence in the diagnosis or treatment of such unaccompanied homeless youth. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22103664D: 54.1-2969</p>	House • Feb 15, 2022: Left in Health, Welfare and Institutions	<b>Tort</b>
<a href="#">HB 409</a>	<a href="#">Jason S. Ballard</a>	<p><b>Statute of limitations; promises not to plead.</b></p> <p>Promises not to plead the statute of limitations. Specifies that a written promise not to plead the statute of limitations is valid only when such written promise is made to avoid or defer litigation pending settlement of any cause of action that has accrued in favor of the promisee against the promisor. The bill further replaces the current requirement of validity that such promise not be made contemporaneously with any other contract with the requirement that the written promise be signed by the promisor or his agent. Finally, the bill specifies that the promisee must commence an action asserting such cause of action within the earlier of the applicable limitations period running from the date the written promise is made or any shorter time provided for in the written promise for such promise to be valid; current law requires that any such written promise may be made for an additional term not longer than the applicable limitations period in order to be valid. This bill is a recommendation of the Boyd-Graves Conference. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101575D: 8.01-232</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Tort</b>
<a href="#">HB 467</a>	<a href="#">David L. Bulova</a>	<p><b>Dangerous and vicious dogs; civil liability, knowledge of propensity not required.</b></p> <p>Dangerous and vicious dogs; civil liability; knowledge of propensity not required. Provides that a dog owner may be civilly liable for a bite or attack by his dog regardless of whether he knew or should have known of such dog's propensity for vicious, dangerous, or otherwise aggressive behavior.</p>	House • Feb 15, 2022: Left in Agriculture, Chesapeake and Natural Resources	<b>Tort</b>
<a href="#">HB 481</a>	<a href="#">Dan I. Helmer</a>	<p><b>Hospitals; price transparency.</b></p> <p>Hospitals; price transparency. Requires every hospital to make information about standard charges for items and services provided by the hospital available on the hospital's website. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101862D: 32.1-137.05</p>	House • Mar 11, 2022: Enrolled	<b>Tort</b>
<a href="#">HB 504</a>	<a href="#">Michael P. Mullin</a>	<p><b>Expunged criminal records; use in civil action.</b></p> <p>Expunged criminal records; use in civil action. Allows any party to a civil action filed arising out of or relating to a criminal charge wherein criminal records have been expunged or a petition to expunge such records is pending to file a motion for the release of such records for use in such civil action.</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Tort</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 505</a>	<a href="#">Michael P. Mullin</a>	<p><b>Civil actions; filed on behalf of multiple persons.</b></p> <p>Civil actions filed on behalf of multiple persons. Provides that a circuit court may enter an order joining, coordinating, consolidating, or transferring civil actions upon finding that separate civil actions brought by a plaintiff on behalf of multiple similarly situated persons involve common questions of law or fact and arise out of the same transaction, occurrence, or series of transactions or occurrences. The bill requires the Supreme Court to promulgate rules no later than November 1, 2022, governing such actions. The bill has a delayed effective date of July 1, 2023. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102203D: 8.01-267.1</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Tort</b>
<a href="#">HB 510</a>	<a href="#">Marie E. March</a>	<p><b>Employer medical mandates; cause of action.</b></p> <p>Employer medical mandates; cause of action. Provides for a cause of action for any employee that suffers any adverse reaction or injury sustained by reason of a medical mandate, defined in the bill, issued by the employer as a condition of employment. The bill provides that in any such action the employee may recover compensatory damages, punitive damages, and reasonable attorney fees and costs.</p>	House • Feb 15, 2022: Left in Commerce and Energy	<b>Tort</b>
<a href="#">HB 515</a>	<a href="#">Marie E. March</a>	<p><b>Malicious prosecution; creates civil cause of action, self-defense.</b></p> <p>Civil action for malicious prosecution; self-defense. Creates a civil cause of action for malicious prosecution in any case in which a criminal defendant charged with aggravated murder, murder in the first degree, murder in the second degree, or voluntary manslaughter is found to have acted solely in self-defense. The bill provides that such cause of action shall lie against the prosecutor who brought the charges or prosecuted such criminal case if such criminal defendant can prove that such prosecution was malicious and motivated by reasons other than bringing the alleged defendant to justice.</p>	House • Jan 28, 2022: Stricken from docket by Courts of Justice (18-Y 0-N)	<b>Tort</b>
<a href="#">HB 566</a>	<a href="#">Sally L. Hudson</a>	<p><b>Public hospitals; medical debt collection practices.</b></p> <p>Public hospitals; medical debt collection practices. Requires the University of Virginia Medical Center (the Medical Center) and the Virginia Commonwealth University Health System Authority (the Authority) to make payment plans available to each person who incurs a debt related to medical treatment. The bill (i) requires that such payment plans be provided in writing and cap monthly payments at no more than five percent of the person's household income, (ii) provides that the first payment under such payment plan shall not be due until a date that is at least 90 days after the date on which treatment was provided or the date on which the person discharged, and (iii) provides that a person who has made at least 10 payments pursuant to the payment plan in a 12-month period shall be deemed to be in compliance with the payment plan. The bill also prohibits the Medical Center and the Authority from charging interest or late fees for medical debt, requires the Medical Center and Authority to make information available in writing in languages other than English spoken in the service area and via oral translation service for other languages, prohibits the Medical Center and the Authority from selling medical debt to any person other than an organization that purchases medical debt for the purpose of paying such debt in full, prohibits the Medical Center and the Authority from initiating any extraordinary debt collection action including garnishment of wages or liens on a debtor's pri...</p>	House • Feb 15, 2022: Left in Health, Welfare and Institutions	<b>Tort</b>
<a href="#">HB 569</a>	<a href="#">Nadarius E. Clark</a>	<p><b>Hospices, home care organizations, private providers, etc; immunity from liability.</b></p> <p>Hospices, home care organizations, private providers, assisted living facilities, and adult day care centers; immunity from liability. Repeals the provision that a licensed hospice, home care organization, private provider, assisted living facility, or adult day care center that delivers care to or withholds care from a patient, resident, or person receiving services who is diagnosed as being or is believed to be infected with the COVID-19 virus shall not be liable for any injury or wrongful death of such patient, resident, or person receiving services arising from the delivery or withholding of care when the emergency and subsequent conditions caused by the emergency result in a lack of resources, attributable to the disaster, that render such hospice, home care organization, private provider, assisted living facility, or adult day care center unable to provide the level or manner of care that otherwise would have been required in the absence of the emergency and that resulted in the injury or wrongful death at issue.</p>	House • Jan 28, 2022: Stricken from docket by Courts of Justice (18-Y 0-N)	<b>Tort</b>
<a href="#">HB 609</a>	<a href="#">Jeffrey M. Bourne</a>	<p><b>Civil action for the deprivation of rights; duties and liabilities of certain employers.</b></p> <p>Civil action for the deprivation of rights; duties and liabilities of certain employers. Creates a civil cause of action for the deprivation of any rights, privileges, or immunities pursuant to the constitutions and laws of the United States and the Commonwealth due to the acts or omissions of either a public employer or its employee and provides that a plaintiff may maintain an action to establish liability and recover compensatory damages, punitive damages, and equitable relief against the public employer and its employee. The bill provides that sovereign immunity is not a defense to such an action. The bill further provides that public employers owe a duty of reasonable care to third parties in the hiring, supervision, training, retention, and use of their employees and that a person who claims to have suffered injury or sustained damages caused, in whole or in part, by a breach of this duty may maintain an action to establish liability and recover compensatory damages, punitive damages, and equitable relief against such public employer.</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Tort</b>



Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 611</a>	<a href="#">Jeffrey M. Bourne</a>	<p><b>Early Identification System (EIS); DCJS to establish.</b></p> <p>Conduct of law-enforcement officers; establishment of an Early Identification System. Requires the Department of Criminal Justice Services (the Department) to establish a best practices model for the implementation, training, and management of an Early Identification System (EIS). The bill defines an EIS as a system through which a law-enforcement agency collects and manages data to identify and assess patterns of behavior, including misconduct and high-risk behavior, or performance of law-enforcement officers and law-enforcement agency employees. The bill directs each sheriff or chief of police to implement an EIS by July 1, 2024, and requires that law-enforcement officers receive training prior to implementation of the EIS and annually thereafter. The bill also directs the Department to establish and administer written policies and procedures for law-enforcement agencies to report to the Office of the Attorney General all judgments or settlements in cases relating to negligence or misconduct of a law-enforcement officer.</p>	House • Feb 11, 2022: Tabled in Public Safety (11-Y 10-N)	<b>Tort</b>
<a href="#">HB 686</a>	<a href="#">Kaye Kory</a>	<p><b>Death of parent or guardian of a child resulting from driving under the influence; child support.</b></p> <p>Death of the parent or guardian of a child resulting from driving under the influence; child support. Provides that in any case where a person was convicted of involuntary manslaughter as a result of driving a motor vehicle or operating a watercraft under the influence where the victim was the parent or legal guardian of a child, the person who has custody of such child may petition the sentencing court to order that the defendant pay child support.</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Tort</b>
<a href="#">HB 913</a>	<a href="#">Emily M. Brewer</a>	<p><b>Underground Utility Damage Prevention Act; duties of operator, liability of excavator.</b></p> <p>Underground Utility Damage Prevention Act; duties of operator; liability of excavator. Requires an operator of residential telecommunications or cable television service, after receiving notification of an interruption in service due to the installation of broadband service at a given premises, to restore telecommunications or cable television service, such that a person at the premises can telephone emergency services by dialing 911, within two days of receiving such notification. The bill prohibits an operator from giving false or misleading information to the notification center and requires the State Corporation Commission to investigate certain claims following an informal complaint. The bill requires an operator to indemnify and hold harmless an excavator when the excavator is installing facilities for purposes of broadband service and damages a utility line used for residential telecommunications or cable television and provides that no excavator is liable for any such damage occurring on or after July 1, 2022. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101983D: 56-265.19, 56-265.25</p>	House • Feb 15, 2022: Left in Commerce and Energy	<b>Tort</b>
<a href="#">HB 920</a>	<a href="#">Terry G. Kilgore</a>	<p><b>Careless driving; vulnerable road users.</b></p> <p>Careless driving; vulnerable road users. Provides that a person is guilty of a Class 1 misdemeanor if he operates a vehicle in a careless or distracted manner and causes the death or serious bodily injury of a vulnerable road user. Current law only imposes the penalty if such careless or distracted operation causes serious bodily injury to the vulnerable road user. The bill also allows a court to suspend the driver's license or restrict the driver's license of a person convicted of careless driving for up to six months of a person. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22103904D: 46.2-392, 46.2-816.1</p>	executive • Mar 09, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Tort</b>
<a href="#">HB 931</a>	<a href="#">Roxann L. Robinson</a>	<p><b>Virginia Birth-Related Neurological Injury Compensation Act; publication of disciplinary actions.</b></p> <p>Virginia Birth-Related Neurological Injury Compensation Act; publication of disciplinary actions; award eligibility. Requires, to the extent permissible by state and federal law, the Board of Medicine to publish on its website disciplinary action taken against a physician as a result of an investigation under the Virginia Birth-Related Neurological Injury Compensation Act (the Act). The bill also permits compensation under the Act for birth-related neurological injury deaths occurring up to a person's eighteenth birthday; current law limits awards to such deaths occurring during the person's infancy. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102413D: 38.2-5004, 38.2-5009.1</p>	House • Feb 15, 2022: Left in Health, Welfare and Institutions	<b>Tort</b>
<a href="#">HB 970</a>	<a href="#">Israel D. O'Quinn</a>	<p><b>Public agencies; exclusion from mandatory disclosure, privacy of personal information, penalty.</b></p> <p>Public agencies; privacy of personal information. Provides that public agencies shall not request personal information, defined in the bill. The bill amends the Virginia Freedom of Information Act definition of "public record" to exclude personal information. The bill also exempts the Campaign Finance Disclosure Act of 2006 from the requirements that public agencies protect personal information and refrain from requesting personal information. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102746D: 2.2-3701, 2.2-3801, 2.2-3808</p>	Senate • Mar 08, 2022: Signed by President	<b>Tort</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 984</a>	<a href="#">Chris S. Runion</a>	<p><b>Alcohol or marijuana product; liability for sale to an underage person.</b></p> <p>Liability for sale of alcohol or marijuana product to an underage person. Creates a cause of action against an alcoholic beverage control retail licensee or cannabis control retail licensee who sells alcohol or a marijuana product to an underage person if the consumption of the alcohol or marijuana product caused or contributed to an injury to person or property while the underage person operated a motor vehicle. The provisions of this act related to the sale of marijuana products have a delayed effective date of January 1, 2024.</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Tort</b>
<a href="#">HB 993</a>	<a href="#">Kathleen Murphy</a>	<p><b>Unlawful hazing; amends definition, civil and criminal liability, penalties.</b></p> <p>Unlawful hazing; penalty. Amends the definition of hazing to include the reckless or intentional act of causing another person to suffer severe emotional distress through outrageous or intolerable conduct when the severe emotional distress was caused by the outrageous or intolerable conduct. The bill also makes the crime of hazing a Class 5 felony if such hazing results in death or serious bodily injury to any person. The crime of hazing that does not result in death or serious bodily injury remains a Class 1 misdemeanor. The bill provides immunity for arrest and prosecution for hazing if a person in good faith seeks or obtains emergency medical attention for a person who has received a bodily injury by hazing or renders emergency care or assistance, including cardiopulmonary resuscitation (CPR), to a person who has received a bodily injury by hazing while another person seeks or obtains emergency medical attention for such person. The bill also creates a civil penalty for certain organizations if such organization had specific credible knowledge that its student members were participating, aiding, or assisting in any act of hazing and did not attempt to intervene to stop the hazing or report it to the appropriate local authorities. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22103988D: 15.2-1627, 18.2-56</p>	House • Mar 12, 2022: Second conferees appointed by House	<b>Tort</b>
<a href="#">HB 1018</a>	<a href="#">Kaye Kory</a>	<p><b>Failure to wear a seatbelt; primary offense.</b></p> <p>Failure to wear a seatbelt; primary offense. Changes from a secondary offense to a primary offense the failure to wear a seatbelt as required by law. A primary offense is one for which a law-enforcement officer may stop a motor vehicle. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100505D: 46.2-1094</p>	House • Feb 01, 2022: Stricken from docket by Transportation (22-Y 0-N)	<b>Tort</b>
<a href="#">HB 1048</a>	<a href="#">Phillip A. Scott</a>	<p><b>Death of parent or guardian of a child resulting from driving under the influence; child support.</b></p> <p>Death of the parent or guardian of a child resulting from driving under the influence; child support. Provides that in any case where a person was convicted of involuntary manslaughter as a result of driving a motor vehicle or operating a watercraft under the influence where the victim was the parent or legal guardian of a child, the person who has custody of such child may petition the sentencing court to order that the defendant pay child support.</p>	House • Feb 15, 2022: Left in Courts of Justice	<b>Tort</b>
<a href="#">HB 1249</a>	<a href="#">Glenn R. Davis</a>	<p><b>Food donations; labeling, liability.</b></p> <p>Food donations; labeling; liability. Exempts individuals and entities that donate food and charitable organizations that accept food donations from criminal and civil liability for donating or receiving food past its best-by date or other non-safety labels so long as all parties are informed. The bill provides that immunity from liability shall not apply in instances of gross negligence or intentional misconduct. Statutes affected: House: Presented and ordered printed 22104344D: 3.2-5144, 35.1-14.2</p>	Senate • Mar 10, 2022: Signed by President	<b>Tort</b>
<a href="#">SB 144</a>	<a href="#">John S. Edwards</a>	<p><b>Deceased or incompetent party; admissibility of statements.</b></p> <p>Admissibility of statements of a deceased or incompetent party. Repeals the "dead man's statute," which provides that no judgment shall be entered against a person incapable of testifying based upon the uncorroborated testimony of the adverse party. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22102696D: 8.01-397</p>	Senate • Feb 09, 2022: Continued to 2023 in Judiciary (14-Y 0-N)	<b>Tort</b>
<a href="#">SB 148</a>	<a href="#">Thomas K. Norment, Jr.</a>	<p><b>Public health emergencies; expands immunity for health care providers.</b></p> <p>Public health emergencies; immunity for health care providers. Expands immunity provided to health care providers responding to a disaster to include actions or omissions taken by the provider as directed by any order of public health in response to such disaster when a local emergency, state of emergency, or public health emergency has been declared. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22102585D: 8.01-225.01, 8.01-225.02</p>	Senate • Mar 10, 2022: Enrolled	<b>Tort</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 176</a>	<a href="#">Mark J. Peake</a>	<p><b>Emergency custody and temporary detention; transportation of person when transfer of custody.</b></p> <p>Emergency custody and temporary detention; transportation; transfer of custody. Makes clear that, in cases in which transportation of a person subject to an emergency custody order or temporary detention order is ordered to be provided by an alternative transportation provider, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order, and that the alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the community services board or its designee that is responsible for conducting the evaluation or the temporary detention facility, as is appropriate. The bill also adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22102915D: 37.2-808, 37.2-810</p>	Senate • Feb 03, 2022: Incorporated by Education and Health (SB650-Hanger) (15-Y 0-N)	<b>Tort</b>
<a href="#">SB 208</a>	<a href="#">J. Chapman Petersen</a>	<p><b>Civil actions; standing.</b></p> <p>Civil actions; standing. Provides that a person in a civil action shall be deemed to have standing if that person has a cognizable interest in the outcome of the matter, which may be represented by the ownership of an affected property interest or the suffering of an injury unique to that individual.</p>	Senate • Feb 02, 2022: Stricken at the request of Patron in Judiciary (15-Y 0-N)	<b>Tort</b>
<a href="#">SB 230</a>	<a href="#">Emmett W. Hanger, Jr.</a>	<p><b>Liability for sale of alcohol to an impaired customer; injury to another person.</b></p> <p>Liability for sale of alcohol to an impaired customer; injury to another person due to operation of vehicle while intoxicated. Creates a cause of action against an alcoholic beverage control retail licensee who sells alcohol to a customer who subsequently injures another by driving while impaired if the consumption of the alcohol caused or contributed to an injury to person or property while the customer operated a motor vehicle.</p>	Senate • Feb 02, 2022: Incorporated by Judiciary (SB555-Obenshain) (11-Y 0-N)	<b>Tort</b>
<a href="#">SB 245</a>	<a href="#">Ghazala F. Hashmi</a>	<p><b>Public hospitals; medical debt collection practices.</b></p> <p>Public hospitals; medical debt collection practices. Requires the University of Virginia Medical Center (the Medical Center) and the Virginia Commonwealth University Health System Authority (the Authority) to make payment plans available to each person who incurs a debt related to medical treatment. The bill (i) requires that such payment plans be provided in writing and cap monthly payments at no more than five percent of the person's household income, (ii) provides that the first payment under such payment plan shall not be due until a date that is at least 90 days after the date on which treatment was provided or the date on which the person discharged, and (iii) provides that a person who has made at least 10 payments pursuant to the payment plan in a 12-month period shall be deemed to be in compliance with the payment plan. The bill also prohibits the Medical Center and the Authority from charging interest or late fees for medical debt, requires the Medical Center and Authority to make information available in writing in languages other than English spoken in the service area and via oral translation service for other languages, prohibits the Medical Center and the Authority from selling medical debt to any person other than an organization that purchases medical debt for the purpose of paying such debt in full, and requires the Medical Center and the Authority to establish a Financial Assistance Ombudsman Office to assist patients and other persons with issues related t...</p>	Senate • Feb 03, 2022: Incorporated by Education and Health (SB201-Favola) (15-Y 0-N)	<b>Tort</b>
<a href="#">SB 247</a>	<a href="#">Scott A. Surovell</a>	<p><b>Careless driving; vulnerable road users.</b></p> <p>Careless driving; vulnerable road users. Provides that a person is guilty of a Class 1 misdemeanor if he operates a vehicle in a careless or distracted manner and causes the death or serious bodily injury of a vulnerable road user. Current law only imposes the penalty if such careless or distracted operation causes serious bodily injury to the vulnerable road user. The bill also allows a court to suspend the driver's license or restrict the driver's license of a person convicted of careless driving for up to six months of a person.</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Tort</b>
<a href="#">SB 254</a>	<a href="#">John J. Bell</a>	<p><b>Alcoholic beverage control; delivery of alcoholic beverages, third-party delivery license.</b></p> <p>Alcoholic beverage control; delivery of alcoholic beverages; third-party delivery license; container. Creates a third-party delivery license that authorizes the licensee to deliver alcoholic beverages purchased by consumers from other retail licensees. The bill establishes conditions for the issuance of third-party delivery licenses, imposes eligibility requirements for delivery personnel, and sets forth requirements for a delivery to be made by such delivery personnel. The bill imposes a \$2,500 fine for first-time violations of the delivery requirements and a \$5,000 fine for second and subsequent violations. The bill also establishes container requirements for certain alcoholic beverages sold for off-premises consumption or delivery. The bill requires that such alcoholic beverages, if not contained in the manufacturer's original sealed container, (i) be enclosed in a container that has no straw holes or other openings and is sealed in a manner that allows a person to readily discern whether the container has been opened or tampered with; (ii) display the name of the licensee from which the alcoholic beverages were purchased; (iii) be clearly marked with the phrase "contains alcoholic beverages"; (iv) have a maximum volume of 16 ounces per beverage for certain beverages; and (v) be stored in the trunk of the vehicle, in an area that is rear of the driver's seat, in a locked container or compartment or, in the case of delivery by bicycle, in a compartment behind the bicyclist ...</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Tort</b>

Bill	Sponsors	Title	Last Action	Lists
<a href="#">SB 279</a>	<a href="#">Bill DeSteph</a>	<p>Vicious dogs; law-enforcement officer, etc., to apply to a magistrate for a summons, etc.</p> <p>Vicious dogs. Authorizes a law-enforcement officer or animal control officer to apply to a magistrate for a summons for a vicious dog if such officer is located in either the jurisdiction where the vicious dog resides or in the jurisdiction where the vicious dog committed one of the acts set forth in the definition. The bill also requires any evidentiary hearing or appeal to be held not less than 30 days from the date of the summons or appeal, unless good cause is found by the court.</p>	Senate • Mar 10, 2022: Enrolled	<b>Tort</b>
<a href="#">SB 325</a>	<a href="#">Bryce E. Reeves</a>	<p>Alcoholic beverage control; transportation of alcoholic beverages purchased.</p> <p>Alcoholic beverage control; transportation of alcoholic beverages purchased outside the Commonwealth. Removes the prohibition on transporting within the Commonwealth more than three gallons of alcoholic beverages purchased out of state. Under current law, such transportation constitutes a Class 1 misdemeanor.Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22101959D: 4.1-311</p>	Senate • Mar 11, 2022: Enrolled	<b>Tort</b>
<a href="#">SB 350</a>	<a href="#">Scott A. Surovell</a>	<p>Health records; patient's right to disclosure.</p> <p>Health records; patient's right to disclosure. Requires a health care entity to include in its disclosure of an individual's health records any changes made to the health records and an audit trail for such records if the individual requests that such information be included in the health records disclosure.</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Tort</b>
<a href="#">SB 555</a>	<a href="#">Mark D. Obenshain</a>	<p>Alcohol; liability for sale to an underage person.</p> <p>Liability for sale of alcohol to an underage person. Creates a cause of action against an alcoholic beverage control retail licensee who sells alcohol to an underage person who was visibly intoxicated if the consumption of the alcohol caused or contributed to an injury to person or property while the underage person operated a motor vehicle. The plaintiff must prove such negligence by a clear and convincing evidence standard.</p>	Senate • Feb 02, 2022: Failed to report (defeated) in Judiciary (4-Y 10-N)	<b>Tort</b>
<a href="#">SB 599</a>	<a href="#">William M. Stanley, Jr.</a>	<p>Medical malpractice actions, certain; limitation on recovery.</p> <p>Limitation on recovery in certain medical malpractice actions. Provides that the limits on recovery in medical malpractice cases shall not apply when the plaintiff has sustained certain, catastrophic injuries.</p>	Senate • Feb 07, 2022: Passed by indefinitely in Judiciary with letter (12-Y 3-N)	<b>Tort</b>
<a href="#">SB 631</a>	<a href="#">George L. Barker</a>	<p>Fair Labor Standards Act; employer liability, overtime required for certain employees, report.</p> <p>Fair Labor Standards Act; overtime; employer liability. Replaces the current provisions of the Virginia Overtime Wage Act with the provision that any employer that violates the overtime wage requirements of the federal Fair Labor Standards Act, and any related laws and regulations, shall be liable to its employee for remedies or other relief available under the Fair Labor Standards Act.Statutes affected: Senate: Presented and ordered printed 22103916D: 40.1-29, 40.1-29.1, 40.1-29.2</p>	House • Mar 08, 2022: Signed by Speaker	<b>Tort</b>
<a href="#">SB 633</a>	<a href="#">William M. Stanley, Jr.</a>	<p>Civil actions; health care bills and records.</p> <p>Civil actions; health care bills and records. Defines the term "bill" for the purposes of evidence of medical services provided in certain civil actions as a summary of charges, an invoice, or any other form prepared by the health care provider or its third-party bill administrator identifying the costs of health care services provided. The bill also clarifies the procedures for introducing evidence of medical reports, statements, or records of a health care provider by affidavit in general district court.Statutes affected: Senate: Presented and ordered printed 22103315D: 8.01-413.01, 16.1-88.2</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	<b>Tort</b>
<a href="#">SB 681</a>	<a href="#">Mark D. Obenshain</a>	<p>Health insurers; duty of in-network providers to submit claims, prohibited practices.</p> <p>Duty of in-network providers to submit claims to health insurers; civil penalty. Provides that any in-network provider that provides health care services to a covered patient that does not submit its claim to the health insurer for the health care services in accordance with the terms of the applicable provider agreement or as permitted under applicable federal or state laws or regulations shall be subject to a civil penalty of \$1,000 per violation.Statutes affected: Senate: Presented and ordered printed 22104364D: 8.01-27.5</p>	Senate • Mar 10, 2022: Signed by President	<b>Tort</b>
<a href="#">SB 766</a>	<a href="#">Jennifer A. Kiggans</a>	<p>Schools; male students shall not participate in female sports, etc., civil cause of action.</p> <p>Schools; athletics; participation in female sports; civil cause of action. Requires each elementary or secondary school or a private school that competes in sponsored athletic events against such public schools to designate athletic teams, whether a school athletic team or an intramural team sponsored by such school, based on biological sex as follows: (i) "males," "men," or "boys"; (ii) "females," "women," or "girls"; or (iii) "coed" or "mixed." Under the bill, male students are not permitted to participate on any school athletic team or squad designated for "females," "women," or "girls"; however, this provision does not apply to physical education classes at schools. The bill provides civil penalties for students and schools that suffer harm as a result of a violation of the bill. Such civil actions are required to be initiated within two years after the harm occurred.</p>	Senate • Feb 03, 2022: Passed by indefinitely in Education and Health (9-Y 4-N)	<b>Tort</b>

2022 General Assembly Bills of Interest

# Workers' Compensation

Virginia Trial Lawyers Association

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 153</a>	<a href="#">Marie E. March</a>	<p><b>Unemployment/workers compensation; testing for the use of nonprescribed controlled substances.</b></p> <p>Unemployment compensation and workers' compensation; testing for the use of nonprescribed controlled substances. Requires, for an applicant for unemployment benefits for whom the only suitable work available is in an occupation that regularly requires drug testing, the applicant, as a condition of eligibility, to provide the Virginia Employment Commission with the results of a drug test that is negative for the use of a nonprescribed controlled substance. The bill also requires, under the Workers' Compensation Act, in order to determine the cause of a workplace accident that harmed an employee, an employer to require post-accident drug testing for the use of a nonprescribed controlled substance of any employee whose conduct could have contributed to the accident. The bill also prohibits an insurer from providing premium discounts for a drug-free workplace to an employer unless the employer has policies in place requiring such post-accident drug testing. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101885D: 60.2-612, 65.2-813.2</p>	House • Feb 15, 2022: Left in Commerce and Energy	Workers Compensation
<a href="#">HB 529</a>	<a href="#">Amanda E. Batten</a>	<p><b>Labor and employment; misclassification of workers.</b></p> <p>Labor and employment; misclassification of workers. Establishes criteria for classifying the difference between employees and independent contractors based on either (i) the common law 20-factor test established in Internal Revenue Service Ruling 87-41, (ii) an applicable determination of the Internal Revenue Service, or (iii) satisfaction of specific criteria for classifying a person as an independent contractor as described in the bill.</p>	House • Feb 15, 2022: Left in Commerce and Energy	Workers Compensation
<a href="#">HB 689</a>	<a href="#">William C. Wampler III</a>	<p><b>Workers' compensation; employer duty to furnish medical attention, cost limit.</b></p> <p>Workers' compensation; employer duty to furnish medical attention; cost limit. Adds scooters to the list of medical equipment an employer is required to furnish to an employee under certain circumstances under the Virginia Workers' Compensation Act. The bill raises the limit on the aggregate cost of items and modifications required to be furnished by an employer to an injured employee from \$42,000 to \$75,000, to be increased on an annual basis. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101147D: 65.2-603</p>	Senate • Mar 08, 2022: Signed by President	Workers Compensation

Bill	Sponsors	Title	Last Action	Lists
<a href="#">HB 730</a>	<a href="#">Jeion A. Ward</a>	<p><b>Workers' compensation; failure to market residual capacity.</b></p> <p>Workers' compensation; failure to market residual capacity. Provides that an employee is not barred from receiving workers' compensation benefits due to a failure to market residual work capacity if credible evidence supports that the employee (i) is reasonably unemployable based upon age, education, work history, or medical conditions or (ii) is employable in some capacity and has registered with the Virginia Employment Commission. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102549D: 65.2-502</p>	House • Feb 15, 2022: Left in Commerce and Energy	Workers Compensation
<a href="#">HB 742</a>	<a href="#">Robert B. Bell</a>	<p><b>Workers' compensation; anxiety disorder or depressive disorder incurred by law-enforcement, etc.</b></p> <p>Workers' compensation; anxiety disorder or depressive disorder incurred by law-enforcement officers and firefighters. Provides that an anxiety disorder or depressive disorder, as both are defined in the bill, incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act on the same basis as post-traumatic stress disorder. The bill provides that a mental health professional must diagnose the law-enforcement officer or firefighter as suffering from anxiety disorder or depressive disorder as a result of a qualifying event, as defined in the Code, and includes other conditions for compensability. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101170D: 65.2-107</p>	House • Feb 15, 2022: Left in Appropriations	Workers Compensation
<a href="#">HB 926</a>	<a href="#">Amanda E. Batten</a>	<p><b>Workers' compensation; presumption of compensability for certain diseases.</b></p> <p>Workers' compensation; presumption of compensability for certain diseases. Provides that the occupational disease presumption for death caused by hypertension or heart disease will apply for full-time sworn members of the Department of Motor Vehicles Law Enforcement Division who have at least five years of service. Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101734D: 65.2-402</p>	House • Feb 15, 2022: Left in Appropriations	Workers Compensation
<a href="#">HB 932</a>	<a href="#">Roxann L. Robinson</a>	<p><b>Workers' compensation; COVID-19, health care providers.</b></p> <p>Workers' compensation; COVID-19; health care providers. Extends from December 31, 2021, to December 31, 2022, the date by which COVID-</p>	Senate • Mar 08, 2022: Signed by President	Workers Compensation



Bill	Sponsors	Title	Last Action	Lists
		19 causing the death or disability of a health care provider is presumed to be an occupational disease compensable under the Workers' Compensation Act.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102394D: 65.2-402.1		
<a href="#">HB 995</a>	<a href="#">Kaye Kory</a>	<p><b>Workers' compensation; presumption of compensability for hypertension, heart disease, and COVID-19.</b></p> <p>Workers' compensation; presumption of compensability for hypertension, heart disease, COVID-19. Extends by one year the December 31, 2021, expiration date of the presumption that COVID-19 causing the death or disability of health care providers is an occupational disease compensable under the Workers' Compensation Act, if certain conditions for diagnosis are met. The bill adds employees of the Department of Juvenile Justice and the Department of Corrections to the COVID-19 presumption for workers' compensation, if diagnosed with COVID-19 before January 1, 2022. The bill adds correctional officers to the list of employees for whom hypertension or heart disease is considered covered for workers' compensation, if diagnosed with hypertension or heart disease before January 1, 2022.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22100961D: 65.2-402, 65.2-402.1</p>	House • Feb 15, 2022: Left in Commerce and Energy	Workers Compensation
<a href="#">HB 1002</a>	<a href="#">Elizabeth R. Guzman</a>	<p><b>Workers' compensation; injuries caused by repetitive and sustained physical stressors.</b></p> <p>Workers' compensation; injuries caused by repetitive and sustained physical stressors. Provides that, for the purposes of the Virginia Workers' Compensation Act, "occupational disease" includes injuries from conditions resulting from repetitive and sustained physical stressors, including repetitive and sustained motions, exertions, posture stress, contact stresses, vibration, or noise. The bill provides that such injuries are covered under the Act. Such coverage does not require that the injuries occurred over a particular time period under the bill, provided that such a period can be reasonably identified.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102326D: 65.2-400</p>	House • Feb 15, 2022: Left in Commerce and Energy	Workers Compensation
<a href="#">HB 1042</a>	<a href="#">Emily M. Brewer</a>	<p><b>Workers' compensation; time period for filing claim, certain cancers.</b></p> <p>Workers' compensation; limitation upon filing a claim. Provides that for occupational cancer</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59	Workers Compensation

Bill	Sponsors	Title	Last Action	Lists
		diseases, a claim shall be barred unless it is filed within two years of when the diagnosis of the disease is first communicated to the employee.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22102163D: 65.2-406	p.m., April 11, 2022	
<a href="#">HB 1056</a>	<a href="#">A.C. Cordoza</a>	<b>Workers' compensation; cancer presumption, service requirement.</b>  Workers' compensation; cancer presumption; service requirement. Reduces from five to three the years of service required for firefighters and certain other employees to qualify for the cancer presumption of an occupational disease for the purposes of workers' compensation.Statutes affected: House: Prefiled and ordered printed; offered 01/12/22 22101784D: 65.2-402	House • Feb 15, 2022: Left in Commerce and Energy	Workers Compensation
<a href="#">HB 1196</a>	<a href="#">Wendy W. Gooditis</a>	<b>Workers' compensation; domestic service employees.</b>  Workers' compensation; domestic service employees. Provides that individuals who are engaged in providing domestic service, defined in the bill, are not excluded from the Virginia Workers' Compensation Act.Statutes affected: House: Presented and ordered printed 22103829D: 65.2-101, 65.2-305	House • Feb 15, 2022: Left in Commerce and Energy	Workers Compensation
<a href="#">HJ 11</a>	<a href="#">Daniel W. Marshall, III</a>	<b>Workers' compensation; study practice of charging premiums for bonus pay, vacations, etc.</b>  Study; Workers' Compensation Commission; prohibition on charging premiums for bonus pay, vacations, and holidays; report. Requests the Workers' Compensation Commission to study a prohibition on charging workers' compensation premiums on bonus pay, vacation time, and holiday time and consider the economic effect that such prohibition would have on the state. The Workers' Compensation Commission is requested to complete its meetings by December 1, 2022, and submit its findings no later than the first day of the 2023 Regular Session of the General Assembly.	House • Mar 09, 2022: VOTE: Adoption (98-Y 0-N)	Workers Compensation
<a href="#">SB 181</a>	<a href="#">Richard L. Saslaw</a>	<b>Workers' compensation; presumption as to death or disability from COVID-19, vaccine.</b>  Workers' compensation; presumption as to death or disability from COVID-19; vaccine. Provides that the presumption that COVID-19 causing the death or disability of certain employees is an	House • Mar 08, 2022: Left in Commerce and Energy	Workers Compensation

Bill	Sponsors	Title	Last Action	Lists
		occupational disease compensable under the Virginia Workers' Compensation Act does not apply to an individual who fails or refuses to receive a vaccine for the prevention of COVID-19 either approved by or with an Emergency Use Authorization issued by the U.S. Food and Drug Administration, unless the person is immunized or the person's physician determines in writing that the immunization would pose a significant risk to the person's health. Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22100495D: 65.2-402.1		
<a href="#">SB 226</a>	<a href="#">Jeremy S. McPike</a>	<p><b>Workers' compensation; notice to employees.</b></p> <p>Workers' compensation; notice to employees. Requires each employer subject to the Virginia Workers' Compensation Act to provide notice to covered employees of the employees' right to dispute a claim through the Virginia Workers' Compensation Commission. Such notice must include specific text as included in the bill. The bill also provides that an employer who fails to provide such notice may be subject to the civil penalty provisions of the Virginia Workers' Compensation Act.</p>	House • Mar 08, 2022: Left in Commerce and Energy	Workers Compensation
<a href="#">SB 289</a>	<a href="#">Bill DeSteph</a>	<p><b>Workers' compensation; anxiety disorder or depressive disorder incurred by law-enforcement, etc.</b></p> <p>Workers' compensation; anxiety disorder or depressive disorder incurred by law-enforcement officers and firefighters. Provides that an anxiety disorder or depressive disorder, as both are defined in the bill, incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act on the same basis as post-traumatic stress disorder. The bill provides that a mental health professional must diagnose the law-enforcement officer or firefighter as suffering from anxiety disorder or depressive disorder as a result of a qualifying event, as defined in the Code, and includes other conditions for compensability.</p>	House • Mar 08, 2022: Left in Commerce and Energy	Workers Compensation
<a href="#">SB 351</a>	<a href="#">Scott A. Surovell</a>	<p><b>Workers' compensation; permanent and total incapacity, subsequent accident.</b></p> <p>Workers' compensation; permanent and total incapacity; subsequent accident. Requires compensation for permanent and total incapacity to be awarded for the loss of both hands, both arms, both feet, both legs, both eyes, or any two thereof either from the same accident or a compensable consequence of an injury sustained in the original accident. Under current</p>	House • Mar 10, 2022: Signed by Speaker	Workers Compensation

Bill	Sponsors	Title	Last Action	Lists
		law, compensation for permanent and total incapacity is required only when such loss occurs in the same accident.Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22100102D: 65.2-503		
<a href="#">SB 562</a>	<a href="#">Richard L. Saslaw</a>	<p><b>Workers' compensation; time period for filing claim, certain cancers.</b></p> <p>Workers' compensation; time period for filing claim; certain cancers. Provides that the time period for filing a workers' compensation claim for certain cancers is two years after a diagnosis of the disease is first communicated to the employee or within 10 years from the date of the last injurious exposure in employment, whichever first occurs. Under current law, such time period is two years after a diagnosis of the disease is first communicated to the employee or within five years from the date of the last injurious exposure in employment, whichever first occurs.Statutes affected: Senate: Prefiled and ordered printed; offered 01/12/22 22103722D: 65.2-406</p>	executive • Mar 11, 2022: Governor's Action Deadline 11:59 p.m., April 11, 2022	Workers Compensation
<a href="#">SB 677</a>	<a href="#">Lynwood W. Lewis, Jr.</a>	<p><b>Workers' compensation; cost of living supplements.</b></p> <p>Workers' compensation; cost of living supplements. Provides that cost-of-living supplements shall be payable to claimants who are receiving disability benefits under the Virginia Workers' Compensation Act but are not receiving federal disability benefits.Statutes affected: Senate: Presented and ordered printed 22103325D: 65.2-709</p>	House • Mar 10, 2022: Signed by Speaker	Workers Compensation

# **VIRGINIA BEACH BAR ASSOCIATION 2022 LEGISLATIVE UPDATE AND BENCH BAR CONFERENCE**

JULY 20, 2022

10:00am – 5:00pm

VIRGINIA MUSEUM OF CONTEMPORARY ART  
2200 PARKS AVENUE, VIRGINIA BEACH, VA 23451

**1:30pm – 2:30pm**

**Juvenile and Domestic Relations District Court  
Presented by:**

Honorable Cheshire I’Anson Eveleigh  
Honorable Jennifer B. Shupert  
Honorable Timothy J. Quick

## DISCUSSION TOPICS

1. Update on Court Procedures
  - This topic will provide attorneys with the updated requirements for various matters such as:
    - a. Email filings
    - b. Motions for Remote Hearings
    - c. Electronic Signatures
    - d. GAL Certifications
    - e. LEO regarding “reply all” emails
2. Court Expectations in Custody and Visitation Cases
  - This topic will provide attorneys with various “best practices” information related to the presentation of evidence and argument in custody and visitation cases.
3. Court Expectations in Criminal Matters
  - This topic will provide attorneys with various “best practices” information related to the presentation of evidence and argument in criminal/delinquency cases.
4. School Threats
  - This topic will provide attorneys with information regarding the latest trends the Court is seeing in this area and practice tips related to such cases.

# MOTION FOR REMOTE HEARING

Commonwealth of Virginia – rev. 11/13/2020

Case No. \_\_\_\_\_

Page: 1 of \_\_\_\_\_

## Virginia Beach Juvenile & Domestic Relations District Court

**It is the responsibility of the requesting party to ensure  
that all parties and witnesses have the ability to connect in the manner requested.**

### Case Names:

\_\_\_\_\_  
Petitioner/Plaintiff

\_\_\_\_\_  
Defendant/Respondent

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

### Remote Mechanism Requested:

☐ Telephonic

☐ WebEx – Best used with a personal computer

☐ Polycom Virtual Meeting Rooms – Best used with other Polycom video equipment

### Hearing Date Information

☐ Case currently set for \_\_\_\_\_

☐ Request hearing date. List attorneys'/parties' available dates:  
\_\_\_\_\_

Reason for remote hearing request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witnesses to be called: \_\_\_\_\_

Other parties to be called: \_\_\_\_\_

Parties appearing remotely: ☐ All ☐ \_\_\_\_\_

Evidence to be presented: ☐ None ☐ Documents ☐ Pictures ☐ Objects ☐ \_\_\_\_\_

Interpreter/Other Special Needs: ☐ None ☐ Yes – Explain \_\_\_\_\_

Requesting Party: \_\_\_\_\_ ☐ Petitioner/Plaintiff ☐ Defendant/Respondent

☐ Attorney ☐ Self-represented

COURT USE ONLY

## ORDER

☐ WebEx invite sent

☐ Granted ☐ Denied ☐ Other \_\_\_\_\_

Judge \_\_\_\_\_ Entered \_\_\_\_\_



# Contact Information for ALL Remote Participants

## MOTION FOR REMOTE HEARING-Addendum

Commonwealth of Virginia – rev. 06/19/2020

Case No. \_\_\_\_\_

Page: \_\_\_\_ of \_\_\_\_

<input type="checkbox"/> Witness <input type="checkbox"/> Other _____ Name _____ Address _____ _____ Phone _____ Email _____	<input type="checkbox"/> Witness <input type="checkbox"/> Other _____ Name _____ Address _____ _____ Phone _____ Email _____
<input type="checkbox"/> Witness <input type="checkbox"/> Other _____ Name _____ Address _____ _____ Phone _____ Email _____	<input type="checkbox"/> Witness <input type="checkbox"/> Other _____ Name _____ Address _____ _____ Phone _____ Email _____
<input type="checkbox"/> Witness <input type="checkbox"/> Other _____ Name _____ Address _____ _____ Phone _____ Email _____	<input type="checkbox"/> Witness <input type="checkbox"/> Other _____ Name _____ Address _____ _____ Phone _____ Email _____
<input type="checkbox"/> Witness <input type="checkbox"/> Other _____ Name _____ Address _____ _____ Phone _____ Email _____	<input type="checkbox"/> Witness <input type="checkbox"/> Other _____ Name _____ Address _____ _____ Phone _____ Email _____

**CONFIDENTIAL INFORMATION – PLACE IN SEALED ENVELOPE**

FINANCIAL STATEMENT
FOR ASSESSMENT OF GUARDIAN AD LITEM COSTS

Case No. ....

Commonwealth of Virginia VA. CODE § 19.2-159

I currently receive the following type(s) of public assistance: [ ] TANF \$ [ ] Medicaid
[ ] Supplemental Security Income \$ [ ] SNAP (food stamps) \$
[ ] Other (specify type and amount)

Names and address of employer(s) for myself and for my spouse (if my household member):

Self .....

Spouse (not applicable if alleged victim) .....

Table with 3 columns: Description, Self, Spouse. Rows include NET INCOME, Pay period, Net take home pay, Other income sources, and TOTAL INCOME.

Table with 3 columns: Description, Self, Spouse. Rows include ASSETS, Cash on hand, Bank Accounts, Any other assets, Real estate, Motor Vehicles, and TOTAL ASSETS.

..... Number in household I have financial responsibility for, including myself.

Table with 3 columns: Description, Self, Spouse. Rows include EXCEPTIONAL EXPENSES, Medical Expenses, Court-ordered support payments, Child-care payments, Other, and TOTAL EXPENSES.

I hereby state that the above information is correct to the best of my knowledge.

DATE SIGNATURE PRINTED NAME

Sworn/affirmed and signed before me this day.

DATE SIGNATURE TITLE

FOR NOTARY PUBLIC'S USE ONLY:

State of [ ] City [ ] County of
Acknowledged, subscribed and sworn to before me this ..... day of ....., 20 .....

NOTARY REGISTRATION NUMBER

NOTARY PUBLIC
(My commission expires: .....

DATE JUDGE

# GUARDIAN AD LITEM CERTIFICATION

Commonwealth of Virginia VA. CODE §§ 16.1-266.1, 16.1-274(d); Rule 8:6

Case No. ....

DATE OF HEARING

..... ☐ Juvenile and Domestic Relations District Court ☐ Circuit Court

*In re:* .....

I HEREBY CERTIFY that I have taken the following actions in performing the duties of the guardian *ad litem* for the child according to the *Standards to Govern the Performance of Guardians Ad Litem for Children* as indicated below.  
(Any information provided under each listed duty should not include any confidential information.)

1. I ☐ have ☐ have not met face-to-face with the child since the last court hearing in this matter. I met face-to-face with the child for a total of ..... hours prior to today's hearing.

Comments:

.....

2. I ☐ have ☐ have not conducted an independent investigation of this matter in order to ascertain the facts of the case.

Comments:

.....

3. I ☐ have ☐ have not advised the child, in terms the child can understand, of the nature of the proceeding, the child's rights, my role and responsibilities as guardian *ad litem*, the court process, and the possible consequences of the legal action.

Comments:

.....

4. I ☐ have ☐ have not participated, as appropriate, in pre-trial conferences, mediation and negotiations.

Comments:

.....

5. I ☐ have ☐ have not ensured the child's attendance at all proceedings, where such attendance would be appropriate and/or mandated.

Comments:

.....

6. I ☐ have ☐ have not appeared in court on the dates and times scheduled for hearings prepared to fully and vigorously represent the child's interests.

Comments:

.....

7. I ☐ have ☐ have not prepared the child to testify, when necessary and appropriate, in accord with the child's interest and welfare.

Comments:

.....

Case No. ....

8. I ☐ have ☐ have not provided ☐ will provide the court sufficient information including specific recommendations for court action based on the findings of the interviews and independent investigation.

Comments:

.....

9. I ☐ have ☐ have not communicated, coordinated and maintained a professional working relationship in so far as possible with all parties without sacrificing independence.

Comments:

.....

10. I ☐ have ☐ have not filed appropriate petitions, motions, pleadings, briefs, and appeals on behalf of the child and will ensure the child is represented by a GAL in any appeal involving the case.

Comments:

.....

11. I ☐ will ☐ will not advise the child, in terms the child can understand, of the court's decision and its consequences for the child and others in his or her life.

Comments:

.....

I have provided or will provide copies of this completed form to the court and to all counsel and parties proceeding pro se at the beginning of the hearing.

.....  
NAME OF GUARDIAN AD LITEM

.....  
DATE

.....  
GUARDIAN AD LITEM

.....  
VSB. NO.

LEGAL ETHICS OPINION 1897

Rule 4.2 - Replying all to an email when the opposing party is copied

QUESTION PRESENTED

The question presented is whether a lawyer who receives an email from opposing counsel, with the opposing party copied, violates Rule 4.2 if he replies all to the email, sending the response to both the sending lawyer and her client.

SHORT ANSWER

The committee concludes that the answer is no, Rule 4.2 is not violated. A lawyer who includes their client in the “to” or “cc” field of an email has given implied consent to a reply-all response by opposing counsel.

Applicable Rule of Professional Conduct

Rule 4.2 Communication With Persons Represented By Counsel  
In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized by law to do so.

27 ANALYSIS

28 Ethics opinions from a number of other jurisdictions<sup>1</sup> have concluded  
29 that a lawyer copying his client does not on its own provide consent to  
30 communication by opposing counsel. While cautioning that it is best  
31 practice to blind copy all recipients or separately forward an email to the  
32 lawyer's client, the opinions conclude that failing to follow that best practice  
33 does not provide consent under Rule 4.2 and that the receiving lawyer  
34 must review the list of recipients and remove the opposing party from his  
35 response. A recent opinion from New Jersey<sup>2</sup> reaches the opposite  
36 conclusion, expressly rejecting the reasoning of those other jurisdictions to  
37 find that lawyers who include their clients in the "to" or "cc" field of a group  
38 email will be deemed to have provided informed consent to a reply-all  
39 response from opposing counsel. The committee believes that a bright-line  
40 rule is appropriate here, rather than a "totality of the circumstances" test  
41 used in the opinions of other states, for example North Carolina. Both  
42 lawyers who are trying to comply with the Rules while practicing law, and  
43 the disciplinary process that seeks to impose discipline on lawyers who do

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<sup>1</sup> Illinois State Bar Association Opinion No. 19-05 (2019); Alaska Bar Association Ethics Opinion No. 2018-1 (2018); South Carolina Bar Ethics Advisory Opinion 18-04 (2018); Kentucky Bar Association Ethics Opinion KBA E-442 (2017); North Carolina Bar Formal Ethics Opinion 2012-7 (2013); California LEO 2011-181 (2011); New York City LEO 2009-1 (2009).

<sup>2</sup> ACPE Opinion 739 (2021).

not comply with the Rules, benefit from an unambiguous answer to allow lawyers to engage in the communications they are permitted to have while making clear that there are certain communications that are off-limits.

As for what that bright-line rule should be, the committee agrees with the analysis of the New Jersey opinion. By this point in its evolution, email is not analogous to paper letters, and is often treated more like an ongoing conversation than with the formality of written correspondence. The literal mechanics of copying are an important difference as well – there is no option to “reply all” to a written letter, without copying and separately sending a response to each copied recipient. When email is used, the committee believes that the onus should be on the sending lawyer to blind copy all recipients, or separately forward the email to the client, if they do not want a reply-all conversation. As the New Jersey opinion explains:

Email is an informal mode of communication. Group emails often have a conversational element with frequent back-and-forth responses. They are more similar to conference calls than to written letters. When lawyers copy their own clients on group emails to opposing counsel, all persons are aware that the communication is between the lawyers. The clients are mere bystanders to the group email conversation between the lawyers. A “reply all” response by opposing counsel is principally directed at the other lawyer, not at the lawyer’s client who happens to be part of the email group. The goals that Rule of Professional Conduct 4.2 are intended to further – protection of the client from overreaching by opposing counsel and guarding the clients’ right to advice from their own lawyer – are not implicated when lawyers “reply all” to group emails.



71

72

The committee finds that this analysis of the text and purposes

73

of Rule 4.2 provides appropriate guidance to lawyers and is

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consistent with the nature of email as opposed to paper

75

communication. A lawyer who includes their client in the “to” or “cc”

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field of an email to opposing counsel has given implied consent under

77

Rule 4.2 for opposing counsel to reply-all to the message.

78

# INFORMATION CONSIDERED IN CHILD CUSTODY/VISITATION PROCEEDINGS

Commonwealth of Virginia VA. CODE §§ 16.1-278.15, 20-124.3

At a hearing to determine the custody or visitation of a child, information on the following factors is considered by the judge, if presented by the parties.

1. The child's age and physical and mental condition, with due consideration to the child's changing developmental needs.  
.....
2. The age and physical and mental condition of each parent.  
.....
3. The relationship existing between each parent and the child, with due consideration given to the positive involvement with the child's life and the ability to accurately assess and meet the emotional, intellectual and physical needs of the child.  
.....
4. The needs of the child, with due consideration given to other important relationships of the child, including but not limited to siblings, peers and extended family members.  
.....
5. The role which each parent has played and will play in the future, in the upbringing and care of the child.  
.....
6. The propensity of each parent to actively support the child's contact and relationship with the other parent, including whether a parent has unreasonably denied the other parent access to or visitation with the child.  
.....
7. The relative willingness and demonstrated ability of each parent to maintain a close and continuing relationship with the child, and the ability of each parent to cooperate in and resolve disputes regarding matters affecting the child.  
.....
8. The reasonable preference of the child, if the child is deemed by this court to be of reasonable intelligence, understanding, age and experience to express such a preference.  
.....
9. Any history of (a) "family abuse" as that term is defined in § 16.1-228, specifically any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member, (b) sexual abuse (c) child abuse, (d) an act of violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury that occurred no earlier than 10 years prior to the date the petition is filed. If the court finds a history of family abuse or sexual abuse, the court may disregard information pertaining to factor 6.  
.....

10. Other:  
.....

## § 8.01-420.2. Limitation on use of recorded conversations as evidence

No mechanical recording, electronic or otherwise, of a telephone conversation shall be admitted into evidence in any civil proceeding unless (i) all parties to the conversation were aware the conversation was being recorded or (ii) the portion of the recording to be admitted contains admissions that, if true, would constitute criminal conduct which is the basis for the civil action, and one of the parties was aware of the recording and the proceeding is not one for divorce, separate maintenance or annulment of a marriage. The parties' knowledge of the recording pursuant to clause (i) shall be demonstrated by a declaration at the beginning of the recorded portion of the conversation to be admitted into evidence that the conversation is being recorded. This section shall not apply to emergency reporting systems operated by police and fire departments and by emergency medical services agencies, nor to any communications common carrier utilizing service observing or random monitoring pursuant to § [19.2-62](#).

1983, c. 503; 1992, c. 567; 2015, cc. [502](#), [503](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

## § 16.1-301. Confidentiality of juvenile law-enforcement records; disclosures to school principal and others

A. The court shall require all law-enforcement agencies to take special precautions to ensure that law-enforcement records concerning a juvenile are protected against disclosure to any unauthorized person. The police departments of the cities of the Commonwealth, and the police departments or sheriffs of the counties of the Commonwealth, as the case may be, shall keep separate records as to violations of law committed by juveniles other than violations of motor vehicle laws. Such records with respect to such juvenile shall not be open to public inspection nor their contents disclosed to the public unless a juvenile 14 years of age or older is charged with a violent juvenile felony as specified in subsections B and C of § 16.1-269.1.

B. Notwithstanding any other provision of law, the chief of police or sheriff of a jurisdiction or his designee shall disclose, for the protection of the juvenile, his fellow students and school personnel, to the school principal that a juvenile has been charged with or may disclose when a juvenile is a suspect in (i) a violent juvenile felony, as specified in subsections B and C of § 16.1-269.1; (ii) a violation of any of the provisions of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; (iii) a violation of law involving any weapon as described in subsection A of § 18.2-308; or (iv) a violation of law as described in subsection G of § 16.1-260. If a chief of police or sheriff or a designee has disclosed to a school principal pursuant to this section that a juvenile is a suspect in or has been charged with a crime as specified in clauses (i) through (iv), upon a court disposition of a proceeding regarding such crime in which a juvenile is adjudicated delinquent, convicted, found not guilty or the charges are reduced, the chief of police or sheriff or a designee shall, within 15 days of the expiration of the appeal period, if there is no notice of appeal, provide notice of the disposition ordered by the court to the school principal to whom disclosure was made. If the court defers disposition or if charges are withdrawn, dismissed or nolle prosequi, the chief of police or sheriff or a designee shall, within 15 days of such action provide notice of such action to the school principal to whom disclosure was made. If charges are withdrawn in intake or handled informally without a court disposition or if charges are not filed within 90 days of the initial disclosure, the chief of police or sheriff or a designee shall so notify the school principal to whom disclosure was made. In addition to any other disclosure that is permitted by this subsection, the principal in his discretion may provide such information to a threat assessment team established by the local school division. No member of a threat assessment team shall (a) disclose any juvenile record information obtained pursuant to this section or (b) use such information for any purpose other than evaluating threats to students and school personnel. For the purposes of this subsection, "principal" also refers to the chief administrator of any private primary or secondary school.

C. Inspection of law-enforcement records concerning juveniles shall be permitted only by the following:

1. A court having the juvenile currently before it in any proceeding;
2. The officers of public and nongovernmental institutions or agencies to which the juvenile is

currently committed, and those responsible for his supervision after release;

3. Any other person, agency, or institution, by order of the court, having a legitimate interest in the case or in the work of the law-enforcement agency;

4. Law-enforcement officers of other jurisdictions, by order of the court, when necessary for the discharge of their current official duties;

5. The probation and other professional staff of a court in which the juvenile is subsequently convicted of a criminal offense for the purpose of a presentence report or other dispositional proceedings, or by officials of penal institutions and other penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him;

6. The juvenile, the parent, guardian, or other custodian of the juvenile, and counsel for the juvenile only if (i) no other law or rule of the Supreme Court of Virginia requires or allows withholding of the record; (ii) the parent, guardian, or other custodian requesting the record is not a suspect, offender, or person of interest in the record; and (iii) any identifying information of any other involved juveniles is redacted; and

7. As provided in §§ [19.2-389.1](#) and [19.2-390](#).

D. The police departments of the cities and towns and the police departments or sheriffs of the counties may release, upon request to one another and to state and federal law-enforcement agencies, and to law-enforcement agencies in other states, current information on juvenile arrests. The information exchanged shall be used by the receiving agency for current investigation purposes only and shall not result in the creation of new files or records on individual juveniles on the part of the receiving agency.

E. Upon request, the police departments of the cities and towns and the police departments or sheriffs of the counties may release current information on juvenile arrests or juvenile victims to the Virginia Workers' Compensation Commission solely for purposes of determining whether to make an award to the victim of a crime, and such information shall not be disseminated or used by the Commission for any other purpose than provided in § [19.2-368.3](#).

F. Nothing in this section shall prohibit the exchange of other criminal investigative or intelligence information among law-enforcement agencies.

G. Nothing in this section shall prohibit the disclosure of law-enforcement records concerning a juvenile to a court services unit-authorized diversion program in accordance with this chapter, which includes programs authorized by subdivision 1 of § [16.1-227](#) and § [16.1-260](#). Such records shall not be further disclosed by the authorized diversion program or any participants therein. Law-enforcement officers may prohibit a disclosure to such a program to protect a criminal investigation or intelligence information.

H. Nothing in this section shall prohibit the disclosure of accident reports and other reports required to be made to the Department of Motor Vehicles pursuant to § [46.2-374](#) involving a juvenile even if such reports are in the custody of a law-enforcement agency or were created by a law-enforcement officer.

Code 1950, § 16.1-163; 1956, c. 555; 1977, cc. 559, 618; 1978, c. 740; 1981, c. 175; 1993, cc. 468, 926; 1994, cc. [859](#), [949](#); 1995, c. [752](#); 1996, cc. [755](#), [914](#); 1997, c. [430](#); 2000, c. [211](#); 2001, c. [770](#);

2003, c. 119;2005, c. 683;2009, c. 286;2013, c. 769;2016, c. 234;2022, cc. 455, 456, 542.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

# **VIRGINIA BEACH BAR ASSOCIATION 2022 LEGISLATIVE UPDATE AND BENCH BAR CONFERENCE**

JULY 20, 2022

10:00am – 5:00pm

VIRGINIA MUSEUM OF CONTEMPORARY ART  
2200 PARKS AVENUE, VIRGINIA BEACH, VA 23451

**2:30pm – 3:30pm**

**General District Court  
Presented by:**

Honorable Afshin Farashahi  
Honorable Sandra S. Menago



## DISCUSSION TOPICS

1. Motions to Suppress in GDC
  - This topic will provide attorneys with the Court's expectations regarding suppression motions filed or otherwise made in General District Court.
2. Misdemeanor Discovery
  - This topic will provide attorneys with various "best practices" information related to the discovery process in a criminal case that is not being prosecuted by the Commonwealth Attorney's Office. How does one obtain discovery from a police officer or civilian complainant? What are the Court's expectations regarding the same?
3. Tips from the Bench
  - This topic will provide attorneys with various "do's and don'ts" with respect to practicing before the General District Court.

## SOURCE MATERIALS

### *1. Motions to Suppress in GDC*

§ 19.2-266.2. Defense objections to be raised before trial; hearing; bill of particulars.

- A. Defense motions or objections seeking (i) suppression of evidence on the grounds such evidence was obtained in violation of the provisions of the Fourth, Fifth or Sixth Amendments to the Constitution of the United States or Article I, Section 8, 10 or 11 of the Constitution of Virginia proscribing illegal searches and seizures and protecting rights against self-incrimination; (ii) dismissal of a warrant, information, or indictment or any count or charge thereof on the ground that: (a) the defendant would be deprived of a speedy trial in violation of the provisions of the Sixth Amendment to the Constitution of the United States, Article I, Section 8 of the Constitution of Virginia, or § [19.2-243](#); or (b) the defendant would be twice placed in jeopardy in violation of the provisions of the Fifth Amendment to the Constitution of the United States or Article I, Section 8 of the Constitution of Virginia; or (iii) dismissal of a warrant, information, or indictment or any count or charge thereof on the ground that a statute upon which it was based is unconstitutional shall be raised by motion or objection.
- B. Such a motion or objection in a proceeding in circuit court shall be raised in writing, before trial. The motions or objections shall be filed and notice given to opposing counsel not later than seven days before trial in circuit court or, if made under clause (ii) of subsection A, at such time prior to trial in circuit court as the grounds for the motion or objection shall arise, whichever occurs last. A hearing on all such motions or objections shall be held not later than three days prior to trial in circuit court, unless such period is waived by the accused, as set by the trial judge. The

circuit court may, however, for good cause shown and in the interest of justice, permit the motions or objections to be raised at a later time.

- C. To assist the defense in filing such motions or objections in a timely manner, the circuit court shall, upon motion of the defendant, direct the Commonwealth to file a bill of particulars pursuant to § [19.2-230](#). The circuit court shall fix the time within which such bill of particulars is to be filed. Upon further motion of the defendant, the circuit court may, upon a showing of good cause, direct the Commonwealth to supplement its bill of particulars. The attorney for the Commonwealth shall certify that the matters stated in the bill of particulars are true and accurate to the best of his knowledge and belief.

- D. In a criminal proceeding in district court, any motion or objection as described in subsection A may be raised prior to or at such proceeding. In the event such a motion or objection is raised, the district court shall, upon motion of the Commonwealth grant a continuance for good cause shown.**

#### **Rule 7C:7. Service and Filing of Papers.**

(a) Copies of Written Motions to be Furnished. All written motions and notices not required to be served otherwise must be served on each counsel of record by delivering, dispatching by commercial delivery service, transmitting by facsimile, or mailing, a copy to him on or before the day of filing.

Service pursuant to this Rule is effective upon such delivery, dispatch, transmission or mailing, except that papers served by facsimile transmission completed after 5:00 p.m. are deemed served on the next day that is not a Saturday, Sunday, or legal holiday.

At the foot of such pleadings and requests must be appended either acceptance of service or a certificate of counsel that copies were served as this Rule requires, showing the date of delivery and method of service, dispatching, transmitting, or mailing.

(b) Filing. Pleadings, motions, notices, and other materials required to be served must be filed with the clerk. In an Electronically Filed Case, the provisions of Rule 1:17 are applicable.

#### *2. Misdemeanor Discovery*

#### **Rule 7C:5. Discovery.**

(a) Application of Rule. This Rule applies only to the prosecution for a misdemeanor which may be punished by confinement in jail and to a preliminary hearing for a felony.

(b) Definitions. For purposes of discovery under this Rule 1) the prosecuting attorney is the attorney for the Commonwealth or the city attorney, county attorney, or town attorney, who is

responsible for prosecuting the case; 2) *if no prosecuting attorney prosecutes the case, the representative of the Commonwealth is the law enforcement officer, or, if none, such person who appears on behalf of the Commonwealth, county, city or town in the case.*

(c) Discovery by the Accused. Upon motion of an accused, the court must order the prosecuting attorney or representative of the Commonwealth to permit the accused to hear, inspect and copy or photograph the following information or material when the existence of such is known or becomes known to the prosecuting attorney or representative of the Commonwealth and such material or information is to be offered in evidence against the accused in a General District Court:

(1) any relevant written or recorded statements or confessions made by the accused, or copies thereof and the substance of any oral statements and confessions made by the accused to any law enforcement officer; and

(2) any criminal record of the accused.

(d) Time of Motion. A motion by the accused under this Rule must be made in writing and filed with the Court and a copy thereof mailed, faxed, or otherwise delivered to the prosecuting attorney and, if applicable, to the representative of the Commonwealth at least 10 days before the day fixed for trial or preliminary hearing. The motion must include the specific information or material sought under this Rule.

(e) Time, Place and Manner of Discovery and Inspection. An order granting relief under this Rule must specify the time, place and manner of making the discovery and inspection permitted and may prescribe such terms and conditions as are just.

(f) Failure to Comply. If at any time during the course of the proceedings, it is brought to the attention of the court that the prosecuting attorney or representative of the Commonwealth has failed to comply with this Rule or with an order issued pursuant to this Rule, the court must order the prosecuting attorney or representative of the Commonwealth to permit the discovery or inspection of the material not previously disclosed, and may grant such continuance to the accused as it deems appropriate.

**Last amended by Order dated November 23, 2020; effective March 1, 2021.**

VIRGINIA BEACH BAR ASSOCIATION  
2022 LEGISLATIVE UPDATE AND BENCH BAR CONFERENCE

JULY 20, 2022

10:00am – 5:00pm

VIRGINIA MUSEUM OF CONTEMPORARY ART  
2200 PARKS AVENUE, VIRGINIA BEACH, VA 23451

3:45pm – 5:00pm

Circuit Court  
Presented by:

Honorable Stephen C. Mahan  
Honorable Tina E. Sinnen, Clerk of the Court  
Amy Jones, Esq., Staff Attorney for the Circuit Court

DISCUSSION TOPICS

1. Introduction to the Circuit Court's E-Filing Program (3:45 – 4:15 pm)
  - The Honorable Tina E. Sinnen, Clerk of the Circuit Court, will provide attorneys with information on the Court's new E-filing program which began on July 1, 2022. This topic will introduce the program and provide information and guidance on its use.
2. "Rejection Objection" – How to get your final divorce decree entered without appearing in Court (4:15 – 5:00 pm)
  - This topic will provide attorneys with various "best practices" information regarding the submission of final divorce decrees with the Court to help ensure their acceptance without rejection.

## SOURCE MATERIALS

§ 20-91. Grounds for divorce from bond of matrimony; contents of decree.

A. A divorce from the bond of matrimony may be decreed:

(1) For adultery; or for sodomy or buggery committed outside the marriage;

(2) [Repealed.]

(3) Where either of the parties subsequent to the marriage has been convicted of a felony, sentenced to confinement for more than one year and confined for such felony subsequent to such conviction, and cohabitation has not been resumed after knowledge of such confinement (in which case no pardon granted to the party so sentenced shall restore such party to his conjugal rights);

(4) [Repealed.]

(5) [Repealed.]

(6) Where either party has been guilty of cruelty, caused reasonable apprehension of bodily hurt, or willfully deserted or abandoned the other, such divorce may be decreed to the innocent party after a period of one year from the date of such act; or

(7) [Repealed.]

(8) [Repealed.]

(9) (a) On the application of either party if and when they have lived separate and apart without any cohabitation and without interruption for one year. In any case where the parties have entered into a separation agreement and there are no minor children either born of the parties, born of either party and adopted by the other or adopted by both parties, a divorce may be decreed on application if and when they have lived separately and apart without cohabitation and without interruption for six months. A plea of res adjudicata or of recrimination with respect to any other provision of this section shall not be a bar to either party obtaining a divorce on this ground; nor shall it be a bar that either party has been adjudged insane, either before or after such separation has commenced, but at the expiration of one year or six months, whichever is applicable, from the commencement of such separation, the grounds for divorce shall be deemed to be complete, and the committee of the insane defendant, if there be one, shall be made a party to the cause, or if there be no committee, then the court shall appoint a guardian ad litem to represent the insane defendant.

(b) This subdivision (9) shall apply whether the separation commenced prior to its enactment or shall commence thereafter. Where otherwise valid, any decree of divorce hereinbefore entered by any court having equity jurisdiction pursuant to this subdivision (9), not appealed to the Supreme Court of Virginia, is hereby declared valid according to the terms of said decree notwithstanding the insanity of a party thereto.

(c) A decree of divorce granted pursuant to this subdivision (9) shall in no way lessen any obligation any party may otherwise have to support the spouse unless such party shall prove that there exists in the favor of such party some other ground of divorce under this section or § 20-95.

B. A decree of divorce shall include each party's social security number or other control number issued by the Department of Motor Vehicles pursuant to § 46.2-342.

#### § 20-60.3. Contents of support orders.

All orders directing the payment of spousal support where there are minor children whom the parties have a mutual duty to support and all orders directing the payment of child support, including those orders confirming separation agreements, entered on or after October 1, 1985, whether they are original orders or modifications of existing orders, shall contain the following:

1. Notice that support payments may be withheld as they become due pursuant to § 20-79.1 or § 20-79.2, from income as defined in § 63.2-1900, without further amendments of this order or having to file an application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to § 20-79.1;
2. Notice that support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 without further amendments to the order upon application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2;
3. The name, date of birth, and last four digits of the social security number of each child to whom a duty of support is then owed by the parent;
4. If known, the name, date of birth, and last four digits of the social security number of each parent of the child and, unless otherwise ordered, each parent's residential and, if different, mailing address, residential and employer telephone number, and number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, and the name and address of each parent's employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;
5. Notice that, pursuant to § 20-124.2, support will continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from high school, whichever occurs first, and that the court may also order that support be paid or continue to be paid for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and

(iii); (b) unable to live independently and support himself; and (c) residing in the home of the parent seeking or receiving child support;

6. On and after July 1, 1994, notice that a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business, occupation, or recreational activity issued by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90 days or more or in an amount of \$5,000 or more. The order shall indicate whether either or both parents currently hold such an authorization and, if so, the type of authorization held;

7. The monthly amount of support and the effective date of the order. In proceedings on initial petitions, the effective date shall be the date of filing of the petition; in modification proceedings, the effective date may be the date of notice to the responding party. The first monthly payment shall be due on the first day of the month following the hearing date and on the first day of each month thereafter. In addition, an amount shall be assessed for any full and partial months between the effective date of the order and the date that the first monthly payment is due. The assessment for the initial partial month shall be prorated from the effective date through the end of that month, based on the current monthly obligation;

8. a. An order for health care coverage, including the health insurance policy information, for dependent children pursuant to §§ 20-108.1 and 20-108.2 if available at reasonable cost as defined in § 63.2-1900, or a written statement that health care coverage is not available at a reasonable cost as defined in such section, and a statement as to whether there is an order for health care coverage for a spouse or former spouse; and

b. A statement as to whether cash medical support, as defined in § 63.2-1900, is to be paid by or reimbursed to a party pursuant to subsections D and G of § 20-108.2, and if such expenses are ordered, then the provisions governing how such payment is to be made;

9. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages;

10. If child support payments are ordered to be paid through the Department of Social Services or directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court and, when payments are to be made through the Department, the Department of Social Services at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change;

11. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring an obligor to keep the Department of Social Services informed, or if payments are ordered to be paid directly to the obligee, a provision requiring an obligor to keep the court informed, of (i) the name, address, and telephone number of his current employer; (ii) any change to his employment status; and (iii) if he has filed a claim for or is receiving benefits under the provisions of Title 60.2. The provision shall further specify that any such change in employment status or filing of a claim shall be communicated to the Department of Social Services or the court in writing within 30 days of such change or filing;



12. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring the party obligated to provide health care coverage to keep the Department of Social Services informed of any changes in the availability of the health care coverage for the minor child or children, or if payments are ordered to be paid directly to the obligee, a provision requiring the party obligated to provide health care coverage to keep the other party informed of any changes in the availability of the health care coverage for the minor child or children;

13. The separate amounts due to each person under the order, unless the court specifically orders a unitary award of child and spousal support due or the order affirms a separation agreement containing provision for such unitary award;

14. Notice that in determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law. The order shall also provide, pursuant to § 20-78.2, for interest on the arrearage at the judgment rate as established by § 6.2-302 unless the obligee, in a writing submitted to the court, waives the collection of interest;

15. Notice that on and after July 1, 1994, the Department of Social Services may, pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and in accordance with §§ 20-108.2 and 63.2-1921, initiate a review of the amount of support ordered by any court;

16. A statement that if any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid; and

17. Notice that, in cases enforced by the Department of Social Services, the Department of Motor Vehicles may suspend or refuse to renew the driver's license, or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 authorizing the operation of a motor vehicle upon the highways, of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or in an amount of \$5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings.

The provisions of this section shall not apply to divorce decrees where there are no minor children whom the parties have a mutual duty to support.

§ 20-106. Testimony may be required to be given orally; evidence by affidavit.

- A. In any suit for divorce, the trial court may require the whole or any part of the testimony to be given orally in open court, and if either party desires it, such testimony and the rulings of the court on the exceptions thereto, if any, shall be reduced to writing, and the judge shall certify that such evidence was given before him and such rulings made. When so certified the same shall stand on the same footing as a deposition regularly taken in the cause, provided, however, that no such oral evidence shall be given or heard unless and until after such notice to the adverse party as is required by law to be given of the taking of depositions, or when there has been no service of process within the Commonwealth upon, or appearance by the defendant against whom such testimony is sought to be

introduced. However, a party may proceed to take evidence in support of a divorce by deposition or affidavit without leave of court only in support of a divorce on the grounds set forth in subdivision A (9) of § 20-91, where (i) the parties have resolved all issues by a written settlement agreement, (ii) there are no issues other than the grounds of the divorce itself to be adjudicated, or (iii) the adverse party has been personally served with the complaint and has failed to file a responsive pleading or to make an appearance as required by law.

B. The affidavit of a party submitted as evidence shall be based on the personal knowledge of the affiant, contain only facts that would be admissible in court, give factual support to the grounds for divorce stated in the complaint or counterclaim, and establish that the affiant is competent to testify to the contents of the affidavit. If either party is incarcerated, neither party shall submit evidence by affidavit without leave of court or the consent in writing of the guardian ad litem for the incarcerated party, or of the incarcerated party if a guardian ad litem is not required pursuant to § 8.01-9. The affidavit shall:

1. Give factual support to the grounds for divorce stated in the complaint or counterclaim, including that the parties are over the age of 18 and not suffering from any condition that renders either party legally incompetent;
2. Verify whether either party is incarcerated;
3. Verify the military status of the opposing party and advise whether the opposing party has filed an answer or a waiver of his rights under the federal Servicemembers Civil Relief Act (50 U.S.C. § 3901 et seq.);
4. Affirm that at least one party to the suit was at the time of the filing of the suit, and had been for a period in excess of six months immediately preceding the filing of the suit, a bona fide resident and domiciliary of the Commonwealth;
5. Affirm that the parties have lived separate and apart, continuously, without interruption and without cohabitation, and with the intent to remain separate and apart permanently, for the statutory period required by subdivision A (9) of § 20-91;
6. Affirm the affiant's desire to be awarded a divorce pursuant to subdivision A (9) of § 20-91; and
7. State whether there were children born or adopted of the marriage and affirm that neither party is known to be pregnant from the marriage.

C. If a party moves for a divorce pursuant to § 20-121.02, an affidavit may be submitted in support of the grounds for divorce set forth in subdivision A (9) of § 20-91.

- D. A verified complaint shall not be deemed an affidavit for purposes of this section.
- E. Either party may submit the deposition or affidavit required by this section in support of the grounds for divorce requested by either party pursuant to the terms of this section.
- F. In contemplation of or in a suit for a no-fault divorce under subdivision A (9) of § 20-91, the plaintiff or his attorney may take and file, as applicable, the complaint, the affidavit or deposition, any other associated documents, and the proposed decree contemporaneously, and a divorce may be granted solely on those documents where the defendant has waived service and, where applicable, notice.

§ 20-121.02. Decree of divorce without amended bill or amended cross-bill.

In any divorce suit wherein a bill of complaint or cross-bill prays for a divorce from the bonds of matrimony under § 20-91 or prays for a divorce from bed and board under § 20-95, at such time as there exists in either party's favor grounds for a divorce from the bonds of matrimony under § 20-91 A (9), either party may move the court wherein such divorce suit is pending for a divorce from the bonds of matrimony on the grounds set out in § 20-91 A (9) without amending the bill of complaint or cross-bill.

§ 8.01-261. Category A or preferred venue.

In the actions listed in this section, the forums enumerated shall be deemed preferred places of venue and may be referred to as "Category A" in this title. Venue laid in any other forum shall be subject to objection; however, if more than one preferred place of venue applies, any such place shall be a proper forum. The following forums are designated as places of preferred venue for the action specified:

19. In suits for annulment, affirmance, or divorce, the county or city in which the parties last cohabited, or at the option of the plaintiff, in the county or city in which the defendant resides, if a resident of this Commonwealth, and in cases in which an order of publication may be issued against the defendant under § 8.01-316, venue may also be in the county or city in which the plaintiff resides.

# VIRGINIA BEACH

## CIRCUIT COURT



# Uncontested Divorce Procedures Manual

Revision Date: September 14, 2021



## Notice to party proceeding pro se (without an attorney)

If you are representing yourself you must research the requirements for the content of the complaint, divorce decree, and any other orders or pleadings that may be required, and draft and prepare them yourself. The court does not provide any form pleadings or orders, and court staff cannot give you advice on these issues.

This manual only sets forth the procedural steps for having an uncontested divorce. It does not set forth the legal requirements for a divorce under Virginia law, nor is it intended to. You must determine these requirements for yourself.

Each party involved in a divorce matter is strongly encouraged to consult with an attorney so that the legal effects of the proceedings may be fully explained. While it is your right to proceed without an attorney, if you do so, you may forever, unknowingly waive your rights to custody or visitation, child or spousal support, equitable distribution of property, and other legal claims arising out of your marriage. The law clerks and the clerk's office and judicial staff are not permitted to give legal advice.

Should you need further assistance, the following resources are available: Wahab Law Library located in the Judicial Center Building (Phone No. 757-385-4419); Virginia Legal Aid, <http://www.valegalaid.org>; Virginia Judicial System Court Self Help at <https://selfhelp.vacourts.gov>; and Virginia Lawyer Referral (Phone No. 800-552-7977).

## Uncontested Divorce Procedures

### § 1.01 Requirements for an “Uncontested Divorce”.

- (a) All the issues have been agreed to by the parties; and
- (b) Child support, spousal support, custody, and/or visitation are not requested; or if they are requested, there is either a written and signed agreement (the following types of agreements are not sufficient: An oral agreement (including an oral agreement to separate), or a written agreement signed only by one party, or an unsigned agreement), or both parties have signed the Final Divorce Decree; and
- (c) The grounds are separation for the statutory period (no-fault), or a motion for a no-fault divorce will be made pursuant to Virginia Code § 20-121.02. There are two “no-fault” grounds recognized in Virginia: (1) separation for one year after intending that it be permanent; and (2) separation for six months after intending that it be permanent where the parties have no minor children and both have signed a written settlement agreement. For parties seeking a divorce based on only six (6) months of separation, a written settlement agreement signed by both parties is required before you file for divorce, even if the parties are not seeking support payments and have no property together. Therefore, if you are approaching a separation period of one year, you may find it easier to wait until you qualify based on a one-year ground, rather than attempting to file immediately for a divorce based on six-months of separation.
- (d) All the elements for the grounds of divorce must be in place before the case is filed. As a result, if any of the following apply to your filing, you will have to dismiss your divorce, pay another filing fee, and start over if you want to continue with no-fault grounds:
  - i. Filing before one year or six months (as applicable) has passed since you intended to be permanently separated. For example, if you intended to be permanently separated on January 10 of one year and file for divorce on one-year grounds on January 3 of the next year, you have filed a week too early and will not be able to proceed.
  - ii. Filing on the grounds of six months separation, and the parties have minor children.
  - iii. Filing on the grounds of six months separation, without having a written separation agreement that was signed by both parties before you filed. The written agreement can address anything related to the marriage that the parties choose. Examples include property and support. There are no exceptions to the requirement of a written agreement signed by both parties if the grounds are six months separation – even if the parties feel they do not have anything to divide between themselves.

## § 1.02 How uncontested, no fault/separation divorces proceed

If a divorce is sought on no fault/separation grounds pursuant to § 20-91(A)(9) and meets the requirements of § 1.01 above, then so long as venue is proper in Virginia Beach evidence in support should be presented by affidavit. **This includes divorces where the parties were living in the same residence for all or part of the separation period.** Note, however, that the court may require a hearing if in its discretion it determines one is necessary.

**If venue is improper**, you cannot proceed by affidavit (effective for cases filed on and after March 1, 2013). You must either submit an order transferring the case to the correct venue so that you may proceed by affidavit, or you must set the matter for a hearing on the regular 9:30 Friday Motions Docket. At that hearing you will need to provide live testimony in support of the divorce. The same requirements for notice to the opposing party apply as set forth below. Your file will be reviewed after the hearing, and if corrections are needed, you will be sent a Correction Form as outlined below.

**To proceed by affidavit**, follow the following steps:

1. File and serve the complaint.
2. Wait until the time to answer has passed or the defendant has answered or filed a waiver or signed the final decree. **Note:** if you file your decree before completing these requirements, it will be returned to you without your file being reviewed.
3. **Once 1 and 2 are satisfied**, you may simultaneously file the following:
  - a. The original proposed Final Divorce Decree signed by both parties, if required. NOTE: The signature of a party who is legally entitled to notice is not required if the party is served with notice of the hearing and a copy of the proposed divorce decree (as explained below).
  - b. Unless already filed, you also need to file the following:
    - i. The original of any written separation agreement (if applicable);
    - ii. Confidential Addendum for Protected Identifying Information (available on the Court's website);
    - iii. Proof of service of the complaint and/or waiver;
    - iv. An original, completed VS-4 form (form available from the clerk's office);
    - v. If a party is personally (one party cannot request it for the other) requesting the restoration of their former name, a properly completed typed order. See Restoration of Former Name Incident to a Divorce under "Uncontested Divorce" on the court's website
    - vi. Your notarized affidavit, which must be the form provided by the court on its website under "Uncontested Divorce." Note that your affidavit must conform to and not deviate from the questions required by this Court.
4. The documents will be reviewed by a law clerk. If all requirements have not been met, a Correction Form will be sent stating the reasons for the rejection and listing the required corrections and/or the requirement that the case must be set for hearing. If the moving party is represented by counsel, the Correction Form will be placed in the attorney's box, or if no box, will mail such notices to the attorney. If the moving party is acting pro se, the form will be mailed provided such party has submitted the required self-addressed stamped envelope. Any corrections must be made, and the necessary documents submitted in paper form (not electronically) to the *Clerk's Office* (not to the law clerk), along with a self-addressed stamped envelope if acting pro se.
5. **Notice Requirements.** Notice is required in the following situations:
  - (i) Defendant accepted service or was served by posting or leaving with a family member and has not filed a pleading or correspondence with the court, signed an order, signed a proper waiver (that includes waiver of notice), or appeared before the court and there is personal jurisdiction over the defendant;
  - (ii) Defendant has filed a pleading or correspondence with the court, signed an order, or appeared before the court, but has not signed the final decree or a proper waiver;
  - (iii) Defendant signed the waiver before the case was filed with the court and has not signed the final decree;
  - (iv) Defendant is the moving party and the plaintiff has not signed the final decree or a proper waiver.

If notice is required to be given to the opposing party, an affidavit may still be used but notice of entry of the final decree on a regular 9:30 Friday Motions Docket must be given to the opposing party.

**Further notice requirements:**

(1) Notice may only be given by mailing if the opposing party has filed a pleading or correspondence with the court, signed an order, signed a proper waiver (that includes waiver of notice), or appeared before the court. Otherwise, it must be served by a sheriff or process server.

(2) The Notice must state the date and location for the hearing, must state the 9:30 a.m. time, and must include a Certificate of Mailing to the opposing party/counsel.

(3) A Friday Motion Hearing Notice Form is posted on the Court's website in a PDF fillable format. You may select any Friday that the court is open for your hearing. Your notice and motion must be filed with the court no later than the Monday of that same week to be placed on the docket.

(4) The notice must include a copy of the proposed final decree and must be served at least 7 days prior to the hearing date. You must file a copy or the original of the proof of service with the court at least 5 days prior to the hearing date. The original proof of service must be brought to the hearing if it is not filed earlier with the court. Bring the original decree to the hearing along with your affidavit (if the affidavit has not already been filed).

6. Your file will be reviewed after the hearing, and if corrections are needed, you will be sent a Correction Form as outlined above.

**§ 1.03 Restoration of former name incident to a divorce**

Virginia Code § 20-121.4 provides that upon decreeing a divorce, a party who changed his or her name by reason of the marriage, may motion the court to restore such party's former name or maiden name by a separate order meeting the requirements of § 8.01-217. The request must be included in the affidavit of the moving party.

You must submit a properly completed typed order, signed by the person whose name is being restored, along with a recording fee payable to the circuit court clerk with your Order. A form *Order Restoring Former Name Incident to a Divorce* is located on the Court's website.



# VIRGINIA BEACH CIRCUIT COURT



## Contested Divorce Procedures Manual

Revised: July 1, 2018

## Guidelines:

1. If you are representing yourself you must research the requirements for the content of the complaint, divorce decree, and any other orders or pleadings that may be required, and draft and prepare them yourself. The court does not provide any form pleadings or orders, and court staff cannot give you advice on these issues. This manual only sets forth the procedural steps for having a contested divorce heard by the court. It does not set forth the legal requirements for a divorce under Virginia law, nor is it intended to. You must determine these requirements for yourself. Each party involved in a divorce matter is strongly encouraged to consult with an attorney so that the legal effects of the proceedings may be fully explained. While it is your right to proceed without an attorney, if you do so, you may forever, unknowingly waive your rights to custody or visitation, child or spousal support, equitable distribution of property, and other legal claims arising out of your marriage. The law clerks and the clerk's office and judicial staff are not permitted to give legal advice. Should you need further assistance, the following resources are available: Wahab Law Library located in the Judicial Center Building (Phone No. 757-385-4419); Virginia Legal Aid, <http://www.valegalaid.org>; Virginia Judicial System Court Self-Help at <https://selfhelp.vacourts.gov>; and Virginia Lawyer Referral (Phone No. 800-552-7977).
2. The grounds are separation for the statutory period (no-fault), or a motion for a no-fault divorce will be made pursuant to Virginia Code § 20-121.02. There are two "no-fault" grounds recognized in Virginia: (1) separation for one year after intending that it be permanent; and (2) separation for six months after intending that it be permanent where the parties have no minor children and both have signed a written settlement agreement. For parties seeking a divorce based on only six (6) months of separation, a written settlement agreement signed by both parties is required before you file for divorce, even if the parties are not seeking support payments and have no property together. Therefore, if you are approaching a separation period of one year, you may find it easier to wait until you qualify based on a one year ground, rather than attempting to file immediately for a divorce based on six-months of separation. All of the elements for the grounds of divorce must be in place before the case is filed. If not, the case will be dismissed and you will have to pay another filing fee, and start over if you want to continue with no-fault grounds.
3. Contested divorces can be heard by a judge or by a divorce commissioner.
4. To have a contested divorce heard by a judge, the parties must comply with the requirements of this manual.
5. To have a contested divorce heard by a divorce commissioner, the following shall apply:

In the discretion of the court pursuant to Code § 8.01-607, the case may be heard by a commissioner. The party must file a motion requesting that the case be heard by a commissioner, and schedule a properly noticed hearing before the court on the Friday Motions Docket to show good cause for the referral. If the court grants the motion, the court will enter a Decree of Reference naming the commissioner who will hear the case. The parties are responsible for contacting the commissioner to schedule the divorce hearing. The commissioner's fees shall be paid pursuant to § 8.01-609.1.

Once a matter is referred to a commissioner for hearing it must stay there. The court will not vacate the referral and require the commissioner to return the file once the decree of reference is entered. This rule applies regardless of whether the case becomes uncontested, or the case stays contested but counsel now wants a judge to hear it.



6. The parties can bifurcate the issues and the forum (whether commissioner or the court) in which the issues are heard. The order in which the issues are heard must conform to the requirements of the Code and case law. If bifurcated, counsel must submit a separate praecipe and pretrial order to set subsequent hearing before a judge. Order submitted by counsel should state whether all issues have been disposed of or the case is continued on the docket.
7. If the parties have been separated for the statutory period of time, or if the divorce is to be granted on the grounds provided for by § 20-91 (1) or (3), counsel may schedule a trial on all the issues.
8. If the parties have not been separated for the statutory period of time, counsel may schedule a trial on the issues of child support, custody, and visitation. The issue of child custody will be a final order. After the parties have been separated for the statutory period of time, a trial on the issues of final spousal support and equitable distribution may be scheduled. A trial on the issue of fault may be scheduled at such time as provided by statute.
9. Cases are rarely pre-assigned to a judge because of our docketing system. To seek assignment of the case, the following requirements must apply: (i) the case must be complex and require many pretrial rulings, (ii) all counsel must agree and join in the request and (iii) the request must be directed to the chief judge. Cases will not be assigned simply because counsel will be briefing a particular issue and want their briefs reviewed prior to the hearing. Those types of matters should be placed on the Duty Judge docket.
10. In contested divorces, the Court requires testimony to be given orally in court pursuant to § 20-106(A). A party may proceed to take evidence in support of divorce by deposition or affidavit only with leave of court.
11. Effective for cases filed on and after March 1, 2013, divorces that proceed by affidavit must satisfy the venue requirements of § 8.01-261. If they do not, the court will proceed under § 8.01-264(D) to *sua sponte* transfer the matter to the proper jurisdiction.
12. **Orders.** On any order submitted by counsel in which the court ruled on such matter the name of the trial/hearing judge shall be typed below the signature line. This will ensure the Judge who hear or tried the case gets the order for entry.

## SCHEDULING DIVORCE CASE FOR TRIAL

After (i) the time to answer has passed or the defendant has answered and/or filed a waiver and (ii) the Virginia Beach Divorce Pretrial Order has been entered, counsel may:

- (i) Submit the **Praecipe in a Contested Divorce** (provided in a fillable format on this Court's web site at [www.vbgov.com/courts](http://www.vbgov.com/courts)) to the court. Either party may file the praecipe. Docket call is held on the first Monday of each month unless a Holiday then on Tuesday.
- (ii) All counsel may agree to a trial date and secure approval of the court by a telephone call to the judges' office at 757-385-4502. Once the court has approved the trial date by telephone, counsel must complete the Certificate of Setting Agreed Trial Date Outside of Docket Call. This Form is provided in a fillable format on the Court's website. Counsel must immediately submit such Certificate by facsimile to the court. Do not send by mail.

## **SETTING THE TRIAL DATE AT DOCKET CALL**

Counsel, or counsel's authorized representative, is required to appear at docket call to set the trial date. If no one appears at docket call, a trial date will not be set. After docket call, counsel who filed the praecipe shall provide notice of the trial date to all other counsel of record and any *pro se* party.

The Clerk enters the trial date in Case Management System and if the party filing the praecipe is *pro se*, the clerk of court shall issue a Notice of Trial Date after docket call.

## **FILING PRETRIAL ORDER**

The Virginia Beach Pretrial Order (provided in a fillable format on this Court's web site at [www.vbgov.com/courts](http://www.vbgov.com/courts)) must be entered in every contested divorce. Failure to file the Order and comply with its terms may result in the case being removed from the trial docket and any other appropriate sanction. The Virginia Beach Divorce Pretrial Order must be entered prior to setting a trial date. Counsel may notice entry of such order if other party will not endorse order.

## **PARENT EDUCATION SEMINAR (§ 20-103)**

The parents in a divorce case where a child's custody, visitation, or support is contested shall attend a parent education seminar on the effects of separation or divorce on children; parenting responsibilities; options for conflict resolution; and, financial responsibilities, unless the court grants an exemption from attendance of such program for good cause shown. Requirements set forth in Pretrial Order. A list of "Parent Education Providers" is provided on the Virginia Judicial System's website under the "Directories" section on the main page at [www.courts.state.va.us](http://www.courts.state.va.us).

## **JUDICIAL SETTLEMENT CONFERENCE**

A settlement conference with a qualified Judicial Settlement Conference Judge is required when the trial of all issues will require more than 1 hour. Note: The judges' services are free to the parties.

Counsel shall be responsible for:

- (1) Selecting a settlement judge from the List of Judicial Settlement Conference Judges under "Directories" on the Supreme Court's Internet site at: <http://www.courts.state.va.us>. After selecting a judge, contact the Duty Judge's Judicial Assistant at 385-4501 option 2 for the judge's contact information.
- (2) Confirming with the settlement judge that he or she is available to take the conference and making arrangements for the hearing date, time and location with the settlement judge.
- (3) Prepare and submit to the Court the Virginia Beach Order of Designation and Referral to Settlement Judicial Settlement Conference (provided in a fillable format on this Court's web site at [www.vbgov.com/courts](http://www.vbgov.com/courts)).
- (4) Provide any court documents and other correspondence required by the settlement judge.

## **PRETRIAL CONFERENCE**

A pretrial conference is required when either or both of the following apply: (1) equitable distribution is contested; or (2) counsel has determined in good faith that the trial of all issues will require more than two hours. In all other cases a pretrial conference will only be held if requested by counsel or by a judge. The



purpose of the pretrial conference is to discuss the issues, to reach stipulations, to discuss settlement and any other matters, which may aid in the disposition of the case. The parties and counsel must attend the pretrial conference in person.

The pretrial conference shall be set on the Duty Judge Motion Docket as follows: Electronically by going to the "Online Motion Docket" page on the circuit court's website at [www.vbgov.com/courts](http://www.vbgov.com/courts) (Click on "Circuit Court" on the left of the main page; then "Motion Docket"). On the right side of the Motion Docket page you will see the "Online Motion Docket" and the Duty Judge Hearing Request Form under Related Information. This online motion docket calendar will show all the appointments that are currently scheduled. You will use this calendar to determine and coordinate available dates and times with the parties prior to scheduling. After determining available date and time, complete the Duty Judge Hearing Request Form and submit such completed Duty Judge Hearing Request Form via email to ([Dutyjudg@vbgov.com](mailto:Dutyjudg@vbgov.com)).

Counsel shall arrange an agreed date and time to schedule the conference. The conference may be set within 30 days of the trial date or as agreed by counsel to be meaningful. Five (5) days prior to the pretrial conference, exchanges with counsel and files with the court the Pretrial Conference Brief (provided in a fillable format on this Court's web site at [www.vbgov.com/courts](http://www.vbgov.com/courts)) and all forms and worksheets that are applicable to the issues in the case.

At the conclusion of the hearing, the judge completes and files the Pretrial Conference Memorandum.

#### **FILING THE EXHIBIT AND WITNESS LIST**

Counsel shall exchange 15 days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial.

#### **FILING THE REQUIRED WORKSHEETS AND FORMS**

Counsel shall file with the Court and opposing counsel not later than 15 days prior to trial all worksheets and forms (Monthly Income and Expense Statement of each party, Child Support Guideline worksheets and Equitable Distribution forms) applicable to the issues in the case. The court does not provide these forms. Child Support Guideline forms can be completed online and printed for submission to the court from the Supreme Court website at [www.courts.state.va.us](http://www.courts.state.va.us). Equitable distribution forms are available, at a cost, from Virginia Attorneys' Divorce Electronic Reference.

#### **CONFERENCE BY PARTIES AND COUNSEL PRIOR TO TRIAL**

If a judicial settlement conference or a pretrial conference is not required, counsel and their parties shall personally meet and participate in a conference to attempt to resolve all issues in dispute and also exchange all forms that are applicable to the issues in the case. No later than 7 days prior to trial, counsel jointly files a certification with the court that the attorneys and their clients personally met and participated in a good faith effort to resolve all issues in dispute, and what issues, if any, were resolved and those that remain for resolution at trial.

## **REQUEST FOR CONTINUANCE OF TRIAL DATE**

Continuances will only be granted for good cause shown and must be approved by the court.

To request an agreed continuance: Counsel must secure approval of a new trial date, complete the Request for Continuance of Trial Date Order (provided in a fillable format on this Court's web site at [www.vbgov.com/courts](http://www.vbgov.com/courts)) and submit such order by electronic transmission to the court for approval.

Prior to submitting such order to the court counsel must contact by telephone the judge's office at 757-385-4502. Once the judicial assistant has approved an agreed trial date, counsel must immediately submit such order by electronic transmission to the court. The duty judge will review the request. After the duty judge has granted or refused the continuance, the duty judge's judicial assistant will promptly send a copy of such order to all counsel.

To request a continuance that is not by agreement: Counsel may call the duty judge's judicial assistant at 385-4501 option 2 to schedule a hearing on the duty judge docket or provide notice to all parties for a hearing on the Friday motion docket. Counsel shall submit to the court, in person or by electronic transmission, the Request for Continuance of Trial Date Order (provided in a fillable format on this Court's web site at [www.vbgov.com/courts](http://www.vbgov.com/courts)) on the day of the scheduled hearing and if approved a new trial date will be set.

## **ISSUES SETTLED PRIOR TO TRIAL**

If all issues in a contested case settle so that it will go forward as an uncontested divorce and on no-fault grounds, there are 2 options for having it heard by a judge: (1) Counsel may notify the Clerk's Office that the matter has settled but that it should be kept on the docket on the trial date for an uncontested final divorce hearing, or (2) notify the Clerk's Office that the matter may be removed from the trial docket and reschedule for hearing on the Court's uncontested docket. See Uncontested Divorce Procedure manual.

If the parties agree to have the divorce granted on fault grounds, the matter must either be heard on the original trial date or referred to a commissioner.

## **TRIAL**

Failure to appear on the trial date ready for trial and/or failure to complete and file all required forms may result in limitation or exclusion of evidence and/or claims, and/or the case being removed from the trial docket and/or other appropriate sanction including dismissal of the suit for failure to prosecute.

A court reporter is required and counsel must arrange to have one present.

Testimony must be presented in person; cannot hand up affidavits at the trial.

A party wanting to restore his or her former name or maiden name must motion the court at the trial and submit a separate order contemporaneously with the final divorce decree in accordance with § 20-121.4, along with required clerk's recording fee of such order.



Plaintiff: \_\_\_\_\_ Defendant: \_\_\_\_\_

**AFFIDAVIT OF MOVING PARTY IN DIVORCE PROCEEDING**

1. My full legal name is: \_\_\_\_\_
2. My full current address is: \_\_\_\_\_
3. I am currently married to: \_\_\_\_\_
4. My spouse and I were married on (date) \_\_\_\_\_ in (location of marriage) \_\_\_\_\_
5. I affirm that both parties are over the age of 18. Yes ☐ No ☐
6. I affirm that at least one party to the suit was at the time of the filing of the suit, and had been for a period in excess of six months preceding the filing of the suit, a bona fide resident and domiciliary of Virginia. Yes ☐ No ☐
7. Has either party been incarcerated in a mental or penal institution at any time since the filing of the suit? Yes ☐ No ☐
8. I verify that both parties are mentally competent. Yes ☐ No ☐
9. Have either you or your spouse been a member of the armed forces of the United States on active duty at any time since the filing of this divorce? Yes ☐ No ☐ If Yes:
  - a. Was the military member stationed in or residing in Virginia and has lived for a period of least six months or more in Virginia immediately preceding the filing of this divorce? Yes ☐ No ☐
  - b. Has the military member filed an answer or a waiver of Service Members Civil Relief Act rights? Yes ☐ No ☐ or ☐ N/A because the only military member is Plaintiff
10. Have you and your spouse separated? Yes ☐ No ☐ If yes, date of separation: \_\_\_\_\_
11. On the date you and your spouse physically separated did one of you intend for the separation to be permanent? Yes ☐ No ☐ If No, when did one of you form that intent? (State date) \_\_\_\_\_
12. Since the date of the separation, have you and your spouse lived separate and apart, continuously, without cohabitation and without interruption? Yes ☐ No ☐
13. Are there any children born or adopted of the marriage? Yes ☐ No ☐ If yes, state names and dates of birth: \_\_\_\_\_
14. Do you affirm that neither party is known to be pregnant from the marriage? Yes ☐ No ☐
15. Have you and your spouse entered into a written and signed property settlement agreement? Yes ☐ No ☐ If yes, do you want the court to affirm, ratify and incorporate the property settlement agreement into the final divorce decree? Yes ☐ No ☐
16. Have you and your spouse entered into an addendum(s) to the signed property settlement agreement? Yes ☐ No ☐ If yes, do you want the court to affirm, ratify and incorporate the addendum(s) to the property settlement agreement into the final divorce decree? Yes ☐ No ☐
17. Is there a request to have a former name restored? Yes ☐ No ☐ If yes, state full name to be restored to: \_\_\_\_\_
18. What grounds do you request the court grant you a divorce based upon: Having lived separate and apart without cohabitation and without interruption for ☐ a period in excess of one year; OR ☐ six months.
19. If applicable, matters pertaining to spousal support and child support, custody and visitation to be transferred to the juvenile and domestic relations district court for modification? ☐ YES ☐ NO

Date: \_\_\_\_\_

Signature of Affiant \_\_\_\_\_

**NOTARY CERTIFICATE**

City/County of \_\_\_\_\_ State of \_\_\_\_\_

Subscribed and sworn to (or affirmed) before on \_\_\_\_\_ by above named affiant.

Seal:

Notary Public Signature: \_\_\_\_\_

Registration number: \_\_\_\_\_

My commission expires: \_\_\_\_\_