



# **NEW 2022 VIRGINIA LAW**

**A legal guide for sexual &  
domestic violence advocates  
& survivors in Virginia**



**Virginia Sexual and Domestic Violence Action Alliance**

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advocates & survivors in Virginia



Virginia Sexual and Domestic Violence  
**ACTIONALLIANCE**

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## TABLE OF CONTENTS

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A Note from Policy Staff at the Action Alliance.....	3
Budget Bill.....	4
Campus and University Advocacy.....	6
Child Welfare and Custody.....	7
Criminal Justice.....	11
Economic Justice.....	14
Elder Abuse.....	16
Firearms.....	17
Housing.....	18
Human and Sex Trafficking.....	20
Prevention and Community Health.....	22
Protective Orders.....	24
Racial Justice.....	25
School to Prison Pipeline.....	26
Sexual Assault Services & Response.....	27
Stalking.....	30



Greetings advocates and policy wonks:

After almost six months (60 regular days of session + veto/reconvened session + lengthy and contentious budget negotiations), the 2022 General Assembly Session is officially done and dusted! Whew...and what a session it was. Given the division of power - with Democrats controlling the Senate and Republicans controlling the House of Delegates and Executive Branch – this was a session full of stalemates, or more specifically, bills passing out of one chamber but failing to pass out of the other. According to the Virginia Public Access Project, [only 40% of the original 2,250 bills](#) introduced were sent to the Governor's desk for action. What's more is that Governor [Youngkin's veto total](#) (33 bills) was the most since Governor Gilmore in 1998. And just two weeks out from the start of the new state fiscal year, the Governor offered yet another round of proposed amendments to the budget. That's politics for you!

That said, our field was fortunate to see [several big bipartisan wins in 2022](#), including passage of a bill (and funding) to create statewide access to Hope Cards for those with permanent protective orders, substantial investments in sexual and domestic violence services AND prevention work, and a bill to clarify and streamline PERK testing, storage, and victim notification processes. So, we want to pause to celebrate our collective accomplishments and to thank YOU for your steadfast advocacy with your elected representatives (and beyond!). **Without your support, none of our work advocating for survivors in the legislature would be possible.**

**Thank you! Seriously.**

LOVE TO ALL  
ADVOCATES



LOVE TO ALL  
SURVIVORS

**As always, this resource is intended to provide you with a snapshot of the major legislative accomplishments that occurred between January and June** - and those policy decisions that we expect sexual and domestic violence advocates to be able to count on come July 1, 2022.

For more information on bills of interest, the Action Alliance's policy priorities, and news from the 2022 General Assembly Session see the [Public Policy section of the Action Alliance's website](#). If you have any feedback, questions, or would like to get involved, feel free to drop us a line at [policy@vsdvalliance.org](mailto:policy@vsdvalliance.org).

Onward!

***Action Alliance Policy Staff, Public Policy Committee Members, and Allies***



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## BUDGET BILL

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### **Sexual and Domestic Violence Services Funding, American Rescue Plan Act (ARPA).**

Provides \$6,000,000 the first year and \$3,000,000 the second year in American Rescue Plan Act (ARPA) funds to the Department of Criminal Justice Services to go to sexual assault and domestic violence agencies for services for victims of sexual assault and domestic violence. The Department of Criminal Justice Services is required to use these funds to support sexual assault and domestic violence applicants of the Victims Services Grant Program (VSGP).

- Budget Item: [486 #7c](#)
- Budget amendments carried by Senator Barbara Favola and Delegate Carrie Coyner

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### **Virginia Sexual and Domestic Violence Prevention Fund.**

Provides \$1,300,000 each year from the general fund and transfers \$650,000 each year from the Department of Health to invest a total of \$2,700,000 each year in the prevention fund, administered by the Department of Social Services. The Department of Social Services is required to solicit applications for funding by August 1 of each year and to award funds to sexual and domestic violence agencies by October 1 of each year.

- Budget Item: [344 #1c](#)
- Budget amendments carried by Senator Barbara Favola and Delegate Karrie Delaney

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### **Virginia Sexual and Domestic Violence Victim Fund.**

Provides \$1,400,000 each year from the general fund to support the Virginia Sexual and Domestic Violence Victim Fund. Chapter 210, 2022 Acts of Assembly expanded the purposes of the Fund to include costs associated with sexual assault forensic examiners and sexual assault nurse examiners. This amendment includes at least \$500,000 each year for sexual assault service providers and hospitals for such purposes.

- Budget Item: [408 #3c](#)
- Budget amendment carried by Senator Creigh Deeds



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### **Children's Advocacy Services.**

Provides \$1,000,000 each year from the federal Temporary Assistance to Needy Families (TANF) block grant to provide additional support for the existing 27 child advocacy centers (CACs). Currently, CACs serve almost 6,000 children and families and cover 82 percent of the state.

- Budget Item: [347 #7c](#)
- Budget amendment carried by Senator Emmett Hanger and Delegate Israel O'Quinn

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### **Eastern Shore Coalition Against Domestic Violence Building Remediation.**

Provides \$114,000 from the general fund the first year to support the Eastern Shore Coalition Against Domestic Violence for operational support and infrastructure of the organization for its programs and administrative operations.

- Budget Item: [347 #3c](#)
- Budget amendment carried by Senator Lynwood Lewis

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### **Support for the Laurel Center.**

Provides an additional \$500,000 each year from the federal Temporary Assistance to Needy Families (TANF) block grant to the Laurel Center for education, outreach, program services, and new career and education support for survivors of domestic abuse and sexual violence in Winchester, Frederick County, Clarke County, and Warren County at the Center's residential facility for survivors.

- Budget Item: [347 #8c](#)
  - Budget amendment carried by Senator Jill Vogel
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## CAMPUS AND UNIVERSITY ADVOCACY

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### **Higher education institutions, public; notice to students, SNAP benefits.**

Requires each public institution of higher education to ensure that all students have access to accurate information about the Supplemental Nutrition Assistance Program (SNAP), including eligibility and how to apply. The bill also directs each institution to advertise the application and process for applying for SNAP prominently on the institution's website and in orientation materials that are distributed to each new student.

- Passed as: [HB 582](#)
- VA Code Section to be changed: Code of Virginia is amended by adding a section numbered [23.1-409.1](#)

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### **Higher educational institutions, nonprofit and public; hazing policies.**

Establishes mandates at nonprofit private institutions of higher education and public institutions of higher education relating to hazing and defines different types of organizations at such institutions to which the mandates apply. The bill requires each such institution to provide to each current member, new member, and potential new member of each student organization with new members hazing prevention training that includes extensive, current, and in-person education about hazing, the dangers of hazing, including alcohol intoxication, and hazing laws and institution policies and information explaining that the institution's disciplinary process is not to be considered a substitute for the criminal legal process and provides that if a student organization with new members has an advisor, such advisor shall receive such hazing prevention training. The bill requires the governing board of each institution to include as part of its policy, code, rules, or set of standards governing sexual violence a provision for immunity from disciplinary action based on hazing or personal consumption of drugs or alcohol where such disclosure is made in conjunction with a good faith report of an act of hazing in advance of or during an incident of hazing that causes injury to a person. Beginning with the 2022–2023 academic year, the bill requires each institution to maintain and publicly report actual findings of violations of the institution's code of conduct or of federal or state laws pertaining to hazing that are reported to campus authorities or local law enforcement. This bill shall be known as Adam's Law. This bill is identical to HB 525.

- Passed as: [SB 439](#)
- VA Code Section to be changed: Adds in Chapter 8 of Title 23.1 an article numbered 4, consisting of sections numbered [23.1-819](#) through [23.1-822](#)



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## CHILD WELFARE & CUSTODY

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### **Unaccompanied homeless youths; consent for housing services.**

Provides that an unaccompanied homeless youth shall be deemed an adult for the purpose of consenting to housing, including emergency shelter, and establishes requirements for providers of housing, including emergency shelter, for unaccompanied homeless youths. The bill directs the Board of Social Services to adopt regulations for implementation of the bill and directs the Department of Social Services to establish a work group to make recommendations to the Board regarding such regulations and to develop recommendations regarding authorizing unaccompanied homeless youth to consent to medical care.

- Passed as: [HB 717](#)
- VA Code Section to be changed: Code of Virginia is amended by adding in Chapter 8 of Title 63.2 a section numbered [63.2-806](#).

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### **Foster care placements; court review, best interests of the child.**

Provides that the juvenile and domestic relations district court has the authority to review a child's status in foster care or review a foster care plan. The bill requires a foster care plan to describe in writing an assessment of the stability of proposed placements, the services provided or plans for services to be provided to address placement instability, and a description of other placements that were considered for the child.

The bill also (i) requests that the Committee on District Courts study child dependency hearings in the Juvenile and Domestic Relations District Court system and make recommendations to the General Assembly as to whether a separate docket or court would result in better service to children and families involved in child dependency hearings and other family law matters and (ii) directs the Office of the Children's Ombudsman to convene a work group to consider issues relating to the Commonwealth's model of court-appointed legal counsel in child dependency cases.

- Passed as: [SB 396](#)
- VA Code Section to be changed: Amends and reenacts §§ [16.1-278.2](#), [16.1-278.4](#), [16.1-278.8](#), and [16.1-281](#)





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### **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 any forms and materials that must be submitted to become a kinship foster parent within 15 days. The bill requires local boards, upon denying a relative's request 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) information regarding 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. This bill is identical to [HB 716](#).

- Passed as: [SB 307](#)
- VA Code Section to be changed: Amends and reenacts §§ [63.2-900.1](#) and [63.2-915](#).

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### **School Breakfast Program and National Lunch School Program; processing of applications.**

Requires each public elementary or secondary school to process each web-based or paper-based application for student participation in the School Breakfast Program or the National School Lunch Program administered by the U.S. Department of Agriculture within six working days after the date of receipt of the completed application. The foregoing provision of the bill has a delayed effective date of August 1, 2023. The bill requires school divisions that cannot currently comply with such requirement to develop a plan for ensuring compliance by August 1, 2023.

- Passed as: [HB 587](#)
- VA Code Section to be changed: Amends and reenacts § [22.1-207.2:2](#)

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### **Public Elementary and secondary school students; ability to pay for meals and school meal debt.**

Requires each school board to adopt policies that prohibit the school board or any school board employee from denying a student the opportunity to participate in any extracurricular school activity because the student cannot pay for a meal at school or owes a school meal debt.

- Passed as: [HB 583](#)
- VA Code Section to be changed: Amends and reenacts § [22.1-79.7](#)



### **Early childhood care and education; regional entities, Child Care Subsidy Program Overpayment Fund.**

Requires the Board of Education to establish a system of regional entities that will be responsible for coordinating early childhood care and education services, guiding quality improvement of such services and coordinated access to such services for families, and implementing the uniform measurement and improvement system. The bill establishes the Child Care Subsidy Program Overpayment Fund, consisting of all overpayment moneys collected or recovered by the Department of Education or any state or local agency contracted to administer the Child Care Subsidy Program, net of any refunds due to the federal government, to be used solely for the purpose of covering the cost of providing training and supports to early childhood care and education entities.

- Passed as: [HB 389](#).
- VA Code Section to be changed: § [22.1-289.05](#) of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 14.1 of Title 22.1 a section numbered [22.1-289.08:1](#).

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### **Child abuse and neglect; amends definition, 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.

- Passed as: [HB 1334](#)
- VA Code Section to be changed: Amends and reenacts §§ [16.1-228](#), [63.2-100](#), and [63.2-1508](#)

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### **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).

- Passed as: [SB 455](#)



- VA Code Section to be changed: Amends and reenacts § [20-108.2](#)
- 

### **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.

- Passed as: [HB 751](#)
  - VA Code Section to be changed: Amends and reenacts §§ [63.2-1509](#) and [63.2-1606](#)
- 

### **Foster care; barrier crimes.**

Directs the Department of Social Services (the Department), together with relevant stakeholders, to develop recommendations regarding changes to provisions governing criminal history background checks and barrier crimes for applicants to serve as a foster or adoptive home and requires the Department to report its findings and recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by October 1, 2022.

- Passed as: [SB 689](#)
  - VA Code Section to be changed: Does not change VA Code
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## CRIMINAL JUSTICE

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### **Bail for a person accused of a crime that is an act of violence; notice to attorney**

Requires a magistrate to transmit within 24 hours a copy of 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. The bill also provides that transmission of such copy to the attorney for the Commonwealth may be by facsimile or other electronic means. This bill is identical to [SB 614](#).

- Passed as: [HB 756](#)
- VA Code Section to be changed: Amends and reenacts § [19.2-121](#)

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### **Correctional Facilities, state; fees associated with inmates.**

Directs the Department of Corrections (the Department) to convene a work group to review and make recommendations regarding the reduction or elimination of costs and fees charged to inmates in state correctional facilities. The bill directs the Department to report its findings to the Chairmen of the House Committee on Public Safety and the Senate Committee on Rehabilitation and Social Services by October 1, 2022. This bill is identical to [HB 665](#).

- Passed as: [SB 441](#)
- Does not change VA Code Section

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### **Correctional facilities, local and regional; fees charged to inmates.**

Directs the State Board of Local and Regional Jails (the Board) to convene a work group to review and make recommendations regarding the reduction or elimination of costs and fees charged to inmates in local or regional correctional facilities, including fees related to the costs of an inmate's keep, work release, or participation in educational or rehabilitative programs; telephone services; commissaries; and electronic visitation systems. The bill requires the Board to report its findings and recommendations to the Chairmen of the House Committee on Public Safety and the Senate Committee on Rehabilitation and Social Services by December 1, 2022.

- Passed as: [SB 581](#)
- Does not change VA Code Section



### **Correctional facilities; use of restorative housing; report.**

Directs the Department of Corrections to convene a work group to study the use of restorative housing within state correctional facilities and juvenile correctional centers. The bill directs the Department to facilitate confidential interviews between work group members and at least 25 persons currently incarcerated in a state correctional facility who are currently or who have within the past 12 months been placed in restorative housing, provided that such persons are not the subject of or involved in pending litigation with the Department, and confidential interviews with existing staff and facility officials as requested by the work group. The bill requires the work group to submit its findings and recommendations, including how to safely reduce or end the use of restorative housing that lasts longer than 14 days, to the General Assembly by December 1, 2022.

- Passed as: [SB 108](#)
  - Does not change VA Code Section
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### **Judicial Inquiry and Review Commission; availability of complaint forms.**

Requires that a sign be posted in all state courts of the Commonwealth, in a location accessible to the public, that notes the availability of and provides instructions to obtain a downloadable electronic version of any standardized form developed and utilized by the Judicial Inquiry and Review Commission for the filing of a complaint from the official website of the judicial system of the Commonwealth.

- Passed as: [HB 761](#)
  - VA Code Section to be changed: Amends and reenacts § [17.1-917](#)
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### **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. This bill is identical to [HB 1318](#).

- Passed as: [SB 424](#)
- VA Code Section to be changed: Amends and reenacts §§ [17.1-803](#) and [19.2-306](#) and to amends the Code of Virginia by adding a section numbered [19.2-306.2](#)



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### **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.

- Passed as: [SB 191](#)
  - VA Code Section to be changed: Amends and reenacts § [19.2-175](#)
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## ECONOMIC JUSTICE

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### **Private family leave insurance; definition, establishes as a class of insurance.**

Establishes family leave insurance as a class of insurance. The bill defines "family leave insurance" as an insurance policy issued to an employer related to a benefit program provided to an employee to pay for the employee's income loss due to (i) the birth of a child or adoption of a child by the employee; (ii) placement of a child with the employee for foster care; (iii) care of a family member of the employee who has a serious health condition; or (iv) circumstances arising out of the fact that the employee's family member who is a service member is on active duty or has been notified of an impending call or order to active duty. Under the bill, family leave insurance may be written as an amendment or rider to a group disability income policy, included in a group disability income policy, or written as a separate group insurance policy purchased by an employer. The bill prohibits delivery or issue for delivery of a family leave insurance policy unless a copy of the form and the rate manual showing rates, rules, and classification of risks have been filed with the State Corporation Commission. The bill prohibits an individual certificate and enrollment form from being used in connection with a group family leave insurance policy unless the form for the certificate and enrollment form have been filed with the Commission. The bill provides that "life and annuities insurance agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate, among other types of insurance, family leave insurance on behalf of insurers licensed in the Commonwealth. This bill is identical to HB 1156.

- Passed as: [SB 15](#)
- VA Code Section to be changed: §§ [38.2-135](#), [38.2-316](#), and [38.2-1800](#) are amended and reenacted and that the Code of Virginia is amended by adding a section numbered [§38.2-109.1](#)

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### **Hospitals; financial assistance for uninsured patient, payment plans.**

Requires hospitals to make reasonable efforts to screen every uninsured patient, defined in the bill, to determine whether the individual is eligible for medical assistance pursuant to the state plan for medical assistance or for financial assistance under the hospital's financial assistance policy and to inform every uninsured patient who receives services at the hospital and who is determined to be eligible for assistance under the hospital's financial assistance policy of the option to enter into a payment plan with the hospital. The bill also prohibits hospitals from engaging in extraordinary collection actions to recover a debt for medical services against any patient unless the hospital has made all reasonable efforts to determine whether the patient



qualifies for medical assistance pursuant to the state plan for medical assistance or is eligible for financial assistance under the hospital's financial assistance policy and requires hospitals to annually report data and information regarding the amount of charity care, discounted care, and financial assistance provided under the hospital's financial assistance policy and the amount of uncollected bad debt. This bill is identical to [SB 201](#).

- Passed as: [HB 1071](#)
- VA Code Section to be Changed: §§ [32.1-137.01](#) and [32.1-276.5](#) of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 1 of Title 32.1 a section numbered [32.1-23.5](#) and by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered [32.1-137.09](#).

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#### **Civil Cases; reimbursement of costs.**

Provides that the court shall not allow a defendant convicted of a crime from which a civil matter arose to recover costs for court reporting and recording of such trial from the victim of such crime.

- Passed as: [HB 1327](#)
- VA Code Section to be changed: Amends and reenacts § [17.1-128](#)





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## ELDER ABUSE

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### **Abuse & neglect; financial exploitation, changes term incapacitated adults, definitions, 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, this bill was a recommendation of the Virginia Criminal Justice Conference. This bill is identical to [SB 687](#).

- Passed as: [HB 496](#)
- VA Code Section to be Changed: Amends and reenacts §§ [18.2-60.5](#), [18.2-178.1](#), [18.2-369](#), [46.2-341.20:7](#), [54.1-3408.3](#), [54.1-3442.5](#), [54.1-3442.6](#), and [54.1-3442.7](#)

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### **Misuse of power of attorney; financial exploitation; incapacitated adults; penalty.**

Makes it a Class 1 misdemeanor for an agent under a power of attorney to knowingly or intentionally engage 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 as: [SB 124](#)
  - VA Code Section to be Changed: Amends and reenacts §§ [64.2-1608](#) and [64.2-1621](#) and amends the Code of Virginia by adding a section numbered [18.2-178.2](#)
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## FIREARMS

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### **Firearms; criminal history record information check required to sell, exception.**

Provides that the purchase of a service weapon by a retired law-enforcement officer is not subject to a criminal history record information check.

- Passed as: [SB 675](#)
  - VA Code Section to be changed: Amends and reenacts § [18.2-308.2:5](#)
- 

### **Acquisition of certain military property by law-enforcement agencies.**

Changes the limitation on the acquisition or purchase of military property by a law-enforcement agency from firearms of .50 caliber or higher to rifles of .50 caliber or higher and from ammunition of .50 caliber or higher to rifle ammunition of .50 caliber or higher. This bill is identical to [SB 328](#).

- Passed as: [HB 813](#)
  - VA Code Section to be changed: Amends and reenacts §§ [2.2-5515](#), [15.2-1721.1](#), and [52-11.3](#)
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## HOUSING

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### **Public accommodations, employment, and housing; prohibited discrimination on the basis of religion.**

Clarifies that "religion" as it relates to freedom of expression includes any outward expression of religious faith in contexts where discrimination on the basis of religion is prohibited.

- Passed as: [HB 1063](#)
  - VA Code Section to be changed: Amends and reenacts §§ [2.2-2901.1](#), [2.2-3004](#), [2.2-3901](#), [15.2-853](#), [15.2-965](#), [15.2-1500.1](#), [15.2-1604](#), [22.1-295.2](#), [22.1-306](#), [36-96.1:1](#), and [55.1-1310](#)
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### **Assisted living facilities; involuntary discharge, safeguards for residents.**

Requires that regulations of the Board of Social Services regarding involuntary discharges of residents from assisted living facilities provide certain safeguards for residents, including a description of the reasons for which a resident may be involuntarily discharged, certain notice requirements, a requirement that the facility make reasonable efforts to resolve any issues upon which the discharge is based, and the provision of information regarding the resident's right to appeal the facility's decision to discharge the resident.

- Passed as: [SB 40](#)
  - VA Code Section to be changed: Amends and reenacts § [63.2-1805](#)
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### **Virginia Residential Landlord and Tenant Act; rental agreements, child care.**

Allows a rental agreement to contain provisions allowing for the tenant's operation of properly licensed and authorized child care services.

- Passed as: [SB 69](#)
  - VA Code Section to be changed: Code of Virginia is amended by adding a section numbered § [55.1-1208.1](#).
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### **Eviction Diversion Pilot Program; expiration; report.**

Extends from July 1, 2023, to July 1, 2024, the expiration date of the Eviction Diversion Pilot Program. The bill also requires the Virginia Housing Commission to submit an interim report no later than November 30, 2022, and a final report no later November 30, 2023.

- Passed as: [SB 24](#)
  - VA Code Section to be changed: Amends and reenacts the fourth and sixth enactments of Chapter 355 and the fourth and sixth enactments of Chapter 356 of the Acts of Assembly of 2019
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## HUMAN AND SEX TRAFFICKING

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### **Writ of vacatur; victims of sex trafficking, payment of fees or costs.**

Provides that a petitioner for a writ of vacatur for victims of sex trafficking shall not be required to pay any fees or costs for filing such petition if the petitioner is found to be unable to pay them.

- Passed as: [HB 711](#)
  - VA Code Section to be Changed: Amends and reenacts § [19.2-327.19](#)
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### **Hotels; human trafficking training.**

Directs the Department of Criminal Justice Services, under the direction of the Criminal Justice Services Board, to develop an online course to train hotel proprietors and their employees, as defined in the bill, to recognize and report instances of suspected human trafficking. The bill provides that such online course shall be provided at no cost to the hotel proprietors and their employees. The bill requires that every hotel proprietor require its employees to complete such human trafficking training course developed by the Department or an alternative online or in-person training course approved by the Department within six months of being employed by a hotel and thereafter at least once every two years, for as long as the employee is employed by the hotel. The bill has a delayed effective date of January 1, 2023.

- Passed as: [HB 258](#)
  - VA Code Section to be changed: § [9.1-102](#) of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered [35.1-15.1](#).
- 

### **Human trafficking; training for law-enforcement personnel.**

Requires the Department of Criminal Justice Services to establish training standards for law-enforcement personnel regarding the recognition, prevention, and reporting of human trafficking. This bill is identical to [SB 467](#).

- Passed as: [HB 283](#)
  - VA Code Section to be changed: Amends and reenacts § [9.1-102](#)
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### **Victims of human trafficking; eligibility for in-state tuition.**

Provides that a non-Virginia student who is currently present in the Commonwealth as a result of being a victim of human trafficking, defined in the bill, is eligible for in-state tuition. The bill provides that a person may be a victim of human trafficking regardless of whether any person has been charged with or convicted of any offense and that eligibility for in-state tuition may be proved by a certification of such status as a victim of human trafficking by a federal, state, or local agency or not-for-profit agency, one of whose primary missions is to provide services to victims of human trafficking. The bill also requires public institutions of higher education to automatically record such a student as opting out of making any directory or educational information available to the public unless the student voluntarily and affirmatively chooses to opt in to allowing such directory or educational information to be made available.

- Passed as: [HB 283](#)
- VA Code Section to be changed: Amends and reenacts [§ 23.1-506](#)

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### **High school family life education curricula; optional instruction on human trafficking.**

Permits any family life education curriculum offered by a local school division in high school to incorporate age-appropriate elements of effective and evidence-based programs on the prevention, recognition, and awareness of human trafficking of children.

- Passed as: [HB 1023](#)
- VA Code Section to be changed: Amends and reenacts §§ [22.1-207.1](#) and [22.1-207.1:1](#)



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## PREVENTION AND COMMUNITY HEALTH

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### **Sexually explicit content; DOE shall develop model policies, parental notification.**

Requires the Department of Education to develop no later than July 31, 2022, model policies and each local school board to adopt no later than January 1, 2023, policies for ensuring parental notification of any instructional material that includes sexually explicit content and include information, guidance, procedures, and standards relating to (i) ensuring parental notification; (ii) directly identifying the specific instructional material and sexually explicit subjects; and (iii) permitting the parent of any student to review instructional material that includes sexually explicit content and provide, as an alternative, nonexplicit instructional material and related academic activities to any student whose parent so requests. The bill provides that the local school board policies shall be consistent with but may be more comprehensive than the model policies developed by the Department. The bill states that the provisions of the bill shall not be construed as requiring or providing for the censoring of books in public elementary and secondary schools.

- Passed as: [SB 656](#)
- VA Code Section to be changed: Code of Virginia is amended by adding a section numbered [22.1-16.8](#).

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### **Department of Health; social determinants of health.**

Directs the Department of Health to collect and analyze information, including demographic data, regarding social determinants of health, defined in the bill, and their impact on health risks and health outcomes of residents of the Commonwealth, and to make information regarding social determinants of health, their impact on health, and strategies for addressing social determinants of health to improve health outcomes available to the public on its website.

- Passed as: [HB 229](#)
- VA Code Section to be changed: Adds in Article 3 of Chapter 1 of Title 32.1 a section numbered [32.1-23.5](#)



### **Hospitals; direct readmission of certain postpartum patients.**

Directs the Department of Health (the Department) to develop recommendations for protocols for hospitals that provide obstetrical services for (i) admission or transfer of any pregnant woman who presents herself while in labor or while experiencing a perinatal emergency and (ii) direct readmission, if appropriate, to the hospital of any patient who received obstetrical services from the hospital, experiences postpartum complications requiring immediate medical care, and is referred to the hospital by the patient's health care provider. The bill requires the Department to make such recommendations available to every hospital in the Commonwealth that provides obstetrical services by December 15, 2022.

- Passed as: [HB 1107](#)
  - VA Code Section to be changed: Does not change VA Code
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## PROTECTIVE ORDERS

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### **Permanent protective orders; Hope Card Program created.**

Requires the Office of the Executive Secretary of the Supreme Court of Virginia to develop and all district courts and circuit courts to implement the Hope Card Program (the Program) for the issuance of a Hope Card to any person who has been issued a permanent protective order by any district court or circuit court. The bill provides that a Hope Card issued pursuant to the Program shall be a durable, plastic, wallet-sized card containing, to the extent possible, essential information about the protective order, such as the identifying information and characteristics of the person subject to the protective order, the issuance and expiration date of the protective order, the terms of the protective order, and the names of any other persons protected by the protective order.

- Passed as: [HB 671](#)
- VA Code Section to be changed: Code of Virginia is amended by adding a section numbered § [19.2-152.10:1](#).



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## RACIAL JUSTICE

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### **Virginia Black, Indigenous, and People of Color Historic Preservation Fund established.**

Establishes the Virginia Black, Indigenous, and People of Color Historic Preservation Fund for the purpose of awarding grants to eligible state-recognized and federally recognized Indian tribes, private nonprofit organizations, and localities for the eligible costs of acquiring land or permanent protective interest therein, and of undertaking preservation activities on such land, that is of cultural or historic significance to Black, indigenous, or people of color communities. The bill provides that land or interests acquired with grant funds shall grant the Board of Historic Resources or other holder a perpetual preservation interest in the property. This bill is identical to SB 158.

- Passed as: [HB 141](#)
- VA Code Section to be changed: Amends and reenacts § [10.1-2204](#) and amend the Code of Virginia by adding a section numbered [10.1-2202.5](#)

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### **Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans; expiration.**

Extends from July 1, 2022, to July 1, 2024, the expiration of the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans. The bill also provides for the non-legislative citizen members of the Commission to continue to serve for the duration of the extension. This bill is identical to [SB 151](#).

- Passed as: [HB 139](#)
- VA Code Section to be changed: Amends and reenacts § [2.2-2557](#)



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## SCHOOL TO PRISON PIPELINE

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### **School principals; incident reports, written threats against school personnel, etc.**

Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense. The bill provides, as an exception to the requirement to report any written threats against school personnel while on a school bus, on school property, or at a school-sponsored activity, that a principal is not required but may report to the local law-enforcement agency any such incident committed by a student who has an individualized education plan. This bill is identical to [SB 36](#).

- Passed as: [HB 4](#)
  - VA Code Section to be changed: Amends and reenacts § [8.01-47](#), [22.1-279.3:1](#), and [22.1-279.3:3](#)
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## SEXUAL ASSAULT SERVICES & RESPONSE

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### **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 provides that when a state or local law-enforcement agency located within the Commonwealth has taken over responsibility for the investigation related to the physical evidence recovery kit, unless one of the other exceptions for submitting such kit to the Department of Forensic Science applies, the physical evidence recovery kit shall be transferred to such law-enforcement agency and such law-enforcement agency shall submit the physical evidence recovery kit to the Department of Forensic Science within 60 days of receipt from the original receiving law-enforcement agency.

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 the personal identification number required to view the status of the physical evidence recovery kit and provide information regarding the Physical Evidence Recovery Kit Tracking System, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or next of kin shall be informed of the estimated date on which the information may be disclosed, if known. This bill is identical to SB 658.

- Passed as: [HB 719](#)
- VA Code Section to be changed: Amends and reenacts §§ [19.2-11.8](#) and [19.2-11.11](#)



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### **Virginia Sexual and Domestic Violence Victim Fund; purpose, guidelines.**

Provides that the Department of Criminal Justice Services shall adopt guidelines to make funds from the Virginia Sexual and Domestic Violence Victim Fund, which is used to support the prosecution of domestic violence cases and victim services, available to sexual assault service providers and hospitals for the purpose of funding the cost of salaries and equipment for sexual assault forensic examiners, sexual assault nurse examiners, and pediatric sexual assault nurse examiners, with priority for funding such costs given to such forensic examiners and nurse examiners serving rural or underserved areas of the Commonwealth.

- Passed as: [HB 749](#)
- VA Code Section to be changed: Amends and reenacts § [9.1 116.1](#)

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### **Criminal sexual assault; definition of intimate parts; penalty.**

Includes in the definition of "intimate parts," for the purposes of criminal sexual assault, the chest of a child under the age of 15.

- Passed as: [HB 434](#)
- VA Code Section to be changed: Amends and reenacts § [18.2-67.10](#)

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### **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.

- Passed as: [SB 227](#)
  - VA Code Section to be changed: Amends and reenacts § [19.2-8](#)
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**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.**

Allows testimony offered by either party in a preliminary hearing or sentencing hearing, or offered by the accused in any hearing other than a trial, by a sexual assault nurse examiner or sexual assault forensic examiner who performed a forensic medical examination to be presented by two-way video conferencing. The bill also allows such testimony to be presented by two-way video conferencing when offered by either party in a trial or by the attorney for the Commonwealth in a hearing other than a preliminary hearing or sentencing hearing, with the consent of the court and all parties.

- Passed as: [HB 404](#)
  - VA Code Section to be changed: Amends the Code of Virginia by adding a section numbered [19.2-188.4](#)
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**Pediatric survivors of sexual assault; Task Force on Services for Survivors of Sexual Assault.**

Expands from under 13 years of age to under 18 years of age the age range of the pediatric survivors of sexual assault for whom each hospital must develop a plan for providing either pediatric sexual assault survivor treatment services or transfer services to an approved pediatric health care facility. The bill also allows for transfer of a survivor of sexual assault to a clinic that provides treatment services for survivors of sexual assault that are comparable to those provided by treatment hospitals, and adds a representative of a forensic clinic to the existing Task Force on Services for Survivors of Sexual Assault.

- Passed as: [HB 1329](#)
  - VA Code Section to be changed: Amends and reenacts §§ [32.1-162.15:2](#), as it shall become effective, [32.1-162.15:5](#), and [32.1-162.15:11](#)
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## STALKING

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### **Stalking; venue, penalty.**

Allows a person to be prosecuted for a stalking charge in the jurisdiction where the person resided at the time of such stalking. The bill also provides that evidence of any 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.

- Passed as: [HB 451](#)
- VA Code Section to be changed: Amends and reenacts § [18.2-60.3](#)

