

AUGUST 28, 2020 – WEEK 2 OF SPECIAL SESSION

On August 18, the House of Delegates failed to secure the required two-thirds majority vote to pass HR514 suspending House Rule 18(e). Suspension of House Rule 18 (e) permits the House of Delegates' floor sessions to be held in a virtual environment. The House was able to meet the procedural requirement for the change by reading the resolution during morning hour five days in a row, and passed the resolution Monday, August 24. Upon passage, the House immediately moved forward with conducting Committee hearings to consider legislation. There were ten House committee hearings conducted this week with some hearings running into the early evening hours.

The Senate is conducting its business in person and held nine committee meetings on week one, Senate leadership delayed the start of Senate floor sessions until Wednesday, virtually conducting only committee hearings on Monday and Tuesday. The Senate's focus on committee hearings early in the week resulted in major initiatives already passing the Senate and will now advance to the House.

Senate floor sessions are scheduled for Wednesday through Friday next week. The House announced that it would not hold a floor session on Monday and would provide House members with a 48-hour advance notice of its next floor session.

Special session will likely continue through at least the second week in September, longer than initially anticipated. There is presently no deadline for bill introduction as is the case during a regular session. Members have continued to introduce legislation each day since the start of the special session.

Several pieces of legislation contain emergency clauses, and if passed by the General Assembly, will become effective on the date of the Governor's signature.

Action Taken This Week:

COVID:

- Emergency Debt Repayment Plan (HB5117/SB5118) – every utility providing electric, gas, or water to develop (SB5118 as amended passed Senate Commerce & Labor and rereferred to Senate Finance. As amended, now only applies to utilities under the jurisdiction of the State Corporation Commission.
- Virginia Residential Landlord and Tenant Act; landlord remedies; noncompliance with rental agreement; payment plan. (HB5064) – Passed the House
- Paid leave for teachers exposed to COVID (Passed the Senate)
- COVID related student absences not counted towards (Passed the Senate)
- Rapid diagnostic testing; availability to all essential workers (SB5095) – Passed the Senate
- Outbreaks of communicable disease of public health threat; posting by VDH (HB5048) – Passed the House
- COVID-19 virus; immunity from civil claims related to transmission of or exposure to the virus. (HB5074) – Passed the House Courts of Justice

CRIMINAL JUSTICE REFORM:

- Criminal Sentencing Reform (SB5007); FOIA – Virginia Parole Board Votes (SB5012); Correctional facility, clarifies definition of local (SB5017); Geriatric, terminally ill, or permanently physically disabled prisoners (SB5018); Police reform, acquisition of military property, training of officers in de-escalation techniques (SB5030); Expungement of certain police and court records (SB5043) – All of these bills have passed the Senate Judiciary Committee and have been re-referred to Senate Finance due to Fiscal Impact.
- Changes possession of marijuana from primary to secondary offenses relating to certain traffic infractions (SB5029) – Passed the Senate
- Assault and battery on a judge, magistrate, law-enforcement or first-responder, eliminates mandatory minimum (SB5032) Passed the Senate
- Court Authority in criminal cases; prosecutorial discretion in a criminal case (SB5033) Passed the Senate

EDUCATION:

- School nurses – local school boards shall employ nurses for elementary, middle and high schools (SB5004) – Passed Senate Education and Health and rereferred to Senate Finance.
- Broadband Services – appropriates funds to DHCD to expand access in underserved and unserved areas (SB5115). Passed Senate Commerce and Labor and rereferred to Senate Finance and Appropriations.

ELECTIONS:

- Establishing ballot drop boxes and supporting pre-paid postage for absentee ballots (HB5103 – Passed House – SB5120 – Passed Senate) – EMERGENCY BILLS. Accompanying language included in the budget. The State Board of Elections will post its proposed regulations to the Virginia Town Hall on 8/31. The proposed regulations will be available for comment through October 2nd.

IMMUNITY:

- Civil action for deprivation of rights, duties of certain employers for the services of law-enforcement officers (SB5013) – Passed House Courts of Justice.
- Immunity from civil claims related to the transmission of exposure to the COVID-19 virus – EMERGENCY (HB5074) Passed House Courts of Justice

POLICE REFORM:

- Law-enforcement civilian review panels – localities required to establish by 7/1/21 (HB5055) – Passed the House Committee on Public Safety.
- Law enforcement incident reporting-FOIA (HB5090) – Passed House Courts of Justice
- Prohibition on no-knock warrants (HB5099) – Passed House Courts of Justice
- Law-enforcement officers – prohibition on use of neck restraints (SB5002)
- Establishes the Civil Rights and Policing Commission (SB5003) – Passed Senate Rules
- Attorney General authorized to file civil suit or inquire into any unlawful practice (SB5024) – Passed
- Creates a non-reverting fund to assist law-enforcement agencies with the purchase of body-worn cameras (SB5052)

OTHER:

- Legal holiday; Juneteenth (SB5031) – Passed Senate General Laws.
- Alcoholic beverage control; local special events license, limitations on events, etc. (SB5036) – Passed the Senate

A LOOK AHEAD – ISSUES REMAINING TO BE DEBATED

- Child Care Tax Credit
- Workers Compensation for first responders, healthcare workers, and school board employees during COVID-19 (retroactive to January 1, 2020)
- Continuation of eviction moratorium and expanding to apply to transient lodging.
- Vaccine equitable distribution
- State income tax credit to landlords for rent foregone.
- Several police reform initiatives on training, decertification, crisis intervention teams, school resource officers, expungement of records, and use of force.
- THE BUDGET