

2020 Special Session Update

RECAP

The Governor's proclamation issued on July 17th, summoned the members to commence a special session of the Virginia General Assembly on August 18th for the purpose of "adopting a budget based on the revised revenue forecast and consideration of legislation related to the emergency of COVID-19 and criminal and social justice reforms." Although there was discussion by the Senate as to limiting the number of bills to be introduced per member, ultimately neither body set a limit. The Senate Chairwoman of the Finance and Appropriations Committee, Senator Janet Howell, did not permit Senate members to introduce budget amendments for consideration; however, the committee members themselves – more specifically, the conferees, will be drafting any amendments to the Budget as introduced. The Chair of the House Appropriations Committee, Delegate Luke Torian, did allow House members to introduce amendments to the Budget and followed the consideration process used during a regular session. Chairman Torian did request that members limit their requests to their top three priorities and did not require that the budget requests be in accordance with the subject areas of the Governor's proclamation.

Special session has not been without challenges due to the incorporations of a hybrid virtual environment. While the Senate's committee and floor sessions continue to be held in person in Richmond with members only permitted due to COVID restrictions; House of Delegates passed a rule on the 5th day of session permitting its members to conduct both its committee and floor sessions virtually. In both bodies, members of the public, lobbyists, or association/non-profit stakeholders must sign up several hours in advance to speak during a committee meeting, wait online until the bill has been debated by the members, and be granted access into the virtual room by the committee clerk. Those wishing to speak on a bill have been granted 1-3 minutes by the committee chair. Members also have to alert the chair with a virtual hand raise to be recognized to speak.

THIS WEEK – (August 31 – September 4):

As many of the more substantive bills dealing with criminal justice and police reform were heard in committee this week, the challenges of the virtual environment were more readily expressed this week. Below is a statistical summary of the status of the 407 bills and resolutions introduced during the session. Following the statistics table is a subject matter breakdown of bills that have advanced through the committee process and are now being heard by the full House and Senate. Special updates relating to the subject are found below their section header.

There was no bill introduction deadline set by either body so bills and resolutions continued to be introduced even as late as Thursday and Friday this week; however, we are hearing on the ground is that any bill not heard by committee by end of day on Friday, September 4th will not be heard. An exception may be made to bills that have passed a subject matter committee and due to a fiscal impact where re-referred to Finance & Appropriations Committees. We can expect special session to continue next week with sessions scheduled for Tuesday and may possibly conclude by September 18th based on current intelligence gathering.

There are few bills that have passed both the House and the Senate, so we are likely to see the criminal justice and police reform bills be passionately debated again next week as the bills start to crossover to the other body.

Type	Introduced	Passed House	Passed Senate	Passed	Cont'd to next session	Failed	Pending	Approved	Vetoed
H.B.	149	27	0	0	0	25	124	0	0
H.J.R.	13	3	0	0	0	1	12	0	0
H.R.	90	85	0	85	0	0	5	0	0
S.B.	121	1	28	1	0	68	52	0	0
S.J.R.	1	0	0	0	0	1	0	0	0
S.R.	33	0	31	31	0	0	2	0	0
Totals	407	116	59	117	0	95	195	0	0

COVID:

Major bills relating to eviction moratoriums have been re-referred to money committees, Senate Finance and Appropriations and House Appropriations. Additionally, the Virginia Supreme Court has denied the Governor's request for a continuation of an eviction moratorium. These actions are due to the new Federal moratorium as announced from the White House earlier this week. In its denial of the Governor's request, the Virginia Supreme Court has advised judges in the localities of the existence of the Federal moratorium.

The Governor is also requesting that language be placed in the budget for utility debt forgiveness be granted to rate payers who have lapsed 60 days in their electric bill. These funds will come from overcharges by electric utilities in a statement by the SCC earlier this week. (The final decision on the overcharges were to be determined following an established SCC process in the spring of 2021.)

HB 5028 - Jones - Workers' compensation; presumption of compensability for COVID-19.	(H) Committee on Appropriations FISCAL IMPACT STATEMENT	(H) Read third time and passed House (61-Y 37-N)	09/04/20
SB 5039 - Marsden - Emergency Services and Disaster Law; powers and duties of Governor, purchase of PPE.	(S) Committee on Finance and Appropriations FISCAL IMPACT STATEMENT	(S) Printed as engrossed 20200758D-E	09/04/20
HB 5050 - Helmer - Emergency Services and Disaster Law; powers and duties of Governor, purchase of PPE.	(H) Committee on Appropriations	(H) Read third time and passed House (58-Y 39-N)	09/04/20

	FISCAL IMPACT STATEMENT		
HB 5116 - Guzman - Public and private employers; required to provide eligible employees paid quarantine leave, etc.	(H) Committee on Appropriations FISCAL IMPACT STATEMENT	(H) Read first time	09/04/20
SB 5025 - Newman - Emergency orders and regulations; orders adopted by the Board and Commissioner of Health, duration.	(S) Committee on Education and Health FISCAL IMPACT STATEMENT	(S) Passed by for the day	09/04/20
SB 5039 - Marsden - Emergency Services and Disaster Law; powers and duties of Governor, purchase of PPE.	(S) Committee on Finance and Appropriations FISCAL IMPACT STATEMENT	(S) Printed as engrossed 20200758D-E	09/04/20
SB 5081 - Barker - Outbreaks of communicable disease of public health threat; posting of information about cases.	(S) Committee on Education and Health FISCAL IMPACT STATEMENT	(S) Read third time and passed Senate (34-Y 0-N)	08/27/20
SB 5082 - Marsden - Hospices, certain, home care organizations, etc.; immunity from civil liability, COVID-19.	(S) Committee on the Judiciary FISCAL IMPACT STATEMENT	(S) Read third time and passed Senate (36-Y 0-N)	09/03/20
SB 5088 - Ebbin - Virginia Residential Landlord & Tenant Act; landlord remedies, noncompliance with rental agreement.	(S) Committee on General Laws and Technology FISCAL IMPACT STATEMENT	(S) Read third time and passed Senate (34-Y 0-N)	08/27/20
SB 5090 - Dunnavant - COVID-19 virus; Commissioner of Health shall make information available to public on a website.	(S) Committee on Education and Health FISCAL IMPACT STATEMENT	(S) Read third time and passed Senate (34-Y 0-N)	08/27/20

SB 5051 - Hashmi - Virginia Residential Landlord and Tenant Act; temporary prohibition against landlord termination.	(S) Committee on Finance and Appropriations FISCAL IMPACT STATEMENT	(S) Rereferred to Finance and Appropriations	08/27/20
SB 5118 - McClellan - Emergency Debt Repayment Plan; every utility providing electric, gas, etc., service to develop.	(S) Committee on Finance and Appropriations FISCAL IMPACT STATEMENT	(S) Rereferred to Finance and Appropriations	08/28/20
SB 5106 - Lewis - Local land use approvals; extension of approvals to address the COVID-19 pandemic.	(S) Committee on Local Government	(S) Read third time and passed Senate (32-Y 4-N)	08/28/20
SB 5107 - McPike - Unemployment compensation; extends date VEC is required to establish, etc., short-time compensation.	(S) Committee on Commerce and Labor FISCAL IMPACT STATEMENT	(S) Passed Senate (34-Y 3-N)	09/02/20

EDUCATION:

SB 5068 - Peake - Student safety drills and student health screenings; school boards to waiver drills & screenings.	(S) Committee on Education and Health FISCAL IMPACT STATEMENT	(S) Read third time and passed Senate (34-Y 0-N)	08/27/20
SB 5083 - McClellan - School boards; board required to post on its website the COVID-19 virus mitigation plan.	(S) Committee on Education and Health FISCAL IMPACT STATEMENT	(S) Read third time and passed Senate (34-Y 0-N)	08/27/20
SB 5100 - Dunnavant - Public schools; COVID-19-related absences.	(S) Committee on Education and Health	(S) Read third time and passed Senate (34-Y 0-N)	08/27/20

	FISCAL IMPACT STATEMENT		
SB 5101 - Dunnavant - Private school employees and volunteers; essential workers, personal protective equipment.	(S) Committee on Education and Health	(S) Read third time and passed Senate (34-Y 0-N)	08/27/20

ELECTIONS:

A major focus of the General Assembly this week was to take action on the bills and appropriation of funds for the November 3rd general election, which statutorily required action by September 4th. SB5120 passed the General Assembly on Friday with the Governor signing the legislation immediately. The bill provides \$2M in election administration funding to the localities in order to establish satellite locations, provide drop-box locations and costs for mailing absentee ballots with prepaid postage. The State Board of Elections has posted the accompanying regulations on the [Virginia Town Hall website](#), which are available for public comment.

HB 5103 - Sickles - Elections, Department of; appropriations to provide prepaid postage for return of absentee ballots.	(H) Committee on Appropriations	(S) Passed by for the day	09/04/20
	(S) Committee on Finance and Appropriations		
SB 5120 - Howell - Elections, Department of; appropriations to provide prepaid postage for return of absentee ballots.	(H) Committee on Appropriations	(G) Approved by Governor-Chapter 1 (effective 9/4/20)	09/04/20
	(S) Committee on Finance and Appropriations FISCAL IMPACT STATEMENT		

CRIMINAL JUSTICE REFORM:

Bills dealing with expungement of records, earned sentence credits, and release of geriatric inmates were heavily debated. Many members, victim's advocates, and sexual assault/trafficking advocates expressed opposition or concern regarding some of the categories eligible for release or expungement. Several bills were amended in courts committees and again in appropriations committees to address these concerns.

HB 5045 - Delaney - Inmate, parolee, probationer, detainee, or pretrial defendant, etc.; carnal knowledge.	(H) Committee on Appropriations	(H) Read third time and passed House (98-Y 0-N)	09/04/20
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HB 5146 - Herring - Criminal records; automatic expungement for certain convictions, etc.	(H) Committee on Appropriations	(H) Read first time	09/04/20
HB 5148 - Scott - Earned sentence credits; establishes a four-level classification system for awarding & calculation.	(H) Committee on Appropriations	(H) Committee substitute printed 20201142D-H2	09/04/20
SB 5007 - Morrissey - Criminal cases; sentencing reform.	(S) Committee on Finance and Appropriations	(S) Constitutional reading dispensed (37-Y 0-N)	09/04/20
SB 5012 - Suetterlein - Virginia Freedom of Information Act; Virginia Parole Board member votes.	(S) Committee on Finance and Appropriations	(S) Read second time and engrossed	09/04/20
SB 5013 - Stuart - Marijuana; possession, violations by an adult shall be prepayable.	(S) Committee on the Judiciary	(S) Read third time and passed Senate (29-Y 7-N)	08/28/20
SB 5017 - Boysko - Correctional facility, local; clarifies definition.	(S) Committee on Finance and Appropriations	(S) Constitutional reading dispensed (37-Y 0-N)	09/04/20
SB 5018 - Bell - Geriatric, terminally ill, or permanently physically disabled prisoners; conditional release.	(S) Committee on Finance and Appropriations	(S) Constitutional reading dispensed (37-Y 0-N)	09/04/20
SB 5032 - Surovell - Assault and battery; penalty.	(S) Committee on the Judiciary	(S) Read third time and passed Senate (21-Y 15-N)	08/26/20
SB 5033 - Surovell - Court authority in criminal cases; prosecutorial discretion to dispose of a criminal case.	(S) Committee on the Judiciary	(S) Read third time and passed Senate (30-Y 6-N)	08/28/20
SB 5041 - Stuart - Concealed handgun permits; demonstration of competence, changes effective date.	(S) Committee on the Judiciary	(S) Read third time and passed Senate (35-Y 0-N)	08/28/20
SB 5043 - Deeds - Police and court records; expungement of certain records.	(S) Committee on Finance and Appropriations	(S) Constitutional reading dispensed (37-Y 0-N)	09/04/20

POLICE REFORM:

Extended debate occurred this week in several key initiative areas of policing reform:

- Marcus Alert
- No Knock Warrants
- Use of Neck Restraints
- Qualified/Sovereign Immunity for the police (FAILED FRIDAY IN THE HOUSE IN A CLOSE VOTE WITH 3 ABTENSIONS). Senator Morrissey has a similar bill which was previously PBI-ed.
- Ban on purchasing surplus military equipment for police
- Release of Criminal investigation reports
- Civilian review panels investigative & disciplinary powers

As several of bills had a fiscal impact statement of \$50K or more, they were re-referred from the Judiciary and Courts committees to the money committees of Senate Finance and Appropriations and House Appropriations. Members took time between committees to amend legislation based on testimony and recommendations received from stakeholders.

<p>HB 5029 - McQuinn - Law-enforcement officer; failure to intervene in an unlawful use of excessive force, penalties.</p>	<p>(H) Committee on Appropriations</p> <ul style="list-style-type: none"> • 08/27/20 House: Impact statement from VCSC (HB5029H1) • 08/28/20 House: Impact statement from DPB (HB5029H1) 	<p>(H) Read third time and passed House (55-Y 42-N)</p>	<p>09/04/20</p>
<p>HB 5043 - Bourne - Mental health awareness response & community understanding serv. (Marcus) alert syst.; establishes.</p>	<p>(H) Committee on Appropriations</p> <p>FISCAL IMPACT STATEMENT</p>	<p>(H) Committee substitute printed 20201114D-H2</p>	<p>09/04/20</p>
<p>HB 5049 - Helmer - Law-enforcement agencies; acquisition and use of military property.</p>	<p>(H) Committee on Appropriations – REPORTED WITH A SUBSTITUTE</p> <ul style="list-style-type: none"> • 08/18/20 House: Impact statement from VCSC (HB5049) 	<p>(H) Read first time</p>	<p>09/04/20</p>

	<ul style="list-style-type: none"> • 08/21/20 House: Impact statement from DPB (HB5049) 		
HB 5051 - Simon - Law-enforcement officer or jail officer; notice to Criminal Justice Services Board of misconduct.	(H) Committee on Appropriations FISCAL IMPACT STATEMENT	(H) Read third time and passed House (57-Y 41-N)	09/04/20
HB 5058 - Hope - Marijuana and certain traffic offenses; issuing citations, etc,	(H) Committee for Courts of Justice FISCAL IMPACT STATEMENT	(H) Read third time and passed House (54-Y 44-N)	09/04/20
HB 5069 - Carroll Foy - Law-enforcement officers; prohibition on the use of neck restraints, Class 6 felony.	(H) Committee on Appropriations <ul style="list-style-type: none"> • 08/27/20 House: Impact statement from VCSC (HB5069H1) • 08/28/20 House: Impact statement from DPB (HB5069H1) 	(H) Read third time and passed House (55-Y 43-N)	09/04/20
HB 5072 - Lopez - Law-enforcement; Attorney Gen. authorized to file civil suit or inquire into any unlawful practice.	(H) Committee on Appropriations FISCAL IMPACT STATEMENT	(H) Engrossed by House	09/04/20
HB 5098 - Askew - Hate crimes; falsely summoning or giving false reports to law-enforcement officials, penalty.	(H) Committee on Appropriations <ul style="list-style-type: none"> • 08/27/20 House: Impact statement from VCSC (HB5098H1) • 08/28/20 House: Impact statement from DPB (HB5098H1) 	(H) Read third time and passed House (55-Y 43-N)	09/04/20

HB 5099 - Aird - Search warrants; prohibition on no-knock search warrants.	(H) Committee for Courts of Justice	(H) Read third time and passed House (56-Y 41-N)	09/04/20
HB 5104 - Price - Law-enforcement officers, sheriff, etc.; minimum qualifications, disclosure of information.	(H) Committee on Appropriations FISCAL IMPACT STATEMENT	(H) Read third time and passed House (54-Y 42-N)	09/04/20
HB 5109 - Hope - Law-enforcement officer training & qualifications; DCJS to develop uniform curriculum & plans, etc.	(H) Committee on Appropriations FISCAL IMPACT STATEMENT	(H) Read third time and passed House (97-Y 1-N)	09/04/20
HB 5112 - Levine - Law-enforcement officer; duty to render aid, duty to report wrongdoing by another officer.	(H) Committee for Courts of Justice FISCAL IMPACT STATEMENT	(H) Read third time and passed House (54-Y 43-N)	09/04/20
SB 5003 - Stuart - Civil Rights and Policing, Commission on; established, membership, report, sunset provision.	(S) Committee on Rules FISCAL IMPACT STATEMENT	(S) Read third time and passed Senate (29-Y 7-N)	09/03/20
SB 5024 - Lucas - Law-enforcement; Attorney Gen. authorized to file civil suit or inquire into any unlawful practice.	(S) Committee on Finance and Appropriations FISCAL IMPACT STATEMENT	(S) Constitutional reading dispensed (37-Y 0-N)	09/04/20
SB 5029 - Lucas - Marijuana and certain traffic infractions; possession, issuing citations.	(S) Committee on the Judiciary FISCAL IMPACT STATEMENT	(S) Passed Senate (21-Y 15-N)	08/28/20
SB 5030 - Locke - Policing reform; acquisition of military property, training of officers in de-escalation techniques.	(S) Committee on Finance and Appropriations FISCAL IMPACT STATEMENT	(S) Constitutional reading dispensed (37-Y 0-N)	09/04/20
SB 5035 - Hashmi - Law-enforcement civilian review	(S) Committee on Finance and Appropriations	(S) Constitutional reading dispensed (37-Y 0-N)	09/04/20

boards; locality authorized to establish.	FISCAL IMPACT STATEMENT		
SB 5038 - McPike - Mobile crisis co-response team programs; DCJS & DBHDS to establish throughout the Commonwealth.	(S) Committee on Finance and Appropriations FISCAL IMPACT STATEMENT	(S) Rereferred to Finance and Appropriations	08/20/20
SB 5052 - Reeves - Law-enforcement agencies; body-worn camera systems.	(S) Committee on the Judiciary FISCAL IMPACT STATEMENT	(S) Read third time and passed Senate (35-Y 0-N)	08/28/20

OTHER:

HB 5030 - McQuinn - Monuments and memorials for war veterans; authority of localities.	(H) Committee on Rules	(H) Printed as re-engrossed 20200627D-E2	09/04/20
SB 5031 - Locke - Legal holidays; Juneteenth.	(S) Committee on General Laws and Technology FISCAL IMPACT STATEMENT	(S) Read third time and passed Senate (38-Y 0-N)	09/04/20
SB 5036 - McPike - Alcoholic beverage control; local special events license, limitations on events, etc.	(S) Committee on Rehabilitation and Social Services FISCAL IMPACT STATEMENT	(S) Read third time and passed Senate (36-Y 0-N)	08/26/20

As we enter the back-half of the special session, which entails bills that have passed each body crossing over for full consideration by the other body along with any final action to be taken on the budget. We will continue to provide updates on the 2020 Special Session of the Virginia General Assembly until it adjourns.

Sincerely,

 Angie Bezik