Bills Recommended for Support

1. <u>VA - HB1634</u> Sales & use tax for counties and cities; county appropriations to incorporated towns for education.

Primary Sponsor: <u>Delegate James E. Edmunds, II</u> Cosponsor: Delegate Thomas C. Wright, Jr.

Summary: Additional sales and use tax for counties and cities; county appropriations to incorporated towns for educational purposes. Authorizes counties and cities to impose an additional local sales and use tax at a rate as determined by the governing body, if initiated by a resolution of the local governing body and approved by the voters at a referendum. Revenue from the tax shall be used solely for capital projects for the construction or improvement of schools.

The bill removes the limit on the amount that a county may appropriate to an incorporated town that has not complied with the provisions of its charter relating to the elections of local officials. Under current law, such amount is limited to the amount the town would have received from local sales and use tax for educational purposes if such election had been held. Last Action: Referred to Committee on Finance (November 7, 2018)

2. **VA - HB1641** Absentee voting; no-excuse absentee.

Primary Sponsor: Delegate Charniele L. Herring

Summary: Absentee voting; no-excuse absentee. Permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code. Last Action: Referred to Committee on Privileges and Elections (November 26, 2018)

3. **VA - HB1644** Firearms; reporting when lost or stolen, civil penalty.

Primary Sponsor: Delegate Jeffrey M. Bourne

Summary: Reporting lost or stolen firearms; civil penalty. Requires a person who lawfully possesses a firearm to report the loss or theft of the firearm to any local law-enforcement agency or the Department of State Police within 24 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. The bill requires the relevant law-enforcement agency to enter the report information into the National Crime Information Center (NCIC). A violation is punishable by a civil penalty of \$50 for a first offense and not less than \$100 or more than \$250 for any subsequent offense. The bill provides that a person who, in good faith, reports the loss or theft is immune from criminal or civil liability for acts or omissions that result from the loss or theft; the immunity does not apply to a person who knowingly gives a false report. The bill does not apply to the loss or theft of an antique firearm.

Recommended Positions on Bills Related to City Legislative Package

Last Action: Referred to Committee on Militia, Police and Public Safety (November 27, 2018)

4. **VA - HB1646** Virginia Preschool Initiative; enrollment, funding.

Primary Sponsor: Delegate Jeffrey M. Bourne

Summary: Virginia Preschool Initiative; enrollment; funding. Permits any local school board to offer any slots in its Virginia Preschool Initiative program that remain unfilled by at-risk students after initial enrollment to students who reside in the school division and meet the age requirements but do not qualify as at-risk and to charge a fee for such enrollment. The bill permits any school board that charges a fee for such enrollment to use such fees for the purpose of meeting the required local match for its Virginia Preschool Initiative program. Last Action: Referred to Committee on Appropriations (November 27, 2018)

5. **VA - HB1652** School calendar; opening day of the school year.

Primary Sponsor: Delegate Roxann L. Robinson

Cosponsor: Delegate Les R. Adams

Summary: School calendar; opening day of the school year. Makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill requires local school boards that set the school calendar with a pre-Labor Day opening date, except those schools that were granted a "good cause" waiver for the 2018-2019 school year, to close all schools in the division from (i) the Thursday immediately preceding Labor Day through the Tuesday immediately succeeding Labor Day.

Last Action: Referred to Committee on Education (November 28, 2018)

6. <u>VA - HB1669</u> Disposable paper and plastic bags; local taxation per bag when provided to consumers.

Primary Sponsor: Delegate Betsy B. Carr

Summary: Local disposable paper and plastic bag tax. Authorizes any locality to impose a tax of five cents per bag on disposable paper bags or disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax. Revenues from the local tax would be collected by the Tax Commissioner and distributed monthly to the locality imposing the tax to be used by such locality for the mitigation of pollution and litter. The bill requires each locality imposing the tax by ordinance to provide a certified copy of the ordinance to the Tax Commissioner at least six months prior to the date the tax is to become effective. The bill also allows every retailer that collects the tax to retain one cent of the five-cent tax.

Last Action: Referred to Committee on Finance (December 3, 2018)

7. <u>VA - HB1691</u> Manufacture, import, sale, transfer, or possession of undetectable firearms; penalty.

Primary Sponsor: Delegate Marcus B. Simon (D)

Summary: Manufacture, import, sale, transfer, or possession of undetectable firearms; penalty. Creates a Class 5 felony for any person who manufactures, imports, sells, transfers, or possesses any firearm that after removal of all parts other than a major component, defined in the bill, is not detectable as a firearm by the types of detection devices, including X-ray machines, commonly used at airports for security screening. The bill also updates language regarding the types of detection devices that are used at airports for detecting plastic firearms. Last Action: Referred to Committee for Courts of Justice (December 9, 2018)<u>VA - SJ261</u> Constitutional amendment; qualifications of voters and the right to vote (first reference). Primary Sponsor: <u>Senator Mamie E. Locke</u>

Summary: Constitutional amendment (first resolution); qualifications of voters and the right to vote. Establishes that the sole qualifications to vote in the Commonwealth are United States citizenship, being at least 18 years of age, residency in the Commonwealth, and registration to vote in accordance with the requirements set out in the Constitution of Virginia. The amendment further provides that any person who meets those qualifications has the right to vote and that such right cannot be abridged by law. The bill removes from current constitutional qualifications to vote not having been convicted of a felony and not having been adjudicated to be mentally incompetent.

Last Action: Referred to Committee on Privileges and Elections (November 28, 2018)

8. <u>VA - HB1755</u> Broadband services; prohibited features.

Primary Sponsor: Delegate Lee J. Carter

Summary: Broadband services; prohibited features. Prohibits a provider of broadband services from offering or renewing services to consumers within any locality in the Commonwealth in which certain media is throttled, blocked, or prioritized on the basis of its content, format, host address, or source.

Last Action: Committee Referral Pending (December 21, 2018)

9. <u>VA - HB1763</u> Firearms; removal from persons posing substantial risk of injury to himself, etc., penalties.

Primary Sponsor: <u>Delegate Richard C. "Rip" Sullivan, Jr.</u> Cosponsor: Delegate Chris L. Hurst

Summary: Firearms; removal from persons posing substantial risk; penalties. Creates a procedure by which any attorney for the Commonwealth or any law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. If an emergency substantial risk order is issued, a judge or magistrate may issue a warrant to remove firearms from such person. An emergency substantial risk warrant shall

expire on the fourteenth day following issuance of the order. The bill requires a court hearing in the circuit court for the jurisdiction where the person is subject to the order resides within 14 days from issuance of an emergency substantial risk order to determine whether a substantial risk order should be issued. Seized firearms shall be retained by a law-enforcement agency for the duration of an emergency substantial risk order or a substantial risk order or, with court approval, may be transferred to a third party 21 years of age or older chosen by the person from whom they were seized. The bill allows the complainant of the original warrant to file a motion for a hearing to extend the substantial risk order prior to its expiration. The court may extend the order for a period not longer than 180 days. The bill provides that persons who are subject to a substantial risk order, until such order has been dissolved by a court, are guilty of a Class 1 misdemeanor for purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person he knows has been served with a warrant or who is the subject of an order is guilty of a Class 4 felony. Last Action: Committee Referral Pending (December 21, 2018)

10. <u>VA - HB1811</u> Handheld personal communications devices, use while driving. Primary Sponsor: <u>Delegate Christopher E. Collins</u>

Summary: Use of handheld personal communications devices while driving. Expands the prohibition on using a handheld personal communications device while operating a motor vehicle to all uses unless the device is specifically designed to allow hands-free and voice operation and the device is being used in that manner. Current law prohibits only the reading of any email or text message and manually entering letters or text in the device as a means of communications devices that are used (i) for navigation or generating audio transmissions when the device is physically mounted to the vehicle; (ii) as an amateur radio or a citizens band radio; (iii) to activate, deactivate, or initiate a factory-installed feature or function on the vehicle; or (iv) for official Department of Transportation or traffic incident management services.

Last Action: Committee Referral Pending (December 29, 2018)

11. **VA - HB1850** Minimum wage; increases to \$9.00 per hour effective July 1, 2019.

Primary Sponsor: <u>Delegate Marcus B. Simon (D)</u> Cosponsors: <u>Delegate Kenneth R. Plum, Delegate Kaye Kory, Delegate Sam Rasoul,</u> <u>Delegate Lamont Bagby, Delegate Paul E. Krizek, Delegate Karrie K. Delaney, Delegate</u> <u>Elizabeth R. Guzman</u>

Summary: Minimum wage. Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$9 per hour effective July 1, 2019, to \$10 per hour effective January 1, 2020, to \$11 per hour effective January 1, 2021, to \$13 per hour effective January 1, 2022, and to \$15 per hour effective January 1, 2023, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). For 2024 and thereafter, the annual minimum

Recommended Positions on Bills Related to City Legislative Package

wage shall be adjusted to reflect increases in the consumer price index. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA.

Last Action: Committee Referral Pending (January 2, 2019)

12. <u>VA - SB1005</u> School calendar; opening day of the school year.

Primary Sponsor: Senator Amanda F. Chase

Summary: School calendar; opening day of the school year. Makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill requires local school boards that set the school calendar with a pre-Labor Day opening date, except those schools that were granted a "good cause" waiver for the 2018-2019 school year, to close all schools in the division from (i) the Thursday immediately preceding Labor Day through Labor Day or (ii) the Friday immediately preceding Labor Day through the Tuesday immediately succeeding Labor Day.

Last Action: Referred to Committee on Education and Health (July 16, 2018)

VA - SB1017 Minimum wage; increases to \$8.00 per hour effective July 1, 2019. Primary Sponsor: <u>Senator David W. Marsden</u>

Summary: Minimum wage. Increases the minimum wage from its current federally mandated level of \$7.25 per hour to (i) \$8.00 per hour effective July 1, 2019; (ii) \$9.00 per hour effective July 1, 2020; (iii) \$10.10 per hour effective July 1, 2021; and (iv) \$11.25 per hour effective July 1, 2022, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). The measure also provides that the cash wage paid to a tipped employee shall not be less than 50 percent of the minimum wage and that the tip credit shall equal the difference between the cash wage required to be paid to a tipped employee and the minimum wage. Last Action: Referred to Committee on Commerce and Labor (August 20, 2018)

14. **VA - SB1026** Absentee voting; no-excuse absentee.

Primary Sponsor: Senator Lionell Spruill, Sr.

Summary: Absentee voting; no-excuse absentee. Permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code. Last Action: Referred to Committee on Privileges and Elections (October 17, 2018)

15. **VA - SB1034** Handguns; limitation on purchases, penalty.

Primary Sponsor: Senator Mamie E. Locke

Summary: Purchase of handguns; limitation on handgun purchases; penalty. Prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-

day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms. Last Action: Referred to Committee for Courts of Justice (October 30, 2018)

16. **VA - SB1035** Absentee voting; no-excuse absentee.

Primary Sponsor: Senator Mamie E. Locke

Cosponsor: Delegate Kaye Kory

Summary: Absentee voting; no-excuse absentee. Permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code. Last Action: Referred to Committee on Privileges and Elections (October 30, 2018)

17. <u>VA - SB1055</u> In-state tuition; domicile, individuals granted Deferred Action for Childhood Arrivals.

Primary Sponsor: Senator David W. Marsden

Summary: In-state tuition; domicile; individuals granted Deferred Action for Childhood Arrivals. Declares that, absent congressional intent to the contrary, any individual currently granted Deferred Action for Childhood Arrivals by U.S. Citizenship and Immigration Services has the capacity to intend to remain in the Commonwealth indefinitely and is therefore eligible to establish domicile and receive in-state tuition charges at any public institution of higher education in the Commonwealth.

Last Action: Referred to Committee on Education and Health (December 6, 2018)

18. <u>VA - SB1070</u> Disposable paper and plastic bags; local taxation.

Primary Sponsor: Senator Adam P. Ebbin

Summary: Local paper and plastic bag tax. Authorizes localities to impose, by ordinance, a \$0.05 tax on certain disposable paper bags and disposable plastic bags provided to consumers by certain retailers. Revenues from the local tax, less \$0.01 of every \$0.05 collected, which the bill authorizes the retailer to retain, would be submitted to the Tax Commissioner and distributed monthly to the county or city imposing the tax. The bill requires each county or city adopting an ordinance to impose the tax to (i) specify in the ordinance that the tax revenues shall be used for pollution and litter mitigation and (ii) provide a certified copy of the ordinance to the Tax Commissioner at least six months prior to the date the tax is to become effective.

Last Action: Referred to Committee on Finance (December 12, 2018)

19. <u>VA - SB1074</u> School calendar; local school board in No. Va. responsible for setting opening day of school year.

Primary Sponsor: Senator Janet D. Howell

Summary: School calendar; opening day of the school year. Provides that the local school board of a school division located in Planning District 8 shall be responsible for setting the school calendar and determining the opening day of the school year.

Last Action: Referred to Committee on Education and Health (December 13, 2018)

20. <u>VA - SB1075</u> Absentee voting; no-excuse in-person available 21 days prior to election. Primary Sponsor: <u>Senator Janet D. Howell</u>

Summary: Absentee voting; no-excuse in-person available 21 days prior to election. Allows for any registered voter to vote by absentee ballot in person beginning on the twenty-first day prior to any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting an absentee ballot by mail or in person prior to the twenty-first day before the election, including the application requirement and the list of statutory reasons for absentee voting. Last Action: Referred to Committee on Privileges and Elections (December 13, 2018)

21. <u>VA - SB1084</u> Firearms; use in commission of crime, civil liability for negligent gun storage. Primary Sponsor: <u>Senator David W. Marsden</u>

Summary: Use of firearm in commission of crime; civil liability. Provides that a person may be held civilly liable for injury to the person or property of another or for wrongful death resulting from the use of a firearm in the commission of a crime if it can be shown by clear and convincing evidence that the firearm came into the possession of the person who committed the crime because of the failure of the civil defendant to reasonably secure the firearm from theft or unauthorized possession. The bill provides that a civil defendant exercising the ordinary standard of care for securing firearms will not be held civilly liable. Last Action: Referred to Committee for Courts of Justice (December 17, 2018)

22. <u>VA - SB1095</u> Protective orders; possession of firearms, penalty.

Primary Sponsor: Senator Janet D. Howell

Summary: Protective orders; possession of firearms; penalty. Provides that it is a Class 6 felony for a person who is subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) for subjecting another person to an act of violence, force, or threat to possess a firearm while the order is in effect, which is equivalent to the existing penalty for possession of a firearm by a person subject to a permanent protective order for family abuse. The bill also provides that such person may continue to possess and transport a

firearm for 24 hours after being served with the order for the purposes of selling or transferring the firearm to another person.

Last Action: Referred to Committee for Courts of Justice (December 20, 2018)

23. <u>VA - SJ261</u> Constitutional amendment; qualifications of voters and the right to vote (first reference).

Primary Sponsor: Senator Mamie E. Locke

Summary: Constitutional amendment (first resolution); qualifications of voters and the right to vote. Establishes that the sole qualifications to vote in the Commonwealth are United States citizenship, being at least 18 years of age, residency in the Commonwealth, and registration to vote in accordance with the requirements set out in the Constitution of Virginia. The amendment further provides that any person who meets those qualifications has the right to vote and that such right cannot be abridged by law. The bill removes from current constitutional qualifications to vote not having been convicted of a felony and not having been adjudicated to be mentally incompetent.

Last Action: Referred to Committee on Privileges and Elections (November 28, 2018)

24. <u>VA - SJ262</u> Constitutional amendment; qualifications of voters and the right to vote (first reference).

Primary Sponsor: Senator L. Louise Lucas

Summary: Constitutional amendment (first resolution); qualifications of voters and the right to vote. Establishes that the sole qualifications to vote in the Commonwealth are United States citizenship, being at least 18 years of age, residency in the Commonwealth, and registration to vote in accordance with the requirements set out in the Constitution of Virginia. The amendment further provides that any person who meets those qualifications has the right to vote and that such right cannot be abridged by law. The bill removes from current constitutional qualifications to vote not having been convicted of a felony and not having been adjudicated to be mentally incompetent.

Last Action: Referred to Committee on Privileges and Elections (November 29, 2018)

Bills Recommended to Oppose

25. **VA - SB1033** Body-worn camera; release of recordings, penalty.

Primary Sponsor: Senator William M. Stanley, Jr.

Summary: Body-worn camera; release of recordings; penalty. Provides a procedure for a defendant to request the inspection and the copying or photographing of any body-worn camera recordings that are within the possession, custody, or control of the Commonwealth. The bill provides that the Commonwealth may designate any body-worn camera recording subject to disclosure as Counsel Only Material and that any unlawful reproduction or dissemination of such designated recordings is punishable as a Class 1 misdemeanor. The bill provides a retention schedule for such recordings and provides that such recordings shall not be considered a public record for the purpose of the Virginia Public Records Act (42.1-76 et

seq.). The bill requires all such requests for body-worn camera recordings to comply with the Virginia Freedom of Information Act (2.2-3700 et seq.).

Last Action: Referred to Committee for Courts of Justice (October 30, 2018)

26. <u>VA - SB1038</u> Voter registration; verification of social security numbers, provisional registration status.

Primary Sponsor: Senator Mark J. Peake

Summary: Voter registration; verification of social security numbers; provisional registration status. Requires the general registrars to verify that the name, date of birth, and social security number provided by an applicant on the voter registration application match the information on file in the Social Security Administration database or other database approved by the State Board of Elections (State Board) before registering such applicant. If the information provided by the applicant does not match the information in such a database, the applicant (i) is provisionally registered to vote and notified as to what steps are needed to be fully registered to vote and (ii) is permitted to vote by provisional ballot, but such ballot shall not be counted until the voter presents certain information. The bill also requires the general registrars to verify annually no later than August 1 that the name, date of birth, and social security number in the registration record of each registered voter in the registrar's jurisdiction match the information on file with the Social Security Administration or other database approved by the State Board and, in accordance with current law, to initiate the cancellation of the registration of any voter whose registration record information does not match the database information. The State Board is authorized to approve the use of any government database to the extent required to enable each general registrar to carry out the provisions of this measure and to promulgate rules for the use of such database. The Department of Elections is required to provide to the general registrars access to the Social Security Administration database and any other database approved by the State Board. The Department of Elections is further required to enter into any agreement with any federal or state agency to facilitate such access. Last Action: Referred to Committee on Privileges and Elections (November 15, 2018)

27. <u>VA - SB1052</u> Body-worn camera; release of recordings, penalty.

Primary Sponsor: Senator Amanda F. Chase

Summary: Body-worn camera; release of recordings; penalty. Provides a procedure for a defendant to request the inspection and the copying or photographing of any body-worn camera recordings that are within the possession, custody, or control of the Commonwealth. The bill provides that the Commonwealth may designate any body-worn camera recording subject to disclosure as Counsel Only Material and that any unlawful reproduction or dissemination of such designated recordings is punishable as a Class 1 misdemeanor. The bill provides a retention schedule for such recordings and provides that such recordings shall not be considered a public record for the purpose of the Virginia Public Records Act (42.1-76 et seq.). The bill requires all such requests for body-worn camera recordings to comply with the

Virginia Freedom of Information Act (2.2-3700 et seq.). Last Action: Referred to Committee for Courts of Justice (December 3, 2018)

Bill Recommended to Continue to Watch

VA - HB1786 Vehicles on sidewalks; adds "other power-driven mobility devices" to list of vehicles.

Primary Sponsor: Delegate Chris L. Hurst

Summary: Vehicles on sidewalks. Adds "other power-driven mobility devices," as defined by federal regulations, to the list of vehicles that can legally be ridden or driven on sidewalks. Last Action: Committee Referral Pending (December 27, 2018)

29. <u>VA - HB1794</u> Early voting; any registered voter allowed to vote early without providing reason, etc.

Primary Sponsor: Delegate Schuyler T. VanValkenburg

Summary: Elections; early voting. Allows any registered voter to vote early in any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill requires that early voting be available beginning the fifteenth day prior to any general election, the seventh day prior to any special election held on a date other than the date of a general election, and the seventh day prior to any primary election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill further requires early voting to be available during regular business hours each weekday during the applicable period, from 9:00 a.m. to 5:00 p.m. on each Saturday during the applicable period, and from 12:00 p.m. to 4:00 p.m. on each Sunday during the applicable period. The bill removes the current provisions for voting absentee in person but retains those provisions for voting an absentee ballot by mail, including the application requirement and the list of statutory reasons that allow a registered voter to vote absentee by mail.

Last Action: Committee Referral Pending (December 27, 2018)

30. VA - SB997 Marijuana; decriminalization of simple possession, penalty.

Primary Sponsor: Senator Adam P. Ebbin

Cosponsor: Delegate Mark H. Levine

Summary: Marijuana; decriminalization of simple marijuana possession; penalty. Decriminalizes simple marijuana possession and provides a civil penalty of no more than \$50 for a first violation, \$100 for a second violation, and \$250 for a third or subsequent violation. Current law imposes a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that the suspended sentence/substance abuse screening provisions and driver's license suspension provisions apply only to criminal violations or to civil violations by a juvenile. The bill provides that a court may suspend a driver's license for a civil violation committed by an adult. A civil violation will be treated as a conviction for prohibitions on the purchase or transport of a handgun and disqualification for a concealed handgun permit. Last Action: Referred to Committee for Courts of Justice (July 16, 2018)

31. **VA - SB1096** Minors; allowing access to firearms, penalty.

Primary Sponsor: Senator Janet D. Howell

Summary: Allowing access to firearms by minors; penalty. Provides that any person who leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 18 is guilty of a Class 6 felony. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor. The bill contains technical amendments.

Last Action: Referred to Committee for Courts of Justice (December 20, 2018)