

Governor's Amendments and Vetoes

2024 Session of the General Assembly

The Governor vetoed 153 bills and recommended amendments to 117 bills passed by the 2024 Session of the General Assembly. The Division of Legislative Services staff prepared the following summaries of the Governor's recommendations to assist General Assembly members during their deliberations at the Reconvened Session on April 17. Not summarized in this publication are the Governor's recommended amendments to the budget bill.

Governor's Amendments

House Bills

HB 34. Contract actions; medical debt. The enrolled bill provides that in any action, including those brought by the Commonwealth, upon any contract to collect medical debt, as defined in the enrolled bill, such an action is barred if not commenced within three years from the due date applicable to the first invoice for a health care service unless the contract with a hospital or health care provider is for a payment plan that allows for a longer period of time for the collection of debt by the hospital or health care provider. The Governor's amendments provide (i) that such an action is barred if not commenced within three years from the due date applicable to the final invoice for a health care service and (ii) that in the event of breach of a payment plan, an action is barred if not commenced within three years from the date of breach by the debtor.

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HB 111. Electors for President and Vice President; binding of electors; vacancies. The enrolled bill sets the convening of electors on the first Monday after the second Wednesday in December following their election. The Governor's amendment changes the convening of electors to the first Tuesday after the second Wednesday in December following their election in order to align Virginia law with changes made by the federal Electoral Count Reform Act of 2022 that go into effect this year.

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HB 125. Special justices and independent evaluator fees; emergency custody and voluntary and involuntary civil admissions. The enrolled bill contains technical amendments to clarify that the necessary expenses incurred by a special justice presiding over a commitment or certification hearing for emergency custody and voluntary and involuntary civil admissions or by an independent evaluator required to serve as a witness or an interpreter in a commitment or certification hearing include mileage, parking, tolls, and postage. The Governor's amendment specifies that any such necessary expenses incurred by such special justices or independent evaluators, or by attorneys appointed to such commitment and certification hearings, shall be paid in accordance with guidelines established by the Supreme Court of Virginia.

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HB 173. Manufacture, import, sale, transfer, or possession of plastic firearms and unfinished frames or receivers and unserialized firearms prohibited; penalties. The enrolled bill creates a Class 5 felony for any person who knowingly manufactures or assembles, imports, purchases, sells, transfers, or possesses any firearm that, after removal of all parts other than a major component, as defined in the enrolled bill, is not detectable as a firearm when subjected to inspection by the types of detection devices, including X-ray machines, commonly used at airports, government buildings, schools, correctional facilities, and other locations for security screening. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) removes such provisions in the enrolled bill but still makes it unlawful for any person to knowingly manufacture, import, sell, transfer, or possess any plastic firearm.

The enrolled bill creates a Class 1 misdemeanor, which is punishable as a Class 4 felony for a second or subsequent offense, making it unlawful for any person to knowingly possess a firearm or any completed or unfinished frame or receiver that is not imprinted with a valid serial number or to knowingly import, purchase, sell, offer for sale, or transfer ownership of any completed or unfinished frame or receiver, unless the completed or unfinished frame or receiver (i) is deemed to be a firearm pursuant to federal law and (ii) is imprinted with a valid serial number. The enrolled bill also creates a Class 1 misdemeanor, which is punishable as a Class 4 felony for a second or subsequent offense, making it unlawful for any person to manufacture or assemble, cause to be manufactured or assembled, import, purchase, sell, offer for sale, or transfer ownership of any firearm that is not imprinted with a valid serial number. The Governor's Substitute removes such provisions in the enrolled bill.

The Governor's Substitute also increases from five to 10 years for a second or subsequent offense the mandatory minimum sentences for use or display of a firearm during the commission of certain felonies and clarifies that for the purposes of such offense, a pistol, shotgun, rifle, or other firearm includes a plastic firearm. SB 100, which is identical as enrolled, has the same Governor's Substitute.

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HB 184. Foreclosure procedures; subordinate mortgage; affidavit required. The enrolled bill provides that, when a foreclosure sale is initiated due to a default in payment of a subordinate security instrument, the lienholder of such instrument shall submit to the trustee an affidavit affirming whether monthly statements detailing assessed interest, fees, or other charges were sent to the property owner. The enrolled bill provides that such requirements shall not apply when the lienholder is the original creditor, a mortgage servicer acting on behalf of the original creditor, a national or state chartered bank, or a credit union. The Governor's amendments are technical in nature and clarify that such requirements shall not apply to a federal or state chartered credit union.

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HB 187. Average teacher salary in the Commonwealth; national average. The enrolled bill requires the Governor's introduced budget bills for the 2025, 2026, and 2027 Regular Sessions of the General Assembly to propose funding for, and state funding to be provided pursuant to the

general appropriation act enacted during any regular or special session of the General Assembly during 2025, 2026, or 2027 to fund, the Commonwealth's share of compensation supplement incentives for Standards of Quality-funded instructional and support positions sufficient to increase the average teacher salary in the Commonwealth to at least the national average teacher salary by the end of the 2026–2028 biennium and establishes a detailed timeline and process for satisfying such requirement.

The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) requires the Department of Education to conduct an annual review of teacher compensation. Under current law, such review is conducted biennially. The Governor's Substitute also requires the budget bills for the 2025 and 2026 Regular Sessions of the General Assembly to include proposals that fund the Commonwealth's share of compensation supplement incentives for Standards of Quality-funded instructional and support positions to remain competitive in relation to the national average teacher salary. SB 104, which is identical as enrolled, has the same Governor's Substitute.

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HB 191. Motor vehicle dealers; sales of franchise. The enrolled bill requires a motor vehicle dealer franchise to be relocated during a sale, assignment, or transfer unless the franchisor consents. The Governor's amendment prohibits a sale, assignment, or transfer of a franchise that involves the relocation of the business without the franchisor's consent. This amendment is technical in nature because it was included in the introduced bill and unintentionally omitted in the House substitute. SB 534, which is identical as enrolled, has the same Governor's amendment.

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HB 214. Common interest communities; residents providing certain services exemption. The Governor's amendment adds a reenactment clause.

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HB 215. Department of Education; development of Title IX and sexual harassment prevention training modules for students in the ninth and tenth grades. The enrolled bill requires each school board to adopt policies to require all students in the ninth and tenth grades to complete within 45 days of the start of the school year the sexual harassment modules developed by the Department of Education in accordance with the provisions of the enrolled bill. The Governor's amendments permit, rather than require, each school board to adopt policies requiring all such students to complete the sexual harassment modules and eliminate the requirement that such students complete the sexual harassment modules within 45 days of the start of the school year.

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HB 224. Public schools; teachers and other relevant personnel; mental health awareness training. The enrolled bill requires each teacher and other relevant personnel, as determined by

the applicable school board, employed on a full-time basis to complete mental health awareness training that, in accordance with evidence-based best practices developed by the American Psychological Association, addresses the needs of youth populations that are at a high risk of experiencing mental health challenges and disorders and specifies that such youth populations include youth who (i) are bereaved by suicide; (ii) have mental or physical disabilities or chronic health conditions, including substance use disorders; (iii) are experiencing homelessness or housing instability; (iv) are in foster care or other situations that may result in instability in a youth's custodial or living situation; or (v) identify as LGBTQ+. The Governor's amendment modifies the requirement that such mental health awareness training address the needs of youth populations that are at a high risk of experiencing mental health challenges and disorders by eliminating (i) the requirement that such needs be addressed in accordance with evidence-based best practices developed by the American Psychological Association and (ii) the provision enumerating specific youth populations to be included in such mental health awareness training.

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HB 246. Fines, restitution, forfeiture, penalties, other costs; criminal and traffic cases; itemized statement. The enrolled bill requires the clerk of the court to provide an itemized statement to any defendant convicted of a traffic infraction or a violation of any criminal law of the Commonwealth or of any political subdivision thereof, or found not innocent in the case of a juvenile, who is sentenced to pay a fine, restitution, forfeiture, or penalty or assessed any other costs in the circuit court or appropriate district court of his county or city at the time such fine, restitution, forfeiture, penalty, or other costs are assessed, or within a reasonable time after assessment. The Governor's amendments require the clerk to provide such itemized statement upon written request of the defendant. The enrolled bill requires the clerk to also provide an updated statement of the outstanding balances of any fines, forfeiture, and penalties, restitution and costs, or payment history upon request of the defendant. The Governor's amendments require such request of the defendant be a written request. The Governor's amendments also require that any such itemized or updated statement be provided to the defendant either in person, if he appears in person and furnishes proper identification, or by trackable courier service with signature requirement or first-class mail and allows the clerk to require payment of a fee of \$10 for processing any such itemized or updated statement.

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HB 285. Uniform Statewide Building Code; bus shelters. The Governor's amendment extends from July 1, 2025, to July 1, 2027, the expiration date of the enrolled bill.

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HB 315. Department of Medical Assistance Services; lien for claim of personal injuries. The enrolled bill creates a process by which a lien in favor of the Department of Medical Assistance Services on a claim for personal injuries may be satisfied upon request of the injured person who received medical care or services to treat such personal injury. The enrolled bill provides that the injury party or his personal representative may submit to the Department a copy of an offer of the payment for a sum certain in satisfaction of the lien. The Governor's amendments specify that

a copy of such offer also be submitted to the Office of the Attorney General and increase from 30 to 45 days the time that the Department has to accept or reject such offer when such offer has been made after the Department failed to respond to such injured party's initial request. The Governor's amendments also add a delayed effective date of January 1, 2025, to the enrolled bill.

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HB 416. Charter; City of Virginia Beach. The Governor's amendment adds a reenactment clause. SB 189, which is identical as enrolled, has the same Governor's amendment.

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HB 434. Department of Behavioral Health and Developmental Services; facilities licensed to provide inpatient substance use disorder treatment; valid discharge plans. The enrolled bill directs the Department of Behavioral Health and Developmental Services to amend its regulations to require that any facility licensed by the Department to provide inpatient substance use disorder treatment be required to prepare and record a valid discharge plan upon the discharge or withdrawal of any individual from the facility who has received substance use disorder treatment while admitted to such facility. The enrolled bill requires such discharge plan to include the provision of funds withheld from the individual's prior payments to the facility to assist the individual in the execution of such discharge plan and requires the regulations to provide that failure by a facility to prepare and record valid discharge plans may result in civil penalties, license suspension, or license revocation.

The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) directs the Department to amend its regulations to require that any facility licensed by the Department to provide inpatient or residential substance use disorder treatment be required to prepare and record a valid discharge plan upon the discharge or withdrawal of any individual from the facility who has received substance use disorder treatment while admitted to such facility. The Governor's Substitute requires such discharge plan to include the provisions that the facility (i) identify and coordinate with public and private agencies or persons identified as able to deliver any needed services to such individuals and (ii) provide care coordination with such individual's payor to assist such individual in the execution of such discharge plan and requires the regulations to provide that failure by a facility to prepare and record valid discharge plans may result in issuance of a licensing report, reduction in license status, or sanctions, as deemed appropriate by the Department.

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HB 438. Written complaints; felony offenses. The enrolled bill provides that a written complaint is required for a felony offense, regardless of whether the complainant is a law-enforcement officer. The Governor's amendments provide that if no arrest warrant is issued in response to a written complaint made by a complainant, whether the complainant is a law-enforcement officer or not, the written complaint shall be returned to the complainant. Current law only requires the written complaint to be returned to a complainant who is not a law-enforcement officer.

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HB 446. Abandoned or derelict aircraft.

The enrolled bill specifies multiple time frames with a period of 45 calendar days in which certain actions related to abandoned or derelict aircraft, defined in the enrolled bill, must occur, including the time frame in which certain notices must be provided, the time frame in which such aircraft must be removed from an airport before an airport may dispose of it, and the time frame in which aircraft must remain in an idle state on premises owned or controlled by the operator of an airport before it is considered to be abandoned aircraft. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) increases such time frames to 90 calendar days.

In the enrolled bill, the definition of "derelict aircraft" means an aircraft that is not in a flyable condition for a period of 90 consecutive days or does not have a valid certificate of airworthiness issued by the Federal Aviation Administration and is not in the process of being repaired or refurbished. The Governor's Substitute specifies that "derelict aircraft" means an aircraft that is not in a flyable condition for a period of 90 consecutive calendar days or does not have a current valid certificate of airworthiness and is not in the process of being built, modified, inspected, repaired, or refurbished.

The enrolled bill requires, when an abandoned or derelict aircraft is found or located on premises owned or controlled by the operator of an airport, whether or not such premises are under a lease or license either directly to the aircraft owner or to a third party, the operator of the airport to make a record of the date such aircraft is found or determined to be present on the airport premises. The Governor's Substitute removes the specification relating to whether or not the premises are under a lease or license either directly to the aircraft owner or to a third party.

The enrolled bill requires the airport operator or his designee to notify the owner and all persons having an equitable or legal interest in an abandoned or derelict aircraft of certain information within 20 business days of receipt of such owner's or persons' names and addresses. The Governor's Substitute changes this time frame to 30 calendar days. The enrolled bill permits such notice to require removal of such aircraft in less than 30 calendar days if the airport operator or his designee determines that such aircraft poses a danger to the health or safety of users of the airport. The Governor's Substitute removes such provision. The enrolled bill requires a laminated notice stating certain information enumerated in the enrolled bill to be placed upon such aircraft if the owner is unknown or cannot be found. The Governor's Substitute specifies that such laminated notice must be placed conspicuously on a window of such aircraft.

The enrolled bill allows the owner or any person having an equitable or legal interest in an abandoned or derelict aircraft to remove such aircraft from the airport upon payment in full of all accrued fees and charges, without which the airport may dispose of such aircraft. The Governor's Substitute allows for entry into a written payment plan for such fees and charges to satisfy the requirement for removal. The enrolled bill requires that if an airport elects to sell such aircraft at public auction, notice must be given at least 10 calendar days before such auction in a publication of general circulation and written notice of the sale must be given to the owner and all parties with an equitable or legal interest in such aircraft. The Governor's Substitute requires a

second notice in a publication of general circulation no less than 30 calendar days before such auction and adds a requirement to post a notice of the sale in the airport no less than 30 days prior to the date of sale.

The Governor's Substitute adds attorney fees to (i) the costs that may be recovered by an airport against the owner of an abandoned or derelict aircraft when incurred in the removal, storage, and sale of such aircraft and (ii) the amount that is to be deducted from the proceeds of sale when such aircraft is sold at public sale. The Governor's Substitute requires that, when a sale price or negotiated price is higher than the airport's then current charges and costs against such aircraft, a surplus of proceeds of the sale of the aircraft be distributed to the owner and all parties known to have an equitable or legal interest in such aircraft by priority. The Governor's Substitute also adds to the enrolled bill's requirements for a claim of lien that an airport must record for purposes of perfecting its lien the dates upon which the lien is claimed by the airport and adds attorney fees and post-judgment interest at six percent annually to the enumerated fees and charges incurred by such aircraft that the enrolled bill requires to be included in such claim.

Finally, the Governor's Substitute exempts from the provisions of the enrolled bill aircraft owned or operated by active-duty military personnel or any person or business engaged in the commercial industry of building, modifying, inspecting, repairing, or refurbishing aircraft.

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HB 452. First-time drug offenders. The enrolled bill provides that any person who has not previously been convicted of any felony drug offense under relevant law or under any substantially similar statute of the United States or of any state may be eligible for first-time drug offender disposition. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) removes such provisions in the enrolled bill and instead allows a person to participate in such first offender drug program even if such person was previously convicted of an offense related to misdemeanor possession of marijuana or has had a previous dismissal of a misdemeanor offense for possession of marijuana pursuant to the program. SB 362, which is identical as enrolled, has the same Governor's Substitute.

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HB 498. School board policies; parental notification; safe storage of firearms in the household. The Governor's amendment adds a reenactment clause. The Governor's amendment also adds a third enactment clause to the enrolled bill directing the Department of Education to (i) collaborate with relevant stakeholders to create and develop an efficient method for distributing to parents at the beginning of each school year a list of (a) parental rights, including the right to be notified of sexually explicit materials, to express disagreement with a school's or a school board's policies or decisions, and to make decisions concerning the upbringing, education, and care of the parent's child, and (b) parental responsibilities, including safeguarding their child against access to drugs, ensuring their child is protected from exploitation or abuse, maintaining their child's school attendance, participating in their child's school discipline proceedings, monitoring their child's behavioral and educational process, and, if applicable, paying child support and (ii) submit a report on such list to the Chairs of the House Committee on Education

and the Senate Committee on Education and Health by December 1, 2024. SB 225, which is identical as enrolled, has the same Governor's amendment.

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HB 536. Student bullying; detention; characteristics of victim. The enrolled bill modifies the definition of "bullying" in the context of public education to specify that the real or perceived power imbalance between the aggressor or aggressors and victim involved in an act of bullying as defined in current law includes such a power imbalance on the basis of the victim's membership in a group that is protected from discrimination pursuant to the Virginia Human Rights Act. The Governor's amendment removes such provision in the enrolled bill and instead adds language specifying that the real or perceived power imbalance involved in an act of bullying includes any such power imbalance between the aggressor or aggressors and victim for any reason.

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HB 568. Tax exemptions; Confederacy organizations. The Governor's amendment adds a second enactment clause to the enrolled bill directing the Department of Taxation to study exemptions to (i) the state recordation tax and (ii) the real and personal property tax by classification or designation prior to and on July 1, 1971, and the effect of such exemptions on state government revenues and local government revenues, respectively. The Governor's amendment also adds a reenactment clause. SB 517, which is identical as enrolled, has the same Governor's amendment.

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HB 576. Board for Contractors; required regulations and disclosures. The enrolled bill requires the Board for Contractors to adopt regulations requiring all Class A, B, and C residential contractors, excluding subcontractors to the contracting parties and those who engage in routine maintenance or service contracts, to use legible written contracts that include certain terms and conditions. The enrolled bill directs the Board to require a statement of protections be provided by the contractor to the homeowner, consumer, or buyer in transactions involving door-to-door solicitations or any residential rooftop solar installation. The enrolled bill requires the Department of Professional and Occupational Regulation to review by July 1, 2025, its licensing exam for alternative energy system contracting to ensure such exam includes questions related to the physical installation of alternative energy systems on preexisting structures. The enrolled bill also requires the Board for Contractors to create a disclosure form to be provided in any transaction involving a residential rooftop solar installation to include specific disclosures regarding the risks associated with residential rooftop solar installation. Finally, the enrolled bill requires the State Corporation Commission to convene a work group of relevant stakeholders to develop recommendations for any additional consumer protections regarding the sale, lease, or installation of a solar energy facility with a generating capacity of 25 kilowatts or less and report the work group's recommendations to certain committees of the General Assembly by November 30, 2024. The enrolled bill has a delayed effective date of July 1, 2025. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) directs the Department of

Professional and Occupational Regulation to convene such work group. SB 313, which is identical as enrolled, has the same Governor's Substitute.

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HB 588. Virginia Residential Landlord and Tenant Act; fire or casualty damage; termination by landlord. The Governor's amendment adds a reenactment clause and adds a third enactment clause, which shall become effective in due course, directing the Department of Housing and Community Development to submit a report by December 1, 2024 to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology detailing all amendments made to the Virginia Residential Landlord and Tenant Act within the past five years and the effects such amendments have had on the cost, accessibility, and availability of rental dwelling units in the Commonwealth.

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HB 597. Virginia Residential Landlord and Tenant Act; enforcement by localities. The Governor's amendment adds a reenactment clause and adds a third enactment clause, which shall become effective in due course, directing the Department of Housing and Community Development to submit a report by December 1, 2024, to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology detailing all amendments made to the Virginia Residential Landlord and Tenant Act within the past five years and the effects such amendments have had on the cost, accessibility, and availability of rental dwelling units in the Commonwealth.

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HB 603. Public elementary and secondary schools; health instruction; certain topics relating to mental health. The enrolled bill requires any health instruction provided to elementary and secondary school students to include, in addition to numerous topics relating to mental health enumerated in the enrolled bill, general themes of social and emotional learning. The Governor's amendment removes the language in the enrolled bill requiring such health instruction to include general themes of social and emotional learning and replaces it with language requiring such health instruction to include general themes of life skills.

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HB 609. Contraception; right to contraception; applicability; enforcement. The enrolled bill establishes a right to obtain contraceptives and engage in contraception, as defined in the enrolled bill. The enrolled bill creates a cause of action that may be instituted against anyone who infringes on such right. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) provides that it shall be the public policy of the Commonwealth, independently of the Constitution of the United States, that individuals possess the right to access contraception as set forth in *Griswold v. Connecticut*, 381 U.S. 479 (1965), and *Eisenstadt v. Baird*, 405 U.S. 438 (1972). SB 237, which is identical as enrolled, has the same Governor's Substitute.

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HB 611. Civilian deaths in custody; report. The enrolled bill requires every local or regional correctional facility to report to the State Board of Local and Regional Jails certain information regarding the death of any person who is detained, under arrest or in the process of being arrested, en route to be incarcerated, incarcerated, or otherwise in the custody of such law-enforcement agency or correctional facility. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) clarifies that such requirement applies to every local or regional adult correctional facility. The Governor's Substitute provides that, upon request, the State Board of Local and Regional Jails shall provide the data specified in the enrolled bill to the Department of Criminal Justice Services to meet federal reporting requirements. The Governor's Substitute also contains technical amendments.

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HB 615. Virginia STEM Education Advisory Board; purpose and duties; historically underrepresented students. The enrolled bill (i) expands the purpose of the Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board to include promoting the participation of historically underrepresented students, as defined in the enrolled bill, in primary and secondary schools in STEM education; (ii) expands the Board's duties to include the identification of strategies to promote the participation of historically underrepresented students in STEM education; and (iii) increases from 16 to 23 the nonlegislative citizen membership of the Board and specifies that the seven additional members be appointed by the chairmen of the Virginia African American Advisory Board, Virginia-Asian Advisory Board, Latino Advisory Board, Council on Women, Virginia LGBTQ+ Advisory Board, Office of New Americans Advisory Board, and Virginia Board for People with Disabilities. The Governor's Amendment in the Nature of a Substitute removes the provisions in the enrolled bill adding several definitions, including the definition for "historically underrepresented students," and increasing the nonlegislative citizen membership of the Board.

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HB 624. Public school staffing and funding; National Teacher Certification Incentive Reward Program and Fund; At-Risk Program; English language learner students. The enrolled bill (i) renames the National Teacher Certification Incentive Reward Program and Fund as the National Board Certification Incentive Reward Program and Fund, expands eligibility for incentive grant awards from such Fund pursuant to such Program from solely teachers who have obtained national certification from the National Board for Professional Teaching Standards to all public school staff who are candidates for initial national certification or maintenance of national certification to cover certain costs of obtaining or maintaining such certification and all public school staff who have successfully obtained or maintained such certification, and permits certain teachers to apply for additional incentive grants pursuant to such Program and Fund; (ii) establishes the At-Risk Program for the purpose of supporting programs and services for students who are educationally at risk and establishes requirements for the funding of such program; and (iii) requires state funding to be provided pursuant to the general appropriation act to support

ratios of instructional positions to English language learner students based on each such student's English proficiency level, as established in the general appropriation act. The Governor's amendment (a) adds a reenactment clause for the foregoing provisions of the enrolled bill and (b) requires the Department of Education to collaborate with the Joint Subcommittee on Elementary and Secondary Education Funding to determine the impact of transitioning the at-risk student proxy from the free lunch percentage to the identified student percentage for all Direct Aid accounts and funding formulas that currently use the free lunch percentage proxy and to determine the impact of eliminating the Standards of Quality Prevention, Intervention, and Remediation program and related staffing standard on school division funding and other Direct Aid accounts. SB 105, which is identical as enrolled, has the same Governor's amendment.

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HB 625. Public education; community schools; Office of Community Schools at Department of Education; Community School Development and Implementation Planning Grant; state goal. The enrolled bill (i) requires the Department of Education to establish the Office of Community Schools as an office within the Department for the purpose of supporting the development and growth of community schools throughout the Commonwealth in accordance with the Virginia Community School Framework and requires the Office to establish and administer the Community School Development and Implementation Planning Grant for the purpose of providing grants to school boards that seek to designate any school within the local school division as a community school to assist with the planning and implementation of such designation and (ii) establishes a state goal of prioritizing funding for such initiatives and grants to enable their expansion to serve the top 33 percent of public elementary and secondary schools in the Commonwealth for highest identified student percentage, as defined in the enrolled bill, based on data from the immediately preceding school year. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) removes the provisions that establish the Community School Development and Implementation Planning Grant and such state funding prioritization goal. SB 608, which is identical as enrolled, has the same Governor's Substitute.

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HB 653. Adoption of initial discretionary sentencing guideline midpoints; violent felony offenses. The Governor's amendment adds a reenactment clause.

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HB 673. Resilient Virginia Revolving Fund; projects; low-income geographic areas; nature-based solutions. The enrolled bill requires the Department of Conservation and Recreation to give additional weight to projects that incorporate nature-based solutions when distributing loans or grants from the Resilient Virginia Revolving Fund to particular local governments. The Governor's amendment would instead require such weight be given to projects located in a locality designated as having a very low community resilience rating under a standard adopted by the Department.

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HB 707. Consumer Data Protection Act; protections for children. The enrolled bill retains the definition of child contained in existing law, which defines a child as any person younger than 13 years of age. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) expands the definition of child to include any person younger than 18 years of age and clarifies that, for a child 13 years of age or older, data controllers and processors will be deemed compliant with the Consumer Data Protection Act if such controllers and processors comply with Federal Trade Commission regulations governing methods to obtain parental consent in accordance with the federal Children's Online Privacy Protection Act. SB 361, which is identical as enrolled, has the same Governor's Substitute.

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HB 738. Space Force; extension of certain benefits and privileges for persons serving in a branch of the Armed Forces. The Governor's Amendment in the Nature of a Substitute adds the Space Force to additional provisions of law relating to medical personnel and health care providers serving in the Armed Forces of the United States.

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HB 740. Unlawful detainer; bifurcation of case; contested rent and damages. The enrolled bill provides that, in an initial hearing on an unlawful detainer, if the defendant contests the amount of rent and damages alleged to be due and owing to the plaintiff, the court shall not bifurcate the unlawful detainer case. The Governor's amendment allows a court to deny such request to bifurcate the unlawful detainer case.

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HB 746. Energy efficiency programs; incremental annual savings. The enrolled bill provides that, for the 2029 program year and all subsequent years, "in the public interest" for the purpose of assessing energy efficiency programs means that the State Corporation Commission determines that the program is cost-effective. The Governor's amendment provides that for such program years "in the public interest" also means that the net present value of the benefits exceeds the net present value of the costs as determined by the Total Resource Cost Test. SB 565, which is identical as enrolled, has the same Governor's amendment.

Contact: Sarah Kinzer | skinzer@dls.virginia.gov | 804-698-1838

HB 781. Task Force on Maternal Health Data and Quality Measures; report. The enrolled bill directs the State Health Commissioner to reestablish the Task Force on Maternal Health Data and Quality Measures for the purpose of evaluating maternal health data collection processes to guide policies in the Commonwealth to improve maternal care, quality, and outcomes for all birthing people in the Commonwealth and contains the language found in the legislation from the 2021 Regular Session (HB 2111) that first established the Task Force. The Governor's Amendment in the Nature of a Substitute directs the State Health Commissioner to reestablish the Task Force but does not contain the language found in the legislation from the 2021 Regular Session.

Contact: Hannah Yates | hyates@dls.virginia.gov | 804-698-1873

HB 782. Virginia Human Rights Act; dual-filed civil actions. The enrolled bill clarifies timelines for dual-filing complaints alleging unlawful discrimination under the Virginia Human Rights Act and the U.S. Equal Employment Opportunity Commission (E.E.O.C.). The enrolled bill allows either the complainant or the respondent for any charge of discrimination to request a notice of the right to file a civil action after the Commission has closed its file on such charge of discrimination. The Governor's amendments remove the definition of "dual-filed" from the enrolled bill and require a general district or circuit court to accept the E.E.O.C.'s Notice of Right to Sue as a notice of right to file a civil action under existing law.

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

HB 786. Guardianship and conservatorship; restoration of capacity or modification or termination of order; informal written communication. The enrolled bill allows a person subject to guardianship or conservatorship who is not represented by counsel to initiate the process to be restored to capacity or have such guardianship or conservatorship modified or terminated by sending informal written communication to the court. The Governor's amendments provide that, upon receipt of such informal written communication, the court may either set the matter for a hearing or take no action if there is not good cause for a hearing and also require the court to communicate such decision in the form of a court order.

Contact: Sabrina Miller-Bryson | smiller-bryson@dls.virginia.gov | 804-698-1876

HB 790. Purchase, possession, and sale of retail tobacco products; retail tobacco products and liquid nicotine tax; penalties. The enrolled bill prohibits the retail sale of more than two nicotine vapor products in any one transaction to a consumer. The Governor's amendment prohibits the retail sale of more than two packages of nicotine vapor products in any one transaction to a consumer. SB 582, which is identical as enrolled, has the same Governor's amendment.

Contact: Stephen Kindermann | skindermann@dls.virginia.gov | 804-698-1880

HB 800. Public service companies; pole attachments; cable television systems and telecommunications service providers. The enrolled bill requires the State Corporation Commission to resolve certain disputes regarding pole attachments within specified time periods. The Governor's amendment permits the extension of such time periods for up to 60 days by Commission order. SB 713, which is identical as enrolled, has the same Governor's amendment.

Contact: Sarah Kinzer | skinzer@dls.virginia.gov | 804-698-1838

HB 812. Special license plates; Sons of Confederate Veterans and Robert E. Lee. The enrolled bill repeals authorization for the issuance of Sons of Confederate Veterans and Robert E. Lee special license plates and provides that such special license plates already in circulation will remain valid until their expiration and shall not be renewed. The Governor's amendment adds a reenactment clause to the foregoing provisions of the enrolled bill and adds a requirement to become effective in due course that requires the Department of Motor Vehicles to study the

implementation of a uniform schedule for the expiration of acts establishing special license plates, commonly known as sunset provisions, and submit its findings and recommendations to the Chairs of the House and Senate Committees on Transportation by November 1, 2024.

Contact: Nikhil Edward | nedward@dls.virginia.gov | 804-698-1865

HB 819. Health insurance; coverage for contraceptive drugs and devices. The enrolled bill requires health insurance carriers to provide coverage for contraceptive drugs and contraceptive devices, including those available over the counter. The Governor's amendment adds that the provisions of the enrolled bill shall not be interpreted or construed to apply to any nongovernmental plan sponsor that is exempt under federal or state law based on sincerely held religious or ethical beliefs. SB 238, which is identical as enrolled, has the same Governor's amendment.

Contact: Marvi Ali | mali@dls.virginia.gov | 804-698-1816

HB 824. Rate of fees; legal representation of indigent defendant. The enrolled bill adds provisions limiting the fees charged for the cost of court-appointed counsel or public defender representation to persons determined to be indigent to an amount no greater than the amount such person would have owed if such fees had been assessed on or before June 30, 2024, to both the sections related to compensation of court-appointed counsel and the repayment of representation costs by convicted persons. The Governor's Amendment in the Nature of a Substitute removes such provisions from the section related to repayment of representation costs by convicted persons but retains the provisions added in the section related to compensation of court-appointed counsel.

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 852. Local government ordinances related to fire departments; billing on behalf of volunteer fire departments. The Governor's amendments make technical changes.

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

HB 861. Weapons; possession or transportation; hospital that provides mental health services or developmental services; penalty. The enrolled bill makes it a Class 1 misdemeanor for any person to knowingly possess in or transport into the building of any hospital that provides mental health services or developmental services in the Commonwealth, including an emergency department or other facility rendering emergency medical care, any (i) firearm or other weapon designed or intended to propel a missile or projectile of any kind; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) other dangerous weapon, including explosives and stun weapons, with some exceptions. The enrolled bill also provides that notice of such prohibitions shall be posted conspicuously at the public entrance of any hospital and no person shall be convicted of the offense if such notice is not posted, unless such person had actual notice of the prohibitions, and that any such firearm, knife, explosive, or weapon shall be subject to seizure by a law-enforcement officer and forfeited to the Commonwealth. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) removes those provisions and instead makes it unlawful for any person in a hospital that provides mental health

services in the Commonwealth, including an emergency department or other facility rendering emergency medical care, to willfully transfer to, attempt to transfer to, or cause to be received by any patient receiving mental health services any such weapon. SB 515, which is identical as enrolled, has the same Governor's Substitute.

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 904. Voter registration; list maintenance activities; cancellation procedures; required record matches; required identification information; data standards. The Governor's amendments remove the effective dates set out in the enrolled bill and replace them with a reenactment clause. The Governor's amendments also add an additional enactment, to go into effect in due course, that the Department of Elections convene a work group to examine and make recommendations regarding data collection and sharing for voter list maintenance. SB 300, which is identical as enrolled, has the same Governor's amendments.

Contact: Brooks C. Braun | bbraun@dls.virginia.gov | 804-698-1861

HB 906. Public utilities; municipal utilities; disconnection of service; limitations; consumer protections. The enrolled bill requires each municipal utility to deliver notice of nonpayment of bills or fees to its residential customers prior to disconnection by using at least two enumerated methods. The Governor's amendments require notification by only one enumerated method. Additionally, the enrolled bill prohibits municipal utility disconnections due to the nonpayment of bills or fees for residential customers until the customer's account is 60 days in arrears. The Governor's amendments change this timeframe to 45 days in arrears. SB 480, which is identical as enrolled, has the same Governor's amendments.

Contact: Marvi Ali | mali@dls.virginia.gov | 804-698-1816

HB 950. Uniform Statewide Building Code; temporary prohibition on modifications. The enrolled bill provides that neither the Governor nor the Board of Housing and Community Development shall modify any regulation in the Uniform Statewide Building Code prior to the conclusion of the Commonwealth's next triennial code development process. The Governor's Amendment in the Nature of a Substitute removes this provision and instead requires the Board to evaluate any legislation filed that directs the Board to amend the Uniform Statewide Building Code to determine such legislation's necessity and impact on public health, safety, and welfare.

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

HB 955. Virginia Residential Landlord and Tenant Act; Department of Housing and Community Development; summary of rental agreement provisions. The enrolled bill requires a landlord to include, upon request, a summary page with any written rental agreement offered to a prospective tenant including key provisions related to the lease agreement. The enrolled bill also directs the Director of the Department of Housing and Community Development to develop a sample summary page to be maintained on the Department's website in at least 14-point type and be available in English and any language in which any locality in the Commonwealth regularly provides official government communications. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) removes these provisions and

instead requires a landlord to provide, beginning on the first page of the written rental agreement, a description of any rent and fees to be charged to the tenant in addition to the periodic rent. The Governor's Substitute also requires the written rental agreement to include a statement immediately above the list of fees that states: "No fee shall be collected unless it is listed below or incorporated into this agreement by way of a separate addendum after execution of this rental agreement." If the Governor's Substitutes to HB 967 and to HB 955 are adopted, the bills will be identical. If the Governor's Substitutes to SB 405 and to HB 955 are adopted, the bills will be identical.

Contact: Rebecca Schultz | rschultz@dls.virginia.gov | 804-698-1863

HB 957. Virginia Residential Landlord and Tenant Act; tenant's remedies for exclusion from dwelling unit due to condemnation. The enrolled bill provides that the landlord shall be liable to the tenant for actual damages and reasonable attorney fees if the tenant was excluded from his dwelling unit due to such unit being condemned. The Governor's amendment removes reasonable attorney fees from the items for which the landlord shall be liable.

Contact: Rebecca Schultz | rschultz@dls.virginia.gov | 804-698-1863

HB 962. Noncitizens of the United States; terminology. The enrolled bill removes the term "alien" as it pertains to persons who are not citizens or nationals of the United States and replaces it with synonymous language, as appropriate, throughout the Code of Virginia. The Governor's amendment adds an enactment clause directing the Virginia Code Commission to convene a work group to review the Code of Virginia for the use of the term "alien" and to summarize such review and report any recommendations by November 1, 2024. The Governor's amendment also adds a reenactment clause.

Contact: Sabrina Miller-Bryson | smiller-bryson@dls.virginia.gov | 804-698-1876

HB 967. Virginia Residential Landlord and Tenant Act; fee disclosure statement. The enrolled bill requires landlords to include on the first page of a written rental agreement, in bold, 14-point type, a description of any rent and fees to be charged to the tenant and a statement above such fees that "No fee shall be collected unless it is listed below." The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) removes the requirement that such description be in bold, 14-point type. The Governor's Substitute also changes the statement that is required to be immediately above the list of fees to state that "No fee shall be collected unless it is listed below or incorporated into this agreement by way of a separate addendum after execution of this rental agreement." SB 405, which is identical as enrolled, has the same Governor's Substitute. If the Governor's Substitutes to HB 967 and to HB 955 are adopted, the bills will be identical.

Contact: Rebecca Schultz | rschultz@dls.virginia.gov | 804-698-1863

HB 992. Local departments of social services; agreements with local workforce development boards; coordinated workforce development services. The enrolled bill requires that agreements between local departments of social services and local workforce development boards comply with any requirements established by the State Department of Social Services

(the Department). The Governor's amendments provide that such agreements comply with any requirements agreed to by both the Department and the local workforce development board. The Governor's amendments also remove language that was included in the enrolled bill stating that no recipient, except as required by federal law, shall be denied SNAP benefits for failure to participate in coordinated workforce development services.

Contact: David May | dmay@dls.virginia.gov | 804-698-1825

HB 993. Virginia Residential Landlord and Tenant Act; prohibited fees. The enrolled bill prohibits landlords subject to the Virginia Residential Landlord and Tenant Act from requiring a tenant to (i) pay any fee for the maintenance or repair of any unit subject to such rental agreement unless necessitated by the tenant's violation of a requirement of the Act or (ii) pay any fee to submit periodic rent payments or other amounts due, unless the landlord offers an alternative method of payment that does not include additional fees. The Governor's amendments remove the prohibition on landlord's charging a fee for the maintenance or repair of the tenant's dwelling unit. SB 422, which is identical as enrolled, has the same Governor's amendments.

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

HB 996. Department of Housing and Community Development; Virginia Residential Landlord and Tenant Act; Manufactured Home Lot Rental Act; notice of tenant screening criteria. The enrolled bill requires landlords governed by the Virginia Residential Landlord and Tenant Act or Manufactured Home Lot Rental Act to provide applicants for tenancy with (i) the amount and purpose of fees to be charged to such applicant, (ii) information that will be used to assess such applicant's eligibility for tenancy, and (iii) any criteria that may result in automatic denial of an application. The Governor's amendments remove the second and third requirements. The enrolled bill requires such landlords to notify applicants of certain rights protected by the federal Fair Credit Reporting Act if the landlord takes an adverse action, as defined in the enrolled bill, after reviewing an application. The Governor's amendments remove this requirement and the definition of adverse action. The Governor's amendments also remove the requirement that landlords are required to review applications for tenancy within 14 days or the application is deemed rejected.

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

HB 1055. Board of directors of Eastern Virginia Health Sciences Center at Old Dominion University; membership; meetings; removal. The enrolled bill makes several modifications to the membership and terms of the standing committee of the Old Dominion University board of visitors that is established to serve as the board of directors of the Eastern Virginia Health Sciences Center at Old Dominion University pursuant to relevant law. The Governor's amendment further modifies the requirements relating to the membership of such standing committee by adding a provision permitting any member of such standing committee to be removed for malfeasance, misfeasance, incompetence, or gross neglect of duty by the individual or the entity that appointed such member or, if such appointing individual no longer holds the office creating the right of appointment, by the current individual holding that office.

Contact: Julia Bergamini | jbergamini@dls.virginia.gov | 804-698-1867

HB 1062. Net energy metering; eligible customer-generators and eligible agricultural customer-generators. The Governor's amendment removes a provision in the enrolled bill that exempts eligible customer-generators and eligible agricultural customer-generators that operate a battery storage device of capacity commensurate with and equal to or greater than that of the electrical generating facility and in conjunction with the electrical generating facility from standby charges. SB 271, which is identical as enrolled, has the same Governor's amendment.

Contact: Sarah Kinzer | skinzer@dls.virginia.gov | 804-698-1838

HB 1069. Liquid nicotine and nicotine vapor products; certification and directory; penalties. The enrolled bill requires every manufacturer of liquid nicotine or nicotine vapor products that are sold for retail sale in the Commonwealth to certify certain information regarding marketing authorization status from the U.S. Food and Drug Administration by December 31, 2024. The enrolled bill also requires the Attorney General to establish and maintain a directory that lists all liquid nicotine or nicotine vapor product manufacturers and liquid nicotine and nicotine vapor products for which current and accurate certification forms have been submitted and prohibits, beginning December 31, 2024, the sale, distribution, importation, or offering for sale of any liquid nicotine or nicotine vapor product that is not listed in the directory. The Governor's amendments revise the preceding dates to December 31, 2025.

The enrolled bill authorizes the Attorney General to (i) recover costs and attorney fees in an enforcement action, (ii) to cause an action to enjoin any violation of the provisions of the bill, and (iii) to issue civil investigative demands. The Governor's amendments remove such authorization. The enrolled bill provides for a civil penalty of \$1,000 per day for each product offered for sale in violation of the enrolled bill's provisions and that, with the concurrence of the Attorney General, any attorney for the Commonwealth, or the attorney for any city, county, or town may cause an action to enjoin any violation of the provisions of the enrolled bill. The Governor's amendments remove the requirement for the concurrence of the Attorney General and provide that any such civil penalties assessed in an action brought in the name of a locality shall be paid into the general fund of the locality.

The Governor's amendments add a delayed effective date of July 1, 2025.

SB 550, which is identical as enrolled, has the same Governor's amendments.

Contact: Tom Stevens | tstevens@dls.virginia.gov | 804-698-1821

HB 1071. Reduction of speed limits; local authority. The enrolled bill expands the current authority of any locality to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on highways within its boundaries that are located in a business district or residence district to include highways within the state highway system, authorizes a locality to restore such reduced speed limit, and requires the locality to notify the Commissioner of Highways of a change in speed limit. The Governor's amendment adds a reenactment clause to the enrolled bill and adds a requirement to become effective in due course that requires the Department of Transportation to study the potential expansion of localities' authority to decrease

speed limits on highways within the jurisdiction of the locality and submit its findings and recommendations to the Chairs of the House and Senate Committees on Transportation by November 1, 2024.

Contact: Nikhil Edward | nedward@dls.virginia.gov | 804-698-1865

HB 1128. Children's advocacy centers; definitions; investigations by local departments of social services. The enrolled bill replaces the term "child advocacy center" with "children's advocacy center" and defines such term. The enrolled bill provides that if it is determined during a human trafficking assessment that a forensic interview of the child is needed, such interview may be conducted by a children's advocacy center within the jurisdiction; however, if the interview cannot be completed within 14 days, the forensic interview may be conducted by a children's advocacy center located in another jurisdiction.

The Governor's amendments remove the requirement for accreditation by the National Children's Alliance for children's advocacy centers and replaces it with a requirement that the children's advocacy center has completed or is in the process of completing certain accreditation obligations and that the children's advocacy center requires any forensic interview conducted at such facility to only be conducted by a trained child forensic interviewer in a multidisciplinary team collaborative effort. The Governor's amendments also remove reference to the National Children's Alliance from the definition for "Children's Advocacy Centers of Virginia" and strike the definition for "National Children's Alliance."

SB 12, which is identical as enrolled, has the same Governor's amendments.

Contact: Chandler Brooks | cbrooks@dls.virginia.gov | 804-698-1843

HB 1130. Board of Medicine; continuing education; unconscious bias and cultural competency. The enrolled bill directs the Board of Medicine (the Board) to require unconscious bias and cultural competency training as part of the continuing education requirements for renewal of licensure. The Governor's Amendment in the Nature of a Substitute (the Governor's Substitute) requires that persons licensed by the Board who work in fertility care, prenatal care, birth care, and postpartum care complete two hours of continuing learning activities that address maternal health care for women that data indicate experience significantly greater than average maternal mortality, including African American, indigenous, and Hispanic women as well as women in underserved rural communities. The Governor's Substitute requires that licensees subject to such continuing learning requirement complete such training no later than July 1, 2026, and attest to the receipt of such training on a form provided by the Board.

SB 35, which is identical has enrolled, has the same Governor's Substitute.

Contact: Chandler Brooks | cbrooks@dls.virginia.gov | 804-698-1843

HB 1157. Consultation with federally recognized Tribal Nations in the Commonwealth; permits and reviews with potential impacts on environmental, cultural, and historic resources. The enrolled bill requires the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Historic Resources, and the Virginia

Marine Resources Commission to establish policies and procedures for consulting with federally recognized Tribal Nations in the Commonwealth when evaluating certain permits and reviews relating to environmental, cultural, or historic resources that potentially impact those federally recognized Tribal Nations in the Commonwealth. The Governor's first amendment removes the requirement in the enrolled bill for the Department of Historic Resources to get consent from the federally recognized Tribal Nation in the Commonwealth before issuance of a burial permit and replaces it with a requirement to consult and seek consensus with such federally recognized Tribal Nation in the Commonwealth in the consideration and drafting of a burial permit. The Governor's second amendment modifies the third enactment clause of the enrolled bill to clarify that the regulations adopted must provide that when consultation with federally recognized Tribal Nations in the Commonwealth has been or is being conducted pursuant to federal law for a particular undertaking and the Commonwealth is already involved in such consultation, such consultation shall suffice to meet the requirements of the enrolled bill.

Contact: Anissa Cottrell | acottrell@dls.virginia.gov | 804-698-1814

HB 1272. Virginia Residential Landlord and Tenant Act; copy of rental agreement for tenant. The enrolled bill requires a landlord to provide a copy of the signed written rental agreement to the tenant within 10 business days of the effective date of the rental agreement and to provide additional hard copies of the rental agreement upon request or to maintain such rental agreement in an electronic format that can be easily accessed by or shared with the tenant upon request. The Governor's amendments limit the tenant to one hard copy of the rental agreement once per year. The enrolled bill also prohibits a landlord from charging a tenant for any such additional copies of his rental agreement. The Governor's amendments only prohibit a landlord from charging a tenant for additional electronic copies of the rental agreement.

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

HB 1372. Notarial acts; knowledge-based authentication assessment; requirements. The Governor's amendments are technical in nature.

Contact: Sabrina Miller-Bryson | smiller-bryson@dls.virginia.gov | 804-698-1876

HB 1397. Manufactured Home Lot Rental Act; manufactured home park; notice of sale and relocation expenses. The enrolled bill requires a manufactured home park owner to provide notice to the Department of Housing and Community Development and each manufactured home park tenant 90 days prior to unconditionally accepting an offer to purchase a manufactured home park. The enrolled bill grants a right of first refusal for localities located in Planning District 8. The enrolled bill also provides for \$5,000 in relocation expenses for a manufactured home owner if a rental agreement is terminated due to the sale of the manufactured home park to a buyer that is going to redevelop the park and change its use. The Governor's amendments remove all amendments in the enrolled bill except for those pertaining to relocation expenses.

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

HB 1404. Department of Small Business and Supplier Diversity; Small SWaM Business Procurement Enhancement Program established; disparity study report. The Governor's amendment adds a reenactment clause to the enrolled bill, which replaces provisions relating to the delayed effective dates of certain provisions of the enrolled bill. The Governor's amendment additionally requires, effective in due course, that the Department of General Services, in coordination with other interested agencies, convene a work group to review and report to the Governor and the General Assembly on the issues presented by the enrolled bill. Finally, the Governor's amendment requires, effective in due course, that the Department of Small Business and Supplier Diversity contract with a qualified independent entity to conduct a disparity study, with the procurement for such disparity study to be completed by January 1, 2025.

Contact: Lily Jones | ljones@dls.virginia.gov | 804-698-1888

HB 1415. Civil penalty for demolition of historic structures. The enrolled bill authorizes any locality to adopt an ordinance establishing a civil penalty for the improper razing, demolition, or moving of certain historic buildings or structures and provides that such civil penalty shall not exceed the market value of the property as determined by the assessed value of the property at the time of razing, demolition, or moving of the building or structure. The Governor's amendments provide that the civil penalty shall not exceed twice the market value of the razed, demolished, or moved building or structure.

Contact: Jeff Sharp | jsharp@dls.virginia.gov | 804-698-1864

HB 1491. Phase I Utility; recovery of development costs associated with small modular nuclear facility. The enrolled bill permits American Electric Power, prior to the filing of an application for a certificate to construct a small modular nuclear facility, to request the State Corporation Commission to review such utility's decision to incur project development costs, as defined in the bill, and to recover such costs through a rate adjustment clause filed pursuant to existing law. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) permits such utility to make such filings annually, provided that the annual revenue requirement does not exceed \$25 million and that the overall project development costs recovered in such rate adjustment clause do not exceed \$125 million, excluding the cost of acquiring a site. The Governor's Substitute prohibits any such rate adjustment clause from being implemented prior to January 1, 2026.

Contact: Sarah Kinzer | skinzer@dls.virginia.gov | 804-698-1838

HB 1504. Board of Education; guidelines on school-connected overdose policies; response and parental notification. The enrolled bill requires the Board of Education to establish guidelines for school-connected overdose response and parental notification policies that include (i) a model action plan for each school board to follow in responding to any school-connected overdose, including communicating and coordinating with the Department of Education and the applicable law-enforcement liaison or the local law-enforcement agency that employs such school division's school resources officers, and (ii) criteria for issuing parental notification to ensure sensitivity to the privacy interests of affected individuals and compliance with any applicable law, rules, or regulations relating to the disclosure and protection of a minor's

personal, confidential, or otherwise sensitive information. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) requires, in addition to the foregoing requirement, (a) each division superintendent or his designee to notify the parent of each student in the local school division of any school-connected overdose, defined as any verified overdose that occurs on school premises during or after regular school hours or during school-sanctioned activities whether on or off school premises, within 24 hours of learning of the overdose and (b) such notification to include as much information as is known about the circumstances surrounding the overdose, to the extent that the disclosure of any such information is not prohibited by any applicable law, rule, or regulation relating to the disclosure and protection of a minor's personal, confidential, or otherwise sensitive information. SB 498, which is identical as enrolled, has the same Governor's Substitute.

Contact: Ryan Brimmer | rbrimmer@dls.virginia.gov | 804-698-1820

HB 1505. Intercollegiate athletics; student-athletes; compensation for name, image, or likeness. The Governor's amendment removes the delayed effective date of November 15, 2024, thus making the bill effective in due course.

Contact: Ryan Brimmer | rbrimmer@dls.virginia.gov | 804-698-1820

HB 1519. Fees for electronic fund transfers; prohibited. The Governor's amendment adds a reenactment clause to the provisions of the enrolled bill and directs the State Corporation Commission to assess the enrolled bill and report its findings to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology by December 1, 2024.

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

Senate Bills

SB 12. Children's advocacy centers; definitions; investigations by local departments of social services. The enrolled bill replaces the term "child advocacy center" with "children's advocacy center" and defines such term. The enrolled bill provides that if it is determined during a human trafficking assessment that a forensic interview of the child is needed, such interview may be conducted by a children's advocacy center within the jurisdiction; however, if the interview cannot be completed within 14 days, the forensic interview may be conducted by a children's advocacy center located in another jurisdiction.

The Governor's amendments remove the requirement for accreditation by the National Children's Alliance for children's advocacy centers and replaces it with a requirement that the children's advocacy center has completed or is in the process of completing certain accreditation obligations and that the children's advocacy center requires any forensic interview conducted at such facility to only be conducted by a trained child forensic interviewer in a multidisciplinary team collaborative effort. The Governor's amendments also remove reference to the National Children's Alliance from the definition for "Children's Advocacy Centers of Virginia" and strike the definition for "National Children's Alliance."

HB 1128, which is identical as enrolled, has the same Governor's amendments.

Contact: Chandler Brooks | cbrooks@dls.virginia.gov | 804-698-1843

SB 34. Temporary detention; certified evaluators; report. The enrolled bill authorizes hospitals with a psychiatric emergency department located in the City of Hampton to employ certified evaluators, as defined in the bill, to perform evaluations to determine whether a person meets the criteria for temporary detention for behavioral health treatment. The Governor's amendment removes language requiring certified evaluators to be subject to state human rights regulations from the definition of "certified evaluator."

Contact: Chandler Brooks | cbrooks@dls.virginia.gov | 804-698-1843

SB 35. Board of Medicine; continuing education; unconscious bias and cultural competency. The enrolled bill directs the Board of Medicine (the Board) to require unconscious bias and cultural competency training as part of the continuing education requirements for renewal of licensure. The Governor's Amendment in the Nature of a Substitute (the Governor's Substitute) requires that persons licensed by the Board who work in fertility care, prenatal care, birth care, and postpartum care complete two hours of continuing learning activities that address maternal health care for women that data indicate experience significantly greater than average maternal mortality, including African American, indigenous, and Hispanic women as well as women in underserved rural communities. The Governor's Substitute requires that licensees subject to such continuing learning requirement complete such training no later than July 1, 2026, and attest to the receipt of such training on a form provided by the Board.

HB 1130, which is identical as enrolled, has the same Governor's Substitute.

Contact: Chandler Brooks | cbrooks@dls.virginia.gov | 804-698-1843

SB 100. Manufacture, import, sale, transfer, or possession of plastic firearms and unfinished frames or receivers and unserialized firearms prohibited; penalties. The enrolled bill creates a Class 5 felony for any person who knowingly manufactures or assembles, imports, purchases, sells, transfers, or possesses any firearm that, after removal of all parts other than a major component, as defined in the enrolled bill, is not detectable as a firearm when subjected to inspection by the types of detection devices, including X-ray machines, commonly used at airports, government buildings, schools, correctional facilities, and other locations for security screening. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) removes such provisions in the enrolled bill but still makes it unlawful for any person to knowingly manufacture, import, sell, transfer, or possess any plastic firearm.

The enrolled bill creates a Class 1 misdemeanor, which is punishable as a Class 4 felony for a second or subsequent offense, making it unlawful for any person to knowingly possess a firearm or any completed or unfinished frame or receiver that is not imprinted with a valid serial number or to knowingly import, purchase, sell, offer for sale, or transfer ownership of any completed or unfinished frame or receiver, unless the completed or unfinished frame or receiver (i) is deemed to be a firearm pursuant to federal law and (ii) is imprinted with a valid serial number. The enrolled bill also creates a Class 1 misdemeanor, which is punishable as a Class 4 felony for a second or subsequent offense, making it unlawful for any person to manufacture or assemble, cause to be manufactured or assembled, import, purchase, sell, offer for sale, or transfer ownership of any firearm that is not imprinted with a valid serial number. The Governor's Substitute removes such provisions in the enrolled bill.

The Governor's Substitute also increases from five to 10 years for a second or subsequent offense the mandatory minimum sentences for use or display of a firearm during the commission of certain felonies and clarifies that for the purposes of such offense, a pistol, shotgun, rifle, or other firearm includes a plastic firearm. HB 173, which is identical as enrolled, has the same Governor's Substitute.

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

SB 104. Average teacher salary in the Commonwealth; national average. The enrolled bill requires the Governor's introduced budget bills for the 2025, 2026, and 2027 Regular Sessions of the General Assembly to propose funding for, and state funding to be provided pursuant to the general appropriation act enacted during any regular or special session of the General Assembly during 2025, 2026, or 2027 to fund, the Commonwealth's share of compensation supplement incentives for Standards of Quality-funded instructional and support positions sufficient to increase the average teacher salary in the Commonwealth to at least the national average teacher salary by the end of the 2026–2028 biennium and establishes a detailed timeline and process for satisfying such requirement.

The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) requires the Department of Education to conduct an annual review of teacher compensation. Under current law, such review is conducted biennially. The Governor's Substitute also requires the budget bills for the 2025 and 2026 Regular Sessions of the General Assembly to include proposals that fund

the Commonwealth's share of compensation supplement incentives for Standards of Quality-funded instructional and support positions to remain competitive in relation to the national average teacher salary. HB 187, which is identical as enrolled, has the same Governor's Substitute.

Contact: Josh Kaplan | jkaplan@dls.virginia.gov | 804-698-1817

SB 105. Public school staffing and funding; National Teacher Certification Incentive Reward Program and Fund; At-Risk Program; English language learner students. The enrolled bill (i) renames the National Teacher Certification Incentive Reward Program and Fund as the National Board Certification Incentive Reward Program and Fund, expands eligibility for incentive grant awards from such Fund pursuant to such Program from solely teachers who have obtained national certification from the National Board for Professional Teaching Standards to all public school staff who are candidates for initial national certification or maintenance of national certification to cover certain costs of obtaining or maintaining such certification and all public school staff who have successfully obtained or maintained such certification, and permits certain teachers to apply for additional incentive grants pursuant to such Program and Fund; (ii) establishes the At-Risk Program for the purpose of supporting programs and services for students who are educationally at risk and establishes requirements for the funding of such program; and (iii) requires state funding to be provided pursuant to the general appropriation act to support ratios of instructional positions to English language learner students based on each such student's English proficiency level, as established in the general appropriation act. The Governor's amendment (a) adds a reenactment clause for the foregoing provisions of the bill and (b) requires the Department of Education to collaborate with the Joint Subcommittee on Elementary and Secondary Education Funding to determine the impact of transitioning the at-risk student proxy from the free lunch percentage to the identified student percentage for all Direct Aid accounts and funding formulas that currently use the free lunch percentage proxy and to determine the impact of eliminating the Standards of Quality Prevention, Intervention, and Remediation program and related staffing standard on school division funding and other Direct Aid accounts. HB 624, which is identical as enrolled, has the same Governor's amendment.

Contact: Ryan Brimmer | rbrimmer@dls.virginia.gov | 804-698-1820

SB 119. Drug manufacturers; permitting and registration; certain conditions related to 340B-covered drugs. The Governor's amendment adds a reenactment clause to the provisions of the enrolled bill and directs the Secretary of Health and Human Resources to convene a work group to monitor, evaluate, and study certain aspects of the 340B Program and provide a report on the findings of the work group to the Governor, the House Committees on Appropriations and Health and Human Services, the Senate Committees on Finance and Appropriations and Education and Health, and the Joint Commission on Health Care by November 1, 2024.

Contact: Hannah Yates | hyates@dls.virginia.gov | 804-698-1873

SB 142. Public school teachers; licensure requirements; one-year local eligibility license; alternate routes and flexibility. The enrolled bill authorizes the Board of Education, upon recommendation of the division superintendent or the school board and in accordance with the

criteria set forth in the bill, to issue a one-year, nonrenewable local eligibility license that is only valid within the issuing school division to any individual who (i) received a baccalaureate degree from a regionally accredited institution of higher education, (ii) has experience or training in a subject or content area as the school board and division superintendent may deem appropriate for the applicable teaching position or endorsement area, and (iii) is not seeking to provide instruction in special education or eligible for collegiate professional or postgraduate professional licensure. The Governor's amendments, among other things, clarify that the authority to issue such licenses rests with the Board of Education and not school boards, provide that such licenses are renewable, and remove the two-year cap on the length of extensions of three-year provisional licenses that are permitted to be granted by the Board of Education.

Contact: Ryan Brimmer | rbrimmer@dls.virginia.gov | 804-698-1820

SB 188. Election of certain governing bodies; conversion to single-member districts. The Governor's amendment adds a reenactment clause.

Contact: Brooks C. Braun | bbraun@dls.virginia.gov | 804-698-1861

SB 189. Charter; City of Virginia Beach. The Governor's amendment adds a reenactment clause. HB 416, which is identical as enrolled, has the same Governor's amendment.

Contact: Jeff Sharp | jsharp@dls.virginia.gov | 804-698-1864

SB 196. Voter registration; list maintenance data standards; challenges to a voter's registration. The enrolled bill defines a "unique identifier" for the purpose of evaluating the usability of a data file for list maintenance purposes as "an individual's full social security number or Virginia Department of Motor Vehicles customer identifier number, or any data field or combination of data fields that can be reliably linked to a single individual." The Governor's amendments remove the specification of full social security number or Virginia Department of Motor Vehicles customer identifier number from the definition.

The enrolled bill also repeals provisions of the Code of Virginia permitting a general registrar, sua sponte or upon the allegation of three qualified voters, to hold a hearing to determine whether a registered voter is properly registered and to cancel the registration of any registered voter found to be improperly registered. The Governor's amendments reinstate these provisions.

Contact: Brooks C. Braun | bbraun@dls.virginia.gov | 804-698-1861

SB 212. Virginia Small Business Economic Development Act established; regulation of skill game machines; penalty. The enrolled bill establishes the Virginia Small Business Economic Development Act for the purpose of providing a regulatory and registration scheme for skill game machines in the Commonwealth. The bill authorizes and specifies the registration requirements for the distribution, operation, hosting, and play of *skill game machines*, as defined in the bill. The bill imposes a 25 percent tax on the gross receipts from the play of each skill game machine from each distributor and provides for the use of such tax proceeds, with most being deposited into the PreK-12 Priority Fund, established in the bill. The bill directs the Virginia Lottery Board to promulgate regulations no later than January 1, 2027, to implement the

provisions of the bill and authorizes the Virginia Alcoholic Beverage Control Authority to grant a provisional registration, beginning July 1, 2024, to any entity that provides a laboratory certification from a laboratory approved by the Authority that the game being distributed, operated, or placed in an establishment meets the definition and requirements of a skill game machine.

The Governor's amendments authorize and specify the licensing requirements for the manufacture, distribution, operation, hosting, and playing of *electronic gaming devices*, as defined in the bill, under the regulatory authority of the Virginia Lottery Board. The Governor's amendments impose a 35 percent tax on all gross profits from the play of such electronic gaming devices, provide for the use of such tax proceeds, with most being deposited into the Elementary and Secondary Education Fund established in the bill, and impose criminal and civil penalties for violations of the law and regulations related to electronic gaming devices. The Governor's amendments also prohibit any distributor, operator, or host location licensee from placing or maintaining any electronic gaming device within any host location's premises that is located within 35 miles of any casino gaming establishment or 35 miles of any racetrack or satellite facility operated by a limited license holder.

Contact: Ashley Binns | abinns@dls.virginia.gov | 804-698-1812

SB 225. School board policies; parental notification; safe storage of firearms in the household. The Governor's amendment adds a reenactment clause. The Governor's amendment also adds a third enactment clause to the enrolled bill directing the Department of Education to (i) collaborate with relevant stakeholders to create and develop an efficient method for distributing to parents at the beginning of each school year a list of (a) parental rights, including the right to be notified of sexually explicit materials, to express disagreement with a school's or a school board's policies or decisions, and to make decisions concerning the upbringing, education, and care of the parent's child, and (b) parental responsibilities, including safeguarding their child against access to drugs, ensuring their child is protected from exploitation or abuse, maintaining their child's school attendance, participating in their child's school discipline proceedings, monitoring their child's behavioral and educational process, and, if applicable, paying child support and (ii) submit a report on such list to the Chairs of the House Committee on Education and the Senate Committee on Education and Health by December 1, 2024. HB 498, which is identical as enrolled, has the same Governor's amendment.

Contact: Julia Bergamini | jbergamini@dls.virginia.gov | 804-698-1867

SB 237. Contraception; right to contraception; applicability; enforcement. The enrolled bill establishes a right to obtain contraceptives and engage in contraception, as defined in the enrolled bill. The enrolled bill creates a cause of action that may be instituted against anyone who infringes on such right. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) provides that it shall be the public policy of the Commonwealth, independently of the Constitution of the United States, that individuals possess the right to access contraception as set forth in *Griswold v. Connecticut*, 381 U.S. 479 (1965), and *Eisenstadt v.*

Baird, 405 U.S. 438 (1972). HB 609, which is identical as enrolled, has the same Governor's Substitute.

Contact: Hannah Yates | hyates@dls.virginia.gov | 804-698-1873

SB 238. Health insurance; coverage for contraceptive drugs and devices. The enrolled bill requires health insurance carriers to provide coverage for contraceptive drugs and contraceptive devices, including those available over the counter. The Governor's amendment adds that the provisions of the enrolled bill shall not be interpreted or construed to apply to any nongovernmental plan sponsor that is exempt under federal or state law based on sincerely held religious or ethical beliefs. HB 819, which is identical as enrolled, has the same Governor's amendment.

Contact: Marvi Ali | mali@dls.virginia.gov | 804-698-1816

SB 256. Motor vehicle insurance claims; bad faith. The enrolled bill provides that if a motor vehicle insurance company denies, refuses to pay, fails to make a timely and reasonable settlement offer to its insured under the provisions of any uninsured or underinsured motorist benefits coverage, or if such company, after all applicable liability policy limits and underlying uninsured or underinsured motorist benefits have been tendered or paid, rejects a reasonable settlement agreement demand made and presented by the insured after the insured has become legally entitled to recover and is found by a court that such failure, denial, or rejection was not made in good faith, the insurance company shall be liable to the insured in an amount of up to double the amount of the judgment obtained against the defendant motorist. The first Governor's amendment requires the claimant to provide notice to the insurer 45 days prior to making a demand along with information and documentation sufficient for the insurer to assess the liability and damages of the claimant and provides that there shall be no action for bad faith if the insurer tenders to the claimant the lesser of the (i) applicable limits of the policy or (ii) monetary amount demanded by the claimant either prior to the insurer's receipt of a settlement offer from the claimant or within 45 days of the insurer's receipt of the notice of the claimant's intent to make a claim. The second Governor's amendment provides that the bill applies to any claim for personal injury or wrongful death arising out of a motor vehicle accident that occurs on or after July 1, 2024.

Contact: Sabrina Miller-Bryson | smiller-bryson@dls.virginia.gov | 804-698-1876

SB 260. Virginia Public Procurement Act; Virginia preference. The enrolled bill provides first preference for goods produced in Virginia and then provides for preference to goods produced in the United States before a tie bid is decided by lot in determining the award for any contract for goods, services, or construction under the Virginia Public Procurement Act.

The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) adds that for the procurement of goods by manufacturers, when the lowest responsive and responsible bidder is not a resident of Virginia and the bid of any Virginia resident is within 10 percent of such bid, the lowest responsive and responsible bidder that is a Virginia resident is given the option to match the price of the lowest responsive and responsible bidder. The Governor's Substitute has

the effect of making the bill identical to HB 1361, which has already been signed into law by the Governor (2024 Acts, Chap. 749).

Contact: Rebecca Schultz | rschultz@dls.virginia.gov | 804-698-1863

SB 271. Net energy metering; eligible customer-generators and eligible agricultural customer-generators. The Governor's amendment removes a provision in the enrolled bill that exempts eligible customer-generators and eligible agricultural customer-generators that operate a battery storage device of capacity commensurate with and equal to or greater than that of the electrical generating facility and in conjunction with the electrical generating facility from standby charges. HB 1062, which is identical as enrolled, has the same Governor's amendment.

Contact: Sarah Kinzer | skinzer@dls.virginia.gov | 804-698-1838

SB 300. Voter registration; list maintenance activities; cancellation procedures; required record matches; required identification information; data standards. The Governor's amendments remove the effective dates set out in the enrolled bill and replace them with a reenactment clause. The Governor's amendments also add an additional enactment, to go into effect in due course, that the Department of Elections convene a work group to examine and make recommendations regarding data collection and sharing for voter list maintenance. HB 904, which is identical as enrolled, has the same Governor's amendments.

Contact: Brooks C. Braun | bbraun@dls.virginia.gov | 804-698-1861

SB 313. Board for Contractors; required regulations and disclosures. The enrolled bill requires the Board for Contractors to adopt regulations requiring all Class A, B, and C residential contractors, excluding subcontractors to the contracting parties and those who engage in routine maintenance or service contracts, to use legible written contracts that include certain terms and conditions. The enrolled bill directs the Board to require a statement of protections be provided by the contractor to the homeowner, consumer, or buyer in transactions involving door-to-door solicitations or any residential rooftop solar installation. The enrolled bill requires the Department of Professional and Occupational Regulation to review by July 1, 2025, its licensing exam for alternative energy system contracting to ensure such exam includes questions related to the physical installation of alternative energy systems on preexisting structures. The enrolled bill also requires the Board for Contractors to create a disclosure form to be provided in any transaction involving a residential rooftop solar installation to include specific disclosures regarding the risks associated with residential rooftop solar installation. Finally, the enrolled bill requires the State Corporation Commission to convene a work group of relevant stakeholders to develop recommendations for any additional consumer protections regarding the sale, lease, or installation of a solar energy facility with a generating capacity of 25 kilowatts or less and report the work group's recommendations to certain committees of the General Assembly by November 30, 2024. The enrolled bill has a delayed effective date of July 1, 2025. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) directs the Department of Professional and Occupational Regulation to convene such work group. HB 576, which is identical as enrolled, has the same Governor's Substitute.

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

SB 350. Virginia Human Rights Act; right to sue. The enrolled bill permits a complainant who has not received a notice of the right to file a civil action from the Office of Civil Rights of the Department of Law as requested after 180 days have passed from the date the complaint was filed to commence a timely civil action in an appropriate general district or circuit court having jurisdiction over the person who allegedly unlawfully discriminated against the complainant. The Governor's amendments revert the enrolled bill to the version of the bill as it passed the Senate.

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

SB 361. Consumer Data Protection Act; protections for children. The enrolled bill retains the definition of child contained in existing law, which defines a child as any person younger than 13 years of age. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) expands the definition of child to include any person younger than 18 years of age and clarifies that, for a child 13 years of age or older, data controllers and processors will be deemed compliant with the Consumer Data Protection Act if such controllers and processors comply with Federal Trade Commission regulations governing methods to obtain parental consent in accordance with the federal Children's Online Privacy Protection Act. HB 707, which is identical as enrolled, has the same Governor's Substitute.

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

SB 362. First-time drug offenders. The enrolled bill provides that any person who has not previously been convicted of any felony drug offense under relevant law or under any substantially similar statute of the United States or of any state may be eligible for first-time drug offender disposition. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) removes such provisions in the enrolled bill and instead allows a person to participate in such first offender drug program even if such person was previously convicted of an offense related to misdemeanor possession of marijuana or has had a previous dismissal of a misdemeanor offense for possession of marijuana pursuant to the program. HB 452, which is identical as enrolled, has the same Governor's Substitute.

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

SB 363. Removing, altering, etc., serial number on firearm; selling, giving, etc., or possessing firearm with removed, altered, etc., serial number; penalties. The enrolled bill makes it a Class 1 misdemeanor for any person, firm, association, or corporation to knowingly possess any pistol, shotgun, rifle, machine gun, or any other firearm, except for an antique firearm, that has a serial number that has been removed, altered, changed, destroyed, or obliterated in any manner. The bill also makes it a Class 6 felony for any person, firm, association, or corporation to knowingly sell, give, or distribute any pistol, shotgun, rifle, machine gun, or any other firearm, except for an antique firearm, that has a serial number that has been removed, altered, changed, destroyed, or obliterated in any manner. The Governor's amendment removes the provision that provides the firearm would be marked or identified by

state law. Under current law, there is a federal requirement to serialize a firearm but there is no separate Virginia requirement.

Contact: Charles Quagliato | cquagliato@dls.virginia.gov | 804-698-1813

SB 364. Elections; protection of electors and election officials; penalties. The enrolled bill, among other provisions, makes it a Class 5 felony to, by bribery, intimidation, threats, coercion, or other means in violation of election laws, willfully and intentionally hinder or prevent an elector for President and Vice President of the United States from fulfilling his duty. The enrolled bill also creates a civil action for any election official, employee of an election official, or elector who is intimidated, threatened, or coerced by another person who thereby willfully and intentionally hinders or prevents, or attempts to hinder or prevent, such official, employee, or elector from fulfilling his duty. The Governor's amendments remove these provisions.

Contact: Brooks C. Braun | bbraun@dls.virginia.gov | 804-698-1861

SB 405. Virginia Residential Landlord and Tenant Act; fee disclosure statement. The enrolled bill requires landlords to include on the first page of a written rental agreement, in bold, 14-point type, a description of any rent and fees to be charged to the tenant and a statement above such fees that "No fee shall be collected unless it is listed below." The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) removes the requirement that such description be in bold, 14-point type. The Governor's Substitute also changes the statement that is required to be immediately above the list of fees to state that "No fee shall be collected unless it is listed below or incorporated into this agreement by way of a separate addendum after execution of this rental agreement." HB 967, which is identical as enrolled, has the same Governor's Substitute. If the Governor's Substitutes to SB 405 and to HB 955 are adopted, the bills will be identical.

Contact: Rebecca Schultz | rschultz@dls.virginia.gov | 804-698-1863

SB 422. Virginia Residential Landlord and Tenant Act; prohibited fees. The enrolled bill prohibits landlords subject to the Virginia Residential Landlord and Tenant Act from requiring a tenant to (i) pay any fee for the maintenance or repair of any unit subject to such rental agreement unless necessitated by the tenant's violation of a requirement of the Act or (ii) pay any fee to submit periodic rent payments or other amounts due, unless the landlord offers an alternative method of payment that does not include additional fees. The Governor's amendments remove the prohibition on landlord's charging a fee for the maintenance or repair of the tenant's dwelling unit. HB 993, which is identical as enrolled, has the same Governor's amendments.

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

SB 454. Electric utilities; recovery of development costs associated with small modular reactor. The enrolled bill permits Dominion Energy to petition the State Corporation Commission at any time for the approval of a rate adjustment clause for the recovery of small modular reactor (SMR) project development costs for up to one small modular reactor facility. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) limits the cost recovery by adding that any SMR project development costs incurred prior to July 1, 2024, and

20 percent of SMR project development costs incurred after July 1, 2024, shall not be eligible for accelerated cost recovery and may be recovered through the utility's rates for generation and distribution services pursuant to relevant law. The Governor's Substitute also reduces from \$1.75 to \$1.40 the amount by which a typical Virginia residential customer's utility bill may be increased through any rate adjustment clause authorized pursuant to the provisions of the bill and contains technical amendments.

Contact: Marvi Ali | mali@dls.virginia.gov | 804-698-1816

SB 479. Virginia Residential Landlord and Tenant Act; enforcement by localities. The Governor's amendment adds a reenactment clause and adds a third enactment clause, which shall become effective in due course, directing the Department of Housing and Community Development to submit a report by December 1, 2024, to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology detailing all amendments made to the Virginia Residential Landlord and Tenant Act within the past five years and the effects such amendments have had on the cost, accessibility, and availability of rental dwelling units in the Commonwealth.

Contact: Ashley Binns | abinns@dls.virginia.gov | 804-698-1812

SB 480. Public utilities; municipal utilities; disconnection of service; limitations; report; consumer protections. The enrolled bill requires each municipal utility to deliver notice of nonpayment of bills or fees to its residential customers prior to disconnection by using at least two enumerated methods. The Governor's amendments require notification by only one enumerated method. Additionally, the enrolled bill prohibits municipal utility disconnections due to the nonpayment of bills or fees for residential customers until the customer's account is 60 days in arrears. The Governor's amendments change this timeframe to 45 days in arrears. HB 906, which is identical as enrolled, has the same Governor's amendments.

Contact: Marvi Ali | mali@dls.virginia.gov | 804-698-1816

SB 498. Board of Education; guidelines on school-connected overdose policies; response and parental notification. The enrolled bill requires the Board of Education to establish guidelines for school-connected overdose response and parental notification policies that include (i) a model action plan for each school board to follow in responding to any school-connected overdose, including communicating and coordinating with the Department of Education and the applicable law-enforcement liaison or the local law-enforcement agency that employs such school division's school resources officers, and (ii) criteria for issuing parental notification to ensure sensitivity to the privacy interests of affected individuals and compliance with any applicable law, rules, or regulations relating to the disclosure and protection of a minor's personal, confidential, or otherwise sensitive information. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) requires, in addition to the foregoing requirement, (a) each division superintendent or his designee to notify the parent of each student in the local school division of any school-connected overdose, defined as any verified overdose that occurs on school premises during or after regular school hours or during school-sanctioned activities whether on or off school premises, within 24 hours of learning of the overdose and (b) such

notification to include as much information as is known about the circumstances surrounding the overdose, to the extent that the disclosure of any such information is not prohibited by any applicable law, rule, or regulation relating to the disclosure and protection of a minor's personal, confidential, or otherwise sensitive information. HB 1504, which is identical as enrolled, has the same Governor's Substitute.

Contact: Ryan Brimmer | rbrimmer@dls.virginia.gov | 804-698-1820

SB 515. Weapons; possession or transportation; hospital that provides mental health services or developmental services; penalty. The enrolled bill makes it a Class 1 misdemeanor for any person to knowingly possess in or transport into the building of any hospital that provides mental health services or developmental services in the Commonwealth, including an emergency department or other facility rendering emergency medical care, any (i) firearm or other weapon designed or intended to propel a missile or projectile of any kind; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) other dangerous weapon, including explosives and stun weapons, with some exceptions. The enrolled bill also provides that notice of such prohibitions shall be posted conspicuously at the public entrance of any hospital and no person shall be convicted of the offense if such notice is not posted, unless such person had actual notice of the prohibitions and that any such firearm, knife, explosive, or weapon shall be subject to seizure by a law-enforcement officer and forfeited to the Commonwealth. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) removes those provisions and instead makes it unlawful for any person in a hospital that provides mental health services in the Commonwealth, including an emergency department or other facility rendering emergency medical care, to willfully transfer to, attempt to transfer to, or cause to be received by any patient receiving mental health services any such weapon. HB 861, which is identical as enrolled, has the same Governor's Substitute.

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

SB 517. Tax exemptions; Confederacy organizations. The Governor's amendment adds a second enactment clause to the enrolled bill directing the Department of Taxation to study exemptions to (i) the state recordation tax and (ii) the real and personal property tax by classification or designation prior to and on July 1, 1971, and the effect of such exemptions on state government revenues and local government revenues, respectively. The Governor's amendment also adds a reenactment clause. HB 568, which is identical as enrolled, has the same Governor's amendment.

Contact: Keelin Cronin | kcronin@dls.virginia.gov | 804-698-1832

SB 534. Motor vehicle dealers; sale of franchise. The enrolled bill requires a motor vehicle dealer franchise to be relocated during a sale, assignment, or transfer unless the franchisor consents. The Governor's amendment prohibits a sale, assignment, or transfer of a franchise that involves the relocation of the business without the franchisor's consent. This amendment is technical in nature because it was included in the introduced bill and unintentionally omitted in the Senate substitute. HB 191, which is identical as enrolled, has the same Governor's amendment.

Contact: Emma Buck | ebuck@dls.virginia.gov | 804-698-1818

SB 544. Short-term rental property; special exceptions. The enrolled bill prohibits a locality from barring the use of or requiring that a special exception, special use, or conditional use permit be obtained for the use of a residential dwelling as a short-term rental where the dwelling unit is also legally occupied by the property owner as his primary residence. The Governor's amendments remove the language, "Notwithstanding any other provision of law, general or special" and add language that clarifies that such prohibition extends to subsequent amendments of existing local ordinances.

Contact: Anissa Cottrell | acottrell@dls.virginia.gov | 804-698-1814

SB 550. Liquid nicotine and nicotine vapor products; certification and directory; penalties. The enrolled bill requires every manufacturer of liquid nicotine or nicotine vapor products that are sold for retail sale in the Commonwealth to certify certain information regarding marketing authorization status from the U.S. Food and Drug Administration by December 31, 2024. The enrolled bill also requires the Attorney General to establish and maintain a directory that lists all liquid nicotine or nicotine vapor product manufacturers and liquid nicotine and nicotine vapor products for which current and accurate certification forms have been submitted and prohibits, beginning December 31, 2024, the sale, distribution, importation, or offering for sale of any liquid nicotine or nicotine vapor product that is not listed in the directory. The Governor's amendments revise the preceding dates to December 31, 2025.

The enrolled bill authorizes the Attorney General to (i) recover costs and attorney fees in an enforcement action, (ii) to cause an action to enjoin any violation of the provisions of the bill, and (iii) to issue civil investigative demands. The Governor's amendments remove such authorization. The enrolled bill provides for a civil penalty of \$1,000 per day for each product offered for sale in violation of the enrolled bill's provisions and that, with the concurrence of the Attorney General, any attorney for the Commonwealth, or the attorney for any city, county, or town may cause an action to enjoin any violation of the provisions of the enrolled bill. The Governor's amendments remove the requirement for the concurrence of the Attorney General and provide that any such civil penalties assessed in an action brought in the name of a locality shall be paid into the general fund of the locality.

The Governor's amendments add a delayed effective date of July 1, 2025.

HB 1069, which is identical as enrolled, has the same Governor's amendments.

Contact: Tom Stevens | tstevens@dls.virginia.gov | 804-698-1821

SB 565. Energy efficiency programs; incremental annual savings. The enrolled bill provides that, for the 2029 program year and all subsequent years, "in the public interest" for the purpose of assessing energy efficiency programs means that the State Corporation Commission determines that the program is cost-effective. The Governor's amendment provides that for such program years "in the public interest" also means that the net present value of the benefits exceeds the net present value of the costs as determined by the Total Resource Cost Test. HB 746, which is identical as enrolled, has the same Governor's amendment.

Contact: Sarah Kinzer | skinzer@dls.virginia.gov | 804-698-1838

SB 569. State Board of Behavioral Health and Developmental Services; regulations; crisis receiving centers; appropriate and safe use of seclusion; work group; report. The Governor's amendment adds an emergency clause.

Contact: Lily Jones | ljones@dls.virginia.gov | 804-698-1888

SB 582. Purchase, possession, and sale of retail tobacco products; retail tobacco products and liquid nicotine tax; penalties. The enrolled bill, among other provisions, prohibits the retail sale of more than two nicotine vapor products in any one transaction to a consumer. The Governor's amendment prohibits the retail sale of more than two *packages of* nicotine vapor products in any one transaction to a consumer. HB 790, which is identical as enrolled, has the same Governor's amendment.

Contact: Stephen Kindermann | skindermann@dls.virginia.gov | 804-698-1880

SB 608. Public education; community schools; Office of Community Schools at Department of Education; Community School Development and Implementation Planning Grant; state goal. The enrolled bill (i) requires the Department of Education to establish the Office of Community Schools as an office within the Department for the purpose of supporting the development and growth of community schools throughout the Commonwealth in accordance with the Virginia Community School Framework and requires the Office to establish and administer the Community School Development and Implementation Planning Grant for the purpose of providing grants to school boards that seek to designate any school within the local school division as a community school to assist with the planning and implementation of such designation and (ii) establishes a state goal of prioritizing funding for such initiatives and grants to enable their expansion to serve the top 33 percent of public elementary and secondary schools in the Commonwealth for highest identified student percentage, as defined in the enrolled bill, based on data from the immediately preceding school year. The Governor's Amendment in the Nature of a Substitute (Governor's Substitute) removes the provisions that establish the Community School Development and Implementation Planning Grant and such state funding prioritization goal. HB 625, which is identical as enrolled, has the same Governor's Substitute.

Contact: Ryan Brimmer | rbrimmer@dls.virginia.gov | 804-698-1820

SB 628. Casino gaming; eligible host cities. The Governor's amendment removes the reenactment clause.

Contact: Ashley Binns | abinns@dls.virginia.gov | 804-698-1812

SB 713. Public service companies; pole attachments; cable television systems and telecommunications service providers. The enrolled bill requires the State Corporation Commission to resolve certain disputes regarding pole attachments within specified time periods. The Governor's amendment permits the extension of such time periods for up to 60 days by Commission order. HB 800, which is identical as enrolled, has the same Governor's amendment.

Contact: Sarah Kinzer | skinzer@dls.virginia.gov | 804-698-1838

SB 729. Virginia Clean Energy Innovation Bank; established; report. The Governor's amendment adds a reenactment clause.

Contact: Tom Stevens | tstevens@dls.virginia.gov | 804-698-1821

Governor's Vetoes

HB 1. Minimum wage. The enrolled bill increases the minimum wage from the current rate of \$12.00 per hour to \$13.50 per hour effective January 1, 2025, and to \$15.00 per hour effective January 1, 2026. The enrolled bill satisfies a reenactment clause included in Chapters 1204 and 1242 of the Acts of Assembly of 2020. This bill is identical to SB 1. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1, which mandates an increase in the minimum wage in Virginia.

The free market for salaries and wages works. It operates dynamically, responding to the nuances of varying economic conditions and regional differences. This wage mandate imperils market freedom and economic competitiveness.

Even without my signature, current law mandates an increased minimum wage in the Commonwealth, indexing it to the Consumer Price Index for All Urban Consumers, as certified by the Commissioner of Labor and Industry, starting in October 2024. This approach is preferable, allowing wages to adjust over time in response to economic conditions. In contrast, the proposed mandate will harm Virginia's economic progress.

Implementing a \$15-per-hour wage mandate may not impact Northern Virginia, where economic conditions create a higher cost of living, but this approach is detrimental for small businesses across the rest of Virginia, especially in Southwest and Southside. A one-size-fits-all mandate ignores the vast economic and geographic differences and undermines the ability to adapt to regional cost-of-living differences and market dynamics.

This proposal is an arbitrary, mandatory 25% increase in the starting wages of all employees. Contrary to ensuring higher compensation, such a substantial increase will raise business operational costs. In response, businesses will raise prices, creating more inflation, and implement hiring freezes and layoffs, ultimately hurting the workers the proposal seeks to assist.

This proposal also harms Virginia's economic competitiveness. Neighboring states have reduced business costs and encouraged investment, resulting in thriving economies. The net out-migration of over one hundred thousand residents from Virginia between 2012 and 2021, primarily to states like North Carolina, Tennessee, Texas, and Georgia, none of which have wage mandates.

Contrary to the proponents' claims, the proposal is unlikely to attract jobs to the Commonwealth. Virginia is experiencing a population decline to states with lower minimum wages while gaining population from states with higher minimum wages. Instead of adopting the failed economic policies of states with stagnant economies and persistent fiscal distress to our northeast, Virginia should emulate states prioritizing tax relief and efficient government.

Successful states recognize that the government does not need to set labor prices; instead, they prioritize creating an economic environment conducive to wage growth. The Commonwealth should adopt this approach, reducing taxes, reducing regulations, reforming workforce programs,

and investing in public education. Allowing the free market to operate is the only proven long-term path toward sustainable economic growth and prosperity.

Accordingly, I veto this bill."

Contact: Sarah Kinzer | skinzer@dls.virginia.gov | 804-698-1838

HB 2. Purchase, Sale, transfer, etc., of assault firearms and certain ammunition feeding devices prohibited; penalty. The enrolled bill creates a Class 1 misdemeanor for any person who imports, sells, manufactures, purchases, or transfers an assault firearm, as that term is defined in the enrolled bill, and prohibits a person who has been convicted of such violation from purchasing, possessing, or transporting a firearm for a period of three years from the date of conviction. The enrolled bill provides that an assault firearm does not include any firearm that is an antique firearm, has been rendered permanently inoperable, is manually operated by bolt, pump, lever, or slide action, or was manufactured before July 1, 2024. The enrolled bill also prohibits the sale of a large capacity ammunition feeding device, as that term is defined in the enrolled bill. The enrolled bill provides that any person who willfully and intentionally (i) sells an assault firearm to another person or (ii) purchases an assault firearm from another person is guilty of a Class 1 misdemeanor and that any person who imports, sells, barter, or transfers a large capacity ammunition feeding device is guilty of a Class 1 misdemeanor. The enrolled bill also makes it a Class 1 misdemeanor for any person younger than 21 years of age to import, sell, manufacture, purchase, possess, transport, or transfer an assault firearm regardless of the date of manufacture of such assault firearm. This bill is identical to SB 2. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2, which creates new penalties for transferring and possessing certain firearms containing certain components.

The Constitution precludes the Commonwealth from prohibiting a broad category of firearms widely embraced for lawful purposes, such as self-defense. Despite this, certain members of the General Assembly have pursued legislation banning most contemporary semiautomatic firearms and specific ammunition-feeding devices.

Like all Virginians, I am profoundly troubled by the occurrences of mass shootings and crimes committed with firearms. The pain and sorrow inflicted by criminals with heinous intentions are truly heart-wrenching and should not be minimized for our communities, the victims, or their families.

Virginia has some of the strictest gun laws in the country. Unfortunately, the Commonwealth has reduced penalties for criminals, contributing to violent crime. Enhancing penalties for crimes committed with firearms will reverse this trend. Our most significant gap, however, has been in our behavioral health system, which is why substantial investments in behavioral health are necessary.

That twofold approach can provide a real solution without creating outcomes that would affect law-abiding citizens and violating our constitutional rights.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 4. Plastic bag tax; distribution to towns. The enrolled bill provides that any town located within a county that has imposed a disposable plastic bag tax shall receive a distribution of revenues collected by the county based on the local sales tax distribution formula for appropriations to towns. The enrolled bill requires that towns use such revenues for the same purposes allowable for a county or city. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 4, which distributes revenues collected from the plastic bag tax to towns.

Plastic bag taxes fail to achieve their intended goals and burden Virginians amid escalating inflation. Redirecting tax revenues to towns may further encourage governmental reliance on these taxes, exacerbating the issue.

Accordingly, I veto this bill."

Contact: Keelin Cronin | kcronin@dls.virginia.gov | 804-698-1832

HB 26. Voter identification; accepted forms of identification; private entities licensed or certified by certain state agencies. The enrolled bill adds to the list of accepted forms of identification for purposes of voting a valid identification card that contains a photograph of the voter and is issued by any private entity that is licensed or certified, in whole or in part, by the Department of Health, Department of Social Services, Department of Medical Assistance Services, or Department of Behavioral Health and Developmental Services. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 26, which adds privately issued identifications to the accepted forms of voter identification.

Virginia currently permits various acceptable forms of voter identification, including a copy of a current utility bill, bank statement, government check, paycheck, or other government document containing the name and address of the voter, including an expired driver's license. Virginia Voter Photo Identification Cards are issued to eligible voters without charge.

Expanding this list presents additional complexities for poll workers in discerning which forms of identification are acceptable.

Accordingly, I veto this bill."

Contact: Brooks Braun | bbraun@dls.virginia.gov | 804-698-1861

HB 45. Earned sentence credits; incarceration prior to entry of final order of conviction. The enrolled bill provides that a person's eligibility for earned sentence credits shall include any period of time actually spent in any state or local correctional facility, state hospital, or juvenile detention facility for the offense such person was held deducted from such person's term of

incarceration or detention. The enrolled bill also provides that all time actually spent by a person in confinement or detention shall be used in calculating such person's earned sentence credits.

The enrolled bill provides that the provisions shall apply retroactively to any person who is confined in any correctional facility on July 1, 2025, and if it is determined that, upon retroactive application of the provisions, the release date of any such person passed prior to the effective date of this act, the person shall be released upon approval of an appropriate release plan and within 60 days of such determination unless otherwise mandated by court order; however, no person shall have a claim for wrongful incarceration on the basis of such retroactive application. If a person is released prior to completion of any reentry programs deemed necessary by the Department of Corrections on the person's most recent annual review or prior to completion of any programs mandated by court order, the person shall be required to complete such programs under probation, provided probation is mandated by the court and current community resources are sufficient to facilitate completion of the aforementioned programs.

The enrolled bill has a delayed effective date of July 1, 2025. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 45 which includes incarceration prior to entry of the final order of conviction in the calculations for eligibility of earned sentence credits.

The proposal allows inmates to receive earned sentence credits for time served before a conviction, including time spent in state hospitals and retroactively applies to those serving sentences. This is a further departure from the Commonwealth's historical and bipartisan truth-in-sentencing policy.

The ramifications of such a policy shift are alarming. Not only would it necessitate recalculating virtually every inmate's sentence, but it would also undermine public safety by releasing individuals at a heightened risk of re-offending. Data shows that similar measures have led to higher re-arrest rates, increased volumes of new convictions, and elevated recidivism risks.

Applying broadened earned sentence credits raises serious concerns for the justice system and public safety. Eligibility for these credits extends to individuals who are already parole-eligible, leading to absurd outcomes where offenders currently under supervision could be released prematurely.

Lastly, the proposal bill fails to shield the Commonwealth from potential legal liabilities adequately. While it may offer limited protection against specific claims brought under § 8.01-195.11, it does not provide protections brought under Tort Claims Against the Commonwealth of Virginia (§ 8.01-195.1 et seq.) and cannot shield claims brought under federal law. The burden placed on our judicial system by these potential lawsuits, coupled with the resources required for sentence recalculations, further underscore the impracticality and recklessness of this bill.

By prioritizing leniency over accountability, it disregards the interests of victims and places our communities at risk.

Accordingly, I veto this bill."

Contact: Troy Hatcher | thatcher@dls.virginia.gov | 804-698-1829

HB 46. Firearm transfers to another person from a prohibited person. The enrolled bill provides that a person who is prohibited from possessing a firearm because such person is subject to a protective order or has been convicted of an assault and battery of a family or household member may transfer a firearm owned by such prohibited person to any person who is not otherwise prohibited by law from possessing such firearm, provided that such person who is not otherwise prohibited by law from possessing such firearm is 21 years of age or older and does not reside with the person who is subject to the protective order. Under current law, there is no requirement that such transferee cannot be younger than 21 years of age and cannot reside with such prohibited person. The enrolled bill also provides that such prohibited person who transfers, sells, or surrenders a firearm pursuant to the provisions of the enrolled bill shall inform the clerk of the court of the name and address of the transferee, the federally licensed firearms dealer, or the law-enforcement agency in possession of the firearm and shall provide a copy of such form to the transferee. The enrolled bill also provides that a person who is prohibited from possessing a firearm because such person is subject to a protective order or has been convicted of an assault and battery of a family or household member shall be advised that a law-enforcement officer may obtain a search warrant to search for any firearms from such person if such law-enforcement officer has reason to believe that such person has not relinquished all firearms in his possession. This bill is identical to SB 47. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 46, which relates to firearm transfers to another person from a person subject to a protective order or convicted of a misdemeanor.

I join the patrons in their pursuit of condemning domestic abuse, it is unequivocally deplorable. Make no mistake, Virginia should ensure that domestic abusers are dealt with appropriately, and those who resort to illegal firearm use, especially, should face severe and harsh punishments.

The legislation fails to achieve its intended purpose and is unnecessary. The existing legal framework addresses firearm possession in cases of domestic abuse. Courts have the power to require the transfer of firearms from individuals, and law enforcement can obtain a search warrant to seize for illegally possessed weapons. Additionally, all firearm transfers are currently limited to individuals who are legally allowed to possess firearms.

To avoid inadvertent compromises to public safety, policies should refrain from disarming individuals not subject to a court order, making other family members less safe, which contradicts our shared goal. The arbitrary age prohibition, which contradicts our current legal age of possession, on certain transfers adds further confusion.

As I advocate for greater protections for victims, I strongly urge the General Assembly to shift its focus towards proven strategies aimed at combatting violent crime - mandatory minimums for armed criminals and the presumption against bail.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 47. Invasive plant species; retail sales; civil penalty. The enrolled bill requires, for the retail sale of any invasive plant species for outdoor use on a list established by the Department of Conservation and Recreation, a retail establishment to post in a conspicuous manner on the property located in proximity to each invasive plant display signage identifying such plant as invasive, educating consumers regarding invasive plant species, and encouraging consumers to ask about alternatives. The enrolled bill requires the Commissioner of Agriculture and Consumer Services to designate the format, size, and content of such signage no later than October 1, 2024, and requires the Commissioner to issue a stop sale order and mark or tag a plant in a conspicuous manner when an invasive plant is for sale at a retail establishment without appropriate signage. In such case, the enrolled bill requires the Commissioner to give written notice of a finding made to the owner, tenant, or person in charge of such retail establishment and requires the stop sale order issued to remain in effect until the required signage is posted. Any retail establishment that violates the provisions of the enrolled bill is subject to a civil penalty not to exceed \$500. This bill is identical to SB 306. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 47, which creates civil penalties for the retail sale of certain plant species.

The Department of Conservation and Recreation (the Department) already publishes and distributes educational information related to invasive plant species and the benefits of planting native species. Virginia should continue to educate consumers about invasive plant species and encourage them to seek alternatives.

The proposal, however, places additional requirements and imposes civil penalties on Virginia's small businesses for the sale of plants with low levels of invasiveness, such as periwinkle and winter honeysuckle.

Additionally, the Department's invasive species list would function as the legally binding authority regarding invasive species, circumventing the Administrative Process Act, which involves a public notice and comment period.

Accordingly, I veto this bill."

Contact: Anissa Cottrell | acottrell@dls.virginia.gov | 804-698-1814

HB 63. Criminal cases; request for a jury to ascertain punishment. The enrolled bill provides that an accused may withdraw a request for a jury to ascertain punishment up until the commencement of the sentencing proceeding. The enrolled bill also provides that counsel for either party shall have the right to examine jurors regarding the potential range of punishment regardless of whether the jury will ascertain punishment and that the court or counsel for either party may inform any person or juror during voir dire as to the potential range of punishment to ascertain if the person or juror can sit impartially in the guilt or sentencing phase of the case. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 63, which relates to requests for a jury to ascertain punishment.

The proposal allows an accused individual to withdraw a jury sentencing request until the commencement of the sentencing proceeding and allows counsel to examine jurors regarding the potential range of punishment regardless of whether the jury will provide a sentence.

The determination of guilt or innocence of an individual should not be influenced by the potential range of punishments. The procedure for informing jurors of the sentencing range changed in 2020. Since then, jurors are made aware of the sentencing range during the jury selection process, as they will be responsible for determining the sentence.

Providing the potential range of sentencing during jury selection only serves to influence juror decision-making inappropriately. In practice, this proposal endorses jury nullification, which occurs when a jury acquits despite evidence proving guilt.

The bill will also unduly burden victims who have prepared to testify before the jury about the effects of the crime.

Further, the proposed ability to revoke the request for jury sentencing before and after the sentencing phase will require prosecutors to expend unnecessary resources. Our courts operate with funding constraints, and providing defendants with the right to retract their request for jury sentencing until sentencing commences would be burdensome for our legal system.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 77. Robbery. The enrolled bill conforms certain provisions of the Code referencing robbery to the degrees of robbery offenses established by Chapter 534 of the Acts of Assembly of 2021, Special Session I. These changes include: (i) limiting to the three higher degrees of robbery certain non-robbery crimes for which committing such crime with the intent to commit a robbery is an element of the offenses, (ii) limiting the types of robbery that are included in the definition of "acts of violence" to the two higher degrees of robbery, (iii) clarifying how robbery offenses will be scored on the sentencing guidelines, (iv) allowing persons convicted of the two lesser degrees of robbery to be eligible for conditional release if they are terminally ill and for the enhanced earned sentence credits, (v) allowing persons who are ineligible for parole as a result of being convicted of three certain enumerated offenses to be eligible for parole if convicted of an offense that would constitute robbery by presenting of firearms, and (vi) limiting the application of the three-strikes law to the two higher degrees of robbery and making persons convicted under the three-strikes law eligible for parole if one of the three convictions resulting in the mandatory life sentence would constitute one of the two lesser degrees of robbery. The enrolled bill leaves unchanged the current law making all degrees of robbery predicate criminal acts by adding the two lesser degrees of robbery to the definition of "predicate criminal act" and specifying the two higher degrees of robbery are included in the definition of "act of violence." The enrolled bill requires the changes made to the eligibility for conditional release of terminally ill prisoners and

enhanced earned sentence credits apply retroactively if certain criteria are met. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 77, which extends enhanced earned sentence credits and parole eligibility to individuals convicted of robbery.

The proposal poses significant public safety consequences for the Commonwealth, further reducing the tiered penalties for the different types of robberies.

The legislation's most concerning component is its retroactive nature. The Department of Corrections (DOC) has reported that as of March 1, 2024, approximately 3,340 inmates with robbery as their most serious offense are incarcerated.

Releasing violent offenders early harms our community. Of the cohort of inmates released last July and August with enhanced earned sentence credits, 804 were re-arrested within three months of their release date. Fifty of those who were re-arrested committed a robbery offense.

This bill further erodes the public's confidence in safe streets. The legislative changes made during the prior administration substantially reduced the potential punishment for robbery offenses. This bill further reduces the consequences for robbery, including those committed using a deadly weapon or physical force or committed by repeat offenders.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 81. Common-law crime of suicide. The enrolled bill abolishes the common-law crime of suicide. Suicide is currently a common-law crime in Virginia, although there is no statutorily prescribed punishment. The enrolled bill has a delayed effective date of July 1, 2025, and also requires the Bureau of Insurance of the State Corporation Commission to review the effect and implication of abolishing the common-law crime of suicide on insurance throughout the Commonwealth and submit its findings and any recommendations by November 1, 2024, to the Chairs of the House and Senate Committees for Courts of Justice. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 81, which abolishes the common-law crime of suicide.

Over a century ago, the Commonwealth abolished criminal penalties for suicide. In recent years, the Commonwealth has made significant improvements in mental health, including decriminalizing the effects of mental health conditions, and increasing resources for those in crisis.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 110. Surrogacy brokers; repeal of prohibition against. The enrolled bill repeals the statute prohibiting any person, firm, corporation, partnership, or other entity from accepting compensation for recruiting or procuring surrogates or accepting compensation for otherwise arranging or inducing an intended parent and surrogate to enter into surrogacy contracts. Under current law, any violation of such prohibition is a Class 1 misdemeanor. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 110, which repeals the Commonwealth's prohibition on commercial surrogacy brokers.

While I recognize the desire for an efficient surrogacy process, the Commonwealth must carefully consider the serious concerns that arise when we allow the increased commercialization and profit-driven commodification of surrogacy.

In 1991, Virginia took a significant and virtuous step by legalizing surrogacy. The Commonwealth recognized the complexities surrounding surrogacy regulation and opted for a permissive framework with notable restrictions, including the prohibition of for-profit brokering. This deliberate decision was made to safeguard against the risks associated with financial motives dominating the surrogacy landscape. Removing this prohibition without a simultaneous review of regulations, potentially disrupts Virginia's established legal structure.

Commercial surrogacy brokers, driven primarily by financial gain, may divert attention from the successful pregnancy, the welfare of the child, and the interests of both the intended parents and the surrogate. Our current legal framework acknowledges some of those concerns and has sought to strike a balance, which may be disrupted by the unchecked entry of profit-driven brokers into this space.

Allowing brokers, who are contractually obligated to represent the intended parents, leads to the possibility of coercion and abuse of surrogates. Human trafficking related to commercial surrogacy is increasing worldwide, resulting in exploitation, extortion, and ethical abuses such as requesting specific hormones or medications for the surrogate, which would be exacerbated with commercialization.

Virginia's existing legal framework requires legal representation for both intended parents and surrogates, a requirement that attempts to ensure impartiality; however, this falls short in addressing the nuances and potential abuses that may arise. Some attorneys might lack the specialized experience needed to navigate the intricate details of surrogacy contracts, which will necessitate negotiating with well-resourced, experienced, and professional brokers, leaving surrogates vulnerable to potential abuses.

The free market is a powerful and significant force for raising individuals out of poverty, but we must recognize that not all areas are suitable for commodification. Surrogacy involves a profound bond between a mother and her child, a relationship that transcends monetary transactions. These brokers may bring some element efficiency to the process, but the potential erosion of the ethical foundations that underpin surrogacy goes too far.

My commitment is to ensure that this treatment is fair and provides opportunities for intended parents and children, while ensuring that financial motives never overshadow the profound and selfless act of bringing life into the world.

Accordingly, I veto this bill."

Contact: Sabrina Miller-Bryson | smiller-bryson@dls.virginia.gov | 804-698-1876

HB 157. Minimum wage; farm laborers or farm employees; temporary foreign workers.

The enrolled bill eliminates the exemptions from Virginia's minimum wage requirements for (i) persons employed as farm laborers or farm employees and (ii) certain temporary foreign workers. This bill incorporates HB 866. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 157 which removes the farmworker exemption from the Virginia Minimum Wage Act.

Producers who employ H-2A workers must adhere to the U.S. Department of Labor's Adverse Effect Wage Rate (AEWR), currently set at \$15.81 per hour. Even farms that do not employ H-2A workers pay the AEWR to compete with those that do.

The AEWR is determined using various domestic workers' annual average gross wage rates in a state or region, and therefore the prevailing market wage influences the AEWR.

Farmers have a unique economic environment with unpredictable weather and fluctuating production costs. Due to federal pricing systems and global market conditions, farmers often lack control over the prices they receive for their goods. Agricultural budgeting and operations are already challenging, and imposing a wage mandate without considering these factors could drive small and medium-sized farms into debt or closure.

The agricultural sector has thin margins, and this bill will significantly affect the industry. The data from the USDA Census of Agriculture and the Weldon Cooper Center for Public Policy further emphasize the importance of supporting our agriculture industry. The loss of five thousand farms and nearly five hundred thousand acres of farmland in the last five years has dramatically altered our economy and communities.

Each job created in the agriculture sector simulates 1.6 jobs elsewhere in Virginia's economy. This multiplier effect demonstrates the agriculture sector's significant effect on the overall state economy. This ripple effect helps to drive economic growth and stability across Virginia, making agriculture a crucial component of the state's prosperity.

The AEWR already materially determines the labor rates. A further wage mandate financially strains farmers, leading to farm closures, job losses, and increased consumer food prices.

Accordingly, I veto this bill."

Contact: Sarah Kinzer | skinzer@dls.virginia.gov | 804-698-1838

HB 161. Arrest, prosecution, and disciplinary or administrative procedures and penalties for individuals experiencing or reporting overdoses while incarcerated. The enrolled bill

provides that no individual incarcerated in a local, regional, or state correctional facility shall be subject to arrest or prosecution for or disciplinary or administrative procedures or penalties related to the unlawful purchase, possession, or consumption of alcohol; possession of a controlled substance; possession of marijuana; procurement, sale, secretion, or possession of any chemical compound not lawfully received; intoxication in public; or possession of controlled paraphernalia if such individual seeks or obtains emergency medical attention for himself or another individual experiencing an overdose or is experiencing an overdose and another individual seeks or obtains emergency medical attention for him. The enrolled bill also provides that no correctional officer, deputy sheriff, or jail officer acting in a good faith shall be found liable for false arrest if it is later determined that the person arrested was immune from prosecution or disciplinary procedures or penalties. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 161, which relates to individuals experiencing or reporting overdoses while incarcerated.

The proposal expands the current safe harbor statute, reducing the requirements for immunity for inmates and extending immunity for a range of crimes. This expansion could exacerbate drug abuse in correctional facilities and impede sheriffs' and corrections officers' efforts to maintain safety.

Granting immunity to inmates from internal discipline and prosecution for possessing drugs, including narcotics, undermines our system of law and order. Our correctional facilities' primary responsibility is to ensure a safe environment for those in our care and those who work there.

Additionally, I have received numerous letters from sheriffs around the Commonwealth who have asked me to stand with them for public safety.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 175. Carrying assault firearms in public areas prohibited; penalty. The enrolled bill prohibits the carrying of certain semi-automatic center-fire rifles and shotguns on any public street, road, alley, sidewalk, or public right-of-way or in any public park or any other place of whatever nature that is open to the public, with certain exceptions. Under current law, the current prohibition on carrying certain shotguns and semi-automatic center-fire rifles and pistols applies to a narrower range of firearms, only in certain localities, and only when such firearms are loaded. This bill is identical to SB 99. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 175, prohibiting the carrying of assault firearms in public areas.

Current law already prohibits brandishing a firearm in a manner that reasonably induces fear in another person or holding a firearm in a public place that creates a reasonable fear of violence.

The proposed legislation prohibits carrying a broad category of commonly used firearms in various public spaces, including streets, roads, sidewalks, parks, and other public areas. Such a

prohibition is unconstitutional as it attempts to restrict widely embraced firearms used for lawful purposes like self-defense.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 183. Storage of firearms in a residence where a minor or person prohibited from possessing a firearm is present; penalty. The enrolled bill requires any person who possesses a firearm in a residence where such person knows that a minor or a person who is prohibited by law from possessing a firearm is present to store such firearm and the ammunition for such firearm in a locked container, compartment, or cabinet that is inaccessible to such minor or prohibited person. The enrolled bill provides that a violation is a Class 4 misdemeanor. The enrolled bill exempts (i) any person in lawful possession of a firearm who carries such firearm on or about his person and (ii) the storage of antique firearms and provides that the lawful authorization of a minor to access a firearm is not a violation of the enrolled bill's provisions. The enrolled bill also requires firearm dealers to post a notice stating such firearm storage requirements and the penalty for improperly storing such firearms. This bill is identical to SB 368. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 183, which relates to the storage of firearms where a minor or person prohibiting a firearm is present.

This legislation would limit individuals' access to firearms in their homes.

A similar law was deemed unconstitutional in *District of Columbia v. Heller*. The court ruled that mandates on storage or trigger locks that make it impractical for citizens to use firearms for the lawful purpose of self-defense are unconstitutional.

The proposed language could prove problematic in cases of necessary home defense when firearm access may be crucial. Further, it would completely disarm individuals who cannot afford a storage device. While the intent may not be to strip the poorest Virginians of their right to self-defense, the proposal would price them out of the market for a fundamental right.

The suggested exemption for carrying weapons is impractical, for example, while sleeping or doing household chores. This exemption leaves individuals with only one option for self-defense; such a requirement would lead to law-abiding Virginians carrying their weapons irresponsibly and dangerously.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 208. Comprehensive plan; healthy communities strategy. The enrolled bill authorizes a locality, beginning July 1, 2024, to adopt a healthy communities strategy as part of its next and any subsequent reviews of the comprehensive plan. The enrolled bill provides that the locality's strategy may include identifying (i) major sources of pollution or hazardous waste sites within the locality, (ii) policies to mitigate the unique or compounded health risks to residents that may

be caused by such pollution sources or hazardous waste sites, (iii) objectives and policies to promote civic engagement in public decision-making processes by residents, (iv) objectives and policies that prioritize improvements and programs that promote healthy communities, and (v) objectives and policies that encourage linking public transit with community and health services and siting or co-locating health services in unconventional settings to ensure convenient access for all community members. This bill is identical to SB 595. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 208, which would permit localities to integrate a "healthy communities' strategy" into their upcoming and subsequent comprehensive plan reviews.

Localities have more than sufficient powers to regulate their communities through the comprehensive planning process under existing law.

Accordingly, I veto this bill."

Contact: Jeff Sharp | jsharp@dls.virginia.gov | 804-698-1864

HB 212. MEI Project Approval Commission; board-level gender and diversity requirements. The enrolled bill requires the MEI Project Approval Commission to consider, prior to recommending approval of any major employment and investment (MEI) project, a board diversity disclosure statement submitted by the business seeking incentives. The Commission is required to consider (i) whether such statement specifies the number and percentage of diverse directors who identify as female or as representing a national, racial, ethnic, indigenous, or cultural minority in the country of the business's principal executive offices and (ii) whether the business commits to annually updating and submitting such statement. This bill is identical to SB 393. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 212 relating to board-level gender and diversity requirements for economic development incentives.

The proposal seeks to alter the responsibilities of the Major Employment and Investment Project Approval Commission (the Commission). While diversity and inclusivity are commendable aspirations for businesses, noble intentions should not justify circumventing the Commission's obligations.

The Commission's role is to scrutinize financing for individual incentive packages, not assess whether a business adheres to a requirement akin to a demographic-based quota. Such requirements could deter companies from investing in the Commonwealth, especially privately held or family-owned enterprises, which may be wholly precluded.

The quota-like system overlooks the achievements of women and minorities in their own right. Both groups have made significant strides in board representation and mandating specific demographic compositions risks undermining their accomplishments.

Ultimately, the proposal fails to acknowledge that the primary beneficiaries of economic development are not board members but individuals who secure gainful employment. A

genuinely egalitarian approach should focus on attracting businesses to the Commonwealth and fostering opportunities for expansion and investment in individuals.

Accordingly, I veto this bill."

Contact: Keelin Cronin | kcronin@dls.virginia.gov | 804-698-1832

HB 243. Judicial Inquiry and Review Commission; availability of complaint forms in courthouses. The enrolled bill requires that paper copies of any standardized form developed and utilized by the Judicial Inquiry and Review Commission or by the Department of Magistrate Services in the Office of the Executive Secretary of the Supreme Court of Virginia for the filing of a complaint be made available to the public in the clerk's office in all state courts of the Commonwealth. The enrolled bill also requires that a sign be posted in all such courts, in a location accessible to the public, that notes the availability and location of such forms. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 243, relating to the public placement of Judicial Inquiry and Review Commission forms.

This legislation is unnecessary because Judicial Inquiry and Review Commission (JIRC) forms are already publicly available, and there is an existing requirement that JIRC form availability be noted in public signage within a courthouse.

Accordingly, I veto this bill."

Contact: Sabrina Miller-Bryson | smiller-bryson@dls.virginia.gov | 804-698-1876

HB 250. Department of Criminal Justice Services; law-enforcement officers; interrogation practices. The enrolled bill provides that the Department of Criminal Justice Services shall have the power and duty to establish a comprehensive framework for the custodial and noncustodial interrogation of adults and juveniles by law-enforcement officers within the Commonwealth, which shall include (i) developing policies and procedures for interrogation practices, including guidance on when the use of the following is considered lawful: (a) false promises of leniency, (b) misleading statements regarding evidence or statements of witnesses or co-conspirators, and (c) inauthentic replica documents or computer-generated audiovisual evidence; (ii) establishing and publishing a model policy for conducting such interrogations to serve as a guideline for criminal justice agencies in the Commonwealth; and (iii) establishing compulsory minimum training standards for basic training and recertification of law-enforcement officers on conducting such interrogations. The enrolled bill provides that the Department shall establish and publish such model policy by January 1, 2025. The enrolled bill requires any person employed as a law-enforcement officer prior to July 1, 2024, to complete the training required by the enrolled bill by January 1, 2028. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 250, which directs the Department of Criminal Justice Services to develop interrogation guidelines for law enforcement.

While the intention to improve interrogation practices is commendable, the proposal is unnecessary. Virginia already has established training standards covering the interrogation of adults and juveniles, including references to federal and state legal precedents. These existing standards are regularly updated to incorporate the latest research, best practices, and the evolving needs of the law enforcement community.

Imposing additional statutory requirements when current practices are sufficient and adaptable is not prudent. This proposal would create unnecessary bureaucratic burdens without significant added benefit.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 265. Removal of public officers from office; petition requirements; procedure. The enrolled bill requires the signatures collected on a petition for removal of certain public officers to be collected within 90 days of the first signature being collected and provides that no signatures gathered after such period shall count toward the required number. The attorney for the Commonwealth is required to request that the court dismiss the petition, and the court is required to do so, if the factual or legal allegations made by the petition are not materially different than the factual or legal allegations set forth in a previously filed petition or litigated in a trial pursuant to a previously filed petition that was against the same subject and that was dismissed with prejudice or that did not result in the subject's removal from office at trial. The enrolled bill also provides that, in proceedings to remove a public officer from office, if the attorney for the Commonwealth who would be responsible for reviewing a removal petition and determining whether valid grounds for removal exist or for representing the Commonwealth at a removal proceeding has a conflict of interest or is otherwise unavailable, the Chief Justice of the Supreme Court of Virginia shall appoint an alternate attorney for the Commonwealth. Lastly, the enrolled bill provides that discovery shall not be permitted prior to a determination that the petition states valid grounds to proceed to trial. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 265, relating to petition requirements for the removal of public officials from office.

This bill increases recall petition requirements by restricting circulation time and disallowing public circulation for petitions that have previously been circulated. Recall petitions are a tool for voters to hold public officials accountable.

Accordingly, I veto this bill."

Contact: Brooks Braun | bbraun@dls.virginia.gov | 804-698-1861

HB 267. Assault and battery; affirmative defense; penalty. The enrolled bill provides an affirmative defense to prosecution of an individual for assault or assault and battery of certain specified individuals for which the enhanced Class 6 felony and six month mandatory minimum apply if such individual proves, by a preponderance of the evidence, that at the time of the assault or assault and battery (i) the individual's behaviors were a result of (a) mental illness or

(b) a neurocognitive disorder, including dementia, or a neurodevelopmental disability, including a developmental disability or intellectual disability, such as autism spectrum disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association or (ii) the individual met the criteria for issuance of an emergency custody order.

The enrolled bill provides that if such individual does not prove that his behaviors were a result of his mental illness, intellectual disability, developmental disability, or neurocognitive disorder but the evidence establishes that his mental illness, intellectual disability, developmental disability, or neurocognitive disorder otherwise contributed to his behaviors, the finder of fact may find the accused guilty of a misdemeanor assault or assault and battery. The enrolled bill also provides that such affirmative defense shall not be construed to allow an affirmative defense for voluntary intoxication. This bill is identical to SB 357. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 267, which creates an affirmative defense for assault and battery.

First and foremost, the Commonwealth has made great strides in handling our mental health crisis and remains focused on providing treatment to those individuals.

A new, loosely defined, and excessively broad affirmative defense is unnecessary because Virginia laws already provide protections for individuals who are not criminally responsible due to mental illness.

The proposal significantly reduces the protections afforded to law enforcement and erodes the Commonwealth Attorney's discretion in evaluating cases, needlessly introducing logistical and procedural challenges that further burden our strained court system.

This bill sends the wrong message at precisely the wrong time.

Accordingly, I veto this bill."

Contact: Troy Hatcher | thatcher@dls.virginia.gov | 804-698-1829

HB 318. Firearm industry members; standards of responsible conduct; civil liability. The enrolled bill creates standards of responsible conduct for firearm industry members and requires such members to establish and implement reasonable controls regarding the manufacture, sale, distribution, use, and marketing of the firearm industry member's firearm-related products, as those terms are defined in the enrolled bill. Such reasonable controls include reasonable procedures, safeguards, and business practices that are designed to (i) prevent the sale or distribution of a firearm-related product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under state or federal law, or a person who the firearm industry member has reasonable cause to believe is at substantial risk of using a firearm-related product to harm themselves or unlawfully harm another or of unlawfully possessing or using a firearm-related product; (ii) prevent the loss of a firearm-related product or theft of a firearm-related product from a firearm industry member; (iii) ensure that the firearm industry member

complies with all provisions of state and federal law and does not otherwise promote the unlawful manufacture, sale, possession, marketing, or use of a firearm-related product; and (iv) ensure that the firearm industry member does not engage in an act or practice in violation of the Virginia Consumer Protection Act. The enrolled bill also provides that a firearm industry member may not knowingly or recklessly create, maintain, or contribute to a public nuisance, as defined in the enrolled bill, through the sale, manufacturing, importing, or marketing of a firearm-related product. The enrolled bill creates a civil cause of action for the Attorney General or a local county or city attorney to enforce the provisions of the enrolled bill or for any person who has been injured as a result of a firearm industry member's violation to seek an injunction and to recover costs and damages. This bill is identical to SB 491. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 318, which relates to civil penalties for firearm industry members.

The federal Protection of Lawful Commerce in Arms Act (PLCAA) already provides a framework for addressing civil actions against firearms industry entities concerning negligent entrustment and defects. This federal law, grounded in common sense and common law principles, prevents baseless litigation that could financially devastate a lawful industry with exorbitant legal fees. Other lawful industries, such as vaccine producers, have similar protections.

Even under Presidents Obama and Biden, the Department of Justice has consistently defended the PLCAA. The DOJ has argued against attempts by states to implement regulatory schemes as a loophole to the PLCAA, deeming them unconstitutional and lacking merit.

Our legal system should prioritize punishing criminals rather than targeting law-abiding manufacturers and retailers within the firearms industry.

Accordingly, I veto this bill."

Contact: Sabrina Miller-Bryson | smiller-bryson@dls.virginia.gov | 804-698-1876

HB 333. Virginia Council on Environmental Justice; meetings and staffing; appointment of members. The enrolled bill allows the members of the Virginia Council on Environmental Justice to travel throughout the Commonwealth to view and record conditions related to human health and the environment within and in close proximity to environmental justice communities. The enrolled bill prohibits the Secretary of Natural and Historic Resources from delegating any requested staff support for the Council to any agency, regardless of whether such agency is an agency for which the Secretary is responsible to the Governor. The enrolled bill further directs any vacancy in the membership of the Council that is in existence on the date the enrolled bill's provisions take effect, other than a vacancy occurring by the expiration of a term, to be filled for the unexpired term no later than August 31, 2024. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 333, relating to the scope and staffing of the Virginia Council on Environmental Justice.

Under the proposal, the Virginia Council of Environmental Justice (the Council) would be eligible for increased taxpayer-funded travel reimbursement and gain extensive authority over the Secretary of Natural and Historic Resources staff despite its statutorily defined status as an advisory collegial body.

While I oppose those specific provisions, the Council was established with the ostensibly proper recognition that environmental issues can have varying effects on different communities. In a broader context, however, the theory of the Council conflicts with its duties as a state-level body capable of obstructing local projects.

The proposed top-down approach would perpetuate past disparities, preventing the construction of infrastructure in underserved communities, hindering permits necessary for the advancement of clean energy, and imposing regressive costs that disproportionately affect Virginia's poorest citizens. Consequently, this approach reinforces historical barriers to achieving overdue objectives.

Accordingly, I veto this bill."

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

HB 335. Department of Labor and Industry; tipped employee wages; work group. The enrolled bill directs the Department of Labor and Industry to convene a work group to study (i) options for increasing tipped employee minimum cash wages, (ii) circumstances related to wage theft or payment inequities by employers of tipped wage employees, and (iii) amending the penalty provisions related to employee remedies and employer penalties for violations of minimum wage requirements. The enrolled bill directs the work group to submit a report of its findings no later than December 1, 2024. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 335, which directs the Department of Labor and Industry to study increasing tipped minimum wages.

This bill would have required the Department to conduct a study with a predetermined outcome without studying whether tipped minimum wages should, in fact, be increased. In other jurisdictions that have increased tipped minimum wages, many tipped workers have seen a decrease in earnings.

Accordingly, I veto this bill."

Contact: Sarah Kinzer | skinzer@dls.virginia.gov | 804-698-1838

HB 351. Firearm locking device required for purchase of a firearm; warning against accessibility to children; penalty. The enrolled bill requires any person who purchases a firearm to either (i) obtain or purchase from a licensed dealer a locking device for such firearm if a minor is present in such person's residence for 14 days or more in a calendar month or (ii) complete a certification statement on a form provided by the Department of State Police certifying that a minor is not present in such person's residence for 14 days or more in a calendar month, with exceptions enumerated in the enrolled bill. Accordingly, the enrolled bill provides that it is unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell,

deliver, or transfer any firearm to any person, other than a licensed manufacturer, licensed importer, or licensed dealer, unless (a) the firearm is accompanied by a warning, in conspicuous and legible type in capital letters printed on a separate sheet of paper included within the packaging enclosing the firearm, that firearms should be locked and kept away from children and that there may be civil and criminal liability for failing to do so and (b) the transferee (1) obtains or purchases a locking device for such firearm if a minor is present in such person's residence for 14 days or more in a calendar month or (2) completes the certification statement. A violation of either provision is a Class 3 misdemeanor. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 351, which requires firearm locking devices or certifications to sell, purchase, or transfer firearms to individuals in households where minors reside.

In 2023, I signed House Bill 2387, which created a tax credit for firearm safety devices. This legislation enhanced public safety and encouraged responsible firearm ownership. I remain willing and ready to collaborate with the General Assembly on more incentives to ensure secure firearm storage and prevent access by dangerous individuals.

Just this year, the General Assembly passed bipartisan legislation, which I signed, that prevents parents from willfully allowing a minor child to gain access to a firearm if that child poses a threat of credible violence.

These approaches are collaborative and account for areas of bipartisan compromise, which can ultimately lead to the safety and well-being of children without affecting law-abiding citizens or their constitutional guarantees.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 354. Public pools; regulations. The enrolled bill directs the Board of Health to adopt regulations governing swimming pools and other water recreational facilities operated for public use, including swimming pools and other water recreational facilities operated in conjunction with a tourist facility or health spa. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 354, which directs the Board of Health to adopt regulations expanding their governance of swimming pools operated for public use.

Current law already gives the Department of Health an appropriate role regulating the water quality at swimming pools operated for public use or in conjunction with a tourist facility or spa. Therefore, this legislation is unnecessary.

Accordingly, I veto this bill."

Contact: Hannah Yates | hyates@dls.virginia.gov | 804-698-1873

HB 362. Purchase, possession, or transportation of firearm; assault and battery of a family or household member or intimate partner; penalties. The enrolled bill adds to the existing

definition of "family or household member" a person's intimate partner, defined in the enrolled bill as an individual who, within the previous 12 months, was in a romantic, dating, or sexual relationship with the person. The enrolled bill also provides that any person who knowingly and intentionally purchases, possesses, or transports any firearm following a misdemeanor conviction for an offense that occurred on or after July 1, 2024, for the offense of assault and battery against an intimate partner or an offense substantially similar under the laws of any other state or of the United States is guilty of a Class 1 misdemeanor. This bill is identical to SB 642. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 362, which relates to the purchase, possession, or transportation of a firearm following a misdemeanor conviction of assault and battery.

I join the patrons in their pursuit of condemning domestic abuse; it is unequivocally deplorable. Virginia should ensure that convicted domestic abusers are dealt with appropriately and those who resort to illegal firearm use, especially, should face severe and harsh punishments. To that end, Virginia already has mechanisms for disarming dangerous individuals, such as through protective orders.

Individuals convicted of felony assault and battery already automatically lose their firearm rights. This proposal, however, aims to extend the prohibition of firearm possession for misdemeanors beyond existing restrictions for family and household members. It would now encompass a vaguely defined category of intimate partners without an objective standard.

Additionally, changing the definition of family or household member has far-reaching effects, such as the jurisdiction of juvenile and domestic courts, petitions for relief of custody, and whom a court may prohibit contact with following a conviction for recruitment for criminal street gangs.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 385. Railroad safety; civil penalties. The enrolled bill requires a crew of at least two qualified individuals on all trains, locomotives, or light engines used in connection with moving freight. This bill is identical to SB 143. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 385, which mandates crew sizes for trains, locomotives, or light engines.

While I support the goal of improving safety within the rail industry, the proposed methods appear premature and lack the necessary nuance required for effective regulation. A comprehensive strategy is best achieved through the established framework of the federal government's ongoing rulemaking process.

According to reports from the Federal Railroad Administration (FRA) and the National Transportation Safety Board (NTSB), the available evidence does not conclusively support the notion that two-person crews are inherently safer.

Mandating crew sizes, as proposed, is a blunt regulatory tool that encroaches upon the established mechanisms for railroads and unions to negotiate staffing and scheduling matters through collective bargaining.

The effect of the proposed legislation extends beyond a labor-related concern. Short-line railroads, our last mile freight transport providers, are significantly affected. The proposed regulations disrupt their ability to access new markets, jeopardizing the success of initiatives such as the establishment of inland ports – initiatives crucial for the economic progress of our rural communities and the Commonwealth.

Moreover, the proposed regulations would impose constraints on our supply chain, impeding our ability to manage inflation and cope with rising costs of living and doing business in Virginia. The economic repercussions pose a genuine threat to the stability of our economy.

The proposal also distorts the entirety of our transportation sector by diverting traffic from rail to our highways. At a time when the Commonwealth is diligently working to address congestion issues, the proposed regulations appear counterproductive.

Finally, the proposed legislation risks hindering technology and innovation in the rail industry, by impeding the development of opportunities, such as autonomous rail operations.

Prematurely constraining a fuel-efficient mode of freight transport while simultaneously advocating for the mandating of electric vehicles to address environmental concerns raises questions about the coherence and foresight of the proposal.

Accordingly, I veto this bill."

Contact: Marvi Ali | mali@dls.virginia.gov | 804-698-1816

HB 398. Public elementary and secondary schools; student discipline; evidence-based restorative disciplinary practices. The enrolled bill prohibits, except in certain cases involving specific offenses enumerated in applicable law or in cases in which the division superintendent or his designee finds that aggravating circumstances, as defined by the Department of Education, exist, any public elementary or secondary school student from being suspended, expelled, or excluded from attendance at school without first considering at least one evidence-based restorative disciplinary practice such as community conferencing, community service, mentoring, a peer jury, peer mediation, positive behavioral interventions and supports, a restorative circle, or the Virginia Tiered Systems of Supports. The enrolled bill also requires the Department to add as part of the student behavior and administrative response collection required pursuant to relevant law the use of evidence-based restorative disciplinary practices as a behavioral intervention in order to evaluate the use and effectiveness of such practices. This bill is identical to SB 586. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 398, which prohibits certain school discipline methods without first using a restorative practice.

Virginia is in the midst of a school discipline crisis. On November 17, 2023, twenty-seven Charlottesville High School teachers refused to come to school after a wave of classroom

violence resulted in police being called to the school twice in one day. Teachers who are concerned about decaying discipline in our schools consistently point to a failure to confront and address the small number of students who are responsible for this violence.

Fundamentally, for our schools to be safe places for young Virginians to learn and become active citizens, they must be safe. The bill proposes a top-down mandate, forcing school administrators to first utilize restorative practices rather than immediately suspending or otherwise disciplining students who are violent in school.

Accordingly, I veto this bill."

Contact: Ryan Brimmer | rbrimmer@dls.virginia.gov | 804-698-1820

HB 405. Commission on Electric Utility Regulation; evaluation of infrastructure necessary for electric vehicle charging facilities. The enrolled bill directs the State Corporation Commission and the Department of Housing and Community Development to provide technical assistance to the Commission on Electric Utility Regulation (the Commission) if the Commission evaluates the design and deployment of the electrical distribution infrastructure necessary to support the installation of electric vehicle charging facilities in new developments consisting of single-family and multifamily residential units. The enrolled bill requires the Commission to engage representatives from the residential and commercial development industries, private sector utility consultants, and other stakeholders if it conducts such an evaluation. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 405, which directs the State Corporation Commission and the Department of Housing and Community Development to assist the Commission on Electric Utility Regulation to study electric vehicle infrastructure.

To date, the Commission on Electric Utility Regulation, which was reformed through legislation I signed into law in 2023, is in the process of hiring staff and beginning the ongoing activities required of them by law. No legislation or resolution has yet been passed to direct the Commission to study the issue contemplated by this bill. Therefore, this bill is unnecessary.

Accordingly, I veto this bill."

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

HB 418. Civil actions filed on behalf of multiple persons; class actions. The enrolled bill provides that one or more members of a class may, as representative parties on behalf of all members, bring a civil action or may be proceeded against in a civil action, provided that (i) the class is so numerous that joinder of all members or proceeding with such actions on an individual basis is impracticable or contrary to judicial economy; (ii) there are questions of law or fact common to the class; (iii) the claims or defenses of the representative parties are typical of the claims or defenses of the class; and (iv) the representative parties shall fairly and adequately protect the interests of the class. The enrolled bill further sets out the procedure to certify a class action, the duties of counsel appointed in a class action, the various orders a court may issue

during the course of a class action, and the process by which a settlement, voluntary dismissal, or compromise may occur. The enrolled bill has a delayed effective date of January 1, 2025, and is identical to SB 259. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 418, establishing the types, certification, rules, and venue for civil actions filed on behalf of multiple persons.

The legal landscape in Virginia accommodates class actions, with federal courts empowered to adjudicate such cases under the Federal Rules of Civil Procedure. Even claims solely rooted in Virginia law can find recourse in federal jurisdictions.

The proposed changes have far-reaching implications by broadening the scope of statutory damages available under the Virginia Consumer Protection Act. The possible statutory damages resulting from these consumer class actions will coerce defendants into settlements to avoid potentially ruinous financial consequences.

The recent expansion of the Court of Appeals within the Commonwealth's legal apparatus must be considered when assessing this proposal. This was the most significant modification to our legal system in decades, and consequently, the court continues to absorb the backlog of dockets, which must be resolved.

Commerce is based on a legal environment that maintains fairness. Excessive tort liabilities and the threat of litigation expenses can force businesses to close their doors, imperiling economic growth. Achieving a balanced legal system means addressing the concerns of both litigants and businesses in tandem. Only through a nuanced approach that acknowledges both excesses and deficiencies can Virginia's economy continue to flourish.

Accordingly, I veto this bill."

Contact: Sabrina Miller-Bryson | smiller-bryson@dls.virginia.gov | 804-698-1876

HB 442. Virginia Residential Landlord and Tenant Act; landlord remedies; noncompliance with rental agreement; payment plan. The enrolled bill requires a landlord who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, before terminating a rental agreement due to nonpayment of rent if the exact amount of rent owed is less than or equal to one month's rent plus any late charges contracted for in the rental agreement and as provided by law, to serve upon such tenant a written notice informing the tenant of the exact amount due and owed and offer the tenant a payment plan under which the tenant must pay the exact amount due and owed in equal monthly installments over a period of the lesser of six months or the time remaining under the rental agreement. The enrolled bill prohibits the landlord from charging any additional late fees during the payment plan period in connection with the unpaid rental amount for which the tenant entered into the payment plan so long as the tenant makes timely payments in accordance with the terms of the payment plan. The enrolled bill also outlines the remedies a landlord has if a tenant fails to pay the exact amount due and owed or enter into a payment plan within five days of receiving notice or if a tenant enters into a payment plan and after such plan becomes effective fails to pay rent

when due or fails to make a payment under the terms of the agreed-upon payment plan. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 442, which requires housing providers to enter into dictated payment plans with delinquent tenants.

Housing providers and tenants often enter into arrangements supplemental to the rental agreement to address issues, including nonpayment of rent. This bill would insert the government between housing providers and tenants and interfere with these relationships and the parties' freedom to craft an arrangement that fits their needs.

Additionally, the payment plan procedures established by this bill would be burdensome on small businesses and expose housing providers to legal liability. Compliance with Virginia's rental regulations is already complex and cumbersome for these small businesses, and this bill would exacerbate those issues.

Accordingly, I veto this bill."

Contact: Rebecca Schultz | rschultz@dls.virginia.gov | 804-698-1863

HB 454. Carrying a firearm or explosive material within Capitol Square or building owned or leased by the Commonwealth; exemptions; public institutions of higher education; penalty. The enrolled bill limits the exemption from the prohibition on the carrying of any firearm or explosive material within any building owned or leased by the Commonwealth or agency thereof or any office where employees of the Commonwealth or any agency thereof are regularly present for the purpose of performing their official duties that currently applies to any property owned or operated by a public institution of higher education to instead apply to any individual within a building owned or operated by a public institution of higher education who possesses a weapon as part of such public institution of higher education's curriculum or activities or as part of any organization authorized by such public institution of higher education to conduct its programs or activities within such building, as such uses are approved through the law-enforcement or public safety unit of such institution. This bill is identical to SB 383. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 454, which criminalizes an individual's possession of a firearm in a building owned or operated by a public institution of higher education.

While I am committed to ensuring well-secured and safe college campuses in Virginia, this legislation does not adequately consider the numerous variations in Virginia's diverse geographic, cultural, and societal norms across different regions of the Commonwealth.

The Boards of Visitors at Virginia's institutions of higher education already have the authority to regulate their respective campuses, including implementing firearms prohibitions. This allows for consideration of the differences across regions and students' unique circumstances.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 455. Possession of an item containing residue of a controlled substance; penalty. The enrolled bill creates a Class 1 misdemeanor for the offense of possession of an item containing residue of a controlled substance. The enrolled bill provides that upon motion of the attorney for the Commonwealth, a charge for possession of a controlled substance classified in Schedule I or II of the Drug Control Act may be reduced to unlawful possession of an item containing residue of a controlled substance. Currently, possession of any amount of such controlled substance is a Class 5 felony. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 455, which relates to the possession of an item containing residue of a controlled substance.

This bill empowers Commonwealth attorneys to request a reduction in criminal charges for possession of a controlled substance if the amount in question constitutes residue. The Commonwealth had a staggering 2,490 drug overdose deaths in 2022, tearing apart families and communities while fueling crime and violence.

Reducing charges for possession of controlled substances undermines the seriousness of drug offenses. The proposal will lead to the public's perception that possession of residue of a scheduled drug such as cocaine or heroin is not a serious offense, akin to underage alcohol possession. Such perception would hinder our efforts to combat drug crises, such as the opioid epidemic.

Finally, law enforcement and prosecutors already have discretion in charging decisions, allowing for consideration of individual circumstances. The proposal's additional discretion will lead to inconsistent enforcement and legal confusion.

Virginia must remain steadfast in its efforts to combat drug abuse and its devastating consequences.

Accordingly, I veto this bill."

Contact: Troy Hatcher | thatcher@dls.virginia.gov | 804-698-1829

HB 457. Decreasing probation period; criteria for mandatory reduction; report. The enrolled bill establishes criteria for which a defendant's supervised probation period shall be reduced, including completing qualifying educational activities, maintaining verifiable employment, and complying with or completing any state-certified or state-approved mental health or substance abuse treatment program. The enrolled bill provides that a court may decrease a defendant's probation period if warranted by the defendant's conduct and in the interests of justice and may do so without a hearing. The enrolled bill also directs the Department of Corrections to meet with relevant stakeholders and provide to the General Assembly by November 1, 2024, a report regarding certain probation practices. The provisions of the enrolled bill, other than the requirement that the Department submit a report to the General Assembly, are

subject to reenactment by the 2025 Session of the General Assembly. This bill is identical to SB 80. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 457, which establishes criteria to reduce a defendant's supervised probation period.

Many of the offenders covered by the proposal committed serious crimes and demonstrated their capacity to act as dangerous individuals.

Courts determine the length of probation based on the severity and circumstances of a crime, while probation officers oversee rehabilitation. Requiring a reduction in the probation period without a hearing poses a risk of offenders losing valuable oversight and guidance from the probation system.

Accordingly, I veto this bill."

Contact: David May | dmay@dls.virginia.gov | 804-698-1825

HB 466. Concealed handgun permits; reciprocity with other states. The enrolled bill provides that the Superintendent of State Police, in consultation with the Office of the Attorney General, shall determine whether states meet the statutory qualifications for Virginia to recognize the concealed handgun permit of a person from another state. Under current law, any out-of-state permit is recognized in the Commonwealth provided that (i) the issuing authority provides the means for instantaneous verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a day; (ii) the permit or license holder carries a photo identification issued by a government agency of any state or by the U.S. Department of Defense or U.S. Department of State and displays the permit or license and such identification upon demand by a law-enforcement officer; and (iii) the permit or license holder has not previously had a Virginia concealed handgun permit revoked. The enrolled bill also provides that a Virginia resident who has not been issued a valid resident concealed handgun permit may not use a concealed handgun or concealed weapon permit or license issued by another state to carry a concealed handgun in the Commonwealth.

The enrolled bill requires the Superintendent of State Police, in consultation with the Office of the Attorney General, to review any agreements for reciprocal recognition that are in place with any other states as of July 1, 2024, to determine whether the requirements and qualifications of those states' laws are adequate to prevent possession of a permit or license by persons who would be denied a permit in the Commonwealth and revoke any reciprocity agreement or recognition of any states that do not meet such requirements or qualifications by December 1, 2024. The enrolled bill requires the Attorney General to provide a written explanation for any determination that a state's laws are adequate to prevent possession of such permit or license by persons who would be denied such permit in the Commonwealth. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 466, relating reciprocity with other states regarding concealed handgun permits.

Virginia's current system of concealed handgun permit reciprocity works. The Commonwealth recognizes valid concealed weapon permits issued by other states that meet certain conditions, and a sizeable majority of other states recognize Virginia's concealed handgun permits.

The proposed legislation, however, targets law-abiding Virginia gun owners by restricting the number of states in which permit holders can carry handguns for self-defense, potentially discouraging gun owners from visiting the Commonwealth.

In 2015, the previous Attorney General unilaterally revoked concealed handgun permit reciprocity with twenty-five other states, using a law similar to the proposed legislation.

A few months later, the General Assembly came together in a bipartisan effort to restrict the previous Attorney General's authority in revoking permits. The agreement addressed limitations on firearm possession during protective orders, implemented heightened background checks at gun shows, and demonstrated bipartisan unity in navigating the complexities of firearm ownership and its effects on public safety.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 519. Board of Medicine; unprofessional conduct. The enrolled bill prohibits the Board of Medicine from taking disciplinary action against a doctor based on the alleged provision or receipt of abortion care that is not prohibited under the laws of the Commonwealth, regardless of where such abortion care was provided or received. The enrolled bill also specifies that grounds for refusal to issue a certificate or license to any applicant or to take disciplinary action for procuring or performing an abortion apply to such action only as it is prohibited by the laws of the Commonwealth. Under current law, such grounds for refusal or disciplinary action apply for procuring or performing a criminal abortion. This bill is identical to SB 716. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 519, which relates to punishment for unprofessional conduct for providers performing abortions.

The primary mission of the Board of Medicine is to protect the public from incompetent, dangerous, and unprofessional medical providers. This legislation compromises the Board's ability to fulfill that mission.

This bill also opens the door to a resurgence of unsafe, risky abortions occurring outside of clinical settings, and it places any unprofessional behavior during an abortion outside the Board's jurisdiction for disciplinary action.

In the pursuit of mitigating disciplinary actions by the Board of Medicine against physicians performing abortions, this proposal jeopardizes the safety of women and undermines the duty of the Board in providing necessary disciplinary measures against doctors engaging in unsafe practices.

Accordingly, I veto this bill."

Contact: Hannah Yates | hyates@dls.virginia.gov | 804-698-1873

HB 529. Conservation and replacement of trees during development process. The enrolled bill expands certain existing local government authority to conserve or replace trees during the development process by expanding such authority statewide. The enrolled bill allows localities to establish higher tree canopy replacement percentages based on density per acre. The enrolled bill also alters the current process for granting exceptions to a local ordinance by altering a provision that requires the granting of an exception when strict application of the ordinance would result in unnecessary or unreasonable hardship to the developer and replacing it with a requirement that the locality concur with such determination. The enrolled bill permits localities to monitor and assess the condition and coverage of tree canopies at development sites during the time period up to 20 years' maturity of the planted trees. The enrolled bill makes numerous technical amendments. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 529, which seeks to increase the number of localities that can impose an ordinance providing for the planting and replacement of trees during the development process.

Virginia's current law on tree canopy ordinances strikes a balance between the ability of a locality to hinder residential and commercial development with increased costs and the ability of a locality to preserve tree canopy. Existing law allows any locality with a population density of at least 75 persons per square mile or any locality within the Chesapeake Bay watershed to adopt such an ordinance. According to the Virginia Department of Forestry, sixty percent of Virginia is in the Chesapeake Bay Watershed already.

Accordingly, I veto this bill."

Contact: Jeff Sharp | jsharp@dls.virginia.gov | 804-698-1864

HB 569. Employment discrimination; employee notification of federal and state statute of limitations. The enrolled bill requires an employer that employs 10 or more employees and that receives an employee complaint alleging sexual assault, harassment, or any other form of discrimination for which the employee may seek enforcement by the U.S. Equal Employment Opportunity Commission (EEOC) or the Office of the Attorney General to notify such employee that a charge may be filed with the EEOC or the Office of the Attorney General within 300 days after the alleged unlawful discriminatory practice occurred. The enrolled bill also requires an employer to provide this information as part of any new employee training provided at the commencement of employment or anti-discrimination training provided to an employee. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 569, which requires employee notification of federal and state statutes of limitations.

The proposed expansion of employer obligations and broadened definition of employer will disproportionately affect small businesses and nonprofits in the Commonwealth.

Under this proposal, employers must notify employees in writing of their right to file charges with the Equal Employment Opportunity Commission (EEOC) of the Office of the Attorney General (OAG) during any new employee orientation, workplace conduct training, or after receiving any complaint that an employee may pursue through the EEOC or the OAG.

Small businesses, especially those lacking legal expertise, would be required to provide filing instructions amidst various workplace scenarios. This requirement places a heavy burden on small businesses, forcing them to consistently remember to provide employees with information.

For instance, a small retail establishment that hires a temporary, seasonal employee could face litigation risk simply for not mentioning filing instructions during a cashier's orientation, or a small restaurant may be liable for not being aware that harassment can extend beyond the victim, including offensive conduct affecting anyone, even those without economic injury, and that non-employees can be harassers.

Employers are not legal counselors and should not be expected to provide legal advice to employees regarding potential legal actions against their own companies.

While the proposal may aim to bolster employee protections, its practical application poses significant challenges and heightens litigation risks for small businesses.

Accordingly, I veto this bill."

Contact: Sarah Kinzer | skinzer@dls.virginia.gov | 804-698-1838

HB 570. Prescription Drug Affordability Board established; drug cost affordability review.

The enrolled bill establishes the Prescription Drug Affordability Board for the purpose of protecting the citizens of the Commonwealth and other stakeholders within the health care system from the high costs of prescription drug products. The enrolled bill requires the Board to meet in open session at least four times annually, with certain exceptions and requirements enumerated in the enrolled bill. Members of the Board are required to disclose any conflicts of interest, as described in the enrolled bill. The enrolled bill also creates a stakeholder council for the purpose of assisting the Board in making decisions related to drug cost affordability. The enrolled bill tasks the Board with identifying prescription, generic, and other drugs, as defined in the enrolled bill, that are offered for sale in the Commonwealth and, at the Board's discretion, conducting an affordability review of any prescription drug product. The enrolled bill lists factors for the Board to consider that indicate an affordability challenge for the health care system in the Commonwealth or high out-of-pocket costs for patients. The enrolled bill also provides that any person aggrieved by a decision of the Board may request an appeal of the Board's decision and that the Attorney General has authority to enforce the provisions of the enrolled bill. The enrolled bill provides that the Board shall establish no more than 12 upper payment limit amounts annually between January 1, 2025, and January 1, 2028.

The enrolled bill requires the Board to report its findings and recommendations to the General Assembly twice annually, beginning on July 1, 2025, and December 31, 2025. Provisions of the enrolled bill shall apply to state-sponsored and state-regulated health plans and health programs and obligate such policies to limit drug payment amounts and reimbursements to an upper

payment limit amount set by the Board, if applicable, following an affordability review. The enrolled bill specifies that Medicare Part D plans shall not be bound by such decisions of the Board.

The enrolled bill also requires the nonprofit organization contracted by the Department of Health to provide prescription drug price transparency to provide the Board access to certain data reported by manufacturers. The enrolled bill has a delayed effective date of January 1, 2025, and is identical to SB 274. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 570, establishing a Prescription Drug Affordability Board.

Though noble in its intent, the proposal carries numerous unintended consequences. While it is imperative to lower drug prices, it must not compromise patient welfare.

The proposed authority granted to the Prescription Drug Affordability Board (PDAB) would allow medication availability to be determined based solely on cost considerations rather than accounting for the expert opinions of healthcare professionals and the unique medical needs of individual patients. This approach could limit access to treatments and hinder medical innovation, especially for life-threatening or rare diseases.

The implications of the proposed upper payment limits (UPLs) are detrimental for patients with life-threatening diseases such as cancer. As we are acutely aware, life-saving treatments often entail the use of high-cost drugs targeted by these affordability measures; bringing down the costs of these drugs will require full transparency of prices and discounts and more competition and economic freedom, not price controls. Considering the pharmaceutical supply chain's complexity, imposing arbitrary UPLs could limit access to life-saving pharmaceuticals and harm patients' health.

Experiences from other states like Maryland and Colorado, which have similar PDABs, show high implementation costs, including higher taxes, without significant savings for those in need.

Pharmaceutical affordability is a major issue for Virginians. Full transparency into actual pricing and discounts and more competition are key to bring prices down while not stifling innovation. This year I have also signed bipartisan legislation to provide cost-saving transparency and regulations pharmaceutical benefit managers and legislation that directs the Secretary of Health and Human Resources to study and plan for import lower cost drugs for Virginians.

The Commonwealth should prioritize patient well-being, maintain access to essential medications, and support healthcare innovation. We can do all this and lower the cost of prescription drugs for Virginians.

Accordingly, I veto this bill."

Contact: Sarah Kinzer | skinzer@dls.virginia.gov | 804-698-1838

HB 571. Policies on parental notification of instructional material that includes sexually explicit content; scope and use. The enrolled bill provides that nothing in the law requiring the

Department of Education to develop and make available to each school board model policies for ensuring parental notification of any instructional material that includes sexually explicit content and requiring each school board to adopt policies that are consistent with but may be more comprehensive than such model policies or that is in such model policies or school board policies shall be construed to permit the censoring of books in any public elementary or secondary school. This bill is identical to SB 235. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 571, which relates to the scope and use of policies on parental notification of instructional material that includes sexually explicit content.

In accordance with Senate Bill 656 (2022), the Virginia Department of Education (VDOE) released "Model Policies on Instructional Materials with Sexually Explicit Content." Developed through collaboration with educational leaders and parents, the model policy bolsters parental rights by granting parents more decision-making authority in their child's education. The model specifically states: "the Act shall not be construed to require or provide for the censoring of books in public elementary and secondary schools."

Despite the proponents' claim that the current proposal codifies the enactment clause found in Chapter 100 of the 2022 Acts of Assembly, there are significant language differences that may cause confusion among school administrators, divisions, parents, and students.

Current law unequivocally affirms that the adoption of these model policies by a school board should not be interpreted as requiring or providing for the censorship of books in public elementary and secondary schools. Therefore, the bill is unnecessary.

Accordingly, I veto this bill."

Contact: Julia Bergamini | jbergamini@dls.virginia.gov | 804-698-1867

HB 585. Home-based firearms dealers; prohibited near schools; penalties. The enrolled bill provides that no home-based firearms dealer, as defined in the enrolled bill, shall be engaged in the business of selling, trading, or transferring firearms at wholesale or retail within 1.5 miles of any elementary or middle school, including buildings and grounds. The enrolled bill provides that any person who willfully violates such prohibition is guilty of a class 2 misdemeanor for a first offense and guilty of a Class 1 misdemeanor for a second or subsequent offense. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 585, which criminalizes home-based firearm dealers who maintain their place of business at their residence within one and a half miles of an elementary or middle school.

By all appearances, this legislation targets one individual in Prince William County, to whom the Prince William Board of County Supervisors granted a home-based firearms license.

The legislation's specificity, coupled with the circumstances preceding its passage, comprises a bill of attainder. Consequently, it is unconstitutional under Virginia's Bill of Rights.

Home-based firearm dealers are already subject to comprehensive federal, state, and local regulations. The imposition of this restriction on a lawful commercial activity appears unconstitutional, retaliatory, and arbitrary.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 598. Virginia Residential Landlord and Tenant Act; landlord remedies; noncompliance with rental agreement. The enrolled bill increases from five days to 14 days the mandatory waiting period after a landlord serves written notice on a tenant notifying the tenant of his nonpayment of rent and of the landlord's intention to terminate the rental agreement if rent is not paid before the landlord may pursue remedies for termination of the rental agreement. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 598, which increases the mandatory waiting period before housing providers can initiate eviction proceedings.

Under current law, tenants have a right of redemption and can pay any amounts due before an eviction to halt the eviction process, making the bill unnecessary.

Accordingly, I veto this bill."

Contact: Rebecca Schultz | rschultz@dls.virginia.gov | 804-698-1863

HB 612. Fines, costs, forfeitures, penalties, and restitution; collection fees; assessment against incarcerated defendant; deferred payment agreement. The enrolled bill extends from 90 days without payment to 180 days without payment the period of delinquency necessary for an account to be included on the required monthly report of delinquent accounts made by the clerk of the circuit court and district court.

The enrolled bill also provides that for any defendant sentenced to an active term of incarceration and ordered to pay any fine, cost, forfeiture, or penalty related to the charge that such defendant is incarcerated for, or any other charge for which such defendant was sentenced on the same day, the court shall enter such defendant into a deferred payment agreement for such fines, costs, forfeitures, or penalties. The enrolled bill requires the due date for such deferred payment agreement to be set no earlier than the defendant's scheduled release from incarceration on the charge for which such defendant received the longest period of active incarceration. The enrolled bill has a delayed effective date of January 1, 2025. This bill is identical to SB 654. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 612, which extends the period of delinquency prior to an account being included on a clerk of court's report of delinquent accounts.

Extending the period of delinquency from 90 to 180 days weakens the accountability traditionally associated with court-ordered fines and restitution, diminishing the court system's ability to enforce accountability and ensure compliance with legal obligations.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 614. Community services work in lieu of payment of fines and costs; work performed while incarcerated. The enrolled bill requires a court to establish a program and allow any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work or work performed while incarcerated, defined in the enrolled bill as any work done on or after July 1, 2020, by a person confined in any penal or corrective institution of the Commonwealth or any of its political subdivisions who is paid a wage that is less than the Virginia minimum wage.

The enrolled bill requires such program be available during imprisonment in a local, regional, or state correctional facility. The enrolled bill provides that a person who is performing work while incarcerated shall be credited at the same rate as the community service work rate less any wages received. Under current law, a court is required to establish a program for providing an option for community service work in lieu of payment of fines and costs but offering such option is not mandatory. The enrolled bill also requires the local, regional, or state correctional facility to provide confirmation of the hours worked and the credits earned for such work upon request of any person who has performed work while incarcerated or his representative. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 614, which relates to community service work in lieu of payment of fines and costs.

The existing mandate that the court establish a program to allow individuals to offset all or part of these expenses by participating in community service changes from an option the court may provide to a requirement. The bill also permits individuals to count work performed during incarceration towards this community service requirement.

Furthermore, work performed while incarcerated is fundamentally different from community service work. Additionally, the potential loss of court revenue could adversely affect victim services funded by court fines and fees, such as contributions to the Virginia Victims Fund.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 623. Rights of voters; covered practices; civil cause of action; standing, jurisdiction, and venue. The enrolled bill provides that, in addition to voters who are members of a protected class and the Attorney General, any organization whose membership includes voters who are members of a protected class or any organization whose mission, in whole or in part, is to ensure voting access shall be entitled to institute a civil cause of action for alleged violations of certain laws related to the rights of voters. The enrolled bill provides that the Circuit Court of the City of

Richmond shall have jurisdiction over such actions and such actions shall be subject to expedited pretrial and trial proceedings and receive an automatic calendar preference. The enrolled bill allows the governing body of any county or city to establish, by ordinance, a plan each year for the number and location of voter satellite offices and the dates and hours of operation of such satellite offices for all elections to be held in the county or city that year. The enrolled bill also adds to the definition of "covered practice" any change that reduces the number of voter satellite offices in a locality or reduces the number of days or the hours of operation of a voter satellite office in a locality or that deviates from the plan established by the governing body each year. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 623 which will grant certain organizations to institute a civil cause of action for alleged violations of certain laws related to voting and allow local governing bodies to establish annual plans for voter satellite offices.

Current law allows voters to sue for violations under the Virginia Voter Rights Act. The proposal will lead to administrative burdens and legal complexities that could hinder the fair and efficient administration of elections in our Commonwealth.

Accordingly, I veto this bill."

Contact: Brooks Braun | bbraun@dls.virginia.gov | 804-698-1861

HB 637. Substantial risk orders; training program. The enrolled bill directs the Department of Criminal Justice Services to establish a Substantial Risk Order Training Program for the purposes of training law-enforcement agencies and other public institutions throughout the Commonwealth to use and implement the substantial risk order law. The enrolled bill states that the programming shall provide training regarding proper procedures to follow, the circumstances under which the law can be used, the benefits to public safety from proper use of the law, and the harm that may ensue from the law not being used when lawfully available. The Program shall also include efforts to educate the public on and increase awareness of the substantial risk order law. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 637, which directs the Department of Criminal Justice programs to create a Substantial Risk Order Training Program.

This initiative duplicates existing training provided by the Department of Criminal Justice Services (DCJS) to various constituent groups across the Commonwealth upon request. Moreover, the Firearm Violence Intervention and Prevention Fund already permits the utilization of grant funds to support safe firearm removal practices for individuals prohibited from possessing a firearm.

The substantial risk order law became effective in Virginia on July 1, 2020, prompting the General Assembly to create a full-time position at DCJS to oversee statewide risk order training and implementation. DCJS has since been actively conducting risk order training to offer

instruction on the law, procedures, and recommendations for best practices from law enforcement.

In addition, \$500,000 was allocated in 2021 for DCJS to establish a grant program funding substantial risk order training for localities. However, due to a lack of interest, the fund carried significant balances at the end of the fiscal year and was recommended to be discontinued in the proposed Budget by the preceding Governor.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 645. Parking spaces reserved for charging electric vehicles; signs. The enrolled bill removes the requirement that signs noting that a parking space is reserved for charging plug-in electric motor vehicles include the civil penalty for parking in violation of such sign. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 645, which eliminates the requirement for signs related to parking spaces reserved for charging electric vehicles.

Drivers deserve clear signage indicating that parking in spaces reserved for electric vehicle charging stations may result in a civil penalty.

Accordingly, I veto this bill."

Contact: Nikhil Edward | nedward@dls.virginia.gov | 804-698-1865

HB 651. Virginia Information Technologies Agency; assess the creation of a cyber civilian corps for the Commonwealth; report. The enrolled bill directs the Virginia Information Technologies Agency to assess the creating of a cyber civilian corps for the Commonwealth, including determining (i) the utility of such a corps, (ii) eligibility for such corps, and (iii) availability of potential volunteers. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 651, which directs the Virginia Information Technologies Agency (VITA) to assess the creation of a cyber civilian corps for the Commonwealth.

The challenges in developing a civilian cybersecurity corps include continued financial obligations, background checks, liability protections, and ongoing recruitment. Additionally, implementation of the proposal is complicated by the need to balance the potential civilian corps with the established cybersecurity team at the Virginia National Guard.

I believe that the proposed workgroup could successfully address some of these issues, but in the context of the Commonwealth's present cybersecurity situation, it is premature.

The ability of the National Guard to be deployed by the Governor for cyber-related support is currently legally ambiguous. This year, legislation to clarify this authority was rejected. The

continued uncertainty potentially limits the Commonwealth's ability to assist in emergency cybersecurity situations.

The rejection of the proposed legislation to clarify the Governor's powers is troubling for its evident partisanship and strains the resources of VITA.

As we address cybersecurity, the Commonwealth should prioritize collaboration, transparency, and foresight.

Accordingly, I veto this bill."

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

HB 698. Cannabis control; retail market; penalties. The enrolled bill establishes a framework for the creation of a retail marijuana market in the Commonwealth, to be administered by the Virginia Cannabis Control Authority. The enrolled bill allows the Authority to begin issuing all marijuana licenses on September 1, 2024, but provides that no retail sales may occur prior to May 1, 2025. This bill is identical to SB 448. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 698, establishing a framework for creating a retail marijuana market in the Commonwealth.

The proposed legalization of retail marijuana in the Commonwealth endangers Virginians' health and safety. States following this path have seen adverse effects on children's and adolescent's health and safety, increased gang activity and violent crime, significant deterioration in mental health, decreased road safety, and significant costs associated with retail marijuana that far exceed tax revenue. It also does not eliminate the illegal black-market sale of cannabis, nor guarantee product safety. Addressing the inconsistencies in enforcement and regulation in Virginia's current laws does not justify expanding access to cannabis, following the failed paths of other states and endangering Virginians' health and safety.

I. The Adverse Effects on Children's Health & Safety

The most concerning consequence of cannabis commercialization is its impact on adolescents and our children. As cannabis has become legalized and commercialized, calls to U.S. Poison Control for children who have overdosed on edible cannabis products have increased by 400% since 2016.

In particular, Colorado, Washington, Ohio, and Massachusetts have experienced significantly more cannabis-related calls to poison control centers and increased emergency department visits for cannabis poisonings in children following legalization and is much higher compared to nonlegal states. In Virginia, the Blue Ridge Poison Control Center reports that minors overdosing on edible cannabis products have increased by 85% since Virginia legalized cannabis possession.

Intentional youth cannabis use has also increased in states and localities with legal retail markets. In New York City, instances of controlled substances and drug paraphernalia discovered on students in schools increased by 8% compared to 2019, despite a concurrent 11% decrease in the

K-12 population. Data from the Substance Abuse and Mental Health Services Administration show that the five states with the highest youth marijuana use are also all states with legal retail cannabis. Cannabis commercialization and diminished cannabis enforcement have resulted in youth cannabis use increasing by 245% between 2000 and 2022, contrasting with declines in teen alcohol and tobacco use.

Medical studies show that individuals using cannabis at younger ages have a higher chance of developing more severe cannabis use disorder and persistent and uncontrollable substance use disorders. Research indicates that 11% of juveniles who consumed cannabis in 2023 and 21% of juveniles who consistently consumed cannabis for three years have developed cannabis use disorder.

Additionally, doctors at Boston Children's Hospital have reported an increase in children developing psychosis following cannabis use. Nearly one-third of adolescents attending checkups admit to using cannabis, and one-third of children who used cannabis and sought treatment reported hallucinations or paranoia.

Data suggest that marijuana use in adolescence can lead to other addictive behaviors in adulthood by reducing dopamine reactivity in the brain's reward regions, prompting users to seek a more potent product. The widespread availability of cannabis can compound this effect. The connection between daily cannabis use among children and long-term addiction has long-term consequences, considering research indicates that an estimated 6.5% of twelfth graders are daily cannabis users.

Treating children for cannabis-related issues, including lost intelligence, psychosis, and other mental health problems, is complex due to the acute and long-term effects of cannabis consumption. Stabilization and counseling are inadequate for treating cannabis use disorder in children, as evident by the limited effectiveness of counseling, and there are no medications available for treatment, resulting in long-term adverse health outcomes.

Medical experts and health professionals provided policymakers with information regarding the consequences of cannabis commercialization on Virginians' health during the General Assembly session. They emphasized that a retail marijuana marketplace creates a misconception that cannabis use is safe for minors, even though cannabis use leads to adverse mental health outcomes, increased anxiety and depression in minors, and impaired brain development.

II. The Failures of States with Legalized Retail Marijuana

States that have attempted to regulate the black-market for cannabis have generally failed. Colorado is touted as a successful example of legalization, but a decade after legalization, the illicit cannabis market still accounts for approximately 35% of all cannabis sales. Similarly, six years after legalization, California's legal cannabis market represented only about 10% of total cannabis sales. With the black-market's persistent pressure, gang activity escalates and violent crime surges.

Legal cannabis markets also do not guarantee product safety. In New York, which has legal cannabis markets, a study conducted by the New York Medical Cannabis Industry Association

found that 40% of the cannabis products failed to meet required standards, including tests for E. Coli, salmonella, accurate THC, and heavy metals. Likewise, growers consistently evade state environmental regulations, labor standards, and product testing requirements in California, as reported by PBS News Hour.

Cannabis-induced disorder rates surged by 50% in November 2023 compared to 2019, attributed to intentional breeding for higher potency, a trend seen post-legalization, according to electronic health records. In Washington, post-legalization, cannabis extracts gained 150% market share, boasting nearly triple the potency of flower, prompting a reassessment of legalization's benefits by their legislature.

Moreover, the expectation that cannabis legalization will result in a meaningful net increase in state tax revenues has not materialized in states with legal markets. States with legal retail cannabis have been challenged in transitioning their existing, robust black-markets into legal, regulated, and taxed markets. As a result, their projected revenues have fallen short of expectations and forecasts.

According to an official Colorado state study, cannabis taxes have not solved budget shortfalls, and for every dollar of additional revenue generated, Coloradans spend approximately \$4.50 to mitigate the effects of legalization. In addition to healthcare costs, the state also must contend with a lack of productivity in the economy, with research indicating that regular marijuana use increases the probability that a student will drop out of high school.

A 2023 analysis by the Federal Reserve Bank of Kansas City showed that cannabis legalization led to higher social costs without boosting tax revenue, resulting in increased consumption, substance use disorder, homelessness, and arrests, leaving state governments financially worse off.

III. Increase in Violent Crime, Psychiatric Disorders, and Decline in Safety

In 2021, cannabis use was estimated to be responsible for 10% of drug-related emergency department visits in the U.S., and it accounts for 11% of all psychosis cases in emergency rooms, totaling approximately 90,000 cases.

Cannabis contributes to a higher probability of users developing psychosis than other illicit drugs, according to the American Journal of Psychiatry. Cannabis-induced psychosis takes the form of perceptual alterations, hallucinations, and delusions.

Psychosis is a strong risk factor for violence. Schizophrenia resulting from cannabis-induced psychosis has significant public safety implications. People diagnosed with schizophrenia are five times as likely to commit violent crimes and are almost twenty times as likely to commit murder. Individuals with schizophrenia account for approximately 6% to 9% percent of murders.

Research also demonstrates that cannabis commercialization contributed to increased crime among all categories. Following cannabis legalization in Oregon, violent crime, property crime,

larceny, aggravated assault, and burglary all increased significantly compared to other states that maintained laws against the commercial sale of marijuana.

The consensus from the leading medical journals, backed by extensive studies and research, indicates that cannabis is neither beneficial nor safe. The uniform experience of other states that have legalized retail cannabis is increased cannabis use, including among minors, increased THC potency, and increased crime.

In addition to increased gang and violent crime activity, there are also the effects of decreased public safety on our roads. In Colorado, after legalization, there was a 40% increase in fatal crashes where the driver tested positive only for THC. All marijuana-related traffic fatalities increased by 76.2%.

Law enforcement officials from across the Commonwealth have warned that this proposal poses a serious threat to public safety, attesting to increases in crime, arrests, and DUI incidents. Our local and state law enforcement agencies lack the necessary funding and staffing to effectively manage the emergence of a cannabis tourism industry, fueling an international drug trade dominated by organized crime.

IV. Virginia's Current Cannabis System

The current illegal cannabis market in Virginia is pervasive and dangerous.

Marijuana carries the same dangers as other drugs; the Commonwealth recognized this when it created a medical marijuana system. Opioids and other controlled substances are highly regulated and require the consultation of a medical provider to mitigate their negative consequences. Even with those protections in place, these drugs have had perverse and dangerous consequences for Virginians. The same is true for marijuana.

Attempting to rectify the error of decriminalizing marijuana by establishing a safe and regulated marketplace is an unachievable goal. The more prudent approach would be to revisit the issue of discrepancies in enforcement, not compounding the risks and endangering Virginians' health and safety with greater market availability.

Accordingly, I veto this bill."

Contact: David May | dmay@dls.virginia.gov | 804-698-1825

HB 770. Retaliatory action against employee prohibited; remedies available. The enrolled bill provides that a violation of certain provisions regarding retaliatory action against employees may be alleged in a court of competent jurisdiction within one year of the employer's final prohibited retaliatory action. The enrolled bill states that in such cases, double damages may be awarded if such violation was willful. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 770 which allows a jury to order the reinstatement of an employee to a similar position following a retaliatory action.

Current law provides that a judge can order the reinstatement of an employee to a similar position or other forms of equitable relief after a verdict. Juries are, appropriately, defined as finders of fact that deliver verdicts, not remedies.

Accordingly, I veto this bill."

Contact: Sarah Kinzer | skinzer@dls.virginia.gov | 804-698-1838

HB 776. Minimum qualifications for law-enforcement officers; citizenship; waiver. The enrolled bill allows individuals who are lawfully admitted for permanent residence who have resided in the United States for no less than 60 months and who are both eligible for and have applied for United States citizenship to qualify for the positions of chief of police and all police officers of any locality, all deputy sheriffs and jail officers in the Commonwealth, and all law-enforcement officers. The enrolled bill allows any agency or department employing law-enforcement officers to hire, recruit, or refer an individual who is a citizen of the United States over another individual who meets such qualifications if such individuals are equally qualified.

Current law only allows citizens of the United States to qualify for the named positions; the citizenship requirement can only be waived for good cause upon request of a sheriff or chief of police or the director or chief executive of any agency or department employing law-enforcement officers to the Department of Criminal Justice Services. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 776, which amends the minimum qualifications for law-enforcement officers.

The bill is unnecessary as under current law allows the Department of Criminal Justice Services to issue a waiver for qualifications under § 15.2-1705, including the requirement that law-enforcement officers be citizens of the United States. Current DCJS practice is to issue waivers upon request of the law enforcement agency if the prospective employee is a legal permanent resident who is both eligible for and applied for citizenship.

Other waivers issued to the minimum qualification for law enforcement officers include those with alternative education backgrounds who have not received a high school diploma.

In its current form, this bill removes DCJS's ability to make waiver determinations on these other qualifications and may hinder law enforcement agency recruitment. With the existing waiver process in place, the legislative changes are unnecessary.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 797. Demonstrated competence for a concealed handgun permit; firearms instructors and safety programs. The enrolled bill requires that any course, class, or training to demonstrate competence with a handgun as required to obtain a concealed handgun permit must include a live fire shooting exercise conducted on a range, including the expenditure of a minimum of 10 rounds of ammunition, and provides that no course, class, or training that does

not include such live fire shooting exercise meets the requirements to obtain a concealed handgun permit. The enrolled bill removes references to the National Rifle Association (the NRA) and the United States Concealed Carry Association from the Code that allow the organizations to certify ranges and instructors and for courses offered by them to serve as proof of demonstrated competence in firearms safety and training for the purpose of obtaining a concealed handgun permit or receiving training as a minor in the use of pneumatic guns. The enrolled bill has a delayed effective date of January 1, 2025. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 797, which amends the requirements for concealed handgun permits.

This legislation prohibits recognized and widely accepted firearm safety and training courses from being valid for evidence of demonstrated competence in firearms safety for obtaining a concealed handgun permit or training minors in pneumatic gun use. Consequently, this change could compromise Virginians' safety and increase the likelihood of individuals circumventing these requirements.

This legislation would necessitate the Department of Criminal Justice Services (DCJS) to become the exclusive certifying agency for courses essential to prove competence for obtaining a concealed handgun permit. However, DCJS primarily serves as a criminal justice agency, and its firearm training and safety courses are tailored for that specific purpose, not addressing the broader needs of the general public.

Additionally, the new requirements establish barriers to determining competency, introducing bureaucratic obstacles that impede an individual's right to self-defense.

This additional government approval process, funded by taxpayer dollars, is despite the established effectiveness of existing certifications currently available.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 798. Purchase, possession, or transportation of firearm following an assault and battery or stalking violation; prohibition period; penalty. The enrolled bill prohibits a person who has been convicted of assault and battery, assault and battery of a family or household member, or stalking from purchasing, possessing, or transporting a firearm. The prohibition expires five years after the date of conviction, at which point the person's firearm rights are restored, unless he receives another disqualifying conviction. A person who violates the provisions of the enrolled bill is guilty of a Class 1 misdemeanor. The enrolled bill also extends from three years to five years the existing prohibition period for persons convicted of assault and battery of certain family or household members. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 798, relating to the purchase, possession, or transportation of a firearm following a misdemeanor conviction of assault and battery or stalking.

Individuals convicted of felonious assault and battery or subsequent instances of stalking already automatically lose their firearms rights.

Despite Virginians already having mechanisms in place for disarming individuals deemed dangerous, such as through protective orders, the proposed legislation seeks to remove a constitutional right for misdemeanor offenses.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 799. Concealed handgun permit applications; fingerprints required by local governments. The enrolled bill requires an applicant for a concealed handgun permit or a renewal of such permit to submit fingerprints as part of the application. The enrolled bill provides that any demonstrated administrative costs associated with such fingerprints taken shall be the responsibility of and shall be assessed to the applicant. The enrolled bill has a delayed effective date of July 1, 2025. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 799, which requires fingerprints to be submitted with an application for a concealed handgun permit or a renewal of such a permit.

This legislation targets individuals already subject to background checks and mandatory training, creating superfluous and onerous restrictions on responsible citizens exercising their Second Amendment right to self-defense. Despite an existing comprehensive instant background check system, this proposal would include an additional and redundant step in the concealed carry permit process.

Moreover, while the legislation mandates the destruction of fingerprints collected by the Commonwealth during the application process, the Federal Bureau of Investigation retains these fingerprints for the individual's lifetime. This record retention raises legitimate concerns regarding the privacy and civil liberties of those seeking to exercise their Second Amendment rights.

In 2012, in a bipartisan effort, the General Assembly repealed the local option to mandate fingerprints for a concealed handgun permit, recognizing the diminishing relevance of such requirements. This sensible shift is overshadowed in the current hyper-partisan climate, especially considering that concealed carry permit holders are known for being law-abiding citizens in the Commonwealth.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 803. Expungement of juvenile court records. The enrolled bill provides that if a juvenile was adjudicated delinquent of a delinquent act that would be a felony if committed by an adult, other than certain felony offenses specified in the enrolled bill committed when such juvenile was 14 years of age or older, the court records shall be destroyed when the juvenile has attained

the age of 29. The enrolled bill provides that if a juvenile was adjudicated delinquent of one of the felony offenses specified in the enrolled bill committed when such juvenile was 14 years of age or older, the court records shall be retained. Under current law, the court records shall be retained in all instances when a juvenile was found guilty of a delinquent act that would be a felony if committed by an adult. The enrolled bill directs the clerk of the juvenile and domestic relations district court to expunge all records pursuant to the enrolled bill by July 1, 2027. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 803, which relates to the expungement of juvenile court records.

Automatically erasing criminal records at a specific age, especially for serious offenses committed during adolescence, will negatively affect public safety. Without access to this information, law enforcement would struggle to accurately assess an individual's background and potential risk.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 805. Additional local sales and use tax to support schools; referendum. The enrolled bill authorizes all counties and cities to impose an additional local sales and use tax at a rate not to exceed one percent with the revenue used only for capital projects for the construction or renovation of schools if such levy is approved in a voter referendum. The enrolled bill removes the requirement that such a tax must have an expiration date on either (i) the date of the repayment of any bonds or loans used for such capital projects or (ii) a date chosen by the governing body. Under current law, only Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville are authorized to impose such a tax. This bill incorporates HB 60, HB 193, HB 458, HB 600, HB 616, HB 1159, and HB 1437 and is identical to SB 14. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 805, which authorizes counties and cities to implement an increased sale and use tax rate for school construction.

School construction is a worthy cause, and Virginia has made significant progress. In 2022, the Budget supported more than three billion dollars in school construction projects through targeted assistance, formula-based school construction and modernization grants, and low-interest loans. This was achieved all while providing more than five billion dollars in tax relief.

This proposal could result in a nearly \$1.5 billion a year tax increase on Virginians. Some localities would have a combined sales tax rate of eight percent, with no additional offsets, such as reduced income tax or property tax.

In addition, the revenues from this tax increase are entirely fungible. While the tax is dedicated to school capital costs, such as information technology, the new source of revenues would

indirectly release funding for other purposes, supplanting other revenues without necessarily increasing education spending.

The proposed Common Ground budget supports a \$1.2 billion increase K-12 appropriations over the biennium and makes available substantial construction loan and grant funding for school construction.

The Commonwealth should pursue a tax policy that unleashes economic development and prioritizes job and wage growth through innovative reforms. These reforms must allow hardworking Virginians to keep more of their money, not less; any proposal that increases the cost of living and the cost of business is not a policy we should pursue.

Accordingly, I veto this bill."

Contact: Keelin Cronin | kcronin@dls.virginia.gov | 804-698-1832

HB 817. Virginia Residential Landlord and Tenant Act; Manufactured Home Lot Rental Act; retaliatory conduct prohibited. The enrolled bill adds numerous actions to the list of prohibited retaliatory actions by a landlord against a tenant under the Virginia Residential Landlord and Tenant Act and Manufactured Home Lot Rental Act and specifies actions by a tenant for which a landlord may not retaliate. The enrolled bill modifies and expands the list of actions a landlord may take without violating the prohibition on retaliation. The enrolled bill allows a tenant, when the landlord has unlawfully retaliated, to recover actual damages and to assert retaliation as a defense in any action brought against him for possession. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 817, which pertains to prohibited retaliatory actions by housing providers and protected tenant activities.

While this bill commendably seeks to clarify housing providers' and tenants' rights under the Virginia Residential Landlord and Tenant Act, it contains contradictory and ambiguous language.

This bill would make the Residential Landlord Tenant Act more confusing and compliance more difficult.

Accordingly, I veto this bill."

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

HB 833. Child abuse and neglect; custody and visitation; possession or consumption of authorized substances. The enrolled bill provides that a child shall not be considered an abused or neglected child, and no person shall be denied custody or visitation of a child, based only on the fact that the child's parent or other person responsible for his care, or the person petitioning for custody or visitation of the child, possessed or consumed legally authorized substances. The enrolled bill directs the Board of Social Services to amend its regulations, guidance documents, and other instructional materials to ensure that such regulations, documents, and materials comply with, and that investigations and family assessments are conducted by local departments

of social services in accordance with, the provisions of the enrolled bill. This bill is identical to SB 115. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 833, which creates exemptions to the definition of the abused and neglected child and restricts the consideration of courts related to an individual's consumption and possession of controlled substances.

The proposed legislation, aiming to address a non-existent problem, has potential consequences that may expose children to harm.

Child protective service (CPS) referrals rarely, if ever, involve screening solely based on parents' legal use of controlled substances or marijuana. Instead, cases typically encompass additional risk factors like impaired supervision, access to drugs or drug paraphernalia, or a parent's inability to meet the child's basic needs. The inherent risk of unintended consequences, potentially endangering child safety by dissuading local departments of social services from implementing necessary protective measures, disrupts the balanced approach of current CPS policies, thus jeopardizing the well-being of vulnerable children.

The proposed exemption to the definition of an "abused or neglected child" raises concerns by needlessly complicating an already intricate legal domain. These exceptions overlook the necessity for judges and CPS workers to assess unique factors and circumstances in each case, potentially hindering effective decision-making.

The proposal undermines the tangible link between substance use and harm to children, evident in the increased calls to poison control and emergency room visits for children consuming cannabis-infused substances following the authorization of personal marijuana possession. The blanket exemption further places children at risk by potentially endangering their welfare.

This is a significant threat to child safety, potentially shielding parents engaging in substance possession or consumption from scrutiny. This failure to consider nuanced circumstances undermines the child's best interests and contradicts our efforts to address substance misuse in families and communities.

Accordingly, I veto this bill."

Contact: Sabrina Miller-Bryson | smiller-bryson@dls.virginia.gov | 804-698-1876

HB 838. Expungement of police and court records. The enrolled bill provides that for the purposes of expungement of police and court records the term "otherwise dismissed" means to render a legal action out of consideration in a different way or manner than a nolle prosequi or formal dismissal by the trial court. The enrolled bill specifies that the term "otherwise dismissed" also includes those circumstances when a person is charged with the commission of a crime, a civil offense, or any offense defined in relevant law and the initial charge is reduced or amended to another offense, including a lesser included offense or the same offense with a lesser gradient of punishment, so that such person is not convicted of the initial charge and may file a petition requesting expungement of the police and court records relating to the initial charge. The

enrolled bill also provides that if a court finds that the continued existence and possible dissemination of information relating to an arrest may cause circumstances that constitute manifest injustice, including any hindrance to obtain employment, an education, or credit, it shall enter an order requiring the expungement of the police and court records. Under current law, a court shall enter an order of expungement when information relating to an arrest causes or may cause circumstances that constitute a manifest injustice to the petitioner.

The enrolled bill also provides that when an initial charge has been reduced or amended to another offense for which reporting to the Central Criminal Records Exchange (CCRE) is still required pursuant to relevant law and an order of expungement is granted for the initial charge, the CCRE shall amend the original arrest but maintain the fingerprints collected from the original arrest. Except for the provisions regarding the circumstances that constitute manifest injustice, the enrolled bill has a delayed effective date of January 1, 2026. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 838, which allows a charging offense to be expunged after a person is found guilty of a lesser offense related to the same conduct.

This bill would allow individuals to avoid the full consequences of their actions by having more serious charges expunged from their record after being found guilty of a lesser offense. This bill reduces transparency and accountability as it will obscure important information about an individual's criminal history.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 857. Fines and costs; period of limitations on collection; deferred payment agreement.

The enrolled bill changes the period of limitations for the collection of court fines and costs from within 60 years from the date of the offense or delinquency giving rise to imposition of such penalty if imposed by a circuit court or within 30 years if imposed by a general district court to within 10 years from the date of the judgment whether imposed by a circuit court or general district court. The enrolled bill provides that upon the expiration of the period of limitations, no action shall be brought to collect the debt.

The enrolled bill also provides that for any defendant sentenced to an active term of incarceration and ordered to pay any fine, cost, forfeiture, or penalty related to the charge that such defendant is incarcerated for, or any other charge for which such defendant was sentenced on the same day, the court shall enter such defendant into a deferred payment agreement for such fines, costs, forfeitures, or penalties. The enrolled bill requires the due date for such deferred payment agreement to be set no earlier than the defendant's scheduled release from incarceration on the charge for which such defendant received the longest period of active incarceration. This bill is identical to SB 514. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 857, which lowers the period of limitations for the collection of court fines and requires courts to determine payment plans for convicts.

Court costs are a vital revenue source for local court systems and are appropriately charged to individuals who are convicted of crimes that are heard before such courts. This bill would prevent local governments from collecting these costs from certain convicted defendants and could risk underfunding local court systems.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 916. Substantial Risk Order Reporting System established. The enrolled bill requires the Department of State Police to establish a Substantial Risk Order Reporting System for the purpose of tracking and reporting substantial risk orders by locality and to publish such reports on a monthly basis and distribute them in an electronic format to the General Assembly and the Office of the Governor. The enrolled bill provides that the Department shall remove the names and other personal identifying information from the data before the reports are published. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 916, which establishes a Substantial Risk Order Reporting System.

Currently, the Virginia State Police maintains the Substantial Risk Order Registry, every order is entered into the Virginia Criminal Information Network (VCIN) after it is issued, and after the order expires, the VCIN is updated.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 924. Transportation network companies; publishing and disclosure requirements. The enrolled bill requires a transportation network company (TNC) to (i) issue an annual report to the Commissioner of the Department of Motor Vehicles containing the aggregate data regarding the average fare collected from passengers, the total time driven by TNC partners while transporting a passenger, and the total amount earned by TNC partners in connection with prearranged rides and (ii) disclose to TNC partners details about the deactivation process and provide a weekly summary that includes the total fare collected from passengers, the total amount earned, and the percentage earned by such TNC partner that week. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 924 which requires transportation network companies (TNCs) to submit an annual report to the Commissioner of the Department of Motor Vehicles (DMV).

This report mandated by the bill would entangle DMV in the partnership between TNCs and their drivers. The DMV must maintain its focus on public safety and consumer protection.

Accordingly, I veto this bill."

Contact: Nikhil Edward | nedward@dls.virginia.gov | 804-698-1865

HB 938. Unemployment insurance; benefit eligibility conditions; lockout exception to labor dispute disqualification. The enrolled bill amends the Virginia Unemployment Compensation Act's labor dispute disqualification to provide that a lockout by an employer shall not constitute a labor dispute and that locked-out employees who are otherwise eligible for benefits shall receive such benefits unless (i) the recognized or certified collective bargaining representative of the locked-out employees refuses to meet under reasonable conditions with the employer to discuss the issues giving rise to the lockout, (ii) there is a final adjudication under the federal National Labor Relations Act that such representative has refused to bargain in good faith with the employer, or (iii) the lockout is the direct result of such representative's violation of an existing collective bargaining agreement. This bill is identical to SB 542. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 938, which provides unemployment insurance benefits in the case of a lockout due to a labor dispute.

Virginia remains a right-to-work state, a status that this proposal would compromise.

Labor unions negotiate contracts with employers, and if negotiations fail, employers are permitted to hire replacements or lockout workers until a resolution is reached. During a lockout, employers cannot permanently replace workers, and workers may seek back pay through a National Labor Relations Board proceeding.

The proposal would involve the Virginia Employment Commission (VEC) in labor disputes for the first time by requiring it to determine eligibility for unemployment benefits during such a dispute. This would be a significant departure from current practices, potentially entangling the VEC in contentious issues.

Furthermore, unemployment benefits are funded through contributions to the Commonwealth's Unemployment Insurance Trust fund, with tax collections increasing when solvency is low. While this process is fair for rebuilding the Trust fund during economic downturns, allowing labor unions or a few employers to raise taxes on others is unjust for employers and employees.

Accordingly, I veto this bill."

Contact: Sarah Kinzer | skinzer@dls.virginia.gov | 804-698-1838

HB 939. Elections administration; certain activities or conduct prohibited at polling places applicable to locations for absentee voting in person; prohibited possession of firearm within 100 feet of certain locations. The enrolled bill clarifies that the provisions of law prohibiting certain activities or conduct in and around a polling place shall also apply to locations where absentee voting in person is available. The enrolled bill also prohibits any person, with certain exceptions, from (i) knowingly carrying any firearm and (ii) knowingly doing so within 100 feet of the entrance of a polling place, the building used by the local electoral board to meet to ascertain election results, the building used to conduct a recount of an election, and other additional locations used for voting-related and elections-related activities.

Under current law, this prohibition applies within 40 feet of such entrances. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 939, which prohibits possession of a firearm within 100 feet of locations used for certain voting-related and elections-related activities.

Current law prohibits possessing a firearm within forty feet of the entrance to a polling place. Additionally, the act of brandishing a weapon is already a criminal offense.

This legislation proposes intricate time-and-place restrictions on carrying firearms, potentially turning law-abiding citizens into unintentional criminals if they are unaware of the presence of a ballot drop-off box or an electoral board meeting.

The expanded election-related restrictions would necessitate individuals to navigate around various locations permanently, regardless of their purpose in the area; moreover, on specific days and during designated hours, they would be obligated to avoid an extended list of locations to avoid legal consequences. These restrictions could be in effect for up to forty-five days in some years and one hundred thirty-five days or more in others.

Accordingly, I veto this bill."

Contact: Brooks Braun | bbraun@dls.virginia.gov | 804-698-1861

HB 949. Hazardous Substance Facility Response Plans; civil penalties. The enrolled bill requires any person that is required to submit a facility response plan under the U.S. Environmental Protection Agency's (EPA) Clean Water Act Hazardous Substance Worst Case Discharge Planning Regulations to submit evidence of an EPA-approved facility response plan to the Department of Environmental Quality within a certain time period and to comply with such plan. The enrolled bill provides certain requirements for reporting, recordkeeping, and inspection and authorizes the Department to initiate a civil action to obtain certain equitable relief for violations of the enrolled bill's provisions. The enrolled bill imposes civil penalties for any person that negligently, willfully, or knowingly (i) discharges or causes to discharge a hazardous substance from a facility or (ii) fails to implement or comply with an EPA-approved facility response plan. Finally, the enrolled bill provides a delayed effective date of the next fiscal year immediately following the effective date of the EPA's final rule on Clean Water Act Hazardous Substance Worst Case Discharge Planning and requires the Department to develop guidance to implement the provisions of the enrolled bill in the six months preceding such effective date. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 949, pertaining to Environmental Protection Agency Clean Water Act Hazardous Substance Worst Case Discharge Planning regulations.

The Virginia Department of Environmental Quality (DEQ) currently regulates the underground storage of hazardous substances including petroleum, and through its water and waste programs,

DEQ regulates the release and remediation of hazardous substances. DEQ also currently regulates the aboveground storage of petroleum and hazardous wastes.

The hazardous substances contemplated by this bill are not currently regulated by the Environmental Protection Agency, and while Federal regulations are forthcoming, Virginia should avoid creating state regulations until Federal regulation is settled.

Accordingly, I veto this bill."

Contact: Nathan Smith | nsmith@dls.virginia.gov | 804-698-1840

HB 953. Local Environmental Impact Fund. The enrolled bill allows localities to create a permanent and perpetual fund to be known as the Local Environmental Impact Fund. The enrolled bill provides that the Fund shall consist exclusively of appropriated local moneys and any gifts, donations, grants, bequests, and other funds received on its behalf and that the Fund is to be created for the purpose of granting funds to residents or locally owned businesses for the mitigation of environmental impacts. Such grants from the Fund shall be used only for the purchase of energy efficient (i) lawn care and landscaping equipment, (ii) home appliances, (iii) HVAC equipment, or (iv) micromobility devices. The Fund shall be administered and managed by the locality. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 953, which would permit localities to establish a permanent Local Environmental Fund.

Localities should not have the power to leverage local funds, including taxpayer dollars, to finance purchases by private citizens, such as lawn care equipment, home appliances, HVAC units, and micromobility devices.

Accordingly, I veto this bill."

Contact: Jeff Sharp | jsharp@dls.virginia.gov | 804-698-1864

HB 958. Commission on Civic Education; model guidance on student participation in the work of local school boards. The enrolled bill requires the Commission on Civic Education, in conjunction with such stakeholders as it deems appropriate, to create and provide to each local school board no later than July 1, 2025, model guidance on the inclusion and involvement of students enrolled in the local school division in the work of the local school board, including model guidance on a process and structure for adding a student representative to the local school board. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 958, which mandates the Commission on Civic Education to develop model guidance on student participation in the work of local school boards, including a process and structure for adding a student representative to the local school board.

Increasing student participation in civic life as a form of civic education is commendable and should be a goal of all local school divisions. While some local school boards may currently

choose to incorporate some student representation, the Commonwealth should not establish a model that implies a state mandate.

Accordingly, I veto this bill."

Contact: Julia Bergamini | jbergamini@dls.virginia.gov | 804-698-1867

HB 972. Prohibiting inquiry into the immigration status of defendant; notification of consequences. The enrolled bill requires that at the initial court hearing for any misdemeanor or felony, the court shall advise the defendant of the following: The outcome of criminal proceedings may have federal immigration and naturalization consequences. The enrolled bill also provides that no court or party shall inquire as to the immigration status of the defendant during any proceedings unless otherwise admissible. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 972 which relates to immigration status disclosure during trials.

Deportation is a serious outcome for noncitizens convicted of crimes, however, the Court must absolutely have the right to inquire as to the immigration status of a defendant, as it is relevant information to the way the justice system should handle his or her case, including whether or not the defendant is a flight risk.

Courts must be able to inquire if an individual is in the country illegally as it can affect absconding potential and inform legal proceedings.

Establishes a precedent lacking a clear endpoint. In other contexts, a future General Assembly could use this proposal as the basis to prohibit inquiries into mental state to prevent civil commitments or restrict questions about military status to avoid dishonorable discharges. Such limitations on the information available to courts risk impeding their ability to adjudicate cases fairly and accurately, potentially resulting in severe consequences for those outside the courtroom.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 974. Workers' compensation; presumption that certain injuries arose out of employment. The enrolled bill provides that in any claim for workers' compensation, where the employee suffers an unexplained fall in the course of employment, such employee may satisfy the burden of proof by circumstantial evidence, testimony of others, other evidence, or any combination thereof. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 974, which allows certain evidence for specific injuries arising from employment related to workers' compensation.

Current law provides a balanced approach to workers' compensation with claims adjudicated by the Virginia Workers' Compensation Commission in a timely and fair manner. This proposal, however, creates a disproportionate imbalance in favor of one party.

Under current law, to prove work-relatedness, injured workers must demonstrate that the injury resulted from something related to their employment and occurred during work hours and at the workplace. This proposal reduces the burden of proof for employees to demonstrate the work-relatedness of a fall incident.

Employees seeking workers' compensation for unexplained falls may rely on circumstantial evidence and hearsay; however, employers disputing the work-related aspect must provide direct evidence, disturbing the existing balance.

Accordingly, I veto this bill."

Contact: Sarah Kinzer | skinzer@dls.virginia.gov | 804-698-1838

HB 990. Prohibiting employer seeking wage or salary history of prospective employees; wage or salary range transparency; cause for action. The enrolled bill prohibits a prospective employer from (i) seeking the wage or salary history of a prospective employee; (ii) relying on the wage or salary history of a prospective employee in determining the wages or salary the prospective employee is to be paid upon hire; (iii) relying on the wage or salary history of a prospective employee in considering the prospective employee for employment; (iv) refusing to interview, hire, employ, or promote a prospective employee or otherwise retaliating against a prospective employee for not providing wage or salary history; and (v) failing or refusing to disclose in each public and internal posting for each job, promotion, transfer, or other employment opportunity the wage, salary, or wage or salary range. The enrolled bill establishes a cause of action for an aggrieved prospective employee or employee and provides that an employer that violates such prohibitions is liable to the aggrieved prospective employee or employee for statutory damages between \$1,000 and \$10,000 or actual damages, whichever is greater, reasonable attorney fees and costs, and any other legal and equitable relief as may be appropriate. This bill is identical to SB 370. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 990, which prohibits employers from seeking the wage or salary history of prospective employees.

While I share concerns regarding wage inequality among women and minorities, the proposed legislation represents government overreach, offering incomplete information during the hiring process, disregarding business needs, and potentially exposing small businesses to lawsuits.

The Commonwealth's objective is to attract, retain, and expand job opportunities, and our laws should not burden or incur excessive costs compared to competitor states. Regulations should consider the overall business expenses, encompassing taxes, fees, insurance, and regulatory obligations, to foster a favorable business climate.

Employers often use candidates' salary history as a benchmark to ensure they offer competitive wages. Compensation decisions rely on various factors such as market value, funding constraints, and labor market competition. Gender or race are legally prohibited from influencing these decisions.

This legislation adopts a one-size-fits-all approach, disregarding the diverse nature of businesses across the Commonwealth spanning various sizes, industries, and geographic locations. While large corporations might navigate the new regulations, smaller companies or nonprofits lacking dedicated human resources departments would struggle, hindering their ability to evaluate candidates effectively.

Addressing wage disparities across gender and racial lines is imperative, but the potential adverse effects on small businesses, prospective employees, and the economy are too high.

Accordingly, I veto this bill."

Contact: Sarah Kinzer | skinzer@dls.virginia.gov | 804-698-1838

HB 1028. Affordable housing; assisted living facilities. The enrolled bill allows localities that have adopted an affordable housing program to require that in an application for a special exception or special use permit affordable rental units be included for any proposed development of an assisted living facility. Such ordinance shall apply to newly licensed assisted living facilities and permit applications approved on or after January 1, 2025. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1028, which allows certain localities to require new assisted living facilities to set aside affordable rental units.

Requiring affordable housing unit set-asides as contemplated by this bill can discourage the supply of new housing and shift housing costs onto other residents. I agree with the patron that affordable housing for Virginia's senior citizens is a priority, but housing is best made more affordable by encouraging development rather than mandating cost-raising regulations on Virginia's builders.

Accordingly, I veto this bill."

Contact: Jeff Sharp | jsharp@dls.virginia.gov | 804-698-1864

HB 1088. Board of Education; instructional materials on climate change and environmental literacy; model policies and procedures for selection. The enrolled bill requires the Board of Education to make available to each local school board instructional materials on climate change and environmental literacy that are based on and include peer-reviewed scientific sources. The enrolled bill requires the Board of Education to develop, adopt, and make available to each local school board model policies and procedures, based on peer-reviewed scientific sources, pertaining to the selection of instructional materials on climate change and environmental literacy, including a requirement for any such selected material to accurately portray changes in weather and climate patterns over time, the impacts of human activity on changes in weather and climate patterns, and the effects of climate change on people and resources. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 1088, which requires the Board of Education to adopt model policies related to climate change and environmental literacy.

The Standards of Learning already provides instructional material related to environmental issues.

The proposal imposes a significant and redundant task on the Department of Education and the Board of Education. It mandates a separate and independent review for a specific topic, in addition to the review of science Standards of Learning and instructional material.

Additionally, school divisions must integrate these new resources into their curriculum outside the standard process, necessitating purchasing instructional material and reallocating instructional time without additional funding.

Accordingly, I veto this bill."

Contact: Julia Bergamini | jbergamini@dls.virginia.gov | 804-698-1867

HB 1098. Unpaid family bereavement leave; required; remedies. The enrolled bill requires that an employer that employs 50 or more employees provide eligible employees, defined in the enrolled bill, with up to 10 days of unpaid family bereavement leave in any 12-month period to (i) attend the funeral or funeral equivalent of a covered family member; (ii) make arrangements necessitated by the death of a covered family member; (iii) grieve the death of a covered family member; or (iv) be absent from work due to (a) a miscarriage, (b) an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure, (c) a failed adoption match or an adoption that is not finalized because it is contested by another party, (d) a failed surrogacy agreement, (e) a diagnosis that negatively impacts pregnancy or fertility, or (f) a stillbirth. The enrolled bill requires the employee to provide notice of his intent to take the leave if reasonable and practicable and provides that an employer may require reasonable documentation of the death or event. The enrolled bill requires the employer to restore the employee's position following the leave, to continue to provide coverage for the employee under any health benefit plan, and to pay the employee any commission earned prior to the leave. The enrolled bill prohibits the employer from taking retaliatory action against the employee for taking family bereavement leave and provides that, if an employer fails to provide unpaid family bereavement leave or engages in such prohibited retaliatory action, an employee may bring an action against the employer in a court of competent jurisdiction. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1098 which requires certain employers to offer up to 10 days of annual unpaid family bereavement leave.

Many employers already offer employees bereavement leave as part of their benefit package designed specifically for their employees' needs. This practice should be determined by management and the employees, and not imposed as a one-size-fits-all mandate.

Accordingly, I veto this bill."

Contact: Marvi Ali | mali@dls.virginia.gov | 804-698-1816

HB 1100. Conservation of trees during land development process. The enrolled bill expands current provisions that provide that certain localities in Planning District 8 (Northern Virginia) may, by ordinance, require conservation of trees during the land development process by making such provisions available to localities statewide. This bill incorporates HB 170 and HB 534. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1100, seeks to increase the number of localities that can impose an ordinance providing for the planting and replacement of trees during the development process.

Virginia's current law on tree canopy ordinances strikes a balance between the ability of a locality to hinder residential and commercial development with increased costs and the ability of a locality to preserve tree canopy.

This bill amends a second of code which allows localities within Planning District 8 who meet certain federal Clean Air Act standards to adopt a tree ordinance, other portions of the code allow any localities in the Chesapeake Bay Watershed or any locality with a population density of at least 75 persons per square mile to adopt such an ordinance. According to the Virginia Department of Forestry, sixty percent of Virginia is in the Chesapeake Bay Watershed already.

Accordingly, I veto this bill."

Contact: Jeff Sharp | jsharp@dls.virginia.gov | 804-698-1864

HB 1167. Local prohibition on the sale of English ivy; civil penalty. The enrolled bill authorizes any locality to adopt an ordinance prohibiting the sale of English ivy, with violations punishable by a civil penalty not to exceed \$50 for a first violation and not to exceed \$200 for a subsequent violation within 12 months. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 1167, which creates local civil penalties on the sale of English Ivy.

While the intent to regulate invasive species is praiseworthy, this bill proposes a prohibition on a single species, potentially establishing a precedent for banning other legal plant species in the future. Such a precedent could sow confusion and inconsistency in regulations statewide.

The prospect of a patchwork of laws requires small business owners and garden enthusiasts to navigate complex legal landscapes. The most effective approach to addressing this issue is education and allowing the market to determine what is best for Virginians.

Accordingly, I veto this bill."

Contact: Anissa Cottrell | acottrell@dls.virginia.gov | 804-698-1814

HB 1174. Purchase of certain firearms; age requirement; penalty. The enrolled bill prohibits any person under 21 years of age from purchasing a handgun or assault firearm, with exceptions for the purchase of an assault firearm by a law-enforcement officer, correctional officer, jail

officer, or member of the Armed Forces of the United States, the Virginia National Guard, or the National Guard of any other state. Accordingly, the enrolled bill prohibits a licensed dealer from selling, renting, trading, or transferring from his inventory a handgun or assault firearm to any person under 21 years of age. A violation of either prohibition is a Class 6 felony. The enrolled bill also expands the definition of "assault firearm" as the term applies to criminal history record information checks. This bill is identical to SB 327. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1174, relating to age requirements for purchasing or transferring certain firearms.

The proposed legislation prohibits any individual under the age of twenty-one from purchasing a handgun or assault firearm, two broad categories of commonly used firearms.

Of particular importance is the basic principle that the constitutionally protected right to possess a firearm is meaningless absent the right to purchase or otherwise acquire the firearm, a necessary corollary to the realization of rights guaranteed by the Second Amendment.

Recently, the U.S. District Court for the Eastern District of Virginia ruled that a federal law prohibiting the sale of firearms to adults under the age of twenty-one would be found unconstitutional under the Supreme Court's ruling in Bruen. The Court stated, "[i]f the Court were to exclude 18-to-20-year-olds from the Second Amendment's protection, it would impose limitations on the Second Amendment that do not exist with other constitutional guarantee."

Accordingly, I veto this bill."

Contact: Charles Quagliato | cquagliato@dls.virginia.gov | 804-698-1813

HB 1177. Voter registration; list maintenance; data sharing; requiring membership in the Electronic Registration Information Center (ERIC). The enrolled bill requires the Commissioner of Elections to apply for, enter into, and maintain membership for the Commonwealth in the Electronic Registration Information Center (ERIC). This bill is identical to SB 606. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1177, which requires the Commissioner of Elections to apply for, enter into, and maintain membership in the Electronic Registration Information Center.

The decision for the Commonwealth to exit the Electronic Registration Information Center (ERIC) in 2023 was a result of persistent management issues, improper data use, escalating costs, and the inability to meet statutory requirements for border state information sharing.

ERIC's reluctance to implement reforms and address a bipartisan working group of member states concerns reflects a departure from its core mission of improving voter roll accuracy, which called into question Virginia's continued participation.

This is particularly concerning due to the controversy surrounding ERIC's sharing of personal information with external organizations. These organizations are funded by sources that the

General Assembly has on a bipartisan basis prohibited Virginia's election officials from accepting.

The financial burden of rejoining ERIC includes membership fees, which have increased more than 115% since 2022, and participation expenses. ERIC's mandatory Eligible but Unregistered mailing will cost the Commonwealth hundreds of thousands of dollars, which is superfluous considering Virginia's Department of Motor Vehicles' automatic registration policies and same-day registration for voting.

Since leaving ERIC, Virginia established data-sharing agreements with numerous states incurring no additional costs. Additionally, the Department of Elections has increased its data sources by collaborating with forty-one states to obtain driver's license surrender data, while ERIC only provides data sharing with twenty-five states.

I have been explicitly clear about my affirmation of the legitimacy of our elections. My focus is safeguarding Virginians' private information and continuously improving an efficient, cost-effective voter registration system.

Accordingly, I veto this bill."

Contact: Brooks Braun | bbraun@dls.virginia.gov | 804-698-1861

HB 1178. Commonwealth of Virginia Innovation Partnership Authority; board of directors; membership. The enrolled bill amends the membership of the board of directors of the Commonwealth of Virginia Innovation Partnership Authority by adding four nonlegislative citizen members to increase the total membership to 15 members and removing the position currently held by a director of a technology transfer office or equivalent position from a major research public institution of higher education. The enrolled bill (i) provides the Speaker of the House of Delegates the power to appoint four nonlegislative citizen members to the board of directors, (ii) provides the Senate Committee on Rules the power to appoint four nonlegislative citizen members to the board of directors, and (iii) removes such appointment power from the Joint Rules Committee. Finally, the enrolled bill prohibits any member of the board from investing personal funds in venture capital activities or grants, loans, or investment programs supported or administered by the Authority. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 1178, which alters the current and future composition of the Virginia Innovation Partnership Authority.

In 2020, pivotal legislation consolidated disparate entities and bolstered the Commonwealth's capacity to drive innovation in the newly created Virginia Innovation Partnership Authority (VIPA). This restructuring aimed to leverage Virginia's unique strengths, combining the expertise of the Virginia Research Investment Committee and the Center for Innovative Technology. The result was a more robust framework to propel research, commercialization, and investment while instituting much-needed oversight.

This proposal would undo the recent achievements and efficiencies with additional bureaucratic layers, stifling the agility and dynamism of our entrepreneurship ecosystem. These changes risk eroding the confidence of stakeholders and investors.

Of particular concern is the provision that would upend VIPA's governance. The proposal, by abruptly ousting our nonlegislative citizen members from the Board of Directors, injects uncertainty for those willing to commit time and effort to serve the Commonwealth.

Even unenacted, the ramifications of this proposal signal to entrepreneurs and investors across Virginia that the very Authority meant to support them is entangled in political machinations. That is the wrong message to send when VIPA has made recent record investments in economically disadvantaged individuals, increased savings, and achieved national prominence in small business initiatives.

While collaboration with the General Assembly is essential for effective governance, the current proposal further diverges us from that goal.

Accordingly, I veto this bill."

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

HB 1190. Board of Contractors; offering or approving exams; language counterparts. The enrolled bill provides that any exam offered by the Board for Contractors that averaged over 50 administrations per year over the preceding four-year period shall be made available in any language that meets the threshold for having election materials printed in that language pursuant to the federal Voting Rights Act. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1190 which requires the Department of Professional and Occupational Regulations (DPOR) to create and administer certain Board of Contractors exams in any language that election materials are printed in.

This mandate would add cumbersome changes to the administration of these exams as it would be necessary for the test proctors to be proficient in these languages and require accurate translations of resource material and publications. These costs would be passed onto applicants through higher licensing fees.

Considering that current non-English exams are utilized for less than five percent of applicants, this bill could raise costs on applicants with minimal public benefit.

Accordingly, I veto this bill."

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

HB 1195. Purchase of firearms; waiting period; penalty. The enrolled bill provides that no person shall sell a firearm unless at least five days have elapsed from the time the prospective purchaser completes the written consent form to have a licensed dealer obtain criminal history record information, with exceptions enumerated in relevant law. This bill is identical to SB 273. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1195, which requires a waiting period to purchase a firearm.

The proposed waiting periods would impede individuals facing threats of violence from promptly acquiring a firearm for self-defense.

Virginia's existing background check ensures that individuals prohibited by State or Federal law cannot legally access firearms. The Virginia State Police use federal and state records and databases, including the Central Criminal Records Exchange, one of the most complete records repositories in the nation.

My commitment to enhancing mental health services is steadfast, reflected in my efforts and record funding to finalize long-neglected mental health systems. These initiatives aim to assist those undergoing mental health crises when an individual needs it most, a reform that is proven to save lives.

The federal Brady Handgun Violence Prevention Act of 1993 initially implemented a five-day waiting period between handgun application and sale completion before being found to be unconstitutional.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 1207. Department of Housing and Community Development; Virginia Residential Landlord and Tenant Act; affordable housing; criminal record screening model policy. The enrolled bill requires the Director of the Department of Housing and Community Development (the Department) to develop a criminal record screening model policy for admitting or denying an applicant for affordable housing covered under the Virginia Residential Landlord and Tenant Act in accordance with the U.S. Department of Housing and Urban Development's guidance on the application of the Fair Housing Act and maintain such model policy on its website. The enrolled bill prohibits a landlord of an affordable housing unit from inquiring about or requiring disclosure of, or if such information is received, basing an adverse action, in whole or in part, on an applicant's criminal or arrest record unless the landlord does so in accordance with the criminal record screening model policy developed by the Department and posted on its website and provides the applicant with a written copy of such policy. The enrolled bill directs the Department to convene a stakeholder group to provide input into the development of the criminal record screening model policy. This bill is identical to SB 588. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1207, which requires the Commonwealth to develop an affordable housing criminal record screening model policy.

This bill, in practical effect, prohibits an affordable housing provider from inquiring about, requiring disclosure of, or rejecting a housing application based on an applicant's criminal or arrest record unless the provider does so according to such model policy. Further, rental

applicants are currently protected by existing fair housing laws related to criminal convictions. Historically, housing providers participating in federal affordable housing programs have been permitted to deny an applicant on the basis of a criminal background check. This bill could make Virginia's affordable housing policy inconsistent with what is accepted under federal law and may dissuade housing providers from participating in affordable housing programs.

Accordingly, I veto this bill."

Contact: Rebecca Schultz | rschultz@dls.virginia.gov | 804-698-1863

HB 1244. Restorative housing and isolated confinement; restrictions on use. The enrolled bill prohibits the use of isolated confinement, defined in the enrolled bill, in state correctional facilities, subject to certain exceptions. The enrolled bill requires that before placing an incarcerated person in restorative housing or isolated confinement for his own protection, the facility administrator shall place an incarcerated person in a less-restrictive setting, including by transferring such person to another institution or to a special-purpose housing unit for incarcerated persons who face similar threats. The enrolled bill requires that if an incarcerated person is placed in restorative housing or isolated confinement, such placement shall be reviewed every 48 hours and the facility administrator shall ensure that the incarcerated person receives a medical and mental health evaluation from certified medical and mental health professionals within one working day of placement in restorative housing or any form of isolated confinement. The enrolled bill also requires the facility administrator to notify the regional administrator in writing that an incarcerated person was placed in restorative housing or isolated confinement within 24 hours of such placement. Finally, the enrolled bill requires that formal reviews of an incarcerated person's placement in any form of isolated confinement shall be held in such person's presence, inform him of any reason or reasons administrative officials believe isolated confinement remains necessary, and give the incarcerated person an opportunity to respond to those reasons, and a formal ruling shall be provided to the incarcerated individual within 24 hours. This bill is identical to SB 719. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto House Bill 1244, which regulates the use of restorative housing.

During the 2023 legislative session, the General Assembly came together in a bipartisan manner to enact reforms to improve the Department of Corrections' utilization of restorative housing. I supported and signed that legislation, which has since been implemented by the Department, bringing in best practices that have proven beneficial for correction officers and inmates.

These reforms represent the culmination of significant efforts by the Department, positioning us as a national leader in correctional innovation. The Department remains committed to developing new programs and fostering collaboration with diverse voices and stakeholders.

Central to the agency's mission is reentry and long-term public safety, guided by data-driven decision-making and evidence-based practices. The restorative housing program, operating within these principles, stands as a component to ensure safety and security for both inmates and staff.

The new definitions and regulations provided in this proposal pose challenges to the continued success of these reforms. Designating mental health units as isolated confinement without consideration for the informed judgment of mental health professionals undermines effective prison management. Furthermore, imposing arbitrary timeframes for stays in restorative housing, including investigation time, restricts the staff's ability to maintain order and security.

Attempting to legislate prison operational procedures carries inherent risks to inmates, staff, and the public. Corrections professionals are entrusted with oversight for a reason, as they must balance multiple interests while ensuring safety. Congregating individuals without proper management protocols is not a viable solution.

Additionally, I have concerns regarding the budgetary implications of implementing this proposal. The allocated resources in the proposed Budget may not adequately cover the costs, potentially diverting funding from vital reentry programs and initiatives to reduce recidivism. Additionally, the proposal introduces unnecessary bureaucracy for facility administrators, detracting from the Department's ability to prioritize safety and inmate rehabilitation.

While I remain committed to fostering a correctional system that prioritizes the safety of all stakeholders, including everyday Virginians, inmates, and correctional officers, I do not believe it is currently prudent to proceed with this proposal. My signature on the bipartisan reforms of 2023, the establishment of a Department of Corrections Ombudsman in the Budget, and my continued support for new leadership within the Department underscore my dedication to this cause.

Accordingly, I veto this bill."

Contact: David May | dmay@dls.virginia.gov | 804-698-1825

HB 1251. Virginia Residential Landlord and Tenant Act; material noncompliance by landlord; rent escrow; relief. The enrolled bill removes the requirement that, prior to the granting of any relief, a tenant shall pay into escrow any amount of rent called for under the rental agreement. The enrolled bill requires the tenant, during the pendency of the action, to pay into escrow the amount of rent that becomes due subsequent to the initial court date called for under the rental agreement within five days of the date due under such rental agreement, unless or until such amount is modified by a subsequent order of the court. The enrolled bill also provides that a failure of the tenant to make timely payments into escrow shall not be grounds for dismissal of the underlying action but may be considered by the court when issuing an order. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1251, which permits tenants to be delinquent on their rent prior to filing a tenant's assertion.

This bill creates an unbalanced legal environment by applying separate standards to providers, who must continue to comply with a rental agreement, and tenants, who would not.

Many small housing providers depend on regular rent payments to satisfy their obligations, including to lenders. By allowing tenants to withhold rent, this bill may make housing providers

unable to properly and timely meet those obligations, which could cause cascading negative consequences.

Accordingly, I veto this bill."

Contact: Rebecca Schultz | rschultz@dls.virginia.gov | 804-698-1863

HB 1252. Limitation on sentence upon revocation of suspension of sentence; technical violations. The enrolled bill provides that when conducting a revocation hearing, the court shall consider at the same revocation hearing all alleged technical violations that occurred prior to such revocation hearing and have not been previously considered by the court. The enrolled bill also requires that when a defendant has been taken into custody for an alleged violation for which the court may impose not more than 14 days of active incarceration, the court shall adjudicate such violation within 14 days of the defendant being taken into custody. The enrolled bill states that if such violation is not adjudicated within 14 days of the defendant being taken into custody, the defendant shall be admitted to bail, unless (i) such defendant consents to being further detained while awaiting adjudication or sentencing or (ii) the Commonwealth has established, by clear and convincing evidence, that the defendant presents a significant risk of harm to himself or the community based on substance use disorder or serious mental illness and has been referred for residential treatment. Notwithstanding the foregoing, the enrolled bill provides that no such defendant shall be held in custody awaiting adjudication of or sentencing on such alleged technical violation for longer than 30 days. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1252, which requires courts to release defendants being held for a probation violation under certain circumstances.

This bill's requirements would put Virginia law at odds with the Interstate Compact for Adult Offender Supervision, which governs probation violation release timeframes across all state governments.

The bill also mandates that offenders be held for probation violations after fourteen days, even if they were a flight risk or likely to re-offend based on past behavior. The fourteen-day timeframe is insufficient for attorneys to collect and present evidence on whether the offender should be released or remain in custody.

In addition, this bill uses technical terms without clear definitions, creating uncertainty for courts when determining probation violations or releasing offenders. Consequently, disparate outcomes may arise based on individual judges' interpretations.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 1264. Juvenile fines, costs, and fees; traffic infractions; judicial discretion. The enrolled bill provides that any court costs, fines, and fees assessed to a juvenile or his parent or guardian

in circuit court and juvenile and domestic relations district court related to prosecutions of traffic infractions are discretionary. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1264, which relates to juvenile fines, costs, and fees for traffic infractions.

The bill proposes specific provisions regarding fee determination for legal representation and potential waivers based on financial circumstances, largely duplicating the court's existing discretion in these matters.

Ultimately, the bill undermines public safety by sending the wrong message about accountability and responsibility among young offenders.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 1386. Firearms; workplace rules of localities. The enrolled bill provides that any locality that adopts an ordinance prohibiting the public carrying of firearms shall not have workplace rules that are less restrictive than such ordinance. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1386, which restricts localities' ability to adopt workplace rules for firearms.

Localities can currently adopt these provisions if they choose, and the existing process allows localities to account for the numerous variations in Virginia's diverse geographic, cultural, and societal norms across different regions of the Commonwealth or the unique situations of fire marshals, school security officers, judges, or Commonwealth attorneys.

The proposal undermines localities' ability to adopt workplace rules based on the best interests of their employees in specific workplaces.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 1398. Preservation of affordable housing; definitions; civil penalty. The enrolled bill creates a framework for localities to preserve affordable housing by exercising a right of first refusal on publicly supported housing, defined in the enrolled bill. The enrolled bill authorizes localities to implement an ordinance that requires an owner to accept a right of first refusal offer by the locality or qualified designee, defined in the enrolled bill, in order to preserve affordable housing for a period of not less than 15 years. The enrolled bill requires that any locality adopting such an ordinance to preserve affordable housing submit an annual report to the Department of Housing and Community Development by December 31. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1398, which grants localities a right of first refusal for affordable housing program participation changes and sales.

This bill would allow a locality the right to purchase affordable housing properties after the property owner has accepted an offer from a private party to sell it. A locality is also authorized to transfer this right to another private party that may be a competitor to the initial prospective purchaser. This bill would allow a locality to arbitrarily interfere in the private market and pick winners and losers.

Accordingly, I veto this bill."

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

HB 1408. Voter satellite offices; standards and guidelines for determining number and location. The enrolled bill directs the Department of Elections to develop standards and guidelines for local governing bodies to utilize when determining the number of voter satellite offices to be established in a county or city for a general election and the relative locations of such satellite offices. The enrolled bill specifies that such standards and guidelines must take into account the county's or city's registered voter population and the density and distribution of such population within the county or city and must include a recommended minimum number of voter satellite offices for the 14-day and 30-day periods immediately preceding a general election. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1408, which directs the Department of Elections to develop standards and guidelines for local governing bodies regarding voter satellite offices.

The Department of Elections currently maintains regulations and guidance regarding the establishment and operation of voter satellite offices in the General Registrar and Electoral Board Handbook. Therefore, this legislation is unnecessary.

Accordingly, I veto this bill."

Contact: Brooks C. Braun | bbraun@dls.virginia.gov | 804-698-1861

HB 1420. Juveniles; adjudication of delinquency. The enrolled bill specifies that a delinquent child is a child 11 years of age or older who has committed a delinquent act. Currently, there is no minimum age for a child to be adjudicated delinquent. The enrolled bill provides that if a juvenile younger than 11 years of age is found to have committed a delinquent act, the juvenile shall not be proceeded upon as delinquent; however, the court may make any orders of disposition authorized for a child in need of services or a child in need of supervision. The enrolled bill includes in the definition of "child in need of services" a child younger than 11 years of age who has committed a delinquent act.

Finally, the enrolled bill includes in the offense of causing or encouraging acts rendering children delinquent, abused, etc., any person 18 years of age or older, including the parent of any child, who willfully contributes to, encourages, or causes any act, omission, or condition that causes a child younger than 11 years of age to commit a delinquent act. Under current law, any person who commits such offense is guilty of a Class 1 misdemeanor. This bill is identical to SB 23. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1420, which establishes the age of a delinquent child.

Although this bill purports to protect juveniles under eleven by preventing them from being charged with delinquency, some youth under age eleven who might otherwise receive delinquency adjudication for an offense may lose access to Department of Juvenile Justice funding for mental health and counseling services, following a delinquency determination.

Additionally, a court would lose the ability to require restitution that could benefit victims of acts committed by children under eleven.

Finally, the proposal serves as an additional incentive for criminal street gangs to continue the heinous practice of recruiting children younger than eleven years old to carry out gang-related offenses.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 1454. Limited-duration licenses and driver privilege cards and permits; expiration. The enrolled bill extends the validity of limited-duration licenses, driver privilege cards and permits, and identification privilege cards, other than REAL ID credentials and commercial driver's licenses and permits, to a period of time consistent with the validity of driver's licenses, which, under current law, is a period not to exceed eight years or, for a person age 75 or older, a period not to exceed five years, and permits and special identification cards. The enrolled bill directs the Department of Motor Vehicles to implement the extended validity periods for such documents upon reissuance. This bill is identical to SB 246. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1454, which concerns limited-duration licenses, driver privilege cards and permits, and identification privilege cards.

This bill removes the requirement that driver privilege cards have printed restrictions identical to limited duration licenses, which indicate that the card is valid only for a limited period. This information is used to distinguish between legal and non-legal resident IDs.

This bill would also enable a person permitted by the Federal government to be in the United States for a limited duration to obtain a Virginia Driver's license for a full eight-year term even though their eligibility to be legally present here may have expired.

Accordingly, I veto this bill."

Contact: Nikhil Edward | nedward@dls.virginia.gov | 804-698-1865

HB 1462. Firearm in unattended motor vehicle; civil penalty. The enrolled bill provides that no person shall leave, place, or store a handgun in an unattended motor vehicle, as defined in the enrolled bill, when such handgun is visible to any person who is outside such motor vehicle. The enrolled bill provides that any person violating such prohibition is subject to a civil penalty of no

more than \$500 and such unattended motor vehicle may be subject to removal for safekeeping. This bill is identical to SB 447. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1462, which relates to firearms in motor vehicles.

The proposal penalizes law-abiding Virginians for leaving a firearm in their vehicle, regardless of any other circumstances, punishing victims of crimes committed by another individual.

The culpability is on the criminal who stole the firearm. The Commonwealth should prioritize prosecution and severe punishment for individuals who commit crimes.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 1467. Baccalaureate public institutions of higher education; boards of visitors; membership. The enrolled bill requires the board of visitors of each baccalaureate public institution of higher education in the Commonwealth to include two nonvoting, advisory representatives consisting of (i) one faculty member of the institution elected by the institution's faculty or such institution's faculty senate or its equivalent and (ii) one staff member of the institution selected by the institution's staff in the manner deemed appropriate by such staff members. The enrolled bill clarifies that such nonvoting, advisory faculty and staff representatives are separate and apart from the membership of the governing board of any such institution and are not counted in the membership of any such governing board. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1467, which adds faculty and staff representatives to the governing boards of baccalaureate public institutions of higher education in the Commonwealth.

Our esteemed public higher education institutions uphold the Commonwealth's commitment to education, overseen by Boards of Visitors endowed with broad statutory powers to regulate academic and financial affairs. The Boards of Visitors hire employees to fulfill their duty to the people.

The Restructured Higher Education Financial and Administrative Operations Act of 2005 granted public colleges and universities increased operational and administrative autonomy in exchange for a reaffirmed dedication to their public missions. The proposal mandates the inclusion of faculty and staff representatives within our Boards of Visitors, in contrast to that dedication.

There are Boards of Visitors that oversee budgets that exceed one billion dollars, requiring judicious investments and adjustments, including assessments of staffing levels. Unfortunately, the proposal will diminish the opportunities for cost efficiencies, resulting in higher tuition and increased expenses for hardworking Virginia families.

The proposal would also exclude these representatives from General Assembly confirmation, subject only to an internal selection process, and they would be beyond the Governor's authority for removal due to misconduct, solely accountable to their peers.

Boards of Visitors “do not exist for their own sake or that of any particular institution but for the benefit of the public at large” (2023 Op. Va Att’y Gen. 52). Their governance should follow their public role, with members appointed by the Governor and confirmed by the General Assembly rather than by unelected faculty or staff.

Accordingly, I veto this bill."

Contact: Julia Bergamini | jbergamini@dls.virginia.gov | 804-698-1867

HB 1475. Board of Housing and Community Development; Uniform Statewide Building Code; building owners and operators to supply cooling by April 1 and heating by October 1. The enrolled bill directs the Board of Housing and Community Development to evaluate revisions to the Uniform Statewide Building Code to require that owners and operators of certain apartment buildings begin to supply cooling by April 1 and heat by October 1 of each year to maintain certain temperatures. Under the current regulations, such cooling period begins May 15 and such heating period begins October 15. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1475, which relates to regulations concerning heating and cooling systems in the Virginia Maintenance Code.

Mandating specific temperature requirements would impose significant financial burdens on owners, limit flexibility, and increase regulatory compliance costs, ultimately reducing the availability of rental housing in Virginia.

Accordingly, I veto this bill."

Contact: Rebecca Schultz | rschultz@dls.virginia.gov | 804-698-1863

HB 1515. Discovery; electronic means. The enrolled bill requires all attorneys for the Commonwealth to provide discovery materials for all courts to counsel of record for the accused by electronic means unless such material is prohibited from being distributed by law or impossible to provide by electronic means. The enrolled bill directs the Supreme Court of Virginia to promulgate rules to implement this provision by July 1, 2026. The enrolled bill has a delayed effective date of January 1, 2027.

The enrolled bill also requires the Executive Secretary of the Compensation Board, or a designee, to convene a work group to determine the costs associated with any changes in operations and technology infrastructure necessary to implement the provisions of the enrolled bill. The enrolled bill requires the Executive Secretary of the Compensation Board to provide an interim report to the General Assembly by November 30, 2024, and a final report to the General Assembly by August 1, 2025. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1515, which mandates Commonwealth Attorneys to provide discovery material electronically.

While the bill aims to establish a commendable goal of a universal statewide electronic discovery system, the current state of information technology infrastructure across the Commonwealth significantly challenges achieving this objective.

The Commonwealth should first coordinate and fund information technology solutions for Commonwealth Attorneys' offices. Technology requirements and financial support have traditionally been a local government concern, resulting in a balkanized patchwork of incompatible information technology systems across offices.

To provide context, some offices still rely on typewriters due to limited digital infrastructure, while others struggle with digital file management and lack server space and personnel to handle electronic data. The best course of action would be first to investigate and understand the scope of the difficulties before imposing a statewide electronic discovery mandate.

The proposal requires the Commonwealth to operate without first understanding the information technology infrastructure and necessary resources, creating an enormous unfunded mandate for localities.

Accordingly, I veto this bill."

Contact: Taylor Mey | tmey@dls.virginia.gov | 804-698-1870

HB 1534. Elections; challenges to voter or voter's registration; challenges to candidate qualifications or eligibility. The enrolled bill eliminates the process by which any voter could challenge, in a polling place on the day of an election, the right of any other voter to cast a ballot. The enrolled bill also eliminates the process by which any three voters could challenge a voter's registration before the general registrar; such challenges may still be made by filing a petition with the circuit court of the county or city where the voter is registered. The enrolled bill also requires challenges to a person's eligibility to appear on the ballot on the basis that such person did not meet all qualifications or fulfill all requirements for candidacy to be made at least 60 days before the date of the election. Candidates who are nominated at a primary election cannot be later challenged on the basis of facts that were present prior to the primary election and could have been raised in a challenge to such candidate's eligibility for the primary ballot. Any challenge to a candidate's qualifications or eligibility shall be made by filing a petition with the Circuit Court of the City of Richmond, which shall have jurisdiction over such proceedings. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1534, which relates to challenging a voter's registration and a candidate's qualifications or eligibility.

This bill imposes stringent procedural hurdles for citizens seeking to raise objections to voter registrations and candidate eligibility, effectively limiting their ability to participate in the democratic process.

Accordingly, I veto this bill."

Contact: Brooks C. Braun | bbraun@dls.virginia.gov | 804-698-1861

HB 1539. Abortion or other reproductive health care services; prohibitions on extradition for certain crimes; prohibited practices under Virginia Consumer Protection Act. The enrolled bill provides that no demand for extradition of a person charged with a criminal violation of the law of another state shall be recognized by the Governor if such alleged violation involves the receipt of or assistance with reproductive health care services, defined in the enrolled bill, within the Commonwealth unless the alleged criminal violation would also constitute a criminal offense under the laws of the Commonwealth. The enrolled bill also provides that such limit on extradition shall not apply when the person who is subject to such demand for extradition by another state was physically present in the demanding state at the time of the commission of the alleged offense and thereafter fled from such state. The enrolled bill adds obtaining, disclosing, selling, or disseminating certain enumerated personal reproductive or sexual health information without the consent of the consumer as a prohibited practice under the Virginia Consumer Protection Act. This bill incorporates HB 1493. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1539, which prohibits extradition for certain crimes.

This bill is aimed at medical professionals from other states who may be in Virginia and subject to an extradition.

The extradition process among the states has a long and successful history within an established legal framework required by the U.S. Constitution. This bill would undermine that framework and disrupt the extradition laws in all fifty states. Our cooperative extradition system could collapse if individual states were to carve out crimes for which they would not recognize codified laws because of differing political positions.

Accordingly, I veto this bill."

Contact: Sabrina Miller-Bryson | smiller-bryson@dls.virginia.gov | 804-698-1876

SB 1. Minimum wage. The enrolled bill increases the minimum wage from the current rate of \$12.00 per hour to \$13.50 per hour effective January 1, 2025, and to \$15.00 per hour effective January 1, 2026. The enrolled bill satisfies a reenactment clause included in Chapters 1204 and 1242 of the Acts of Assembly of 2020. This bill is identical to HB 1. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1, which mandates an increase in the minimum wage in Virginia.

The free market for salaries and wages works. It operates dynamically, responding to the nuances of varying economic conditions and regional differences. This wage mandate imperils market freedom and economic competitiveness.

Even without my signature, current law mandates an increased minimum wage in the Commonwealth, indexing it to the Consumer Price Index for All Urban Consumers, as certified by the Commissioner of Labor and Industry, starting in October 2024. This approach is

preferable, allowing wages to adjust over time in response to economic conditions. In contrast, the proposed mandate will harm Virginia's economic progress.

Implementing a \$15-per-hour wage mandate may not impact Northern Virginia, where economic conditions create a higher cost of living, but this approach is detrimental for small businesses across the rest of Virginia, especially in Southwest and Southside. A one-size-fits-all mandate ignores the vast economic and geographic differences and undermines the ability to adapt to regional cost-of-living differences and market dynamics.

This proposal is an arbitrary, mandatory 25% increase in the starting wages of all employees. Contrary to ensuring higher compensation, such a substantial increase will raise business operational costs. In response, businesses will raise prices, creating more inflation, and implement hiring freezes and layoffs, ultimately hurting the workers the proposal seeks to assist.

This proposal also harms Virginia's economic competitiveness. Neighboring states have reduced business costs and encouraged investment, resulting in thriving economies. The net out-migration of over one hundred thousand residents from Virginia between 2012 and 2021, primarily to states like North Carolina, Tennessee, Texas, and Georgia, none of which have wage mandates.

Contrary to the proponents' claims, the proposal is unlikely to attract jobs to the Commonwealth. Virginia is experiencing a population decline to states with lower minimum wages while gaining population from states with higher minimum wages. Instead of adopting the failed economic policies of states with stagnant economies and persistent fiscal distress to our northeast, Virginia should emulate states prioritizing tax relief and efficient government.

Successful states recognize that the government does not need to set labor prices; instead, they prioritize creating an economic environment conducive to wage growth. The Commonwealth should adopt this approach, reducing taxes, reducing regulations, reforming workforce programs, and investing in public education. Allowing the free market to operate is the only proven long-term path toward sustainable economic growth and prosperity.

Accordingly, I veto this bill."

Contact: Marvi Ali | mali@dls.virginia.gov | 804-698-1816

SB 2. Purchase, sale, transfer, etc., of assault firearms and certain ammunition feeding devices prohibited; penalty. The enrolled bill creates a Class 1 misdemeanor for any person who imports, sells, manufactures, purchases, or transfers an assault firearm, as that term is defined in the enrolled bill, and prohibits a person who has been convicted of such violation from purchasing, possessing, or transporting a firearm for a period of three years from the date of conviction. The enrolled bill provides that an assault firearm does not include any firearm that is an antique firearm, has been rendered permanently inoperable, is manually operated by bolt, pump, lever, or slide action, or was manufactured before July 1, 2024. The enrolled bill also prohibits the sale of a large capacity ammunition feeding device, as that term is defined in the enrolled bill. The enrolled bill provides that any person who willfully and intentionally (i) sells an assault firearm to another person or (ii) purchases an assault firearm from another person is

guilty of a Class 1 misdemeanor and that any person who imports, sells, barter, or transfers a large capacity ammunition feeding device is guilty of a Class 1 misdemeanor. The enrolled bill also makes it a Class 1 misdemeanor for any person younger than 21 years of age to import, sell, manufacture, purchase, possess, transport, or transfer an assault firearm regardless of the date of manufacture of such assault firearm. This bill is identical to HB 2. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 2, which creates new penalties for transferring and possessing certain firearms containing certain components.

The Constitution precludes the Commonwealth from prohibiting a broad category of firearms widely embraced for lawful purposes, such as self-defense. Despite this, certain members of the General Assembly have pursued legislation banning most contemporary semiautomatic firearms and specific ammunition-feeding devices.

Like all Virginians, I am profoundly troubled by the occurrences of mass shootings and crimes committed with firearms. The pain and sorrow inflicted by criminals with heinous intentions are truly heartwrenching and should not be minimized for our communities, the victims, or their families.

Virginia has some of the strictest gun laws in the country. Unfortunately, the Commonwealth has reduced penalties for criminals, contributing to violent crime. Enhancing penalties for crimes committed with firearms will reverse this trend. Our most significant gap, however, has been in our behavioral health system, which is why substantial investments in behavioral health are necessary.

That twofold approach can provide a real solution without creating outcomes that would affect law-abiding citizens and violating our constitutional rights.

Accordingly, I veto this bill."

Contact: Charles Quagliato | cquagliato@dls.virginia.gov | 804-698-1813

SB 14. Additional local sales and use tax to support schools; referendum. The enrolled bill authorizes all counties and cities to impose an additional local sales and use tax at a rate not to exceed one percent with the revenue used only for capital projects for the construction or renovation of schools if such levy is approved in a voter referendum. The enrolled bill removes the requirement that such a tax must have an expiration date on either (i) the date of the repayment of any bonds or loans used for such capital projects or (ii) a date chosen by the governing body. Under current law, only Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville are authorized to impose such a tax. This bill is identical to HB 805. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto Senate Bill 14, which authorizes counties and cities to implement an increased sale and use tax rate for school construction.

School construction is a worthy cause, and Virginia has made significant progress. In 2022, the Budget supported more than three billion dollars in school construction projects through targeted assistance, formula-based school construction and modernization grants, and low-interest loans. This was achieved all while providing more than five billion dollars in tax relief.

This proposal could result in a nearly \$1.5 billion a year tax increase on Virginians. Some localities would have a combined sales tax rate of eight percent, with no additional offsets, such as reduced income tax or property tax.

In addition, the revenues from this tax increase are entirely fungible. While the tax is dedicated to school capital costs, such as information technology, the new source of revenues would indirectly release funding for other purposes, supplanting other revenues without necessarily increasing education spending.

The proposed Common Ground budget supports a \$1.2 billion increase K-12 appropriations over the biennium and makes available substantial construction loan and grant funding for school construction.

The Commonwealth should pursue a tax policy that unleashes economic development and prioritizes job and wage growth through innovative reforms. These reforms must allow hardworking Virginians to keep more of their money, not less; any proposal that increases the cost of living and the cost of business is not a policy we should pursue.

Accordingly, I veto this bill."

Contact: Keelin Cronin | kcronin@dls.virginia.gov | 804-698-1832

SB 15. Reproductive health care services; prohibitions on extradition for certain crimes.

The enrolled bill provides that no demand for extradition of a person charged with a criminal violation of law of another state shall be recognized by the Governor if such alleged violation involves the receipt or provision of or assistance with reproductive health care services within the Commonwealth unless the alleged criminal violation would also constitute a criminal offense under the laws of the Commonwealth. The enrolled bill also provides that such limit on extradition shall not apply when the person who is subject to such demand for extradition by another state was physically present in the demanding state at the time of the commission of the alleged offense and thereafter fled from such state. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 15, which prohibits extradition for certain crimes.

This bill is aimed at medical professionals from other states who may be in Virginia and subject to an extradition.

The extradition process among the states has a long and successful history within an established legal framework required by the U.S. Constitution. This bill would undermine that framework and disrupt the extradition laws in all fifty states. Our cooperative extradition system could collapse if individual states were to carve out crimes for which they would not recognize codified laws because of differing political positions.

Accordingly, I veto this bill."

Contact: Britt Olwine | bolwine@dls.virginia.gov | 804-698-1815

SB 23. Juveniles; adjudication of delinquency. The enrolled bill specifies that a delinquent child is a child 11 years of age or older who has committed a delinquent act. Currently, there is no minimum age for a child to be adjudicated delinquent. The enrolled bill provides that if a juvenile younger than 11 years of age is found to have committed a delinquent act, the juvenile shall not be proceeded upon as delinquent; however, the court may make any orders of disposition authorized for a child in need of services or a child in need of supervision. The enrolled bill includes in the definition of "child in need of services" a child younger than 11 years of age who has committed a delinquent act.

Finally, the enrolled bill includes in the offense of causing or encouraging acts rendering children delinquent, abused, etc., any person 18 years of age or older, including the parent of any child, who willfully contributes to, encourages, or causes any act, omission, or condition that causes a child younger than 11 years of age to commit a delinquent act. Under current law, any person who commits such offense is guilty of a Class 1 misdemeanor. This bill is identical to HB 1420. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 23, which establishes the age of a delinquent child.

Although this bill purports to protect juveniles under eleven by preventing them from being charged with delinquency, some youth under age eleven who might otherwise receive delinquency adjudication for an offense may lose access to Department of Juvenile Justice funding for mental health and counseling services, following a delinquency determination.

Additionally, a court would lose the ability to require restitution that could benefit victims of acts committed by children under eleven.

Finally, the proposal serves as an additional incentive for criminal street gangs to continue the heinous practice of recruiting children younger than eleven years old to carry out gang-related offenses.

Accordingly, I veto this bill."

Contact: Troy Hatcher | thatcher@dls.virginia.gov | 804-698-1829

SB 47. Firearm transfers to another person from a prohibited person. The enrolled bill provides that a person who is prohibited from possessing a firearm because such person is subject to a protective order or has been convicted of an assault and battery of a family or household member may transfer a firearm owned by such prohibited person to any person who is not otherwise prohibited by law from possessing such firearm, provided that such person who is not otherwise prohibited by law from possessing such firearm is 21 years of age or older and does not reside with the person who is subject to the protective order. Under current law, there is no requirement that such transferee cannot be younger than 21 years of age and cannot reside with such prohibited person. The enrolled bill also provides that such prohibited person who

transfers, sells, or surrenders a firearm pursuant to the provisions of the enrolled bill shall inform the clerk of the court of the name and address of the transferee, the federally licensed firearms dealer, or the law-enforcement agency in possession of the firearm and shall provide a copy of such form to the transferee. The enrolled bill also provides that a person who is prohibited from possessing a firearm because such person is subject to a protective order or has been convicted of an assault and battery of a family or household member shall be advised that a law-enforcement officer may obtain a search warrant to search for any firearms from such person if such law-enforcement officer has reason to believe that such person has not relinquished all firearms in his possession. This bill is identical to HB 46. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 47, which relates to firearm transfers to another person from a person subject to a protective order or convicted of a misdemeanor.

I join the patrons in their pursuit of condemning domestic abuse, it is unequivocally deplorable. Make no mistake, Virginia should ensure that domestic abusers are dealt with appropriately, and those who resort to illegal firearm use, especially, should face severe and harsh punishments.

The legislation fails to achieve its intended purpose and is unnecessary. The existing legal framework addresses firearm possession in cases of domestic abuse. Courts have the power to require the transfer of firearms from individuals, and law enforcement can obtain a search warrant to seize for illegally possessed weapons. Additionally, all firearm transfers are currently limited to individuals who are legally allowed to possess firearms.

To avoid inadvertent compromises to public safety, policies should refrain from disarming individuals not subject to a court order, making other family members less safe, which contradicts our shared goal. The arbitrary age prohibition, which contradicts our current legal age of possession, on certain transfers adds further confusion.

As I advocate for greater protections for victims, I strongly urge the General Assembly to shift its focus towards proven strategies aimed at combatting violent crime - mandatory minimums for armed criminals and the presumption against bail.

Accordingly, I veto this bill."

Contact: Charles Quagliato | cquagliato@dls.virginia.gov | 804-698-1813

SB 69. Minimum qualifications for law-enforcement officers; citizenship; waiver. The enrolled bill allows individuals who have been granted Deferred Action for Childhood Arrivals by U.S. Citizenship and Immigration Services to qualify for the positions of chief of police, police officer of a locality, deputy sheriff, jail officer, and law-enforcement officer. Current law allows only citizens of the United States to qualify for the named positions. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 69, which allows individuals granted Deferred Action for Childhood Arrivals (DACA) to serve as law enforcement officers in the Commonwealth.

As noted by supporters of the legislation, the Department of Criminal Justice Service can currently offer waivers for noncitizens who are permanent residents to serve as law enforcement officers on a case-by-case basis. This bill would run counter to this appropriate working practice by allowing non-citizens who are not permanent residents and are not eligible to become citizens to be certified as law enforcement officers.

Accordingly, I veto this bill."

Contact: Charles Quagliato | cquagliato@dls.virginia.gov | 804-698-1813

SB 80. Decreasing probation period; criteria for mandatory reduction; report. The enrolled bill establishes criteria for which a defendant's supervised probation period shall be reduced, including completing qualifying educational activities, maintaining verifiable employment, and complying with or completing any state-certified or state-approved mental health or substance abuse treatment program. The enrolled bill provides that a court may decrease a defendant's probation period if warranted by the defendant's conduct and in the interests of justice and may do so without a hearing. The enrolled bill also directs the Department of Corrections to meet with relevant stakeholders and provide to the General Assembly by November 1, 2024, a report regarding certain probation practices. The provisions of the enrolled bill, other than the requirement that the Department submit a report to the General Assembly, are subject to reenactment by the 2025 Session of the General Assembly. This bill is identical to HB 457. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 80, which establishes criteria to reduce a defendant's supervised probation period.

Many of the offenders covered by the proposal committed serious crimes and demonstrated their capacity to act as dangerous individuals.

Courts determine the length of probation based on the severity and circumstances of a crime, while probation officers oversee rehabilitation. Requiring a reduction in the probation period without a hearing poses a risk of offenders losing valuable oversight and guidance from the probation system.

Accordingly, I veto this bill."

Contact: David May | dmay@dls.virginia.gov | 804-698-1825

SB 99. Carrying assault firearms in public areas prohibited; penalty. The enrolled bill prohibits the carrying of certain semi-automatic center-fire rifles and shotguns on any public street, road, alley, sidewalk, or public right-of-way or in any public park or any other place of whatever nature that is open to the public, with certain exceptions. Under current law, the current prohibition on carrying certain shotguns and semi-automatic center-fire rifles and pistols applies to a narrower range of firearms, only in certain localities, and only when such firearms are loaded. This bill is identical to HB 175. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 99, prohibiting the carrying of assault firearms in public areas.

Current law already prohibits brandishing a firearm in a manner that reasonably induces fear in another person or holding a firearm in a public place that creates a reasonable fear of violence.

The proposed legislation prohibits carrying a broad category of commonly used firearms in various public spaces, including streets, roads, sidewalks, parks, and other public areas. Such a prohibition is unconstitutional as it attempts to restrict widely embraced firearms used for lawful purposes like self-defense.

Accordingly, I veto this bill."

Contact: Charles Quagliato | cquagliato@dls.virginia.gov | 804-698-1813

SB 115. Child abuse and neglect; custody and visitation; possession or consumption of authorized substances. The enrolled bill provides that a child shall not be considered an abused or neglected child, and no person shall be denied custody or visitation of a child, based only on the fact that the child's parent or other person responsible for his care, or the person petitioning for custody or visitation of the child, possessed or consumed legally authorized substances. The enrolled bill directs the Board of Social Services to amend its regulations, guidance documents, and other instructional materials to ensure that such regulations, documents, and materials comply with, and that investigations and family assessments are conducted by local departments of social services in accordance with, the provisions of the enrolled bill. This bill is identical to HB 833. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto Senate Bill 115, which creates exemptions to the definition of the abused and neglected child and restricts the consideration of courts related to an individual's consumption and possession of controlled substances.

The proposed legislation, aiming to address a non-existent problem, has potential consequences that may expose children to harm.

Child protective service (CPS) referrals rarely, if ever, involve screening solely based on parents' legal use of controlled substances or marijuana. Instead, cases typically encompass additional risk factors like impaired supervision, access to drugs or drug paraphernalia, or a parent's inability to meet the child's basic needs. The inherent risk of unintended consequences, potentially endangering child safety by dissuading local departments of social services from implementing necessary protective measures, disrupts the balanced approach of current CPS policies, thus jeopardizing the well-being of vulnerable children.

The proposed exemption to the definition of an "abused or neglected child" raises concerns by needlessly complicating an already intricate legal domain. These exceptions overlook the necessity for judges and CPS workers to assess unique factors and circumstances in each case, potentially hindering effective decision-making.

The proposal undermines the tangible link between substance use and harm to children, evident in the increased calls to poison control and emergency room visits for children consuming

cannabis-infused substances following the authorization of personal marijuana possession. The blanket exemption further places children at risk by potentially endangering their welfare.

This is a significant threat to child safety, potentially shielding parents engaging in substance possession or consumption from scrutiny. This failure to consider nuanced circumstances undermines the child's best interests and contradicts our efforts to address substance misuse in families and communities.

Accordingly, I veto this bill."

Contact: Britt Olwine | bolwine@dls.virginia.gov | 804-698-1815

SB 143. Railroad safety; civil penalties. The enrolled bill requires a crew of at least two qualified individuals on all trains, locomotives, or light engines used in connection with moving freight. This bill is identical to HB 385. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 143, which mandates crew sizes for trains, locomotives, or light engines.

While I support the goal of improving safety within the rail industry, the proposed methods appear premature and lack the necessary nuance required for effective regulation. A comprehensive strategy is best achieved through the established framework of the federal government's ongoing rulemaking process.

According to reports from the Federal Railroad Administration (FRA) and the National Transportation Safety Board (NTSB), the available evidence does not conclusively support the notion that two-person crews are inherently safer.

Mandating crew sizes, as proposed, is a blunt regulatory tool that encroaches upon the established mechanisms for railroads and unions to negotiate staffing and scheduling matters through collective bargaining.

The effect of the proposed legislation extends beyond a labor-related concern. Short-line railroads, our last mile freight transport providers, are significantly affected. The proposed regulations disrupt their ability to access new markets, jeopardizing the success of initiatives such as the establishment of inland ports – initiatives crucial for the economic progress of our rural communities and the Commonwealth.

Moreover, the proposed regulations would impose constraints on our supply chain, impeding our ability to manage inflation and cope with rising costs of living and doing business in Virginia. The economic repercussions pose a genuine threat to the stability of our economy.

The proposal also distorts the entirety of our transportation sector by diverting traffic from rail to our highways. At a time when the Commonwealth is diligently working to address congestion issues, the proposed regulations appear counterproductive.

Finally, the proposed legislation risks hindering technology and innovation in the rail industry, by impeding the development of opportunities, such as autonomous rail operations.

Prematurely constraining a fuel-efficient mode of freight transport while simultaneously advocating for the mandating of electric vehicles to address environmental concerns raises questions about the coherence and foresight of the proposal.

Accordingly, I veto this bill."

Contact: Marvi Ali | mali@dls.virginia.gov | 804-698-1816

SB 144. Nolle prosequi or dismissal prior to preliminary hearing; subsequent indictment.

The enrolled bill provides that no person who was arrested on a warrant charging him with a felony offense shall be denied a preliminary hearing upon the question of whether there is probable cause to believe that he committed that offense and no indictment shall be returned in a court of record against any such person for such felony offense or any other offense arising out of the same facts and circumstances prior to such hearing unless such hearing is waived in writing by the accused.

The enrolled bill provides that, on motion of the defendant made within 21 days of service of any such indictment upon such defendant that is returned without a preliminary hearing, the court shall stay prosecution in that court and remand the case to district court for a preliminary hearing. Upon conducting the preliminary hearing, the district court shall either (i) on a finding of probable cause, certify such indictment to the circuit court for further proceedings or (ii) if no probable cause is found, certify such finding to the circuit court, which shall dismiss such indictment with or without prejudice.

Lastly, the enrolled bill tolls the time period to try an accused upon remand of an indictment to the district court for a preliminary hearing and restarts such time period upon a finding of probable cause by the district court. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 144, which relates to nolle prosequi prior to a preliminary hearing.

The proposal requires a preliminary hearing in all matters arising from a felony warrant obtained by law enforcement and prohibits the Commonwealth's ability to ensure cases are appropriately prosecuted.

The bill purports to ensure that only cases based upon probable cause reach the circuit court; however, it harms victims, delays justice, and limits the ability to prosecute cases by locking prosecutors into a law enforcement decision to proceed via a warrant. The bill also requires any felony case initiated by warrant to have a preliminary hearing; however, not all felony cases begin with a warrant. Cases may also begin by direct indictment by a grand jury or information with no appearances in a district court.

In cases of crimes of violence, including domestic violence or crimes against children, the safety of the community, coupled with concern about the defendant's whereabouts, results in law enforcement obtaining warrants at a time of their choosing often protecting the complaining witness. Concurrently, the investigation continues, and the prosecutor reviews the charging

decision. Any time held on the warrant applies to the new charges in circuit court pursuant to § 53.1-197.

Proceeding in this manner protects victim and witness safety and well-being by limiting further trauma, prolonged contact with their abuser, and preventing threats and violence—especially in gang and drug-related cases. It also allows law enforcement time to obtain additional evidence and corroboration via search warrant returns, subpoena duces tecum returns, and forensic analysis.

The legislation also has a considerable fiscal impact to account for the additional judges, clerks, bailiffs, court time, and fees to comply with the proposal properly and safely.

Ultimately, this legislation directly affects cases where a defendant’s immediate apprehension is paramount to public safety.

Accordingly, I veto this bill."

Contact: Troy Hatcher | thatcher@dls.virginia.gov | 804-698-1829

SB 235. Policies on parental notification of instructional material that includes sexually explicit content; scope and use. The enrolled bill provides that nothing in the law requiring the Department of Education to develop and make available to each school board model policies for ensuring parental notification of any instructional material that includes sexually explicit content and requiring each school board to adopt policies that are consistent with but may be more comprehensive than such model policies or that is in such model policies or school board policies shall be construed to permit the censoring of books in any public elementary or secondary school. This bill is identical to HB 571. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto Senate Bill 235, which relates to the scope and use of policies on parental notification of instructional material that includes sexually explicit content.

In accordance with Senate Bill 656 (2022), the Virginia Department of Education (VDOE) released "Model Policies on Instructional Materials with Sexually Explicit Content." Developed through collaboration with educational leaders and parents, the model policy bolsters parental rights by granting parents more decision-making authority in their child's education. The model specifically states: “the Act shall not be construed to require or provide for the censoring of books in public elementary and secondary schools.”

Despite the proponents’ claim that the current proposal codifies the enactment clause found in Chapter 100 of the 2022 Acts of Assembly, there are significant language differences that may cause confusion among school administrators, divisions, parents, and students.

Current law unequivocally affirms that the adoption of these model policies by a school board should not be interpreted as requiring or providing for the censorship of books in public elementary and secondary schools. Therefore, the bill is unnecessary.

Accordingly, I veto this bill."

Contact: Ryan Brimmer | rbrimmer@dls.virginia.gov | 804-698-1820

SB 236. Requests for reports of aggregated, nonconfidential case data; academic research.

The enrolled bill allows a full-time faculty member of a baccalaureate public institution of higher education in the Commonwealth to request for the purposes of academic research, provided that such academic research has been approved through such public institution's institutional review board, a report for aggregated, nonconfidential case data for garnishment, unlawful detainer, and warrant in debt actions in a general district court. The enrolled bill provides that such report may include street addresses and the amount of money claimed in the action. The enrolled bill also requires any faculty member requesting the data to take all steps necessary to protect the privacy and security of such data and that such data shall not be subject to the Virginia Freedom of Information Act. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto Senate Bill 236, which allows college and university faculty members to request district court records.

In 2023, I signed Senate Bill 1089, which requires the Office of the Executive Secretary of the Supreme Court of Virginia to report to the General Assembly the number of writs of eviction by September 1, 2024. This report will provide information to address gaps in eviction-related data.

The proposal infringes upon the privacy rights of individuals who have faced an unlawful detainer, garnishment, or warrant in debt action. Additionally, the proposal does not effectively address the issue of incomplete eviction data, as garnishments and warrants in debt actions can involve various transactions, such as credit card or business-to-business disputes.

Accordingly, I veto this bill."

Contact: Britt Olwine | bolwine@dls.virginia.gov | 804-698-1815

SB 246. Limited-duration licenses and driver privilege cards and permits; expiration. The enrolled bill extends the validity of limited-duration licenses, driver privilege cards and permits, and identification privilege cards, other than REAL ID credentials and commercial driver's licenses and permits, to a period of time consistent with the validity of driver's licenses, which, under current law, is a period not to exceed eight years or, for a person age 75 or older, a period not to exceed five years, and permits and special identification cards. The enrolled bill directs the Department of Motor Vehicles to implement the extended validity periods for such documents upon reissuance. This bill is identical to HB 1454. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 246, which concerns limited-duration licenses, driver privilege cards and permits, and identification privilege cards.

This bill removes the requirement that driver privilege cards have printed restrictions identical to limited duration licenses, which indicate that the card is valid only for a limited period. This information is used to distinguish between legal and non-legal resident IDs.

This bill would also enable a person permitted by the Federal government to be in the United States for a limited duration to obtain a Virginia Driver's license for a full eight-year term even though their eligibility to be legally present here may have expired.

Accordingly, I veto this bill."

Contact: Emma Buck | ebuck@dls.virginia.gov | 804-698-1818

SB 258. Substantial risk orders; substantial risk factors and considerations. The enrolled bill provides various factors that a judge or magistrate must consider for the purpose of determining probable cause prior to issuing an emergency substantial risk order or a substantial risk order. The enrolled bill provides that such factors shall include whether the person who is subject to the order (i) committed any acts of violence or criminal offenses resulting in injury to himself or another person within the six months prior to the filing of the petition; (ii) made any threats or used any physical force against another person that resulted in injury within the six months prior to the filing of the petition; (iii) violated any provision of a protective order issued or was arrested for stalking within the six months prior to the filing of the petition; (iv) was convicted of any offense that would prohibit such person from possessing a firearm; (v) engaged in any conduct within the year prior to the filing of the petition that demonstrated a pattern of violent acts or threats to another person, including any acts or threats made against family members, neighbors, coworkers, or toward schools or students or government buildings or employees; (vi) committed any acts of violence or criminal offenses against an animal within the six months prior to the filing of the petition; (vii) made any attempt or threat of suicide or any act, attempted act, or threat of self-harm that caused or may have caused serious bodily injury; or (viii) recently acquired a firearm or ammunition, with evidence of such recent acquisition provided by the petitioner. The enrolled bill also outlines various other factors that a judge or magistrate may consider for the purpose of issuing an emergency substantial risk order or a substantial risk order. The enrolled bill also provides that possession includes actual access or the potential to readily access a firearm for the purposes of finding if a person possesses a firearm or if such firearm shall be voluntarily relinquished. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 258, which relates to risk factors and considerations for substantial risk orders.

The legislation treats the Second Amendment as a secondary right compared to other constitutional guarantees, and the proposed expansion of substantial risk orders is excessively broad and overreaching.

Accordingly, I veto this bill."

Contact: Charles Quagliato | cquagliato@dls.virginia.gov | 804-698-1813

SB 259. Civil actions filed on behalf of multiple persons; class actions. The enrolled bill provides that one or more members of a class may, as representative parties on behalf of all members, bring a civil action or may be proceeded against in a civil action, provided that (i) the class is so numerous that joinder of all members or proceeding with such actions on an individual basis is impracticable or contrary to judicial economy; (ii) there are questions of law or fact

common to the class; (iii) the claims or defenses of the representative parties are typical of the claims or defenses of the class; and (iv) the representative parties shall fairly and adequately protect the interests of the class. The enrolled bill further sets out the procedure to certify a class action, the duties of counsel appointed in a class action, the various orders a court may issue during the course of a class action, and the process by which a settlement, voluntary dismissal, or compromise may occur. The enrolled bill has a delayed effective date of January 1, 2025, and is identical to HB 418. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto Senate Bill 259, establishing the types, certification, rules, and venue for civil actions filed on behalf of multiple persons. The legal landscape in Virginia accommodates class actions, with federal courts empowered to adjudicate such cases under the Federal Rules of Civil Procedure. Even claims solely rooted in Virginia law can find recourse in federal jurisdictions.

The proposed changes have far-reaching implications by broadening the scope of statutory damages available under the Virginia Consumer Protection Act. The possible statutory damages resulting from these consumer class actions will coerce defendants into settlements to avoid potentially ruinous financial consequences.

The recent expansion of the Court of Appeals within the Commonwealth's legal apparatus must be considered when assessing this proposal. This was the most significant modification to our legal system in decades, and consequently, the court continues to absorb the backlog of dockets, which must be resolved.

Commerce is based on a legal environment that maintains fairness. Excessive tort liabilities and the threat of litigation expenses can force businesses to close their doors, imperiling economic growth. Achieving a balanced legal system means addressing the concerns of both litigants and businesses in tandem. Only through a nuanced approach that acknowledges both excesses and deficiencies can Virginia's economy continue to flourish.

Accordingly, I veto this bill."

Contact: Britt Olwine | bolwine@dls.virginia.gov | 804-698-1815

SB 273. Purchase of firearms; waiting period; penalty. The enrolled bill provides that no person shall sell a firearm unless at least five days have elapsed from the time the prospective purchaser completes the written consent form to have a licensed dealer obtain criminal history record information, with exceptions enumerated in relevant law. This bill incorporates SB 55 and SB 551 and is identical to HB 1195. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 273, which requires a waiting period to purchase a firearm.

The proposed waiting periods would impede individuals facing threats of violence from promptly acquiring a firearm for self-defense.

Virginia's existing background check ensures that individuals prohibited by State or Federal law cannot legally access firearms. The Virginia State Police use federal and state records and

databases, including the Central Criminal Records Exchange, one of the most complete records repositories in the nation.

My commitment to enhancing mental health services is steadfast, reflected in my efforts and record funding to finalize long-neglected mental health systems. These initiatives aim to assist those undergoing mental health crises when an individual needs it most, a reform that is proven to save lives.

The federal Brady Handgun Violence Prevention Act of 1993 initially implemented a five-day waiting period between handgun application and sale completion before being found to be unconstitutional.

Accordingly, I veto this bill."

Contact: Charles Quagliato | cquagliato@dls.virginia.gov | 804-698-1813

SB 274. Prescription Drug Affordability Board established; drug cost affordability review.

The enrolled bill establishes the Prescription Drug Affordability Board for the purpose of protecting the citizens of the Commonwealth and other stakeholders within the health care system from the high costs of prescription drug products. The enrolled bill requires the Board to meet in open session at least four times annually, with certain exceptions and requirements enumerated in the enrolled bill. Members of the Board are required to disclose any conflicts of interest, as described in the enrolled bill. The enrolled bill also creates a stakeholder council for the purpose of assisting the Board in making decisions related to drug cost affordability. The enrolled bill tasks the Board with identifying prescription, generic, and other drugs, as defined in the enrolled bill, that are offered for sale in the Commonwealth and, at the Board's discretion, conducting an affordability review of any prescription drug product. The enrolled bill lists factors for the Board to consider that indicate an affordability challenge for the health care system in the Commonwealth or high out-of-pocket costs for patients. The enrolled bill also provides that any person aggrieved by a decision of the Board may request an appeal of the Board's decision and that the Attorney General has authority to enforce the provisions of the enrolled bill. The enrolled bill provides that the Board shall establish no more than 12 upper payment limit amounts annually between January 1, 2025, and January 1, 2028.

The enrolled bill requires the Board to report its findings and recommendations to the General Assembly twice annually, beginning on July 1, 2025, and December 31, 2025. Provisions of the enrolled bill shall apply to state-sponsored and state-regulated health plans and health programs and obligate such policies to limit drug payment amounts and reimbursements to an upper payment limit amount set by the Board, if applicable, following an affordability review. The enrolled bill specifies that Medicare Part D plans shall not be bound by such decisions of the Board.

The enrolled bill also requires the nonprofit organization contracted by the Department of Health to provide prescription drug price transparency to provide the Board access to certain data reported by manufacturers. The enrolled bill has a delayed effective date of January 1, 2025, and is identical to HB 570. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto Senate Bill 274, establishing a Prescription Drug Affordability Board.

Though noble in its intent, the proposal carries numerous unintended consequences. While it is imperative to lower drug prices, it must not compromise patient welfare.

The proposed authority granted to the Prescription Drug Affordability Board (PDAB) would allow medication availability to be determined based solely on cost considerations rather than accounting for the expert opinions of healthcare professionals and the unique medical needs of individual patients. This approach could limit access to treatments and hinder medical innovation, especially for life-threatening or rare diseases.

The implications of the proposed upper payment limits (UPLs) are detrimental for patients with life-threatening diseases such as cancer. As we are acutely aware, life-saving treatments often entail the use of high-cost drugs targeted by these affordability measures; bringing down the costs of these drugs will require full transparency of prices and discounts and more competition and economic freedom, not price controls. Considering the pharmaceutical supply chain's complexity, imposing arbitrary UPLs could limit access to life-saving pharmaceuticals and harm patients' health.

Experiences from other states like Maryland and Colorado, which have similar PDABs, show high implementation costs, including higher taxes, without significant savings for those in need.

Pharmaceutical affordability is a major issue for Virginians. Full transparency into actual pricing and discounts and more competition are key to bring prices down while not stifling innovation. This year I have also signed bipartisan legislation to provide cost-saving transparency and regulations pharmaceutical benefit managers and legislation that directs the Secretary of Health and Human Resources to study and plan for import lower cost drugs for Virginians.

The Commonwealth should prioritize patient well-being, maintain access to essential medications, and support healthcare innovation. We can do all this and lower the cost of prescription drugs for Virginians.

Accordingly, I veto this bill."

Contact: Marvi Ali | mali@dls.virginia.gov | 804-698-1816

SB 276. Energy upgrade programs; Phase I and Phase II Utilities; State Corporation Commission to study feasibility; work group; report. The enrolled bill directs the State Corporation Commission to convene a work group to study the feasibility of the implementation of an energy upgrade program for eligible customers opting to participate by each Phase I and Phase II Utility, which program would permit such utility to (i) install one or more energy projects, as defined in the enrolled bill, at a participant's location and (ii) collect a special rate, as defined in the enrolled bill, to repay the costs of such installation. The enrolled bill requires the Commission to report the findings and recommendations of the work group to the Chairmen of the House Committee on Labor and Commerce, the Senate Committee on Commerce and Labor,

and the Commission on Electric Utility Regulation by January 1, 2025. The Governor's explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 276, which directs the State Corporation Commission to study the feasibility of an energy upgrade program.

While the State Corporation Commission is the proper venue to study the creation of such a program, this bill skews the results of such a study toward recommendations designed to benefit private interests at the expense of utility customers. This study should be conducted without bias toward any conclusion or private party.

Additionally, the scope of this study is very limited and would produce results that are not comprehensive. Merely studying the feasibility of a program without consideration of ratepayer impacts, potential cost shifts, and other risks as deemed relevant limits the Commission's review and would deliver incomplete information to the General Assembly.

Accordingly, I veto this bill."

Contact: Josh Kaplan | jkaplan@dls.virginia.gov | 804-698-1817

SB 306. Invasive plant species; retail sales; civil penalty. The enrolled bill requires, for the retail sale of any invasive plant species for outdoor use on a list established by the Department of Conservation and Recreation, a retail establishment to post in a conspicuous manner on the property located in proximity to each invasive plant display signage identifying such plant as invasive, educating consumers regarding invasive plant species, and encouraging consumers to ask about alternatives. The enrolled bill requires the Commissioner of Agriculture and Consumer Services to designate the format, size, and content of such signage no later than October 1, 2024, and requires the Commissioner to issue a stop sale order and mark or tag a plant in a conspicuous manner when an invasive plant is for sale at a retail establishment without appropriate signage. In such case, the enrolled bill requires the Commissioner to give written notice of a finding made to the owner, tenant, or person in charge of such retail establishment and requires the stop sale order issued to remain in effect until the required signage is posted. Any retail establishment that violates the provisions of the enrolled bill is subject to a civil penalty not to exceed \$500. This bill is identical to HB 47. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto Senate Bill 306, which creates civil penalties for the retail sale of certain plant species.

The Department of Conservation and Recreation (the Department) already publishes and distributes educational information related to invasive plant species and the benefits of planting native species. Virginia should continue to educate consumers about invasive plant species and encourage them to seek alternatives.

The proposal, however, places additional requirements and imposes civil penalties on Virginia's small businesses for the sale of plants with low levels of invasiveness, such as periwinkle and winter honeysuckle.

Additionally, the Department's invasive species list would function as the legally binding authority regarding invasive species, circumventing the Administrative Process Act, which involves a public notice and comment period.

Accordingly, I veto this bill."

Contact: Nathan Smith | nsmith@dls.virginia.gov | 804-698-1840

SB 327. Purchase of certain firearms; age requirement; penalty. The enrolled bill prohibits any person under 21 years of age from purchasing a handgun or assault firearm, with exceptions for the purchase of an assault firearm by a law-enforcement officer, correctional officer, jail officer, or member of the Armed Forces of the United States, the Virginia National Guard, or the National Guard of any other state. Accordingly, the enrolled bill prohibits a licensed dealer from selling, renting, trading, or transferring from his inventory a handgun or assault firearm to any person under 21 years of age. A violation of either prohibition is a Class 6 felony. The enrolled bill also expands the definition of "assault firearm" as the term applies to criminal history record information checks. This bill is identical to HB 1174. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 327, relating to age requirements for purchasing or transferring certain firearms.

The proposed legislation prohibits any individual under the age of twenty-one from purchasing a handgun or assault firearm, two broad categories of commonly used firearms.

Of particular importance is the basic principle that the constitutionally protected right to possess a firearm is meaningless absent the right to purchase or otherwise acquire the firearm, a necessary corollary to the realization of rights guaranteed by the Second Amendment.

Recently, the U.S. District Court for the Eastern District of Virginia ruled that a federal law prohibiting the sale of firearms to adults under the age of twenty-one would be found unconstitutional under the Supreme Court's ruling in *Bruen*. The Court stated, "[i]f the Court were to exclude 18-to-20-year-olds from the Second Amendment's protection, it would impose limitations on the Second Amendment that do not exist with other constitutional guarantee."

Accordingly, I veto this bill."

Contact: Charles Quagliato | cquagliato@dls.virginia.gov | 804-698-1813

SB 329. Compost and other products containing organic soil amendments infrastructure; civil penalty. The enrolled bill allows a locality by ordinance to require certain generators, as defined in the enrolled bill, of large quantities of organic waste to separate the organic waste from other solid waste and ensure that the organic waste is diverted from final disposal in a refuse disposal system. The enrolled bill allows a locality to establish civil penalties for violations of such ordinance but requires the locality to issue a warning to a generator that violates the ordinance prior to collecting such a civil penalty. Finally, the enrolled bill expresses that it is the intent of the General Assembly that new public school buildings and facilities and improvements and renovations to existing public school buildings and facilities include waste disposal infrastructure, as defined in the enrolled bill. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 329, which allows localities to implement civil penalties for requiring entities to separate organic waste.

The proposal broadly defines "generator" to encompass a range of establishments, from schools to supermarkets, and imposes civil penalties for non-compliance. While the intention to promote sustainable waste management is commendable, its effects on businesses and institutions, especially smaller ones and our school system, are concerning. These entities may lack the resources to implement the required waste separation infrastructure, leading to increased operating expenses and significant challenges.

Training staff, ensuring compliance with what could be complex and ever-changing ordinances regarding separation rules, and managing additional administrative tasks could divert valuable time and resources away from core operations. The implementation costs disproportionately affect smaller establishments, which could struggle to meet these requirements compared to larger organizations with more resources.

This potential discrepancy could create an uneven playing field in the business landscape, placing smaller businesses and institutions at a disadvantage; while one restaurant could simply absorb the cost of ignoring the law, a smaller establishment could face nearly \$5,000 in costs by the end of a week, higher than the fine for a Class 5 felony. Despite their best efforts, organizations may inadvertently violate the rules, resulting in penalties that could strain their financial viability.

An alternative solution is to encourage and support businesses and schools rather than enforcing strict regulations that strain financial resources. This would be a more balanced approach to food waste management.

Accordingly, I veto this bill."

Contact: Nathan Smith | nsmith@dls.virginia.gov | 804-698-1840

SB 334. Plea agreements; prohibited provisions. The enrolled bill prohibits plea agreements and court orders executed or entered on or after July 1, 2024, from containing any provision that purports to waive, release, or extinguish a defendant's (i) rights under the Fourth Amendment to the United States Constitution and Article I, Section 10 of the Constitution of Virginia; (ii) right to file a petition requesting expungement of the police records and the court records; or (iii) right to have criminal history record information and court records sealed. The enrolled bill provides that any such prohibited provision of a plea agreement or court order is void and unenforceable as against public policy.

The enrolled bill provides that such prohibition does not apply to any plea agreements, written agreements, or court orders entered into by a defendant and the Commonwealth (i) as a condition for participation in a specialty docket or (ii) in a case involving a sexual offense where the victim is under 18 years of age.

The enrolled bill further provides that any waiver, release, or extinguishment of rights under the Fourth Amendment permissible by law shall be no longer than the period of supervised probation

or post-release supervision imposed against the defendant; if the defendant is not placed on supervised probation or post-release supervision, it shall be no longer than the period of suspension of sentence or post-release incarceration imposed against such defendant. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 334 which prohibits certain provisions in plea agreements and court orders.

The Fourth Amendment waiver is a commonly used tool by prosecutors that allows law enforcement to stop and search an individual convicted of certain offenses.

The Supreme Court of Virginia has upheld these waivers as permissible so long as they do not result from coercion. As part of a plea agreement, waiving the Fourth Amendment rights benefits the defendant with a lesser period of active incarceration and facilitates better reintegration into society. In exchange, the Commonwealth receives a meaningful period of supervised probation, providing safer communities.

Removing the right of both parties to agree to a Fourth Amendment waiver and limiting probation officers is a detriment to public safety.

Accordingly, I veto this bill."

Contact: Troy Hatcher | thatcher@dls.virginia.gov | 804-698-1829

SB 338. Study; JLARC; effects of gun violence on communities; report. The enrolled bill directs the Joint Legislative Audit and Review Commission to study the social, physical, emotional, and economic effects of gun violence on communities across the Commonwealth. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 338, which directs the Joint Legislative Audit and Review Commission (JLARC) to study the social, physical, emotional, and economic health effects of gun violence.

The Commonwealth has also made great strides in addressing crimes committed with firearms by establishing programs such as the Operation Ceasefire Grant Fund to implement proven methods such as gang reduction programs, funding state and local law enforcement, and supporting nonprofits engaged in group violence intervention.

The Office of Safer Communities also supports community-based strategies to address community violence's root causes through evidence-informed strategies, such as afterschool programs, mentorships, and strategies to build trust between law enforcement and the community. Additionally, the Virginia Firearm Violence Intervention and Prevention Fund provides resources for violence intervention programs in localities with disproportionate firearm-related homicides.

Contrary to the historical objectivity and nonpartisanship of JLARC, the proposal would expand the use of studies based on political beliefs. It is troubling that the proposal also makes no

mention of criminology or requires JLARC to look at the benefits of self-defense that firearm ownership can provide.

Accordingly, I veto this bill."

Contact: Lily Jones | ljones@dls.virginia.gov | 804-698-1888

SB 357. Assault and battery; affirmative defense; penalty. The enrolled bill provides an affirmative defense to prosecution of an individual for assault or assault and battery of certain specified individuals for which the enhanced Class 6 felony and six month mandatory minimum apply if such individual proves, by a preponderance of the evidence, that at the time of the assault or assault and battery (i) the individual's behaviors were a result of (a) mental illness or (b) a neurocognitive disorder, including dementia, or a neurodevelopmental disability, including a developmental disability or intellectual disability, such as autism spectrum disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association or (ii) the individual met the criteria for issuance of an emergency custody order.

The enrolled bill provides that if such individual does not prove that his behaviors were a result of his mental illness, intellectual disability, developmental disability, or neurocognitive disorder but the evidence establishes that his mental illness, intellectual disability, developmental disability, or neurocognitive disorder otherwise contributed to his behaviors, the finder of fact may find the accused guilty of a misdemeanor assault or assault and battery. The enrolled bill also provides that such affirmative defense shall not be construed to allow an affirmative defense for voluntary intoxication. This bill is identical to HB 267. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 357, which creates an affirmative defense for assault and battery.

First and foremost, the Commonwealth has made great strides in handling our mental health crisis and remains focused on providing treatment to those individuals.

A new, loosely defined, and excessively broad affirmative defense is unnecessary because Virginia laws already provide protections for individuals who are not criminally responsible due to mental illness.

The proposal significantly reduces the protections afforded to law enforcement and erodes the Commonwealth Attorney's discretion in evaluating cases, needlessly introducing logistical and procedural challenges that further burden our strained court system.

This bill sends the wrong message at precisely the wrong time.

Accordingly, I veto this bill."

Contact: Troy Hatcher | thatcher@dls.virginia.gov | 804-698-1829

SB 368. Storage of firearms in a residence where a minor or person prohibited from possessing a firearm is present; penalty. The enrolled bill requires any person who possesses a

firearm in a residence where such person knows that a minor or a person who is prohibited by law from possessing a firearm is present to store such firearm and the ammunition for such firearm in a locked container, compartment, or cabinet that is inaccessible to such minor or prohibited person. The enrolled bill provides that a violation is a Class 4 misdemeanor. The enrolled bill exempts (i) any person in lawful possession of a firearm who carries such firearm on or about his person and (ii) the storage of antique firearms and provides that the lawful authorization of a minor to access a firearm is not a violation of the enrolled bill's provisions. The enrolled bill also requires firearm dealers to post a notice stating such firearm storage requirements and the penalty for improperly storing such firearms. This bill is identical to HB 183. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 368, which relates to the storage of firearms where a minor or person prohibiting a firearm is present. This legislation would limit individuals' access to firearms in their homes.

A similar law was deemed unconstitutional in *District of Columbia v. Heller*. The court ruled that mandates on storage or trigger locks that make it impractical for citizens to use firearms for the lawful purpose of self-defense are unconstitutional.

The proposed language could prove problematic in cases of necessary home defense when firearm access may be crucial. Further, it would completely disarm individuals who cannot afford a storage device. While the intent may not be to strip the poorest Virginians of their right to self-defense, the proposal would price them out of the market for a fundamental right.

The suggested exemption for carrying weapons is impractical, for example, while sleeping or doing household chores. This exemption leaves individuals with only one option for self-defense; such a requirement would lead to law-abiding Virginians carrying their weapons irresponsibly and dangerously.

Accordingly, I veto this bill."

Contact: Charles Quagliato | cquagliato@dls.virginia.gov | 804-698-1813

SB 370. Prohibiting employer seeking wage or salary history of prospective employees; wage or salary range transparency; cause for action. The enrolled bill prohibits a prospective employer from (i) seeking the wage or salary history of a prospective employee; (ii) relying on the wage or salary history of a prospective employee in determining the wages or salary the prospective employee is to be paid upon hire; (iii) relying on the wage or salary history of a prospective employee in considering the prospective employee for employment; (iv) refusing to interview, hire, employ, or promote a prospective employee or otherwise retaliating against a prospective employee for not providing wage or salary history; and (v) failing or refusing to disclose in each public and internal posting for each job, promotion, transfer, or other employment opportunity the wage, salary, or wage or salary range. The enrolled bill establishes a cause of action for an aggrieved prospective employee or employee and provides that an employer that violates such prohibitions is liable to the aggrieved prospective employee or employee for statutory damages between \$1,000 and \$10,000 or actual damages, whichever is

greater, reasonable attorney fees and costs, and any other legal and equitable relief as may be appropriate. This bill is identical to HB 990. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto Senate Bill 370, which prohibits employers from seeking the wage or salary history of prospective employees.

While I share concerns regarding wage inequality among women and minorities, the proposed legislation represents government overreach, offering incomplete information during the hiring process, disregarding business needs, and potentially exposing small businesses to lawsuits.

The Commonwealth's objective is to attract, retain, and expand job opportunities, and our laws should not burden or incur excessive costs compared to competitor states. Regulations should consider the overall business expenses, encompassing taxes, fees, insurance, and regulatory obligations, to foster a favorable business climate.

Employers often use candidates' salary history as a benchmark to ensure they offer competitive wages. Compensation decisions rely on various factors such as market value, funding constraints, and labor market competition. Gender or race are legally prohibited from influencing these decisions.

This legislation adopts a one-size-fits-all approach, disregarding the diverse nature of businesses across the Commonwealth spanning various sizes, industries, and geographic locations. While large corporations might navigate the new regulations, smaller companies or nonprofits lacking dedicated human resources departments would struggle, hindering their ability to evaluate candidates effectively.

Addressing wage disparities across gender and racial lines is imperative, but the potential adverse effects on small businesses, prospective employees, and the economy are too high.

Accordingly, I veto this bill."

Contact: Marvi Ali | mali@dls.virginia.gov | 804-698-1816

SB 373. Paid family and medical leave insurance program; notice requirements; civil action. The enrolled bill requires the Virginia Employment Commission to establish and administer a paid family and medical leave insurance program with benefits beginning January 1, 2027. Under the program, benefits are paid to covered individuals, as defined in the enrolled bill, for family and medical leave. The enrolled bill specifies that covered individuals shall not include state employees, constitutional and other local officers, and employees of local school divisions and that funding for the program is provided through premiums assessed to employers and employees beginning January 1, 2026. The enrolled bill provides that the amount of a benefit is 80 percent of the employee's average weekly wage, not to exceed 80 percent of the state weekly wage, which amount is required to be adjusted annually to reflect changes in the statewide average weekly wage. The enrolled bill caps the duration of paid leave at 12 weeks in any application year and provides self-employed individuals the option of participating in the program. Finally, the enrolled bill requires the Commission to update its 2021 Paid Family and

Medical Leave study to include an assessment of the budgetary impacts of extending the benefits of the program to exempt individuals. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 373, establishing a state-administered family and medical leave program.

The proposed paid family and medical leave program is a one-size-fits-all solution that removes the incentive for the private sector to provide these benefits. Many businesses in Virginia already have paid family and medical leave policies.

Additionally, the fact that with its multi-billion-dollar budget, the Commonwealth would be exempt from the mandate required for small businesses or nonprofits, is evidence that this proposal is unfair.

Accordingly, I veto this bill."

Contact: Josh Kaplan | jkaplan@dls.virginia.gov | 804-698-1817

SB 383. Carrying a firearm or explosive material within Capitol Square or building owned or leased by the Commonwealth; exemptions; public institutions of higher education; penalty. The enrolled bill limits the exemption from the prohibition on the carrying of any firearm or explosive material within any building owned or leased by the Commonwealth or agency thereof or any office where employees of the Commonwealth or any agency thereof are regularly present for the purpose of performing their official duties that currently applies to any property owned or operated by a public institution of higher education to instead apply to any individual within a building owned or operated by a public institution of higher education who possesses a weapon as part of such public institution of higher education's curriculum or activities or as part of any organization authorized by such public institution of higher education to conduct its programs or activities within such building, as such uses are approved through the law-enforcement or public safety unit of such institution. This bill is identical to HB 454. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 383, which criminalizes an individual's possession of a firearm in a building owned or operated by a public institution of higher education.

While I am committed to ensuring well-secured and safe college campuses in Virginia, this legislation does not adequately consider the numerous variations in Virginia's diverse geographic, cultural, and societal norms across different regions of the Commonwealth.

The Boards of Visitors at Virginia's institutions of higher education already have the authority to regulate their respective campuses, including implementing firearms prohibitions. This allows for consideration of the differences across regions and students' unique circumstances.

Accordingly, I veto this bill."

Contact: Charles Quagliato | cquagliato@dls.virginia.gov | 804-698-1813

SB 393. MEI Project Approval Commission; board-level gender and diversity requirements. The enrolled bill requires the MEI Project Approval Commission to consider, prior to recommending approval of any major employment and investment (MEI) project, a board diversity disclosure statement submitted by the business seeking incentives. The Commission is required to consider (i) whether such statement specifies the number and percentage of diverse directors who identify as female or as representing a national, racial, ethnic, indigenous, or cultural minority in the country of the business's principal executive offices and (ii) whether the business commits to annually updating and submitting such statement. This bill is identical to HB 212. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto Senate Bill 393 relating to board-level gender and diversity requirements for economic development incentives.

The proposal seeks to alter the responsibilities of the Major Employment and Investment Project Approval Commission (the Commission). While diversity and inclusivity are commendable aspirations for businesses, noble intentions should not justify circumventing the Commission's obligations.

The Commission's role is to scrutinize financing for individual incentive packages, not assess whether a business adheres to a requirement akin to a demographic-based quota. Such requirements could deter companies from investing in the Commonwealth, especially privately held or family-owned enterprises, which may be wholly precluded.

The quota-like system overlooks the achievements of women and minorities in their own right. Both groups have made significant strides in board representation and mandating specific demographic compositions risks undermining their accomplishments.

Ultimately, the proposal fails to acknowledge that the primary beneficiaries of economic development are not board members but individuals who secure gainful employment. A genuinely egalitarian approach should focus on attracting businesses to the Commonwealth and fostering opportunities for expansion and investment in individuals.

Accordingly, I veto this bill."

Contact: Lily Jones | ljones@dls.virginia.gov | 804-698-1888

SB 428. Elections; conduct of elections; ranked choice voting; locally elected offices; report. The enrolled bill clarifies the requirements for conducting elections using ranked choice voting and requires the results for elections conducted by ranked choice voting to be reported along with other results reported on election night, except that such results must clearly be identified as preliminary and based on the first rankings in a ranked choice voting election. The enrolled bill provides that final tabulation for an election is required to be conducted on the same day as other results are canvassed by the local electoral board. The enrolled bill specifies that ranking data is required to be made publicly available by the Department of Elections and requires the State Board of Elections to provide standards and to approve vote tabulating software for use with existing voting systems in elections conducted by ranked choice voting. The enrolled bill specifies that risk-limiting audits of elections conducted using ranked choice voting are limited

to the first choice rankings reported on voting systems and provides that, while risk-limiting audits of elections conducted using ranked choice voting may be requested by localities, no such election may be included in any random drawing required to satisfy the general requirements for risk-limiting audits nor shall a risk-limiting audit of such election count toward satisfying any such general requirements. The enrolled bill specifies that the State Board is required to produce generalized voter education materials on ranked choice voting and is also permitted to create and modify recount procedures to the extent necessary to accommodate a recount of an election. Finally, the enrolled bill directs the Department to review the testing and approval framework for voting equipment in the Commonwealth and to submit a report of such review no later than the first day of the 2025 Regular Session of the General Assembly. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 428, concerning ranked choice voting (RCV) regulations.

RCV is new in the Commonwealth of Virginia, and nationwide. Concerns have been raised about its use in general elections where some voters have found it confusing. A heightened risk of mistakenly erroneous ballot submissions raises concerns about disenfranchisement and an increased lack of voter confidence in election results. Before RCV is further institutionalized and regulated at the Virginia Department of Elections, the legitimate questions of voters need to be answered.

Accordingly, I veto this bill."

Contact: Brooks C. Braun | bbraun@dls.virginia.gov | 804-698-1861

SB 447. Firearm in unattended motor vehicle; civil penalty. The enrolled bill provides that no person shall leave, place, or store a handgun in an unattended motor vehicle, as defined in the enrolled bill, when such handgun is visible to any person who is outside such motor vehicle. The enrolled bill provides that any person violating such prohibition is subject to a civil penalty of no more than \$500 and such unattended motor vehicle may be subject to removal for safekeeping. This bill is identical to HB 1462. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 447, which relates to firearms in motor vehicles.

The proposal penalizes law-abiding Virginians for leaving a firearm in their vehicle, regardless of any other circumstances, punishing victims of crimes committed by another individual.

The culpability is on the criminal who stole the firearm. The Commonwealth should prioritize prosecution and severe punishment for individuals who commit crimes.

Accordingly, I veto this bill."

Contact: Charles Quagliato | cquagliato@dls.virginia.gov | 804-698-1813

SB 448. Cannabis control; retail market; penalties. The enrolled bill establishes a framework for the creation of a retail marijuana market in the Commonwealth, to be administered by the

Virginia Cannabis Control Authority. The enrolled bill allows the Authority to begin issuing all marijuana licenses on September 1, 2024, but provides that no retail sales may occur prior to May 1, 2025. This bill is identical to HB 698. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 448, establishing a framework for creating a retail marijuana market in the Commonwealth.

The proposed legalization of retail marijuana in the Commonwealth endangers Virginians' health and safety. States following this path have seen adverse effects on children's and adolescent's health and safety, increased gang activity and violent crime, significant deterioration in mental health, decreased road safety, and significant costs associated with retail marijuana that far exceed tax revenue. It also does not eliminate the illegal black-market sale of cannabis, nor guarantee product safety. Addressing the inconsistencies in enforcement and regulation in Virginia's current laws does not justify expanding access to cannabis, following the failed paths of other states and endangering Virginians' health and safety.

I. The Adverse Effects on Children's Health & Safety

The most concerning consequence of cannabis commercialization is its impact on adolescents and our children. As cannabis has become legalized and commercialized, calls to U.S. Poison Control for children who have overdosed on edible cannabis products have increased by 400% since 2016.

In particular, Colorado, Washington, Ohio, and Massachusetts have experienced significantly more cannabis-related calls to poison control centers and increased emergency department visits for cannabis poisonings in children following legalization and is much higher compared to nonlegal states. In Virginia, the Blue Ridge Poison Control Center reports that minors overdosing on edible cannabis products have increased by 85% since Virginia legalized cannabis possession.

Intentional youth cannabis use has also increased in states and localities with legal retail markets. In New York City, instances of controlled substances and drug paraphernalia discovered on students in schools increased by 8% compared to 2019, despite a concurrent 11% decrease in the K-12 population. Data from the Substance Abuse and Mental Health Services Administration show that the five states with the highest youth marijuana use are also all states with legal retail cannabis. Cannabis commercialization and diminished cannabis enforcement have resulted in youth cannabis use increasing by 245% between 2000 and 2022, contrasting with declines in teen alcohol and tobacco use.

Medical studies show that individuals using cannabis at younger ages have a higher chance of developing more severe cannabis use disorder and persistent and uncontrollable substance use disorders. Research indicates that 11% of juveniles who consumed cannabis in 2023 and 21% of juveniles who consistently consumed cannabis for three years have developed cannabis use disorder.

Additionally, doctors at Boston Children's Hospital have reported an increase in children developing psychosis following cannabis use. Nearly one-third of adolescents attending

checkups admit to using cannabis, and one-third of children who used cannabis and sought treatment reported hallucinations or paranoia.

Data suggest that marijuana use in adolescence can lead to other addictive behaviors in adulthood by reducing dopamine reactivity in the brain's reward regions, prompting users to seek a more potent product. The widespread availability of cannabis can compound this effect. The connection between daily cannabis use among children and long-term addiction has long-term consequences, considering research indicates that an estimated 6.5% of twelfth graders are daily cannabis users.

Treating children for cannabis-related issues, including lost intelligence, psychosis, and other mental health problems, is complex due to the acute and long-term effects of cannabis consumption. Stabilization and counseling are inadequate for treating cannabis use disorder in children, as evident by the limited effectiveness of counseling, and there are no medications available for treatment, resulting in long-term adverse health outcomes.

Medical experts and health professionals provided policymakers with information regarding the consequences of cannabis commercialization on Virginians' health during the General Assembly session. They emphasized that a retail marijuana marketplace creates a misconception that cannabis use is safe for minors, even though cannabis use leads to adverse mental health outcomes, increased anxiety and depression in minors, and impaired brain development.

II. The Failures of States with Legalized Retail Marijuana

States that have attempted to regulate the black-market for cannabis have generally failed. Colorado is touted as a successful example of legalization, but a decade after legalization, the illicit cannabis market still accounts for approximately 35% of all cannabis sales. Similarly, six years after legalization, California's legal cannabis market represented only about 10% of total cannabis sales. With the black-market's persistent pressure, gang activity escalates and violent crime surges.

Legal cannabis markets also do not guarantee product safety. In New York, which has legal cannabis markets, a study conducted by the New York Medical Cannabis Industry Association found that 40% of the cannabis products failed to meet required standards, including tests for E. Coli, salmonella, accurate THC, and heavy metals. Likewise, growers consistently evade state environmental regulations, labor standards, and product testing requirements in California, as reported by PBS News Hour.

Cannabis-induced disorder rates surged by 50% in November 2023 compared to 2019, attributed to intentional breeding for higher potency, a trend seen post-legalization, according to electronic health records. In Washington, post-legalization, cannabis extracts gained 150% market share, boasting nearly triple the potency of flower, prompting a reassessment of legalization's benefits by their legislature.

Moreover, the expectation that cannabis legalization will result in a meaningful net increase in state tax revenues has not materialized in states with legal markets. States with legal retail cannabis have been challenged in transitioning their existing, robust black-markets into legal,

regulated, and taxed markets. As a result, their projected revenues have fallen short of expectations and forecasts.

According to an official Colorado state study, cannabis taxes have not solved budget shortfalls, and for every dollar of additional revenue generated, Coloradans spend approximately \$4.50 to mitigate the effects of legalization. In addition to healthcare costs, the state also must contend with a lack of productivity in the economy, with research indicating that regular marijuana use increases the probability that a student will drop out of high school.

A 2023 analysis by the Federal Reserve Bank of Kansas City showed that cannabis legalization led to higher social costs without boosting tax revenue, resulting in increased consumption, substance use disorder, homelessness, and arrests, leaving state governments financially worse off.

III. Increase in Violent Crime, Psychiatric Disorders, and Decline in Safety

In 2021, cannabis use was estimated to be responsible for 10% of drug-related emergency department visits in the U.S., and it accounts for 11% of all psychosis cases in emergency rooms, totaling approximately 90,000 cases.

Cannabis contributes to a higher probability of users developing psychosis than other illicit drugs, according to the American Journal of Psychiatry. Cannabis-induced psychosis takes the form of perceptual alterations, hallucinations, and delusions.

Psychosis is a strong risk factor for violence. Schizophrenia resulting from cannabis-induced psychosis has significant public safety implications. People diagnosed with schizophrenia are five times as likely to commit violent crimes and are almost twenty times as likely to commit murder. Individuals with schizophrenia account for approximately 6% to 9% percent of murders.

Research also demonstrates that cannabis commercialization contributed to increased crime among all categories. Following cannabis legalization in Oregon, violent crime, property crime, larceny, aggravated assault, and burglary all increased significantly compared to other states that maintained laws against the commercial sale of marijuana.

The consensus from the leading medical journals, backed by extensive studies and research, indicates that cannabis is neither beneficial nor safe. The uniform experience of other states that have legalized retail cannabis is increased cannabis use, including among minors, increased THC potency, and increased crime.

In addition to increased gang and violent crime activity, there are also the effects of decreased public safety on our roads. In Colorado, after legalization, there was a 40% increase in fatal crashes where the driver tested positive only for THC. All marijuana-related traffic fatalities increased by 76.2%.

Law enforcement officials from across the Commonwealth have warned that this proposal poses a serious threat to public safety, attesting to increases in crime, arrests, and DUI incidents. Our local and state law enforcement agencies lack the necessary funding and staffing to effectively

manage the emergence of a cannabis tourism industry, fueling an international drug trade dominated by organized crime.

IV. Virginia's Current Cannabis System

The current illegal cannabis market in Virginia is pervasive and dangerous.

Marijuana carries the same dangers as other drugs; the Commonwealth recognized this when it created a medical marijuana system. Opioids and other controlled substances are highly regulated and require the consultation of a medical provider to mitigate their negative consequences. Even with those protections in place, these drugs have had perverse and dangerous consequences for Virginians. The same is true for marijuana.

Attempting to rectify the error of decriminalizing marijuana by establishing a safe and regulated marketplace is an unachievable goal. The more prudent approach would be to revisit the issue of discrepancies in enforcement, not compounding the risks and endangering Virginians' health and safety with greater market availability.

Accordingly, I veto this bill."

Contact: David May | dmay@dls.virginia.gov | 804-698-1825

SB 449. Juvenile parole; juvenile correctional centers. The enrolled bill provides that any person sentenced to a term of life imprisonment or who has a cumulative term of active sentences that total more than 20 years, regardless of whether such sentences were imposed during a single sentencing hearing or multiple sentencing hearings, for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 consecutive years of incarceration, including any period of commitment in a juvenile correctional center, shall be eligible for parole. Under current law, any period of commitment in a juvenile correctional center for any sentences for such juvenile offender is not considered as a portion of the minimum of 20 years of incarceration served in order for such offender to be eligible for parole. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 449, which grants eligibility for parole to offenders for crimes committed as a juvenile.

This proposal fails to limit the severity of crimes committed by the offender as a juvenile before becoming eligible for parole.

To provide context, under this proposal, a murderer convicted at age sixteen could be released as early as age thirty-four. The Department of Corrections and the Parole Board estimate that approximately five hundred inmates would become eligible for parole.

Such a widespread approach to parole eligibility disregards the severity of the offense committed, posing a significant risk to public safety.

Accordingly, I veto this bill."

Contact: Charles Quagliato | cquagliato@dls.virginia.gov | 804-698-1813

SB 477. Blighted and derelict properties in certain localities; rate of tax. The enrolled bill allows the governing body of a locality with a score of 100 or higher on the fiscal stress index to levy a real property tax on blighted and derelict properties at a rate exceeding the rate applicable to the general class of real property by up to 15 percent on blighted properties and by up to 30 percent on derelict properties. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 477, which pertains to property tax surcharges for fiscally distressed localities.

The localities contemplated by this bill already have the authority to levy a property tax surcharge on owners of blighted and derelict property. This bill would have allowed localities to increase this surcharge by 200%. Property taxes are consistently among Virginians' largest annual expense, and this has been exacerbated due to rising housing prices and inflation. The General Assembly and local governments should be considering methods to bring property taxes under control rather than raising tax rates.

Accordingly, I veto this bill."

Contact: Keelin Cronin | kcronin@dls.virginia.gov | 804-698-1832

SB 491. Firearm industry members; standards of responsible conduct; civil liability. The enrolled bill creates standards of responsible conduct for firearm industry members and requires such members to establish and implement reasonable controls regarding the manufacture, sale, distribution, use, and marketing of the firearm industry member's firearm-related products, as those terms are defined in the enrolled bill. Such reasonable controls include reasonable procedures, safeguards, and business practices that are designed to (i) prevent the sale or distribution of a firearm-related product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under state or federal law, or a person who the firearm industry member has reasonable cause to believe is at substantial risk of using a firearm-related product to harm themselves or unlawfully harm another or of unlawfully possessing or using a firearm-related product; (ii) prevent the loss of a firearm-related product or theft of a firearm-related product from a firearm industry member; (iii) ensure that the firearm industry member complies with all provisions of state and federal law and does not otherwise promote the unlawful manufacture, sale, possession, marketing, or use of a firearm-related product; and (iv) ensure that the firearm industry member does not engage in an act or practice in violation of the Virginia Consumer Protection Act. The enrolled bill also provides that a firearm industry member may not knowingly or recklessly create, maintain, or contribute to a public nuisance, as defined in the enrolled bill, through the sale, manufacturing, importing, or marketing of a firearm-related product. The enrolled bill creates a civil cause of action for the Attorney General or a local county or city attorney to enforce the provisions of the enrolled bill or for any person who has been injured as a result of a firearm industry member's violation to seek an injunction and to recover costs and damages. This bill is identical to HB 318. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 491, which relates to civil penalties for firearm industry members.

The federal Protection of Lawful Commerce in Arms Act (PLCAA) already provides a framework for addressing civil actions against firearms industry entities concerning negligent entrustment and defects. This federal law, grounded in common sense and common law principles, prevents baseless litigation that could financially devastate a lawful industry with exorbitant legal fees. Other lawful industries, such as vaccine producers, have similar protections.

Even under Presidents Obama and Biden, the Department of Justice has consistently defended the PLCAA. The DOJ has argued against attempts by states to implement regulatory schemes as a loophole to the PLCAA, deeming them unconstitutional and lacking merit.

Our legal system should prioritize punishing criminals rather than targeting law-abiding manufacturers and retailers within the firearms industry.

Accordingly, I veto this bill."

Contact: Charles Quagliato | cquagliato@dls.virginia.gov | 804-698-1813

SB 494. Overtime for certain employees; live-in domestic workers. The enrolled bill adds individuals who are employed in domestic service in a household and reside in such household to provisions related to overtime pay. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 494, which would require employers to pay overtime to certain domestic service employees.

This legislation introduces significant confusion for both families and employees and is not needed. Certain domestic service employees have compensation arrangements, such as housing, transportation, and meals, that differ significantly from typical employment arrangements.

Accordingly, I veto this bill."

Contact: Marvi Ali | mali@dls.virginia.gov | 804-698-1816

SB 504. Expungement of police and court records. The enrolled bill provides that, for the purposes of expungement of police and court records, the term "otherwise dismissed" means to render a legal action out of consideration in a different way or manner than a nolle prosequi or formal dismissal by the trial court. The enrolled bill specifies that the term "otherwise dismissed" also includes those circumstances when a person is charged with the commission of a crime, a civil offense, or any offense defined in relevant law and the initial charge is reduced or amended to another offense, including a lesser included offense or the same offense with a lesser gradient of punishment, so that such person is not convicted of the initial charge and may file a petition requesting expungement of the police and court records relating to the initial charge. Under the enrolled bill, unless the subject of the criminal record requests otherwise, any person who files an appeal of a petition for an expungement that was denied shall be allowed to proceed under a pseudonym, and such designation shall apply in the trial court and on any appeal. The enrolled bill also allows for the expungement of any emergency or preliminary protective order that was attached or factually related to an expunged charge or offense, provided that a permanent protective order was not ordered as a result of such emergency or preliminary protective order.

The enrolled bill also provides that if a court finds that the continued existence and possible dissemination of information relating to an arrest may cause circumstances that constitute manifest injustice, including any hindrance to obtain employment, an education, or credit, it shall enter an order requiring the expungement of the police and court records. Under current law, a court shall enter an order of expungement when information relating to an arrest causes or may cause circumstances that constitute a manifest injustice to the petitioner. The enrolled bill requires a business screening service, defined in the enrolled bill, to destroy all expunged records, as defined in the enrolled bill, and to follow reasonable procedures to ensure that it does not maintain or sell expunged records. The enrolled bill also provides that an indigent person may file a petition for expungement without the payment of fees and costs and can request court-appointed counsel, who shall be paid from the Sealing Fee Fund. Except for the provisions regarding the filing of an appeal under a pseudonym and the circumstances that constitute manifest injustice, the enrolled bill has a delayed effective date of January 1, 2026. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 504, which allows a charging offense to be expunged after a person is found guilty of a lesser offense related to the same conduct.

This bill would allow individuals to avoid the full consequences of their actions by having more serious charges expunged from their record after being found guilty of a lesser offense. This bill reduces transparency and accountability as it will obscure important information about an individual's criminal history.

Accordingly, I veto this bill."

Contact: Charles Quagliato | cquagliato@dls.virginia.gov | 804-698-1813

SB 505. Limitation on sentence upon revocation of suspension of sentence; technical violations. The enrolled bill provides that, when conducting a revocation hearing, the court shall consider at the same revocation hearing all alleged technical violations that occurred prior to such revocation hearing and have not been previously considered by the court. The enrolled bill also requires that when a defendant has been taken into custody for an alleged violation for which the court may impose not more than 14 days of active incarceration, the court shall adjudicate such violation within 14 days of the defendant being taken into custody. The enrolled bill states that if such violation is not adjudicated within 14 days of the defendant being taken into custody, the defendant shall be admitted to bail, unless (i) such defendant consents to being further detained while awaiting adjudication or sentencing or (ii) the Commonwealth has established, by clear and convincing evidence, that the defendant presents a significant risk of harm to himself or the community based on substance use disorder or serious mental illness and has been referred for residential treatment. Notwithstanding the foregoing, the enrolled bill provides that no such defendant shall be held in custody awaiting adjudication of or sentencing on such alleged technical violation for longer than 30 days without his consent. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 505, which requires courts to release defendants being held for a probation violation under certain circumstances.

This bill's requirements would put Virginia law at odds with the Interstate Compact for Adult Offender Supervision, which governs probation violation release timeframes across all state governments.

The bill also mandates that offenders be released for probation violations after fourteen days, even if they were a flight risk or likely to re-offend based on past behavior. The fourteen-day timeframe is insufficient for attorneys to collect and present evidence on whether the offender should be released or remain in custody.

In addition, this bill uses technical terms without clear definitions, creating uncertainty for courts when determining probation violations or releasing offenders. Consequently, disparate outcomes may arise based on individual judges' interpretations.

Accordingly, I veto this bill."

Contact: Troy Hatcher | thatcher@dls.virginia.gov | 804-698-1829

SB 506. Public institutions of higher education; governing boards; powers and duties; legal counsel; scope of employment. The enrolled bill provides that the governing board of each public institution of higher education shall have authority over the employment of all legal counsel for the institution, including decision-making authority in the commencement or termination of any legal counsel, the employment of outside legal counsel, the oversight and management of any legal counsel, and the appointment of a general counsel to serve as the chief legal officer of the institution. The enrolled bill provides that the chief legal officer and the vice president or similarly situated executive officer of such institution shall, under the direction of the governing board of such institution, conduct the legal affairs of and provide legal advice and representation for such institution on any matter that the governing board determines to be in the interest of the institution. The enrolled bill clarifies the scope of the involvement of the Attorney General in the legal affairs of public institutions of higher education, providing that the Attorney General may only provide legal service to a public institution of higher education upon request of the governing board of such institution or upon the governing board's decision to delegate all authority in accordance with the provisions of the enrolled bill. The enrolled bill permits the governing board of any public institution of higher education with less than 7,500 full-time students to delegate all authority over legal counsel conferred pursuant to the provisions of the enrolled bill. The enrolled bill also provides that the approval of the Attorney General shall be required for any legal settlement involving consideration in excess of \$5 million. The enrolled bill also clarifies the duties of the governing board of each public institution of higher education in its collective capacity and of the members of such governing board in their individual capacities. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 506, which allows the governing board of each public institution of higher education to hire their own legal counsel.

The proposal undermines the foundational accountability structure of Virginia's public institutions of higher education.

On October 2, 2023, in a formal opinion, the Attorney General clearly articulated the relationship of a board of visitors of an institution of higher education to the school and the Commonwealth.

"Although the General Assembly has conferred corporate powers upon the governing boards of the Commonwealth's institutions of higher education, each of Virginia's colleges and universities remains 'a department of government' and "it is clear that the boards of visitors serving [Virginia's institutions of higher education] have a duty to the Commonwealth as a whole."

The Attorney General is the duly elected legal counsel for the Commonwealth of Virginia and must have appropriate oversight over all government legal counsel.

Accordingly, I veto this bill."

Contact: Ryan Brimmer | rbrimmer@dls.virginia.gov | 804-698-1820

SB 514. Fines and costs; period of limitations on collections; deferred payment agreement.

The enrolled bill changes the period of limitations for the collection of court fines and costs from within 60 years from the date of the offense or delinquency giving rise to imposition of such penalty if imposed by a circuit court or within 30 years if imposed by a general district court to within 10 years from the date of the judgment whether imposed by a circuit court or general district court. The enrolled bill provides that upon the expiration of the period of limitations, no action shall be brought to collect the debt.

The enrolled bill also provides that for any defendant sentenced to an active term of incarceration and ordered to pay any fine, cost, forfeiture, or penalty related to the charge that such defendant is incarcerated for, or any other charge for which such defendant was sentenced on the same day, the court shall enter such defendant into a deferred payment agreement for such fines, costs, forfeitures, or penalties. The enrolled bill requires the due date for such deferred payment agreement to be set no earlier than the defendant's scheduled release from incarceration on the charge for which such defendant received the longest period of active incarceration. This bill is identical to HB 857. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 514, which lowers the period of limitations for the collection of court fines and requires courts to determine payment plans for convicts.

Court costs are a vital revenue source for local court systems and are appropriately charged to individuals who are convicted of crimes that are heard before such courts. This bill would prevent local governments from collecting these costs from certain convicted defendants and could risk underfunding local court systems.

Accordingly, I veto this bill."

Contact: Josh Kaplan | jkaplan@dls.virginia.gov | 804-698-1817

SB 542. Unemployment insurance; benefit eligibility conditions; lockout exception to labor dispute disqualification. The enrolled bill amends the Virginia Unemployment Compensation Act's labor dispute disqualification to provide that a lockout by an employer shall not constitute a labor dispute and that locked-out employees who are otherwise eligible for benefits shall receive such benefits unless (i) the recognized or certified collective bargaining representative of the locked-out employees refuses to meet under reasonable conditions with the employer to discuss the issues giving rise to the lockout, (ii) there is a final adjudication under the federal National Labor Relations Act that such representative has refused to bargain in good faith with the employer, or (iii) the lockout is the direct result of such representative's violation of an existing collective bargaining agreement. This bill is identical to HB 938. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto Senate Bill 542, which provides unemployment insurance benefits in the case of a lockout due to a labor dispute.

Virginia remains a right-to-work state, a status that this proposal would compromise.

Labor unions negotiate contracts with employers, and if negotiations fail, employers are permitted to hire replacements or lockout workers until a resolution is reached. During a lockout, employers cannot permanently replace workers, and workers may seek back pay through a National Labor Relations Board proceeding.

The proposal would involve the Virginia Employment Commission (VEC) in labor disputes for the first time by requiring it to determine eligibility for unemployment benefits during such a dispute. This would be a significant departure from current practices, potentially entangling the VEC in contentious issues.

Furthermore, unemployment benefits are funded through contributions to the Commonwealth's Unemployment Insurance Trust fund, with tax collections increasing when solvency is low. While this process is fair for rebuilding the Trust fund during economic downturns, allowing labor unions or a few employers to raise taxes on others is unjust for employers and employees.

Accordingly, I veto this bill."

Contact: Marvi Ali | mali@dls.virginia.gov | 804-698-1816

SB 570. Virginia Human Rights Act; definition of "employer." The enrolled bill waives the Commonwealth's sovereign immunity to a civil action under the definition of "person" in relevant law. The enrolled bill also expands the definition of "employer" as it relates to the requirement to provide reasonable accommodation for persons with disabilities under the Virginia Human Rights Act to include any government or political subdivision, or agent of such government or political subdivision, employing more than five employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. The enrolled bill

also reduces the number of employees from 15 to five for the definition of employer of domestic workers. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 570, which waives the Commonwealth's sovereign immunity in certain civil actions.

Sovereign immunity is an essential legal doctrine. Any change to the code of Virginia that would waive sovereign immunity in certain situations should not be adopted without thorough consideration and broad-based support.

Accordingly, I veto this bill."

Contact: Joanne Frye | jfrye@dls.virginia.gov | 804-698-1868

SB 584. Department of General Services; General Services Board established; Chief Administrator. The enrolled bill establishes the General Services Board to oversee the Department of General Services and, among other duties, to appoint a Chief Administrator for the Department. The Board shall consist of nine members: one nonlegislative citizen member appointed by the Governor, two nonlegislative citizen members appointed by the Senate Committee on Rules, two nonlegislative citizen members appointed by the Speaker of the House of Delegates, one department or agency head appointed by the Senate Committee on Rules serving ex officio, one department or agency head appointed by the Speaker of the House of Delegates serving ex officio, and two department or agency heads appointed by the Governor serving ex officio. Under current law, the Department is headed by the Director who is appointed by and serves at the pleasure of the Governor. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto Senate Bill 584, which establishes the General Services Board.

The proposed bill would potentially hinder the efficiency and effectiveness of the Department of General Services (DGS) and lacks clarity and foresight on the likely negative effect. The lack of clarity is particularly evident in the oversight of delegations of authority to the DGS Director, creating uncertainty about the extent of the Director's powers and potentially impeding effective agency management.

My administration has been dedicated to improving government operations for Virginians from the outset. Urgent concerns included the prolonged deferred maintenance of state buildings. This necessitated expedited office space and telecommunications infrastructure improvement. Operational upgrades increased telecommunications bandwidth by 75% in approximately one thousand office buildings, enhancing efficiency.

By consolidating distribution centers, reducing over one thousand excess state vehicles, enhancing our electronic procurement filing system, and assessing underutilized real estate for economic development, we have benefited the Commonwealth and taxpayers. This long overdue business-like approach aims to improve the workplace, benefit employees, promote efficiency, and benefit taxpayers.

In light of these accomplishments, we will continue to work with members of the General Assembly to consider evolving real estate and procurement functions from focusing on individual transactions to a more comprehensive plan that promotes continuous improvement. This collaborative effort will highlight the tangible and intangible savings achieved through these initiatives and demonstrate their potential to bring about transformative change.

Under the proposal, however, the ability of a citizen board to implement policy, deliver critical services that demand daily interaction with customers, law enforcement, vendors, and other stakeholders and provide oversight of a large, complex organization of employees, contractors, and suppliers could hinder the agency's capacity to deliver high-quality services to all branches of government, including the General Assembly.

The infrequency of board meetings poses a significant risk to the timely execution of agency functions. Such limited meeting frequency may lead to delays in decision-making processes, even jeopardizing health and safety considerations. Given DGS's pivotal role in providing vital support services to all state agencies, these delays could severely impact government operations' overall efficiency.

There are also challenges associated with recruiting and retaining qualified board members, which are crucial for informed decision-making in DGS's complex operations. Given the agency's intricate functions, board members must possess the requisite expertise and availability to fulfill their responsibilities effectively.

Furthermore, the constraints placed on statewide strategic decision-making severely impede our ability to implement cohesive policies across state agencies. This limitation not only undermines the effectiveness of government initiatives but can potentially escalate costs for Virginians.

The proposal's lack of clarity, potential for operational delays, and constraints on strategic decision-making warrant careful reconsideration and revision to ensure that it aligns with the objectives of promoting efficient government operations and service delivery.

Accordingly, I veto this bill."

Contact: Ashley Binns | abinns@dls.virginia.gov | 804-698-1812

SB 586. Public elementary and secondary schools; student discipline; evidence-based restorative disciplinary practices. The enrolled bill prohibits, except in certain cases involving specific offenses enumerated in applicable law or in cases in which the division superintendent or his designee finds that aggravating circumstances, as defined by the Department of Education, exist, any public elementary or secondary school student from being suspended, expelled, or excluded from attendance at school without first considering at least one evidence-based restorative disciplinary practice such as community conferencing, community service, mentoring, a peer jury, peer mediation, positive behavioral interventions and supports, a restorative circle, or the Virginia Tiered Systems of Supports. The enrolled bill also requires the Department to add as part of the student behavior and administrative response collection required pursuant to relevant law the use of evidence-based restorative disciplinary practices as a

behavioral intervention in order to evaluate the use and effectiveness of such practices. This bill is identical to HB 398. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 586, which prohibits certain school discipline methods without first using a restorative practice.

Virginia is in the midst of a school discipline crisis. On November 17, 2023, twenty-seven Charlottesville High School teachers refused to come to school after a wave of classroom violence resulted in police being called to the school twice in one day. Teachers who are concerned about decaying discipline in our schools consistently point to a failure to confront and address the small number of students who are responsible for this violence.

Fundamentally, for our schools to be safe places for young Virginians to learn and become active citizens, they must be safe. The bill proposes a top-down mandate, forcing school administrators to first utilize restorative practices rather than immediately suspending or otherwise disciplining students who are violent in school.

Accordingly, I veto this bill."

Contact: Ryan Brimmer | rbrimmer@dls.virginia.gov | 804-698-1820

SB 588. Department of Housing and Community Development; Virginia Residential Landlord and Tenant Act; affordable housing; criminal record screening model policy. The enrolled bill requires the Director of the Department of Housing and Community Development (the Department) to develop a criminal record screening model policy for admitting or denying an applicant for affordable housing covered under the Virginia Residential Landlord and Tenant Act in accordance with the U.S. Department of Housing and Urban Development's guidance on the application of the Fair Housing Act and maintain such model policy on its website. The enrolled bill prohibits a landlord of an affordable housing unit from inquiring about or requiring disclosure of, or if such information is received, basing an adverse action, in whole or in part, on an applicant's criminal or arrest record unless the landlord does so in accordance with the criminal record screening model policy developed by the Department and posted on its website and provides the applicant with a written copy of such policy. The enrolled bill directs the Department to convene a stakeholder group to provide input into the development of the criminal record screening model policy. This bill is identical to HB 1207. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 588, which requires the Commonwealth to develop an affordable housing criminal record screening model policy.

This bill, in practical effect, prohibits an affordable housing provider from inquiring about, requiring disclosure of, or rejecting a housing application based on an applicant's criminal or arrest record unless the provider does so according to such model policy. Further, rental applicants are currently protected by existing fair housing laws related to criminal convictions. Historically, housing providers participating in federal affordable housing programs have been permitted to deny an applicant on the basis of a criminal background check. This bill could make

Virginia's affordable housing policy inconsistent with what is accepted under federal law and may dissuade housing providers from participating in affordable housing programs.

Accordingly, I veto this bill."

Contact: Rebecca Schultz | rschultz@dls.virginia.gov | 804-698-1863

SB 595. Comprehensive plan; healthy communities strategy. The enrolled bill authorizes a locality, beginning July 1, 2024, to adopt a healthy communities strategy as part of its next and any subsequent reviews of the comprehensive plan. The enrolled bill provides that the locality's strategy may include identifying (i) major sources of pollution or hazardous waste sites within the locality, (ii) policies to mitigate the unique or compounded health risks to residents that may be caused by such pollution sources or hazardous waste sites, (iii) objectives and policies to promote civic engagement in public decision-making processes by residents, (iv) objectives and policies that prioritize improvements and programs that promote healthy communities, and (v) objectives and policies that encourage linking public transit with community and health services and siting or co-locating health services in unconventional settings to ensure convenient access for all community members. This bill is identical to HB 208. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto Senate Bill 595, which would permit localities to integrate a "healthy communities' strategy" into their upcoming and subsequent comprehensive plan reviews.

Localities have more than sufficient powers to regulate their communities through the comprehensive planning process under existing law.

Accordingly, I veto this bill."

Contact: Anissa Cottrell | acottrell@dls.virginia.gov | 804-698-1814

SB 597. Affordable housing; local zoning ordinance authority; comprehensive plan. The enrolled bill authorizes any locality in the Commonwealth to provide for an affordable housing dwelling unit program by amending the zoning ordinance of such locality. Current law restricts such authorization to counties with an urban county executive form of government or county manager plan of government and certain other localities. This bill has a delayed effective date of July 1, 2025. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 597, which authorizes all local governments to create affordable dwelling unit zoning ordinances.

The bill is unnecessary. In general, local governments should take the price of housing into account when considering their zoning policies. Current law allows certain local governments with well-documented housing affordability issues the ability to enact such ordinances.

Accordingly, I veto this bill."

Contact: Rebecca Schultz | rschultz@dls.virginia.gov | 804-698-1863

SB 606. Voter registration; list maintenance; data sharing; requiring membership in the Electronic Registration Information Center (ERIC). The enrolled bill requires the Commissioner of Elections to apply for, enter into, and maintain membership for the Commonwealth in the Electronic Registration Information Center (ERIC). This bill is identical to HB 1177. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 606, which requires the Commissioner of Elections to apply for, enter into, and maintain membership in the Electronic Registration Information Center.

The decision for the Commonwealth to exit the Electronic Registration Information Center (ERIC) in 2023 was a result of persistent management issues, improper data use, escalating costs, and the inability to meet statutory requirements for border state information sharing.

ERIC's reluctance to implement reforms and address a bipartisan working group of member states concerns reflects a departure from its core mission of improving voter roll accuracy, which called into question Virginia's continued participation.

This is particularly concerning due to the controversy surrounding ERIC's sharing of personal information with external organizations. These organizations are funded by sources that the General Assembly has on a bipartisan basis prohibited Virginia's election officials from accepting.

The financial burden of rejoining ERIC includes membership fees, which have increased more than 115% since 2022, and participation expenses. ERIC's mandatory Eligible but Unregistered mailing will cost the Commonwealth hundreds of thousands of dollars, which is superfluous considering Virginia's Department of Motor Vehicles' automatic registration policies and same-day registration for voting.

Since leaving ERIC, Virginia established data-sharing agreements with numerous states incurring no additional costs. Additionally, the Department of Elections has increased its data sources by collaborating with forty-one states to obtain driver's license surrender data, while ERIC only provides data sharing with twenty-five states.

I have been explicitly clear about my affirmation of the legitimacy of our elections. My focus is safeguarding Virginians' private information and continuously improving an efficient, cost-effective voter registration system.

Accordingly, I veto this bill."

Contact: Meg Lamb | mlamb@dls.virginia.gov | 804-698-1822

SB 634. State Corporation Commission; powers and duties. The enrolled bill provides that in proceedings before the State Corporation Commission relating to the regulation and oversight of utilities, the Commission shall consider public health and safety, the economy of the Commonwealth, the promotion of workforce development for residents of the Commonwealth, and the maintenance of fair labor standards for workers employed by public service companies and their contractors, if applicable to the proceeding. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 634, which requires the State Corporation Commission to consider various factors in proceedings involving utilities.

The State Corporation Commission currently has broad authority to determine whether utility proposals and activities are in the public interest, including the factors contemplated by this bill. Therefore, this legislation is unnecessary.

Accordingly, I veto this bill."

Contact: Marvi Ali | mali@dls.virginia.gov | 804-698-1816

SB 642. Purchase, possession, or transportation of firearm; assault and battery of a family or household member or intimate partner; penalties. The enrolled bill adds to the existing definition of "family or household member" a person's intimate partner, defined in the enrolled bill as an individual who, within the previous 12 months, was in a romantic, dating, or sexual relationship with the person. The enrolled bill also provides that any person who knowingly and intentionally purchases, possesses, or transports any firearm following a misdemeanor conviction for an offense that occurred on or after July 1, 2024, for the offense of assault and battery against an intimate partner or an offense substantially similar under the laws of any other state or of the United States is guilty of a Class 1 misdemeanor. The enrolled bill incorporates SB 319. This bill is identical to HB 362. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 642, which relates to the purchase, possession, or transportation of a firearm following a misdemeanor conviction of assault and battery.

I join the patrons in their pursuit of condemning domestic abuse; it is unequivocally deplorable. Virginia should ensure that convicted domestic abusers are dealt with appropriately and those who resort to illegal firearm use, especially, should face severe and harsh punishments. To that end, Virginia already has mechanisms for disarming dangerous individuals, such as through protective orders.

Individuals convicted of felony assault and battery already automatically lose their firearm rights. This proposal, however, aims to extend the prohibition of firearm possession for misdemeanors beyond existing restrictions for family and household members. It would now encompass a vaguely defined category of intimate partners without an objective standard.

Additionally, changing the definition of family or household member has far-reaching effects, such as the jurisdiction of juvenile and domestic courts, petitions for relief of custody, and whom a court may prohibit contact with following a conviction for recruitment for criminal street gangs.

Accordingly, I veto this bill."

Contact: Troy Hatcher | thatcher@dls.virginia.gov | 804-698-1829

SB 654. Fines, costs, forfeitures, penalties, and restitution; collection fees; assessment against incarcerated defendant; deferred payment agreement. The enrolled bill extends from 90 days without payment to 180 days without payment the period of delinquency necessary for an account to be included on the required monthly report of delinquent accounts made by the clerk of the circuit court and district court.

The enrolled bill also provides that for any defendant sentenced to an active term of incarceration and ordered to pay any fine, cost, forfeiture, or penalty related to the charge that such defendant is incarcerated for, or any other charge for which such defendant was sentenced on the same day, the court shall enter such defendant into a deferred payment agreement for such fines, costs, forfeitures, or penalties. The enrolled bill requires the due date for such deferred payment agreement to be set no earlier than the defendant's scheduled release from incarceration on the charge for which such defendant received the longest period of active incarceration. The enrolled bill has a delayed effective date of January 1, 2025. This bill is identical to HB 612. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 654, which extends the period of delinquency prior to an account being included on a clerk of court's report of delinquent accounts.

Extending the period of delinquency from 90 to 180 days weakens the accountability traditionally associated with court-ordered fines and restitution, diminishing the court system's ability to enforce accountability and ensure compliance with legal obligations.

Accordingly, I veto this bill."

Contact: Troy Hatcher | thatcher@dls.virginia.gov | 804-698-1829

SB 696. Modification of sentence for marijuana-related offenses. The enrolled bill creates a process by which persons convicted of certain felony offenses involving the possession, manufacture, selling, giving, distribution, transportation, or delivery of marijuana committed prior to July 1, 2021, who remain incarcerated or on community supervision on July 1, 2024, may receive an automatic hearing to consider modification of such person's sentence. The provisions of this bill sunset on July 1, 2027. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 696, which requires a mandatory hearing to review reducing sentences for individuals currently incarcerated or on community supervision for felony marijuana convictions.

This bill grants eligibility to a significant number of violent felons who have already received a full and fair hearing.

Ninety-seven inmates convicted of a violent felony offense, such as first and second-degree murder, kidnapping, and robbery, would be eligible for a reduced sentence under this proposal.

In total, the proposal grants eligibility for approximately three hundred fifteen inmates. Of those, one hundred eighty individuals received convictions for selling, distributing, or manufacturing

other illegal drugs and narcotics, including fentanyl. Other inmates received convictions for serious offenses, including felony distribution to minors.

Now is not the time to allow an imprudent resentencing process that undermines public safety.

Accordingly, I veto this bill."

Contact: Troy Hatcher | thatcher@dls.virginia.gov | 804-698-1829

SB 716. Board of Medicine; unprofessional conduct. The enrolled bill prohibits the Board of Medicine from taking disciplinary action against a doctor based on the alleged provision or receipt of abortion care that is not prohibited under the laws of the Commonwealth, regardless of where such abortion care was provided or received. The enrolled bill also specifies that grounds for refusal to issue a certificate or license to any applicant or to take disciplinary action for procuring or performing an abortion apply to such action only as it is prohibited by the laws of the Commonwealth. Under current law, such grounds for refusal or disciplinary action apply for procuring or performing a criminal abortion. This bill is identical to HB 519. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto Senate Bill 716, which relates to punishment for unprofessional conduct for providers performing abortions.

The primary mission of the Board of Medicine is to protect the public from incompetent, dangerous, and unprofessional medical providers. This legislation compromises the Board's ability to fulfill that mission.

This bill also opens the door to a resurgence of unsafe, risky abortions occurring outside of clinical settings, and it places any unprofessional behavior during an abortion outside the Board's jurisdiction for disciplinary action.

In the pursuit of mitigating disciplinary actions by the Board of Medicine against physicians performing abortions, this proposal jeopardizes the safety of women and undermines the duty of the Board in providing necessary disciplinary measures against doctors engaging in unsafe practices.

Accordingly, I veto this bill."

Contact: Chandler Brooks | cbrooks@dls.virginia.gov | 804-698-1843

SB 719. Restorative housing and isolated confinement; restrictions on use. The enrolled bill prohibits the use of isolated confinement, defined in the enrolled bill, in state correctional facilities, subject to certain exceptions. The enrolled bill requires that before placing an incarcerated person in restorative housing or isolated confinement for his own protection, the facility administrator shall place an incarcerated person in a less-restrictive setting, including by transferring such person to another institution or to a special-purpose housing unit for incarcerated persons who face similar threats. The enrolled bill requires that if an incarcerated person is placed in restorative housing or isolated confinement, such placement shall be reviewed every 48 hours and the facility administrator shall ensure that the incarcerated person receives a

medical and mental health evaluation from certified medical and mental health professionals within one working day of placement in restorative housing or any form of isolated confinement. The enrolled bill also requires the facility administrator to notify the regional administrator in writing that an incarcerated person was placed in restorative housing or isolated confinement within 24 hours of such placement. Finally, the enrolled bill requires that formal reviews of an incarcerated person's placement in any form of isolated confinement shall be held in such person's presence, inform him of any reason or reasons administrative officials believe isolated confinement remains necessary, and give the incarcerated person an opportunity to respond to those reasons, and a formal ruling shall be provided to the incarcerated individual within 24 hours. The Governor's veto explanation states:

"Pursuant to Article V, Section 6 of the Constitution of Virginia, I veto Senate Bill 719, which regulates the use of restorative housing.

During the 2023 legislative session, the General Assembly came together in a bipartisan manner to enact reforms to improve the Department of Corrections' utilization of restorative housing. I supported and signed that legislation, which has since been implemented by the Department, bringing in best practices that have proven beneficial for correction officers and inmates.

These reforms represent the culmination of significant efforts by the Department, positioning us as a national leader in correctional innovation. The Department remains committed to developing new programs and fostering collaboration with diverse voices and stakeholders.

Central to the agency's mission is reentry and long-term public safety, guided by data-driven decision-making and evidence-based practices. The restorative housing program, operating within these principles, stands as a component to ensure safety and security for both inmates and staff.

The new definitions and regulations provided in this proposal pose challenges to the continued success of these reforms. Designating mental health units as isolated confinement without consideration for the informed judgment of mental health professionals undermines effective prison management. Furthermore, imposing arbitrary timeframes for stays in restorative housing, including investigation time, restricts the staff's ability to maintain order and security.

Attempting to legislate prison operational procedures carries inherent risks to inmates, staff, and the public. Corrections professionals are entrusted with oversight for a reason, as they must balance multiple interests while ensuring safety. Congregating individuals without proper management protocols is not a viable solution.

Additionally, I have concerns regarding the budgetary implications of implementing this proposal. The allocated resources in the proposed Budget may not adequately cover the costs, potentially diverting funding from vital reentry programs and initiatives to reduce recidivism.

Additionally, the proposal introduces unnecessary bureaucracy for facility administrators, detracting from the Department's ability to prioritize safety and inmate rehabilitation.

While I remain committed to fostering a correctional system that prioritizes the safety of all stakeholders, including everyday Virginians, inmates, and correctional officers, I do not believe it is currently prudent to proceed with this proposal. My signature on the bipartisan reforms of 2023, the establishment of a Department of Corrections Ombudsman in the Budget, and my continued support for new leadership within the Department underscore my dedication to this cause.

Accordingly, I veto this bill."

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Bills Returned by the Governor (2005–2024)

Session	Governor	Amendments	Vetoes*	Total Sent to Governor
2005	Warner	45	1	949
2006	Kaine	123	7	958
2007		106	10	958
2008		36	1	889
2009		101	12	886
2010	McDonnell	102	0	871
2011		132	5	892
2012		113	7	855
2013		85	6	812
2014	McAuliffe	57	5	834
2015		68	17	800
2016		57	29	811
2017		83	40	880
2018	Northam	30	10	874
2019		47	17	883
2020		102	1	1,291
2021 Special I		37	0	552
2022	Youngkin	116	26	843
2023		77	3	819
2024		117	153	1,045

*This column represents the number of vetoes considered by the General Assembly during the Regular and Reconvened Sessions for each year. The final number of vetoed bills can be found in the Legislative Information System statistics for each session.