

## 2020 Special Session I of the General Assembly

### Governor's Recommended Amendments

This document contains summaries of the Governor's recommended amendments to bills passed in the 2020 Special Session I that have been returned to the General Assembly by November 6, 2020, but that have not yet been acted on by the General Assembly. The summaries were prepared by the staff of the Division of Legislative Services. Amendments to the budget bill are not summarized in this document.

### Governor's Amendments

#### House Bills

**HB 5046/SB 5080. Telemedicine services; originating site.** The Governor's amendment adds an emergency clause to the enrolled bill. SB 5080, which is identical as enrolled, has the same Governor's amendment.

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**HB 5049. Acquisition and use of military property by law-enforcement agencies.** The enrolled bill prohibits law-enforcement agencies, with certain exceptions, from acquiring or using types of military property. Under the enrolled bill, an agency that has previously used property that is now prohibited under the bill may request a waiver from the Criminal Justice Services Board, but the waiver is limited to special weapons and tactics unit or other equivalent unit use. The Governor's amendments provide that a waiver may also be granted for search and rescue operations and include technical amendments related to conditions for granting a waiver for special weapons and tactics unit use.

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**HB 5058/SB 5029. Issuing citations; possession of marijuana and certain traffic offenses.** The enrolled bill provides that no law-enforcement officer may stop a motor vehicle for certain traffic offenses, including failure to display lighted brake lights or headlights, and provides that no officer may stop a person solely on the basis of the odor of marijuana. The Governor's amendments provide that a law-enforcement officer may stop a motor vehicle for failure to display any lighted brake lights or headlights but retain the prohibition on stops so long as at least one brake light and headlight is illuminated. SB 5029, which is identical as enrolled, has the same Governor's amendments.

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**HB 5064/SB 5088. 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, to serve upon such tenant a written notice informing the tenant of the total amount due and owed and offer the tenant a payment plan under which the tenant must pay the total 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 provides remedies to the landlord if the tenant fails to pay the total amount due and owed or enter into a payment arrangement within 14 days of receiving notice. The first and second Governor's amendments change from five to 14 days the amount of time that landlords who own four or fewer rental dwelling units must wait after serving 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 third Governor's amendment is technical and clarifies that the total amount due and owed by a tenant to a landlord under a payment plan does not include late fees. The fourth Governor's amendment adds an emergency clause. SB 5088, which is identical as enrolled, has the same Governor's amendments.

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**HB 5106. Landlord and tenant; noncompliance with rental agreement; prohibition on using negative credit information arising from the COVID-19 pandemic against applicants for tenancy; penalty.** The enrolled bill provides that a landlord who owns more than four rental dwelling units, or more than a 10 percent interest in more than four rental dwelling units, in the Commonwealth shall not take any adverse action against an applicant for tenancy based solely on payment history or an eviction for nonpayment of rent that occurred during the period beginning on March 12, 2020, and ending 30 days after the expiration or revocation of any state of emergency declared by the Governor related to the COVID-19 pandemic. The Governor's amendment clarifies that the term "adverse action" used in the enrolled bill means the same as it does in federal law.

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**HB 5109. Department of Criminal Justice Services; law-enforcement officer training and qualifications.** The enrolled bill requires the Department of Criminal Justice Services to develop a uniform curriculum for the compulsory training of law-enforcement officers at criminal justice training academies; establish compulsory in-service training standards for law-enforcement officers in several subjects, including the potential for bias-based profiling; and adds to the minimum qualifications to become a law-enforcement officer or a jail officer a requirement that such prospective officer undergo a psychological examination subsequent to a conditional offer of employment. The Governor's amendments align the enrolled bill with similar policies enacted in SB 5030, the omnibus police reform bill (Acts 2020 Special Session I, c. 37): under the amendments, psychological examinations would be at the discretion of the hiring law-enforcement agency (as in SB 5030), and the compulsory in-service training standards would include bias-based profiling (as in the enrolled bill) and racially biased policing (as in SB 5030).

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**HB 5115. Emergency laws; civil relief; citizens furloughed or otherwise receiving reduced wages or payments due to state of emergency; COVID-19 pandemic.** The Governor's amendment adds an emergency clause to the enrolled bill.

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**HB 5148. Department of Corrections; earned sentence credits.** The enrolled bill includes § 18.2-45 related to persons suffering death from mob attempting to lynch another person in the list of crimes subject to the maximum 4.5 earned sentence credits for each 30 days served permitted under current law. The Governor's amendments remove § 18.2-45 from that list.

The enrolled bill also provides that the Department of Corrections shall convene a work group to study the impact of the sentence credit amendments set forth in the act and that such work group shall report its findings and conclusions to the Governor and the General Assembly by December 1, 2022. The Governor's amendments change that date to June 1, 2023. Additionally, the remainder of the enrolled bill has a delayed effective date of January 1, 2022, and provides that the calculation of earned sentence credits shall apply retroactively to the entire sentence of any person who is confined in a state correctional facility and participating in the earned sentence credit system on January 1, 2022. The Governor's amendments change both of these dates to July 1, 2022.

The Governor's amendments also include technical amendments.

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## Senate Bills

**SB 5034. Release of prisoners.** The enrolled bill includes § 18.2-45 related to persons suffering death from mob attempting to lynch another person in the list of crimes subject to the maximum 4.5 earned sentence credits for each 30 days served permitted under current law. The Governor's amendments remove § 18.2-45 from that list.

The enrolled bill also provides that the Department of Corrections shall convene a work group to study the impact of the sentence credit amendments set forth in the act and that such work group shall report its findings and conclusions to the Governor and the General Assembly by December 1, 2022. The Governor's amendments change that date to June 1, 2023. Additionally, the remainder of the enrolled bill has a delayed effective date of January 1, 2022, and provides that the calculation of earned sentence credits shall apply retroactively to the entire sentence of any person who is confined in a state correctional facility and participating in the earned sentence credit system on January 1, 2022. The Governor's amendments change both of these dates to July 1, 2022.

The Governor's amendments also include technical amendments.

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