

Governor's Amendments and Vetoes

2021 Special Session I of the General Assembly

The Governor did not veto any bills and recommended amendments to 37 bills passed by the 2021 Special Session I of the General Assembly. The Division of Legislative Services staff prepared the following summaries of the Governor's recommended amendments to assist General Assembly members during their deliberations at the Reconvened Session on April 7. Not summarized in this publication are the Governor's recommended amendments to the budget bill.

Governor's Amendments

House Bills

HB 1855. Department of Mines, Minerals and Energy. The Governor's amendment is technical in nature, inserting a Code subsection that had been inadvertently omitted from the bill.

Contact: Scott Meacham | smeacham@dls.virginia.gov | 698-1866

HB 1890. Elections; prohibited discrimination in voting and elections administration; required process for enacting certain covered practices; civil causes of action. Technical amendments change instances of "covered jurisdiction" to "locality" in provisions of a Code section that apply to all localities. SB 1395, which is identical as enrolled, has the same Governor's amendments.

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

HB 1899. Sunset of coal tax credits. The enrolled bill sunsets the Coal Employment and Production Incentive Tax Credit and Coalfield Employment Enhancement Tax Credit after tax year 2021. The Governor's amendment states that it is the intent of the General Assembly that \$300,000 in fiscal years 2023, 2024, and 2025 and \$6.5 million in fiscal year 2026 and thereafter shall be dedicated to the University of Virginia's College at Wise for the expansion of course offerings in data science, computer science, cybersecurity, and renewable energy. SB 1252, which is identical as enrolled, has the same Governor's amendment.

Contact: Connor Garstka | cgarstka@dls.virginia.gov | 698-1869

HB 1936. Robbery; penalties. The Governor's Amendment in the Nature of a Substitute provides that if a juvenile is charged with robbery, then a juvenile court shall conduct a preliminary hearing, for purposes of certifying the charge to the grand jury, whenever a juvenile 16 years of age or older is charged with a robbery charge that is punishable as a Class 2 or Class 3 felony, as provided for in the bill. The enrolled bill provides that the juvenile court shall have conducted such preliminary hearing for all charges of robbery, regardless of the prescribed punishment.

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

HB 1962. Foster care; termination of parental rights; relatives and fictive kin. The enrolled bill requires local departments of social services and child welfare agencies, upon concluding that it is not reasonably likely that a child who is the subject of a foster care plan can be returned to his prior family within a practicable time, to design a plan that leads to the child's placement with a relative or fictive kin for the purpose of establishing eligibility for the Federal-Funded Kinship Guardianship Assistance program. The Governor's amendments expand this language by also allowing local departments of social services and child welfare agencies to design a plan that leads to the child's placement with fictive kin for the purpose of establishing eligibility for the State-Funded Kinship Guardianship Assistance program, as created by SB 1328.

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

HB 1992. Purchase, possession, or transportation of firearms following conviction for assault and battery of a family or household member; penalties. The enrolled bill prohibits a person who has been convicted of assault and battery of a family or household member from purchasing, possessing, or transporting a firearm. The Governor's amendments extend the prohibition period from three to five years and add to the definition of "family or household member" a cohabiting individual and a child of either the person or the cohabiting individual.

Contact: Connor Garstka | cgarstka@dls.virginia.gov | 698-1869

HB 1999. Tax Commissioner; waiver of accrual of interest in the event that the Governor declares a state of emergency. The Governor's amendments add an emergency clause to the bill.

Contact: Connor Garstka | cgarstka@dls.virginia.gov | 698-1869

HB 2031. Facial recognition technology; authorization of use by local law-enforcement agencies and campus police departments at public institutions of higher education. The enrolled bill provides that no local law-enforcement agency or campus police department shall purchase or deploy facial recognition technology, defined in the bill, unless such purchase or deployment is expressly authorized by statute, and prohibits a local law-enforcement agency or campus police department at a public institution of higher education currently using facial recognition technology from continuing to use such technology without such authorization after July 1, 2021. The enrolled bill contains a provision regarding the non-applicability to commercial air service airports in the portion of the bill related to public institutions of higher education. The Governor's amendments remove that language and clarify that, with regard to local law-enforcement agencies only, the aforementioned provisions shall not apply to commercial air service airports.

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

HB 2038. Probation, revocation, and suspension of sentence; limitations. The enrolled bill provides that the limitation on the period of probation shall not apply to the extent that an additional period of probation is necessary for the defendant to participate in a court-ordered program. The Governor's amendments provide that the limitation on the period of probation shall not apply if a defendant owes restitution and is still subject to restitution compliance review

hearings. The Governor's amendments also clarify that if a court finds that a defendant has absconded from the jurisdiction of the court, the court may extend the period of probation or suspended sentence for a period not to exceed the length of time that such defendant absconded. The Governor's amendments also include technical amendments.

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

HB 2040. Unemployment compensation; failure to respond; continuation of benefits; repayment of overpayments. The enrolled bill, among other things, requires the Virginia Employment Commission (VEC) to waive the obligation for an individual to repay certain overpayments for the week commencing March 15, 2020, through the week commencing June 26, 2021, if such overpayments remain outstanding as of July 1, 2021. The Governor's first amendment is technical and corrects the beginning date of the last week of such overpayments. The Governor's second amendment eliminates the "as of July 1, 2021" from the requirement that such overpayment remain outstanding. This would allow the VEC to waive outstanding overpayments that were made during the window of the week of March 15, 2020, to the week of July 27, 2021, but are not formally determined to be overpayments until after July 1, 2021.

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

HB 2047. Criminal proceedings; consideration of mental condition and intellectual and developmental disabilities. The enrolled bill provides that a court, in addition to a magistrate, may enter a temporary detention order in cases in which evidence concerning a defendant's mental condition at the time of an alleged offense is presented if the criteria required under current law for temporary detention orders are met. The Governor's Amendment in the Nature of a Substitute provides that a court may enter an emergency custody order, rather than a temporary detention order, in such cases if the criteria required under current law for emergency custody orders are met and makes related technical amendments.

The Governor's Amendment in the Nature of a Substitute also clarifies that the data to be collected and reported by the Office of the Executive Secretary of the Supreme Court shall include the number of cases in which evidence of the defendant's mental condition is introduced and a jury or court finds that a defendant did not have the intent required for the offense charged due to a mental illness, as defined in the bill, and the number of cases in which the court issues an emergency custody order after a jury or the court finds that a defendant did not have the intent required for the offense charged due to a mental illness, as defined in the bill.

SB 1315, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

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

HB 2055. Child support obligations; party's incarceration not deemed voluntary unemployment or underemployment. The Governor's amendment adds a reenactment clause to the bill.

Contact: Britt Olwine | bolwine@dls.virginia.gov | 698-1815

HB 2113. Sealing of criminal records; penalties. The enrolled bill establishes a process for the automatic sealing and petition-based sealing of police and court records. The enrolled bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill. The Governor's Amendment in the Nature of a Substitute makes changes to some of the delayed effective dates.

In the enrolled bill, the provisions related to the process for automatic and petition-based sealing of police and court records become effective on July 1, 2025. The Governor's Amendment in the Nature of a Substitute provides that such provisions shall become effective on the earlier of (i) the first day of the fourth month following notification of the Chair of the Virginia Code Commission and the Chairs of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by the Superintendent of State Police that the Executive Secretary of the Supreme Court of Virginia, the Department of State Police, and any circuit court clerk who maintains a case management system that interfaces with the Department of State Police have automated systems to exchange information or (ii) July 1, 2025.

The enrolled bill provides that the Department of State Police shall first transmit the required list of all offenses that meet the criteria for automatic sealing not later than October 1, 2025. The Governor's Amendment in the Nature of a Substitute provides that the Department of State Police shall first transmit such list not later than the earlier of (a) the first day of the third month following the effective date of the Governor's Amendment in the Nature of a Substitute as provided in clause (i) above or (b) October 1, 2025.

The Governor's Amendment in the Nature of a Substitute also contains technical amendments. SB 1339, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

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

HB 2133. Issuance of writ of vacatur for victims of commercial sex trafficking. The enrolled bill establishes a procedure for victims of sex trafficking to file a petition of vacatur in circuit court to have certain convictions vacated and the police and court records expunged for such convictions. The Governor's amendments modify the definition of "victim of sex trafficking" such that it would apply to any victim, regardless of age, who committed certain offenses as a direct result of being "solicited, invited, recruited, encouraged, forced, intimidated, or deceived" to do so.

Contact: Connor Garstka | cgarstka@dls.virginia.gov | 698-1869

HB 2138. Identification privilege cards; fee; confidentiality; penalties. The Governor's amendment is technical and clarifies which data is considered privileged.

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

HB 2167. Parole; notice and certification; monthly reports; discretionary early consideration. The enrolled bill requires the Virginia Parole Board (the Board) to publish by the fifteenth day of each month its statement regarding actions taken by the Board on the parole of

prisoners during the prior month. The enrolled bill requires that the monthly report include, in addition to content required under current law, (i) the offense of which the prisoner was convicted, (ii) the jurisdiction in which such offense was committed, (iii) the amount of time the prisoner has served, and (iv) the basis for the grant or denial of parole. The enrolled bill requires the Board, in the event it grants parole to a prisoner, to include information regarding such prisoner in its monthly report published in the month immediately succeeding the month in which notification of the decision to grant parole was given to the attorney for the Commonwealth and any victims. The enrolled bill provides that the foregoing provisions shall become effective on July 1, 2022. The Governor's amendments advance the effective date of such requirements from July 1, 2022, to no later than December 15, 2021.

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

HB 2168. Illegal gambling; skills games; civil penalty; enforcement by localities and Attorney General. The Governor's amendment removes the enactment clause that provides that any organization or person that conducted bingo, network bingo, instant bingo, pull tabs, seal cards, raffles, duck races, Texas Hold'em poker tournaments, or regulated gaming outside of the county, city, or town in which the organization's or person's principal office or registered agent, as registered with the State Corporation Commission, is located or outside of an adjoining county, city, or town on or before February 1, 2021, may continue such activities only at those locations until June 30, 2022. The Governor's amendment makes this bill identical to SB 1465.

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

HB 2174. State-facilitated IRA savings program; establishment. The enrolled bill directs the governing board of the Virginia College Savings Plan to establish a state-facilitated individual retirement account (IRA) savings program into which eligible employers shall enroll their eligible employees. The enrolled bill defines an eligible employee as a person employed by a nongovernmental employer for at least 30 hours a week. The Governor's amendment removes the 30 hour per week requirement.

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

HB 2207. Workers' compensation; presumption of compensability for COVID-19. The enrolled bill establishes a presumption that COVID-19 causing the death or disability of firefighters, emergency medical services personnel, law-enforcement officers, correctional officers, and regional jail officers is an occupational disease compensable under the Workers' Compensation Act and provides that such presumption applies to any death or disability occurring on or after September 1, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after September 1, 2020, and prior to December 31, 2021, the claimant received a diagnosis of COVID-19 from a licensed physician, after either a presumptive positive test or a laboratory confirmed test for COVID-19, and presented with signs and symptoms of COVID-19 that required medical treatment. The Governor's amendments change the starting date of the presumption from September 1, 2020, to July 1, 2020. SB 1375, which is identical as enrolled, has the same Governor's amendments.

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

HB 2295. Carrying a firearm or explosive material within Capitol Square and the surrounding area, into a building owned or leased by the Commonwealth, etc.; penalty.

The enrolled bill makes it a Class 1 misdemeanor for a person to carry any firearm or explosive material within (i) the Capitol of Virginia, (ii) Capitol Square and the surrounding area, (iii) any building owned or leased by the Commonwealth or any agency thereof, or (iv) any office where employees of the Commonwealth or agency thereof are regularly present for the purpose of performing their official duties. The Governor's Amendment in the Nature of a Substitute adds a magistrate acting in the conduct of the magistrate's official duties to the list of people to whom the prohibitions do not apply within any building owned or leased by the Commonwealth or any agency thereof or any office where state employees are performing their official duties. SB 1381, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

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

HB 2312. Marijuana; legalization; retail sales; penalties. The enrolled bill allows persons 21 years of age or older to (i) possess up to one ounce of marijuana or an equivalent amount of marijuana products on their person or in a public place and (ii) cultivate up to four marijuana plants for personal use at their place of residence. The Governor's Amendment in the Nature of a Substitute advances the effective date of such provisions from January 1, 2024, to July 1, 2021. To accommodate the advancement of the effective date of such provisions, the Governor's Amendment in the Nature of a Substitute also advances from January 1, 2024, to July 1, 2021, the effective date of the following: (a) the creation of §§ 4.1-1100 (possession by persons 21 years of age or older), 4.1-1101 (home cultivation), 4.1-1101.1 (adult sharing), 4.1-1105.1 (underage possession), 4.1-1107 (open container), 4.1-1108 (public consumption), 4.1-1109 (possession on school grounds), 4.1-1110 (possession while operating a school bus), 4.1-1112 (possession in vehicle transporting passengers for hire), 4.1-1120 (first-time offender), 4.1-1121 (summonses), 4.1-1302 (search without warrant), and 46.2-341.20:7 (possession in commercial motor vehicle); (b) the amendments to §§ 15.2-1627 (duties of attorneys for the Commonwealth), 16.1-69.48:1 (fixed fees for misdemeanors and traffic infractions), 16.1-228 (definitions), 16.1-278.8:01 (juveniles found delinquent of first drug offense), 18.2-251.02 (Drug Offender Assessment and Treatment Fund), 18.2-308.09 (disqualification for concealed handgun permit), 18.2-308.1:5 (purchase of firearm by persons convicted of certain drug offenses), and 54.1-3442.6 (permits for pharmaceutical processors); and (c) the repeal of § 18.2-250.1 (possession of marijuana). Consequently, the Governor's Amendment in the Nature of a Substitute also exempts from the reenactment clause all of the aforementioned Code sections, except for the creation of §§ 4.1-1100 (possession by persons 21 years of age or older), 4.1-1105.1 (underage possession), and 4.1-1121 (summonses) and the repeal of § 18.2-250.1 (possession of marijuana), which are already exempt from the reenactment clause in the enrolled bill. The Governor's Amendment in the Nature of a Substitute also advances from January 1, 2024, to July 1, 2021, the effective date of all Code sections amended in the second enactment and exempts such provisions from the reenactment clause; the Code changes made in the second enactment primarily consist of removing references to § 18.2-250.1 (repealed effective July 1,

2021, under the Governor's Amendment in the Nature of a Substitute) and inserting references to the Code sections in Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1, as created in the bill, that are effective on July 1, 2021, under the Governor's Amendment in the Nature of a Substitute.

The enrolled bill imposes limits on the dissemination and use of records maintained in the Central Criminal Records Exchange that relate to the arrest, criminal charge, or conviction of a person for possession of marijuana and are otherwise not open for public inspection or disclosure. The Governor's Amendment in the Nature of a Substitute expands this language by affording the same disclosure, inspection, and dissemination protections to records related to any misdemeanor distribution of marijuana or possession of marijuana with intent to distribute. The Governor's Amendment in the Nature of a Substitute also requires that records relating to the arrest, criminal charge, conviction, or civil offense of a person for possession of marijuana or misdemeanor distribution of marijuana or possession of marijuana with intent to distribute be automatically expunged. The Governor's Amendment in the Nature of a Substitute further allows a person who has been convicted or adjudicated delinquent of felony distribution of marijuana or possession of marijuana with intent to distribute or of misdemeanor sale of or possession with intent to sell drug paraphernalia to file a petition requesting expungement of the police and court records relating to the arrest, charge, conviction, or adjudication. The Governor's Amendment in the Nature of a Substitute provides that such expungement and dissemination limits will become effective on or before July 1, 2025 (ninth enactment), except for the provisions that prohibit public inspection or disclosure of records related to any misdemeanor distribution of marijuana or possession of marijuana with intent to distribute, which are effective July 1, 2021.

The enrolled bill makes it a Class 1 misdemeanor to transport retail marijuana or retail marijuana products in any motor vehicle that is being used, or is licensed, for the transportation of passengers for hire, except when carried in the possession of a passenger who is being transported for compensation. The Governor's Amendment in the Nature of a Substitute expands such language to apply to any marijuana or marijuana products, regardless of whether they qualify as "retail" marijuana or marijuana products.

The enrolled bill allows a circuit court, upon petition, to remove from office an elected officer upon conviction of a misdemeanor pursuant to Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1, as created in the bill, involving the possession, manufacture, sale, gift, distribution, or possession with intent to manufacture, sell, give, or distribute marijuana, provided such conviction has a material adverse effect upon the conduct of such office. The Governor's Amendment in the Nature of a Substitute amends § 24.2-233, which is exempt from the reenactment clause, to remove the authority of a circuit court to remove an elected officer for such convictions.

The enrolled bill requires that five percent of the net profits generated by the provisions of Subtitle II of Title 4.1, the Cannabis Control Act as created in the bill, be appropriated to public health programs. The Governor's Amendment in the Nature of a Substitute modifies this language to clarify that "public health programs" include public awareness campaigns that are designed to prevent drugged driving, discourage consumption by persons younger than 21 years of age, and inform the public of other potential risks.

The Governor's Amendment in the Nature of a Substitute allows the Board of Directors (the Board) of the Cannabis Control Authority to suspend or revoke a license granted pursuant to Subtitle II of Title 4.1 if the Board has reasonable cause to believe that the licensee has refused to (1) remain neutral regarding any union organizing efforts by employees, including card check recognition and union access to employees; (2) pay employees prevailing wages as determined by the U.S. Department of Labor; or (3) classify no more than 10 percent of its workers as independent contractors and such workers are not owners in a worker-owned cooperative. The enrolled bill does not provide the Board with the power to suspend or revoke licenses on the basis of these factors.

The Governor's Amendment in the Nature of a Substitute contains other technical amendments. SB 1406, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

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

HB 2327. Virginia Public Procurement Act; requirement to pay prevailing wage; transportation infrastructure projects. The Governor's amendment is a technical amendment related to the definition of "state agency."

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

Senate Bills

SB 1127. Charitable gaming; permit requirement; permissible locations; suspensions and revocations. The Governor's amendment permits any nonprofit organization that (i) is exempt from income tax pursuant to § 501(c) of the Internal Revenue Code; (ii) raises funds by conducting raffles, bingo, instant bingo, pull tabs, or seal cards; and (iii) was issued a charitable gaming permit between January 1, 2018, and January 1, 2021, to generate more than \$40,000 in annual gross receipts from conducting such raffles, bingo, instant bingo, pull tabs, and seal cards until July 1, 2022, provided that such gross receipts, less expenses and prizes, are used exclusively for charitable, educational, religious, or community purposes. Under the enrolled bill, unless any such organization falls within one of the other enumerated categories of organizations that are permitted under the bill to conduct charitable gaming, such organizations are prohibited from generating annual gross receipts in excess of \$40,000.

Contact: Jessica Budd | jbudd@dls.virginia.gov | 698-1863

SB 1221. Operation of the Loudoun County local health district. The Governor's Amendment in the Nature of a Substitute adds Prince William County and the Cities of Manassas and Manassas Park to the list of localities that may enter into a contract with the Department of Health for the local administration of local health services. The enrolled bill allows only Loudoun County to enter into such a contract.

Contact: Sarah Stanton | sstanton@dls.virginia.gov | 698-1824

SB 1245. Absentee voting; establishment of drop-off locations; preprocessing of returned absentee ballots before election day; cure process; accessibility for voters with visual impairment or print disability. The enrolled bill includes provisions that allow for absentee voting for individuals with a visual or print disability through the use of an electronic ballot marking tool. The enrolled bill includes an exception to the witness requirement for individuals who have elected to complete their ballot using this electronic ballot marking tool. The Governor's amendment removes this exception.

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

SB 1252. Sunset of coal tax credits. The enrolled bill sunsets the Coal Employment and Production Incentive Tax Credit and Coalfield Employment Enhancement Tax Credit after tax year 2021. The Governor's amendment states that it is the intent of the General Assembly that \$300,000 in fiscal years 2023, 2024, and 2025 and \$6.5 million in fiscal year 2026 and thereafter shall be dedicated to the University of Virginia's College at Wise for the expansion of course offerings in data science, computer science, cybersecurity, and renewable energy. HB 1899, which is identical as enrolled, has the same Governor's amendment.

Contact: Connor Garstka | cgarstka@dls.virginia.gov | 698-1869

SB 1315. Criminal proceedings; consideration of mental condition and intellectual and developmental disabilities. The enrolled bill provides that a court, in addition to a magistrate, may enter a temporary detention order in cases in which evidence concerning a defendant's

mental condition at the time of an alleged offense is presented if the criteria required under current law for temporary detention orders are met. The Governor's Amendment in the Nature of a Substitute provides that a court may enter an emergency custody order, rather than a temporary detention order, in such cases if the criteria required under current law for emergency custody orders are met and makes related technical amendments.

The Governor's Amendment in the Nature of a Substitute also clarifies that the data to be collected and reported by the Office of the Executive Secretary of the Supreme Court shall include the number of cases in which evidence of the defendant's mental condition is introduced and a jury or court finds that a defendant did not have the intent required for the offense charged due to a mental illness, as defined in the bill, and the number of cases in which the court issues an emergency custody order after a jury or the court finds that a defendant did not have the intent required for the offense charged due to a mental illness, as defined in the bill.

HB 2047, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

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

SB 1339. Sealing of criminal records; penalties. The enrolled bill establishes a process for the automatic sealing and petition-based sealing of police and court records. The enrolled bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill. The Governor's Amendment in the Nature of a Substitute makes changes to some of the delayed effective dates.

In the enrolled bill, the provisions related to the process for automatic and petition-based sealing of police and court records become effective on July 1, 2025. The Governor's Amendment in the Nature of a Substitute provides that such provisions shall become effective on the earlier of (i) the first day of the fourth month following notification of the Chair of the Virginia Code Commission and the Chairs of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by the Superintendent of State Police that the Executive Secretary of the Supreme Court of Virginia, the Department of State Police, and any circuit court clerk who maintains a case management system that interfaces with the Department of State Police have automated systems to exchange information or (ii) July 1, 2025.

The enrolled bill provides that the Department of State Police shall first transmit the required list of all offenses that meet the criteria for automatic sealing not later than October 1, 2025. The Governor's Amendment in the Nature of a Substitute provides that the Department of State Police shall first transmit such list not later than the earlier of (a) the first day of the third month following the effective date of the Governor's Amendment in the Nature of a Substitute as provided in clause (i) above or (b) October 1, 2025.

The Governor's Amendment in the Nature of a Substitute also contains technical amendments. HB 2113, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

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

SB 1356. Hospitals, nursing homes, certified nursing facilities, hospices, and assisted living facilities; visits by clergy; public health emergency. The Governor's Amendment in the Nature of a Substitute proposes technical changes, setting out and amending the current version of § 32.1-162.5 of the Code of Virginia, which includes amendments to that section adopted during the 2020 Special Session that became effective on October 21, 2020.

Contact: Sarah Stanton | sstanton@dls.virginia.gov | 698-1824

SB 1375. Workers' compensation; presumption of compensability for COVID-19. The enrolled bill establishes a presumption that COVID-19 causing the death or disability of firefighters, emergency medical services personnel, law-enforcement officers, correctional officers, and regional jail officers is an occupational disease compensable under the Workers' Compensation Act and provides that such presumption applies to any death or disability occurring on or after September 1, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after September 1, 2020, and prior to December 31, 2021, the claimant received a diagnosis of COVID-19 from a licensed physician, after either a presumptive positive test or a laboratory confirmed test for COVID-19, and presented with signs and symptoms of COVID-19 that required medical treatment. The Governor's amendments change the starting date of the presumption from September 1, 2020, to July 1, 2020. HB 2207, which is identical as enrolled, has the same Governor's amendments.

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

SB 1381. Carrying a firearm or explosive material within Capitol Square and the surrounding area, into a building owned or leased by the Commonwealth, etc.; penalty. The enrolled bill makes it a Class 1 misdemeanor for a person to carry any firearm or explosive material within (i) the Capitol of Virginia, (ii) Capitol Square and the surrounding area, (iii) any building owned or leased by the Commonwealth or any agency thereof, or (iv) any office where employees of the Commonwealth or agency thereof are regularly present for the purpose of performing their official duties. The Governor's Amendment in the Nature of a Substitute adds a magistrate acting in the conduct of the magistrate's official duties to the list of people to whom the prohibitions do not apply within any building owned or leased by the Commonwealth or any agency thereof or any office where state employees are performing their official duties. HB 2295, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

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

SB 1395. Elections; prohibited discrimination in voting and elections administration; required process for enacting certain covered practices; civil causes of action. Technical amendments change instances of "covered jurisdiction" to "locality" in provisions of a Code section that apply to all localities. HB 1890, which is identical as enrolled, has the same Governor's amendments.

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

SB 1406. Marijuana; legalization; retail sales; penalties. See HB 2312 explanation, as the bills are identical as enrolled, and SB 1406 has the same Governor's Amendment in the Nature of a Substitute.

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

SB 1415. Violations of protective orders; preliminary child protective order. The Governor's amendments provide that if a violation of a preliminary child protective order involves an act or acts of commission or omission that endanger the child's normal development, such violation is punishable as contempt of court. The enrolled bill provides that such violation is punishable as a Class 1 misdemeanor. The Governor's amendments also provide that the provisions of the bill shall supersede and control any provision of HB 2012, which was identical to this bill as enrolled, and was approved by the Governor on March 18, 2021 (Chapter 184 of the Acts of Assembly of 2021, Special Session I).

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

SB 1436. Department of Health; Eligible Health Care Provider Reserve Directory. The Governor's amendments add an emergency clause to the bill.

Contact: Sarah Stanton | sstanton@dls.virginia.gov | 698-1824

SB 1457. Preservation of historic sites. The Governor's amendment adds an emergency clause to the bill.

Contact: David Barry | dbarry@dls.virginia.gov | 698-1865

Bills Returned by the Governor (2002-2021)

Session	Governor	Amendments	Vetoed*	Total Sent to Governor
2002	Warner	74	1	899
2003		87	4	1,046
2004		60	2	1,035
2005		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

*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.