



Virginia Sexual and Domestic Violence
ACTION ALLIANCE



What's New in 2021
Virginia Laws
Addressing Sexual and Domestic Violence in VA



PRESENTED BY

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The Action Alliance is Virginia's leading voice on sexual and domestic violence.

As an **advocacy organization**, we provide the expertise needed to ensure an effective response.

We train professionals and ensure that Sexual & Domestic Violence Agencies across Virginia meet standards that affirm/safeguard quality responses to survivors.

Our public policy work builds relationships with key decision makers to strengthen state laws that help make victims safer and hold offenders accountable.



We share our fresh ideas and effective tools to address root causes of violence, recognizing that violence will always exist where oppression is present. Our prevention work promotes healthy communities and relationships so that violence doesn't happen in the first place.



As a **service provider**, we offer people resources for making informed choices.

We operate the statewide Virginia Statewide Hotline, LGBTQ Partner Abuse & Sexual Assault Helpline, and PREA Hotline (for incarcerated individuals who have experienced sexual violence) and develop resources for Virginia communities.



We operate the Project for Empowerment of Survivors (PES) to offer trauma-informed legal information, advice, and referrals to callers from Virginia who are experiencing sexual or intimate partner violence, dating violence, human trafficking and hate crimes.

We offer support and safety planning to people in crisis, friends and families, and professionals. Our advocates provide a lifeline to survivors so they can reclaim their lives.

As a **membership organization**, we build diverse alliances across the state.

We create an inclusive network of agencies, individuals, task forces and caucuses to speak in a unified and powerful voice.

We are survivors, advocates, attorneys, law enforcement, health professionals, educators, and community members. We are stronger because of our diversity, and we believe in one principle: *everyone deserves to live a life free of violence.*

Objectives

4

Overview of changes in Virginia law/policies that affect domestic and sexual violence victims effective on July 1, 2021, in the areas of:

- Prevention \$\$
- Firearms Prohibitions
- Protective Orders
- Victims Rights
- Criminal Justice
- Other justice priorities

AND federal law/policies:

- VOCA Fix, S. 611
- VAWA



Joint Committee Meeting of Courts of Justice and Public Safety Committees





Budget Items 301 #2s (Favola) and 301 #3h (Herring)

Restored \$750k/year from the general fund for the Virginia Sexual and Domestic Violence Prevention Fund. The program would be administered by VDSS & VDH. The fund would award grants to local sexual and domestic violence agencies engaged in evidence-informed sexual and domestic violence prevention work. Additional language was included directing VDH to continue to award and provide federal Rape Prevention and Education (RPE) funds through the cooperative agreement with the CDC to six sexual and domestic violence organizations.



IT'S TIME TO FUND PREVENTION

Imagine, a Virginia where every community can engage in evidence-informed work to...



Teach young people how to have healthy relationships, foster positive norms, and build empathy and communication skills



Connect community leaders and young people with tools and resources, problem solving spaces, and safety and support networks



Strengthen economic supports for families



Build coalitions to make neighborhoods, schools, places of worship, and communities healthy and safe



Educate parents and adults on how to teach consent, model respect, and support healthy youth development

Virginia currently invests \$0 toward preventing sexual and domestic violence. And with limited federal funds, only 16 of our 65 sexual and domestic violence agencies (SDVAs) can engage in this life-saving work.



PREVENTION PROGRAMS STOP VIOLENCE BEFORE IT HAPPENS

Prevention staff in Virginia's Sexual & Domestic Violence Agencies (SDVAs) use evidence-informed, public health strategies to prevent violence like...



TEACHING YOUNG PEOPLE

Ongoing school-based and after-school education teaching young people the skills required to build healthy relationships and become community leaders;

SUPPORTING HEALTHY FAMILIES

Education for parents and adults on how to support developmentally appropriate communication and expression in youth, teach consent, model respect, and build social-emotional learning skills



MORE ABOUT FIREARMS

Recent changes in VA code pertaining to firearms, firearm restrictions , surrender of firearms and new Substantial Risk orders can substantially impact the lives and safety of survivors of family and intimate partner violence.

Recent changes to VA law require courts and law enforcement agencies to adopt uniform practices for notifying respondents of the firearm restrictions that they are subject to as well as certifying and enforcing these restrictions.

Advocates must also be aware of these changes as this will impact safety for victims and their families and it will be important for advocates to be able to communicate firearm restrictions to victims and to understand how these restrictions are being implemented and enforced.

Recent changes make it even more complex!!

Class 1 misdemeanor for certain convicted F/H misdemeanants to purchase, possess, or transport a firearm for 3 yrs

9

[HB 1992](#) (Delegate Kathleen Murphy: This bill makes it a Class 1 misdemeanor for a person who has been convicted of Assault and Battery of ***certain types of*** Family or Household Member to possess, purchase, or transport a firearm.

- Only for convictions after 7/1/2021
- Only covers convictions of ***these*** F/H member victims:
 - ✓ Spouse, whether or not they live in the same home
 - ✓ Former spouse, whether or not they live in the same home
 - ✓ Person who has a child in common with victim (regardless of whether they were ever married or lived together)



Class 1 misdemeanor for certain convicted F/H misdemeanants to purchase, possess, or transport a firearm for 3 yrs (cont'd)

10

- 3 years following the date of the conviction, *“the person convicted of such offense shall no longer be prohibited from purchasing, possessing, or transporting a firearm [... and] shall have his firearms rights restored, unless such person receives another disqualifying conviction, is subject to a protective order that would restrict his rights to carry a firearm, or is otherwise prohibited by law from purchasing, possessing, or transporting a firearm.”*





Class 1 misdemeanor for certain convicted F/H misdemeanants to purchase, possess, or transport a firearm for 3 yrs (cont'd)

Class 1 misdemeanor for a person to sell, barter, give, or furnish any firearms to a person he “knows is prohibited from purchasing, possessing, or transporting a firearm” under this new law

These misdemeanor convictions of certain F/H members are added to the types of convictions that would prohibit being able to purchase firearms from a dealer

These misdemeanants may not work for a firearms dealer

HB 2128

13

- Increases from three business days to Five business days the time for the State Police to complete a background check before a firearm may be transferred.

APS Workers may Request POs on behalf of Incapacitated Adults

14

[HB 2018](#) (Delegate Michael Mullin)/[SB 1297](#) (Senator Mark Obenshain): these identical bills amend §§63.2-1603, 63.2-1606, and 63.2-1609 to allow Adult Protective Services (APS) workers to request emergency orders on behalf of incapacitated adults “[u]pon a finding that the adult has been, within a reasonable period of time, subjected to an act of violence, force, or threat or been subjected to financial exploitation [...]”



APS Workers may Request POs on behalf of Incapacitated Adults (cont'd)

15

- Relief is similar to that available in GDC POs:
 - No acts of violence, force, or threat or criminal offenses that may result in injury to person or property
 - No contact with the adult or the adult's F/H members as the court deems necessary for their health and safety
 - Such other conditions the court deems necessary to prevent:
 - ✓ Acts of violence, force, or threat
 - ✓ Criminal offenses that may result in injury to persons or property
 - ✓ Communications or other contact of any kind by the alleged perpetrator **or**
 - ✓ **Financial Exploitation by the alleged perpetrator**



APS Workers may Request POs on behalf of Incapacitated Adults (cont'd)

16

- **Defines Financial Exploitation:** “[...] *the illegal, unauthorized, improper, or fraudulent use of the funds, property, benefits, resources, or other assets of an adult for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. ‘Financial exploitation’ includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services.*”



Victims no longer required to report crime to law enforcement within 120 hrs in order to be eligible for CICF compensation

17

[HB 1867](#) (Delegate Karrie Delaney): Under previous law, only minor victims of sexual abuse may have more than 120 hours to report their crimes in order to be eligible for an award from the Criminal Injuries Compensation Fund (CICF). As of 7/1/2021, **all victims of sexual abuse are exempt from this requirement.**



Requirement that casino game license staff be trained on Human Trafficking prevention

18

[HB 1944](#) (Delegate Shelly Simonds): Requires all casino game license applicants to have “*[...] established a policy requiring all license and permit holders who interact directly with the public in the casino gaming establishment to complete a training course acceptable to the Department in how to recognize and report suspected human trafficking [...]*”



Procedure established for Victims of Sex Trafficking to have certain Convictions Vacated

19

[HB 2133](#) (Delegate Karrie Delaney): Establishes and delineates a procedure for victims of sex trafficking to file in Circuit Court to vacate certain convictions and have corresponding police and court records expunged. May only file if the petitioner (i) was convicted or adjudicated delinquent of a *qualifying offense* and (ii) committed the qualifying offense *as a direct result of being a victim of sex trafficking*.

- Qualifying Offenses are convictions under [§18.2-346](#) (prostitution; commercial sexual conduct; commercial exploitation of a minor) or [§18.2-347](#) (keeping, residing in, or frequenting a bawdy place)



Establishes affirmative defense for Victims of Sex Trafficking

20

[HB 2234](#) (Delegate Emily Brewer): *“B. It is an affirmative defense to prosecution of a qualifying offense if at the time of the offense leading to such charge, such person was a victim of sex trafficking and (i) was coerced to engage in the offense through the use of force or intimidation or (ii) such offense was committed at the direction of another person other than the individual with whom the person engaged in the acts of prostitution or unlawful sexual intercourse for such money or its equivalent.”*



U and T visa Certification Standards established

21

[SB 1468](#) (Senator Scott Surovell): Establishes a very specific schedule and procedure for local and state law enforcement, Commonwealth Attorneys' Offices, the Virginia Attorney General, *“or any other agency or department employing law-enforcement officers as defined in §9.1-101 that has responsibility for the investigation or prosecution of a qualifying criminal activity”* to respond to requests for U visa/I-918B or T visa/I-914B certification forms to be responded to **within 120 days**



Criminal Justice Reform

22

- [Senate Bill 1266](#) – Sen. Creigh Deeds amends code §19.2-120 and 19.2-124
This bill eliminates the provisions regarding a rebuttable presumption against being admitted to bail. The bill also provides that in making a bail determination, a Judicial officer shall consider all relevant information, including whether the person’s liberty will constitute an unreasonable danger to himself, family or household members as defined in §16.1-228, or the public

Criminal Justice Reform

23

- [HB 2113](#) (Del. Charniele Herring)/[SB 1339](#) (Sen. Scott Surovell) adds chapter 23.2 to Title 19.2; most provisions won't take effect until 2025) – Sealing criminal records. All misdemeanors qualify **except domestic violence** (but how are they defining this?) and DUI. All Class 5 and Class 6 felonies and all larceny-related felonies qualify, except for DUI felonies. Look-back periods apply: some are automatic and others are by petition. If asked, LE and Court must state “no record exists” and convicted person may deny or not disclose, except for certain positions (LE), in child care and custody hearings, and for jurors.

Criminal Justice Reform

- [HB 2004](#) (Del. Chris Hurst) – Adds criminal files (for finalized matters) to the types of records required to be released under FOIA. States what type of felony information is to be disclosed, where you must look for information, and has exceptions for safety or security. Victims are listed among the exceptions, and they note safety several times.

But could information be released that puts victims at risk?

- Section 2.2-3706.1: No photo, audio, or record depicting a victim or allowing for a victim to be readily identified shall be released to anyone. There are exceptions for transcripts of interviews and victims or immediate family. Transcripts of recorded interviews between a victim and LE shall be released to the victim, a member of the victim's immediate family if the victim is deceased, and the parent or guardian of the victim if the victim is a minor.

Funding for Victim Services at Risk!

25

- Hotlines
- Shelter
- Advocacy
- Victim-Witness Advocates
- Counseling
- Transportation
- Direct Aid to Victims and more.....

Federal policy affecting sexual and domestic violence advocates & survivors

26

**IT'S TIME FOR
THE SENATE TO
ACT! PASS THE
#VOCAFIX ACT**



SUPPORT

VOCA

VICTIMS OF CRIME ACT

@ENDSXLVIOLENCE

Passed VOCA Fix Act, S. 611!

27

- Bipartisan bill to address declining VOCA awards, which support many different types of victim service funds, including legal aid services to victims of crime.
- Virginia VOCA funds have declined from FY16-FY20:

FFY16	FFY17	FFY18	FFY19	FFY20
\$56,993,066	\$47,315,341	\$85,366,389	\$57,815,818	\$42,711,960

Federal FY21 balance is at ~\$2B (in FY17, it was \$13B!)



Passed the VOCA Fix Act, S. 611 (cont'd)!

28

What does VOCA Fix Do?

- Redirects penalties and fines from federal deferred prosecution and non-prosecution agreements from General Treasury into the Crime Victims Fund of VOCA
- Allows states to request no-cost extensions from the AG
- Allows State VOCA Administrator, DCJS, to waive match requirements at their discretion and require them to develop and publish a match waiver policy and procedure
- Requires DCJS to waive 20% match requirement for victim service subgrantees during COVID and for one additional year
- + Other victim compensation program fixes



VAWA has yet to be re-authorized! Stay tuned!

29

THE VIOLENCE AGAINST WOMEN ACT



ADVOCACY IN VIRGINIA 2020

70,252 survivors received help from hotline services

1,362 adults + children received shelter

DURING COVID-19

25,041 adults and 1,850 children received advocacy services

216,948 nights of shelter were provided

Steps at home orders and public health measures left many survivors of intimate partner violence at home, increasing their physical and mental health risks for remaining in violent relationships.

contact via social media increased by

89%

contact via text (chat) increased by

223%

contact via email increased by

60%

Throughout the pandemic, agencies and shelters expanded open, intensive, quality services to meet survivors' needs, providing virtual support, safety planning, and emergency hotel stays.

Some of the unique challenges from this time:

Delayed shelter services

Increased safety risks

Reduced in-person services

Increased financial stress

Increased isolation

Increased mental health concerns

Increased physical health concerns

Increased food insecurity

Increased housing instability

Increased transportation barriers

Increased childcare barriers

Increased employment barriers

Increased legal barriers

Increased barriers to justice

SEXUAL AND DOMESTIC VIOLENCE AGENCIES DO MORE THAN MEETS THE EYE.

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Virginia's advocates do more than meets the eye.

See the impact that advocates made in 2020.

bit.ly/advocacyinvirginia2020



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THANKS FOR BEING HERE!

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