



## 2015 General Assembly – Final Session Report

The American Civil Liberties Union (ACLU) of Virginia is a private, non-profit organization that promotes civil liberties and civil rights for everyone in the Commonwealth through public education, litigation, and advocacy with the goal of securing freedom and equality for all.

Below is a summary of the priority issues we worked on during the 2015 session:

### Bills we supported that will become law

#### **Criminal Justice Reform**

- **Safe Reporting of Overdose**

- **HB 1500 (Carr, D Richmond City) & SB 892 (Petersen, D Fairfax City)**

- HB 1500 & SB 892 establish an affirmative defense to prosecution of an individual for simple possession of a controlled substance, intoxication in public, and the unlawful purchase, possession, or consumption of alcohol if such individual sought or obtained emergency medical attention for himself or for another individual because of a drug- or alcohol-related overdose and if the evidence for the charge was obtained as a result of the individual seeking or obtaining emergency medical attention. The ACLU of Virginia supported this legislation because it takes a public health approach to substance abuse.

- **Access to Naloxone**

- **SB 1186 (Obenshain, R Harrisonburg) & HB 1833 (Gilbert, R Shenandoah)**

- SB 1186 & HB 1833 authorize, subject to regulation and standing orders, a first responder, a member of an emergency medical services agency, or a law-enforcement officer to possess and administer naloxone to a person experiencing an opiate overdose. Naloxone is a prescription drug that, when administered in time, can temporarily reverse the effects of an opioid overdose, thus providing time for the victim to receive medical attention. As the CDC reported, between 1996 and 2010 naloxone successfully reversed more than 10,000 overdoses. The ACLU of Virginia supported this legislation because it takes a public health approach to substance abuse.

- **Intellectual Disability and the Death Penalty**

- **SB 855 (Marsden, D Fairfax)**

- This legislation brings Virginia's intellectual disability threshold vis-à-vis eligibility for the death penalty closer in line with the U.S. Supreme Court's decision on *Hall v. Florida*. In *Hall*, the Court found that Florida's use of a hard 70 IQ cutoff was unconstitutional. Virginia uses the same hard 70 IQ cutoff. While the ACLU of Virginia continues to advocate for death penalty repeal, we also support

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legislation that will provide better procedural safeguards for intellectually disabled defendants accused of a capital offense. Del. Hope (D Arlington) offered an identical bill (HB 1720), but it failed in the House Courts of Justice Criminal Law Subcommittee.

## **Privacy and Technology**

- **Use of Drones**  
**HB 2125 (Gilbert, R Shenandoah & Cline, R Rockbridge) & SB 1301 (McEachin, D Richmond)**  
HB 2125 & SB 1301 will regulate the use of drones by government agencies. The legislation will establish a requirement that law enforcement and regulatory agencies obtain a warrant before they can use a drone, except in certain emergency circumstances. The ACLU of Virginia supported this legislation because it will begin to bring Virginia's privacy laws into the 21st Century and ensure that government agencies that violate the new warrant requirement can't use the data they collect in criminal or enforcement proceedings.
- **Stingrays**  
**HB 1408 (Carr, D Richmond City & B. Marshall, R Manassas)**  
HB 1408 will require a warrant before law enforcement can use Stingrays and similar technology to gather real-time cell phone data. A bill sponsored last year by Delegates Carr and B. Marshall requires a warrant to get real-time from cell phone providers. This bill extends the requirement to technologies used to get the same information independently. The ACLU of Virginia supported this legislation because it will prohibit use of "stingrays" to gather real time cell phone data without a warrant.

## **Women's Rights and Reproductive Freedom**

- **Justice for Victims of Sterilization**  
**HB 1400 (Budget Bill)**  
HB 1400 includes \$400,000 to compensate persons involuntarily sterilized between 1924 and 1979 under Virginia's legal forced sterilization program. The effort to secure these funds took many years of work by a diverse group of stakeholders, including Delegates Hope (D Arlington), Cline (R Rockbridge), and B. Marshall (R Manassas), the Family Foundation, the Virginia Catholic Conference, Planned Parenthood of Virginia, and the ACLU of Virginia. The ACLU of Virginia supported this funding earmark because it will provide some compensation for the victims of the shameful past practice of forced sterilization.

### Bills we defeated

## **Criminal Justice Reform**

- **Expanding Lethal Injection Drug Access and Death Penalty Secrecy**  
**SB 1393 (Saslaw, D Springfield)**  
SB 1393 would have allowed the Commonwealth to acquire compounded drugs for use in execution by lethal injection and would have shielded information relating to the identity of the entity compounding drugs for use in executions and the materials and components used to create the drugs

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from the Freedom of Information Act. The ACLU of Virginia opposes legislation that would enable the Commonwealth to keep the machinery of death going, especially when our death penalty process has flaws from the law enforcement identification process at the beginning to the post conviction process at the end. This bill was particularly troubling because of the secrecy provisions and the fact that compounded drugs were used in recent botched executions.

Outcome:

- SB 1393 passed the Senate, but failed on the House floor.

- **Criminalizing Sexting**

**HB 1526 (Berg, R Winchester) & HB 2261 (Lindsey, D Norfolk)**

HB 1526 & HB 2261 would have criminalized sexting. Under Virginia law, sexting is not a crime but some government officials have abused their authority by charging children who engage in sexting with felony distribution of child pornography. This legislation would have created both misdemeanor and felony offenses that could be easily applied in cases where teens have engaged in sexting, which according to surveys includes between 40-50 percent of kids under 18. The ACLU of Virginia opposes the creation of a criminal sexting offense because, while sexting may be a dumb, unhealthy, and risky behavior, we must not drag children into court for every poor decision they make. Instead, we should look to parents and educators to teach children about the need to respect their own bodies and the privacy of their peers as well as the need to use electronic media responsibly.

Outcome:

- HB 1526 failed in the House Courts of Justice Criminal Law Subcommittee.  
- HB 2261 failed in the House Courts of Justice Criminal Law Subcommittee.

- **Creating a Drug-Induced Homicide Offense**

**HB 1427 (Lingamfelter, R Woodbridge) & SB 1035 (Wexton, D Leesburg)**

HB 1427 & SB 1035 would have expanded the law to allow someone to be charged for murder for supplying a drug to another adult who voluntarily takes the drug and overdoses. These bills would have taken the Commonwealth in the wrong direction. After more than 40 years of the War on Drugs, we know one thing for sure – imposing harsh punishments on suppliers hasn't solved the problem but has cost the taxpayers of the Commonwealth millions of dollars. Expanding the law to allow someone to be charged for murder for supplying a drug when another adult voluntarily takes the drug will not end overdoses. The Commonwealth would be much better served by redirecting that money to treatment programs and other proven effective ways for reducing drug dependency and saving lives. The ACLU of Virginia opposes attempts to expand the War on Drugs.

Outcome:

- HB 1427 passed the House and Senate with a substitute. The House rejected the substitute and the conference committee failed to come to an agreement.  
- SB 1035 failed in the Senate Finance Committee.

## Equality for All

- **Using Religion to Discriminate**

**HB 1414 (B. Marshall, R Manassas)**

HB 1414 would have allowed any individual or business operating under a license, registration, or certificate issued by the Commonwealth to discriminate against LGBT Virginians. The ACLU of Virginia opposes any state-sanctioned license to discriminate. Religious freedom in America ensures

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that every person has the right to freely express and practice his or her own personal, religious beliefs. That freedom does not, however, grant individuals, professionals, or employers a free pass to discriminate against others in the name of those beliefs. The issue is simple – either you support discrimination or you oppose it. The ACLU of Virginia vigorously defends every person’s right to religious freedom, and the right to act on those religious beliefs—unless those actions harm the rights, welfare, or well-being of others.

Outcome:

- Failed in the House Committee on General Laws Subcommittee #4.

- **Removing Tuition Equity**

- **HB 1356 (Ramadan, R South Riding) & SB 722 (Black, R Leesburg)**

HB 1356 & SB 722 would have removed the ability of deferred action for childhood arrivals (DACA) students to apply for in-state tuition. The ACLU of Virginia opposes legislation that would undermine the ability of DACA students who meet other criteria generally applicable to all students to be eligible to apply for in-state status at Virginia’s public colleges and universities. This legislation would have singled out a single group of Virginians for discrimination. These students live here, attend Virginia high schools, and pay Virginia taxes; they are Virginians in every meaningful respect. This legislation would have undermined the basic American principles of fairness, equality, and opportunity. In addition, this legislation would have harmed the Commonwealth’s economy. The average college graduate pays approximately \$2,100 more in Virginia state and local income taxes than someone with a high school degree. Because tuition equity increases the number of college graduates who are likely to remain in Virginia and earn higher wages, our Commonwealth will generate significantly more income, sales, and property taxes.

Outcome:

- SB 722 failed on the Senate floor.

- HB 1356 failed in the House Committee on Education.

## **Freedom of Speech and Religion**

- **Government Sponsorship of Religion**

- **HB 1437 (Richard Bell, R Staunton)**

HB 1437 would have allowed any deliberative body to adopt a policy that permits an elected official, chaplain, or invited speaker to deliver a sectarian prayer before the meeting of a government body. The ACLU of Virginia opposes legislation that allows the government to take a position on questions of faith or promote one religion over others.

Outcome:

- HB 1437 passed the House, but failed in the Senate General Laws and Technology Committee.

## **Women’s Rights and Reproductive Freedom**

- **Punishing Pregnant Women**

- **HB 1456 (Adams, R Chatham)**

HB 1456 would have authorized a local child-protective services department to perform an investigation or family assessment for child abuse or neglect in response to a report or complaint that a pregnant woman is using a controlled substance. The ACLU of Virginia opposes legislation that prevents or discourages women from receiving the healthcare they need and does not promote

healthy pregnancies. Policies that threaten women with the loss of their children drive women away from health care and discourage them from seeking invaluable prenatal and pregnancy-related care. To best promote healthy pregnancies, we should provide pregnant women with easy access to comprehensive family-based treatment programs so they may get the help they need. Several major medical groups oppose punishment of pregnant women and recognize that drug dependency is a medical condition that responds to appropriate treatment.

Outcome:

- HB 1456 failed in the House Health, Welfare and Institutions Committee.

- **Abortion Funding Ban**

**Budget Amendments 4-5.04 2h (House), 4-5.04 5h (House), and 4-5.04 #1s (Senate)**

The budget amendments would have repealed funding for Medicaid-eligible women who seek abortion after a physician certifies in writing that the fetus has an incapacitating physical or mental anomaly. The ACLU of Virginia opposes legislation that would hold back healthcare assistance funds from women who qualify for them, and thus allow politicians to control women's healthcare decisions. This is wrong – a woman's healthcare decisions must be left to her and her doctor. Medicaid-eligible women in Virginia should not face limited reproductive healthcare options just because they are poor. Though we can each have different personal feelings about abortion, it's not okay for some politicians to withhold health care assistance funds from women who qualify for them. We can use the resources our Commonwealth has to make sure that each woman is truly able to make a real decision about whether to have an abortion.

Outcome:

- 4-5.04 2h (House) was removed from the final budget.
- 5.04 5h (House) was removed from the final budget.
- 4-5.04 #1s (Senate) was removed from the final budget.

- **Abortion Ban**

**HB 2321 (LaRock, R Loudoun)**

HB 2321 would have prohibited abortion after 20 weeks gestation (with certain limited exceptions). The ACLU of Virginia opposes this type of legislation because it poses a serious threat to women's health, ignoring women's health needs and individual circumstances. This bill was blatantly unconstitutional, prohibiting abortions when the Supreme Court has held that states may not do so. The bill was meant as a direct challenge to *Roe v. Wade* and could have led to an expensive and prolonged legal battle for Virginia. Additionally, this bill would have imposed severe criminal and civil penalties on physicians for providing women with abortions necessary to preserve their health. A woman's doctor must be able to provide the care she needs for her health, and criminal and civil penalties prevent the doctor from providing that care. Every pregnant woman's circumstances are different and many things can go wrong in a pregnancy. A woman seeking an abortion in that circumstance may be facing an extremely complicated pregnancy and must have every medical option — including ending the pregnancy — available to her to consider in consultation with her doctor. The very narrow, limited exceptions in this bill would not permit abortions even in situations where one might be medically necessary. We may not all feel the same way about abortion, but we can agree that these are personal, private decisions between a woman and her doctor. Politicians should not interfere in a woman's personal, private medical decisions.

Outcome:

- HB 2321 failed in the House Courts of Justice Committee.

## Voting Rights

- **Proof of citizenship to Vote**

**HB 1574 (Pogge, R Williamsburg)**

HB 1574 would have mandated proof of citizenship for voting. This was legislation in search of a problem. There is no evidence of non-citizens committing voter fraud in Virginia. Investigations have failed to uncover non-citizens intentionally registering or voting while aware that they were not eligible to do so. The ACLU of Virginia opposes legislation that would create potentially insurmountable burdens on qualified voters. There is a sizeable portion of the electorate for whom obtaining proof of citizenship may be impossible. Low-income, elderly, women, and people of color living in rural Virginia are the least likely to have proof of citizenship. Nationally, seven percent of U.S. citizens do not have ready access to proof of citizenship – more than 13 million Americans. Additionally, 32 million women of voting-age do not have ready access to a citizenship document with their current legal name. Naturalized citizens who have lost their proof of citizenship must apply to US Citizenship and Immigration Services for documentation – a process that takes several months, may require in-person interviews, and costs \$345. This bill was far more likely to stop qualified Virginia voters from accessing the polls than stop a non-existent problem.

Outcome:

- HB 1574 failed in the House Appropriations Committee.

- **Photo ID Required to Vote by Absentee by Mail**

**HB 1318 (Campbell, R Marion)**

HB 1318 would have required qualified, registered, and eligible absentee voters to provide proof of valid photo ID by mail. While the legislation would have excluded overseas active military members and their families and individuals with disabilities, illnesses, and pregnant women who are unable to go the polls on Election Day from the requirement, it would have created yet another unnecessary bureaucratic and unfair layer in the Commonwealth's voting laws. The ACLU of Virginia opposes Virginia's voter photo ID law and excuse-based absentee voting requirements because the laws are unnecessary to prevent voter fraud, intrude on voter privacy, and are unfair to voters.

Outcome:

- HB 1318 was vetoed by the Governor.

### Bills we opposed that were signed into law

## Criminal Justice Reform

- **Expand the Sex Offender Registry**

**SB 1074 (McDougle, R Mechanicsville) & HB 1353 (Ramadan, R South Riding)**

SB 1074 & HB 1353 will require the Virginia State Police to create a supplemental sex offender registry that includes all persons convicted between July 1980 through July 1994 for a crime that would mandate sex offender registration if it occurred in 2015. The supplemental registry will contain a name, year of birth, date of the conviction, jurisdiction in which the conviction occurred, person's age on the date of conviction, offense of which they were convicted, and the Code of Virginia section of the conviction. Many people on the list may have lived decades without reoffending only now to be stigmatized retroactively. Others listed on the new registry may be in prison, may have long since moved out of the jurisdiction, or may have died. The ACLU of Virginia opposed this legislation because there is no way to ensure that the members of the public accessing the registry

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can identify the person on the registry as the long ago convicted offender, and not just an innocent person who shares the same name, is about the same age, and currently lives in the jurisdiction where the long ago crime occurred. There is no address or photo to minimize the chance of misidentification. And, the legislation provides no mechanism for a person to petition for the removal of their name from the supplemental registry. The result is an unverified list that has a great potential to harm many Virginians.

## Mental Health

- **Involuntary Commitment of Minors**

**SB 773 (McWaters, R Virginia Beach) & HB 1717 (LeMunyon, R Oak Hill)**

SB 773 & HB 1717 will make it easier for parents to commit their children to inpatient psychiatric treatment without the minor's consent. This will change the standard for involuntary commitment to allow involuntary commitment if the minor "appears" to have a mental illness. That vague and subjective language can lead to abuse – like it did before the language was changed to say "serious" in 1990. And, while proponents of these laws assert that this change is necessary to ensure that adolescents with mental health issues receive appropriate treatment and care, there is no data to suggest that mature minors in need of mental health care are not currently getting access to the care they need. This legislation is in direct conflict with the recommendations of medical experts and is not a substitute for providing needed services for families in their communities. The ACLU of Virginia opposes attempts to return to a time where parents simply "warehoused" teens with behavioral issues in in-patient psychiatric facilities.

Bills we supported that failed to pass this year

## Criminal Justice Reform

- **Access to Counsel**

**HB 1944 (McClellan, D Richmond)**

HB 1944 would have created a more fair assessment of an indigent defendant's true ability to afford counsel. Under Virginia law, individuals are not eligible for appointed counsel unless their available funds are equal to or below 125 percent of the federal poverty guidelines. This means that an individual can make less than the minimum wage, qualify for food stamps, and still not qualify for appointed counsel. This legislation would create new guidelines for determining indigency that would take into account the cost of counsel as well as the individual financial situation of the defendant, including expenses such as student loans, child support, and room and board. The ACLU of Virginia supports legislation that would better ensure that everyone has counsel in a criminal trial where loss of liberty is a possibility, even if they cannot afford it.

Outcome:

- Failed in the House Courts of Justice Criminal Law Subcommittee.

- **Civil Asset Forfeiture**

**HB 1287 (Cole, R Fredericksburg), HB 1468 (B. Marshall, R Manassas), & SB 684 (Carrico, R Grayson)**

HB 1287 and SB 684 would have required a criminal conviction before an individual's property could be forfeited to the Commonwealth. HB 1468 would have created a civil cause of action for individuals who suffer damages as a result of a forfeiture when the individual is not convicted of a

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related crime. The ACLU of Virginia supports legislation that would require a criminal conviction before an individual's property can be forfeited to the Commonwealth as well as accountability and transparency measures to ensure compliance with the law.

Outcome:

- SB 684 failed in the Senate Courts of Justice Committee (with a letter seeking consideration by the Crime Commission).
- HB 1287 passed the House, but failed in the Senate Finance Committee (with a letter seeking consideration by the Crime Commission).
- HB 1468 was incorporated into HB 1287.

- **Decriminalizing Marijuana**

- **SB 686 (Ebbin, D Alexandria)**

SB 686 would have decriminalized marijuana possession for adults. The ACLU of Virginia supports legislation that moves the Commonwealth toward an end to the War on Marijuana. Marijuana prohibition imposes arbitrary, often harsh penalties for private conduct for which no criminal penalty is appropriate and imposes all of the hardships of an arrest, arrest record, and often a prison term on otherwise law-abiding people. In addition, the enforcement of marijuana prohibition diverts law enforcement money and manpower from the enforcement of laws against serious crimes. Finally, African Americans are disproportionately targeted. While African Americans and whites use marijuana at roughly the same rate, African Americans are 2.8 times more likely to be arrested for marijuana possession in the Commonwealth. This legislation would have provided a more commonsense, responsible response to the use and possession of marijuana by adults and begun to remedy the disproportionate impact that the War on Drugs has on communities of color.

Outcome:

- Failed in the Senate Courts of Justice Committee.

- **Raise the Felony Larceny Threshold**

- **HB 1369 (Lindsey, D Norfolk), HB 1975 (Preston, D Petersburg), HB 1996 (Morrissey, I Highland Springs), & SB 1234 (Reeves, R Spotsylvania)**

HB 1369, HB 1975, & SB 1234 would have increased the felony larceny threshold from \$200 to \$500. HB 1996 would have raised the threshold to \$1500. The legislature set a \$200 threshold in 1980 and has not adjusted it since. Adjusted for inflation, the current threshold would be approximately \$573. A majority of states have set their felony larceny threshold at \$1000 or more, including Georgia, South Carolina, Texas, Arkansas, Kansas, and North Carolina. The ACLU of Virginia strongly supports an increase in the felony larceny threshold. Adjusting the threshold would not increase theft or harm public safety, but would save Virginia taxpayers millions annually.

Outcome:

- HB 1369 failed in the House Courts of Justice Criminal Law Subcommittee.
- HB 1975 failed in the House Courts of Justice Criminal Law Subcommittee.
- HB 1996 failed in the House Courts of Justice Criminal Law Subcommittee.
- SB 1234 passed the Senate, but failed in the House Courts of Justice Criminal Law Subcommittee.

- **Police Body Cameras**

- **HB 1521 (Lindsey, D Norfolk), HB 1534 (Berg, R Winchester), & HB 2280 (Carr, D Richmond City)**

Police body cameras have the potential to be a win-win – help protect the public against police misconduct and at the same time help protect police against false accusations of abuse. While body cams have the potential to become a positive accountability mechanism, the ACLU of Virginia



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supports legislation to require their use only if the legislation ensures that appropriate policies are in place before cameras are deployed – policies that protect personal privacy and assure public accountability for their use.

Outcome:

- HB 1521 failed in the House Committee on Militia, Police and Public Safety Subcommittee #2.
- HB 1534 failed in the House Committee on Militia, Police and Public Safety Subcommittee #2.
- HB 2280 failed in the House Committee on Militia, Police and Public Safety Subcommittee #2.

## Equality for All

- **Protecting Public Employees from Discrimination**

**HB 1498 (Plum, D Reston), HB 1643 (Villanueva, R Virginia Beach), SB 785 (McEachin, D Richmond), & SB 1181 (Ebbin, D Alexandria)**

HB 1498, HB 1643, SB 785, & SB 1181 would have protected all state and local government workers from discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity, or status as a special disabled veteran or other veteran covered by the Veterans Readjustment Assistance Act of 1974. State employees are currently protected by an Executive Order that is subject to revision at any time by the sitting governor and provides no private right of action. Local employees can use grievance procedures to complain of discrimination in some instances, but there is no state law prohibiting discrimination in local government workplaces. The ACLU of Virginia supports legislation that will codify for the first time protections against discrimination in state and local government for all employees, including LGBT employees.

Outcome:

- HB 1498 failed in House General Laws Subcommittee #4.
- HB 1643 failed in House General Laws Subcommittee #4.
- SB 785 passed the Senate, but failed in the House General Laws subcommittee #4.
- SB 1181 was incorporated into SB 785.

## Privacy and Technology

- **Use of Surveillance Technologies**

**HB 1673 (Anderson, R Prince William) & SB 965 (Petersen, D Fairfax)**

HB 1673 & SB 965 would have clarified that current Virginia law prohibits law enforcement agencies from using surveillance technologies to collect and store personal information (including license plate numbers) unless engaged in an active criminal investigation. The bills would also have created an exception to current law that allows the use of license plate readers to collect personal information and keep it for a maximum of seven days, unless part of an ongoing investigation. Despite receiving overwhelming bi-partisan support by legislators, Governor McAuliffe vetoed both bills. In response, the ACLU of Virginia filed a lawsuit against the Fairfax County Police Department on behalf of Harrison Neal seeking to clarify that surveillance technologies cannot be used to track and store the movements of law-abiding Virginians.

Outcome:

- HB 1673 vetoed by the Governor.
- SB 965 vetoed by the Governor.

- **21<sup>st</sup> Century Fourth Amendment**

- **HJ 578 (Anderson, R Prince William) & SJ 302 (Stuart, R Westmoreland)**

HJ 578 & SJ 302 would have created a 21<sup>st</sup> century Fourth Amendment for the Commonwealth. It would have required a probable cause warrant for the surveillance of communications content and “metadata,” prohibited dragnet surveillance, and narrowed the “third-party doctrine.” The ACLU of Virginia supports legislation that would place checks on the ability of the government to gather data and surveil Virginians. The Constitution of Virginia does not explicitly protect the privacy of Virginians. And, although Virginia courts have interpreted the Constitution of Virginia to provide the same protections as the Fourth Amendment, the reality is that Fourth Amendment jurisprudence has not caught up with modern technology, putting every Virginian’s privacy at risk.

- Outcome:

- HJ 578 left in the House Privileges and Elections Committee.
    - SJ 302 left in the Senate Courts of Justice Committee.

## **Women’s Rights and Reproductive Freedom**

- **Repeal of Mandatory Ultrasound**

- **HB 1524 (Ward, D Hampton), SB 733 (Locke, R Hampton), & SB 920 (Wexton, D Leesburg)**

HB 1524 & SB 733 would have repealed the law passed in 2012 that requires a woman to undergo an ultrasound 24-hours prior to an abortion. SB 920 would have repealed the requirement that a woman must wait 24-hours after her ultrasound before receiving abortion services. The ACLU of Virginia supports this legislation because the mandatory ultrasound law is intended to shame, judge, and make a woman change her mind by requiring doctors to provide the woman with the option to view the ultrasound image and hear the heartbeat. Requiring an ultrasound before abortion is about political interference, not informed consent. Information should not be provided with the intent or result of shaming, judging, or making a woman change her mind, and health care decisions are best made by a woman and her doctor, not politicians. The requirement that women must wait 24-hours before receiving an abortion after their ultrasound creates a heavy, unnecessary burden on women. It requires women to travel at least twice to their abortion provider, find child care, pay for lodging, and miss work. The hoops established by the 24-hour mandate highlight how mandatory ultrasound laws are not about informed consent, but about restricting access to abortion.

- Outcome:

- SB 733 failed in the Senate Committee on Education and Health.
    - SB 920 failed in the Senate Committee on Education and Health.
    - HB 1524 failed in the House Courts of Justice Constitutional Law Subcommittee.

- **Protecting Birth Control Access**

- **HB 2287 (Hope, D Arlington) & SB 1277 (Barker, D Alexandria)**

SB 1277 & HB 2287 would have protected access to birth control. SB 1277 would have protected Virginian’s access to birth control in the event the Supreme Court or Congress overturns the federal rule that requires new health insurance plans to cover birth control. Without the federal rule in place, such coverage is offered only as an option in Virginia. HB 2287 would have ensured that, regardless of an employer’s personal beliefs, an employer cannot retaliate against an employee because of an employee’s reproductive health care decisions. The ACLU of Virginia supports this legislation because access to birth control is a critical factor in ensuring a woman’s ability to participate equally and fully in civic, economic, and political life. Women seeking access to basic health services should not face discrimination. Private decision making about birth control should be left to a woman and

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her doctor, not her boss or a politician. Religious liberty means the right to hold and preach your beliefs, but not to impose them on others.

Outcome:

- SB 1277 failed in the Senate Committee on Commerce and Labor.
- HB 2287 failed in the House Courts of Justice Constitutional Law Subcommittee.

- **Ensuring Health Insurance Coverage for Abortion**

**SB 769 (McEachin, D Richmond)**

SB 769 would have repealed a 2013 amendment that prohibits insurance policies offered in the health exchange from covering abortion. The ACLU of Virginia supports health insurance coverage for abortion. It's wrong for the government to take away insurance coverage for a legal medical procedure. Since insurance companies are willing to provide coverage, politicians shouldn't interfere. Politicians should not be able to stop private insurance companies that want to cover abortion from doing so. We may not all feel the same way about abortion, but we should all agree that a woman who decides she needs an abortion deserves access to safe and legal medical care. A woman and her doctor, not politicians, should decide what care she needs.

Outcome:

- SB 769 failed in the Senate Committee on Education and Health.

## Voting Rights

- **End Felon Disenfranchisement**

**HJ 491 (Habeeb, R Salem), HJ 522 (Herring, D Alexandria), HJ 604 (Carr, D Richmond City), HJ 616 (Lopez, D Arlington), HJ 627 (Morrissey, I Highland Springs), HJ 628 (Torian, D Woodbridge), SJ 238 (Dance, D Petersburg), & (McEachin, D Richmond)**

This legislation would have put before the voters in 2016 a proposal to repeal the felon disenfranchisement provision in Virginia's Constitution. The ACLU of Virginia supports legislation that seeks to remove this Jim Crow-era law that permanently bans an estimated 350,000 individuals who live, work, and pay taxes in Virginia from voting. Many of Virginia's disenfranchised citizens are African Americans, who are disproportionately impacted by the law.

Outcome:

- HJ 491 failed in the House Privileges and Elections Committee.
- HJ 522 failed in the House Privileges and Elections Committee.
- HJ 604 failed in the House Privileges and Elections Committee.
- HJ 616 failed in the House Privileges and Elections Committee.
- HJ 627 failed in the House Privileges and Elections Committee.
- HJ 628 failed in the House Privileges and Elections Committee.
- SJ 238 failed in the House Privileges and Elections Committee.
- SJ 293 failed in the Senate Privileges and Elections Committee.

- **Absentee voting**

**HB 1394 (Herring, D Alexandria), HB 1497 (Sullivan, D Arlington), HB 1992 (Morrissey, I Highland Springs), & SB 677 (Howell, D Reston).**

This legislation would have permitted in-person absentee ballot voters to vote by absentee ballot without having to provide a reason or excuse. The ACLU of Virginia supports legislation that seeks to ensure access to in-person absentee voting sites because of disabilities, lack of transportation, or work schedules that conflict with in-person absentee voting hours. Additionally, voters should not

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have to provide a statutory permitted reason or excuse to vote by absentee ballot because disclosure of confidential or sensitive information raises privacy concerns. No-excuse absentee voting should be available to all qualified voters through the mail and by in-person methods.

Outcome:

- HB 1394 failed in the House Committee on Privileges and Elections, Subcommittee on Elections.
- HB 1497 failed in the House Privileges and Elections Committee.
- HB 1992 failed in the House Privileges and Elections Committee.
- SB 677 failed in the Senate Privileges and Elections Committee.