

Advisory Committee on Sexual and Domestic Violence

Chesterfield Central Library

Large Meeting Room
7051 Lucy Corr Boulevard
Chesterfield, VA 23832

Wednesday, March 20, 2024

10:30 a.m. – 12:30 p.m.

Minutes

Committee Members Present

Marybeth Adkins, Elvira De la Cruz (*virtual participant*), Sanu Dieng, Marva Dunn, Pyowook Han, Kate Hanger, Delegate Charniele Herring, Claudia Lopez-Muniz, Krista Martinez, Adrian Perry, Kristina Vadas, Kristi VanAudenhove, Toni Zollicoffer

Committee Members Absent

Maria Altonen, Senator Barbara Favola, Nancy Fowler, Kike Oliver, Tammy Sharpe, House of Delegates Representative (*vacant*)

Guests Present

Eileen Longenecker, Ixchel Morrison

DCJS Staff Present

Andi Martin, Anya Shaffer, Amber Stanwix, Andrea Sutton

Welcome and Introductions

Sanu Dieng, Committee Chairperson, called the meeting to order at 10:37 a.m. A quorum was present. Committee members introduced themselves. Elvira De la Cruz was present virtually. Pursuant to the Committee's electronic meeting policy, Ms. De la Cruz explained she was attending virtually from her home due to her child's illness.

Approval of December 13, 2023 Meeting Minutes

Adrian Perry made a motion to approve the December 2023 minutes. Delegate Herring seconded the motion. The motion passed unanimously.

Sexual Assault Services Program (SASP) Discussion

Andi Martin, Virginia Department of Criminal Justice Services, provided members with the history of Virginia's SASP federal awards and subgrants. SASP is a small federal grant program administered by

the Office on Violence Against Women. Over the past seven years, Virginia's SASP awards ranged from \$465,334 to \$1,042,734. Virginia's federal SASP awards steadily increased over the past seven years. This has allowed DCJS to make larger awards to local sexual assault programs in recent years. Programs that do not spend their whole award usually are experiencing staff vacancies. DCJS heard from other state administering agencies that this is common across the nation with grant funded, victim serving organizations.

The group discussed ways in which unspent SASP funds and possible increases in the state's federal awards could best be utilized to support rape crisis centers. Some ideas that the group discussed were as follows:

- Training and technical assistance to programs that have never received grant funding from DCJS who might find grant administration challenging.
- Temporary increases in staff salary during times of staff vacancies to compensate staff for the additional work they take on.
- If the federal awards continue to increase, surveying current subgrantees to ascertain whether an increase in continuation awards would be beneficial, and opening additional competitive funding opportunities.

The group also discussed that, broadly, across all grant programs and state agencies, delays in grantees receiving reimbursements may also contribute to challenges with spending down grant funds.

Legislative Updates

Kate Hanger, Virginia Victim Assistance Network (VVAN), presented a summary of the bills supported and opposed by VVAN. She also explained some of the challenges that local victim witness staff face with level and decreased funding. The VVAN summary document is attached.

Kristi VanAudenhove, Virginia Sexual and Domestic Violence Action Alliance (VSDVAA), presented a summary of the bills supported and opposed by VSDVAA, including the additional state general funds for victim serving organizations that are currently being considered in the state budget. The VSDVAA summary document is attached.

State Agency Funding Updates

- Virginia Department of Criminal Justice Services
Kristina Vadas provided a summary of the victim assistance grant programs at DCJS. The slides that were presented are attached.

DCJS Victims of Crime Act (VOCA) Administrator, Anya Shaffer, reported that the federal Crime Victims Fund will receive a large deposit later this year. On a federal level, legislators are seeking some changes to try and better sustain and build the crime victims fund, including setting a consistent cap.

- Virginia Department of Health
Maria Altonen was unable to attend today; however, they provided an email update that a new five-year Rape Prevention and Education (RPE) cycle started on February 1, 2024, and VDH is in the process of getting new contracts started.
- Virginia Department of Housing and Community Development
No report
- Virginia Department of Social Services
No report

Past Business

- Virginia Sexual and Domestic Violence Program Professional Standards Committee
Amber Stanwix, Department of Criminal Justice Services, reported that the Professional Standards Committee will meet on May 8, 2024, to finalize the recently revised Professional Standards Manual. DCJS will then provide an informational session about the revisions. There are currently three vacancies on the Professional Standards Committee.

New Business

None

Other Member Announcements

Chair Dieng informed the Committee that she will be absent for the June meeting due to the birth of her child. Claudia Lopez-Muniz will chair the meeting in June.

Public Comment

None

2024 Meeting Dates: June 5, 2024, 10:30 a.m. – 12:30 p.m. (virtual)
September 18, 2024, 10:30 a.m. – 12:30 p.m. (in-person)
December 11, 2024, 10:30 a.m. – 12:30 p.m. (virtual)

Closing

Chair Dieng adjourned the meeting at 12:23 p.m.



Victim/Witness Funding Outlook

FIRST YEAR

\$2,400,000 new funding in Governor's budget (to offset anticipated VOCA cuts)
\$1,320,878 continued funding from last year's budget
\$943,700 preexisting GF funding
+ \$1,324,229 new GF money to VWGP added in Senate Budget
\$5,988,807 total first year funding

SECOND YEAR

\$4,800,000 new funding in Governor's budget (to offset anticipated VOCA cuts)
\$1,320,878 continued funding from last year's budget
\$943,700 preexisting GF funding
+ \$1,324,229 new GF money to VWGP added in Senate Budget
\$8,388,807 total second year funding

Virginia Victim Assistance Network priority legislation 2024

[HB 155/ SB 646](#) – SUPPORT

These bills provide that there is no statute of limitations for a Criminal Injuries Compensation Fund claim if the claim involves sexual abuse of a minor where the conduct constitutes a felony.

Passed both chambers unanimously

[SB 144](#) – OPPOSED

“Nolle Pros”- provides that no person who was arrested on a warrant charging him with a felony offense shall be denied a preliminary hearing upon the question of whether there is probable cause to believe that he committed that offense and no indictment shall be returned in a court of record against any such person for such felony offense or any other offense arising out of the same facts and circumstances prior to such hearing unless such hearing is waived in writing by the accused.

VVAN's position was opposed to mandating these hearings that are often putting the victim through undue trauma and expand beyond the scope of the preliminary hearing and the victim can feel “put on trial”.

Passed both chambers, **vetoed by Governor**

[HB 834/ SB 427](#) - OPPOSED as drafted; NO POSITION/ NEUTRAL with amendments

“Second Look” – as drafted would have permitted almost any offender the opportunity to petition the court for a hearing to modify his or her sentence after serving 15 years.

VVAN opposed this legislation last year and opposed it as introduced this year. We worked with the advocates of the bill to insert victim protections (allowing the victim to “veto” the hearing, if the CA could not find the victim the hearing would not move forward, and tiering



out offenses so that the “most severe” crimes would have 25 years before being allowed to petition)

Both bills died in House Appropriations.

[HB 926](#) – SUPPORT

This bill expands the current categories of images that are unlawful to disseminate or sell to include any videographic or still image that depicts another person who is in a state of undress so as not to expose the genitals, pubic area, buttocks, or female breast. The Senate Courts committee amended this to say “*obscene*”

This bill also expanded the statute of limitations to include a time period from when the victim discovered the images, “*shall be commenced within five years of the commission of the offense or within one year of the date the victim discovers the offense, whichever is later.*”

Awaiting Gov signature or veto

[HB 768](#) – SUPPORT

Expands the age range during which a child may testify using two-way closed-circuit television in a criminal case to include any child younger than 18 years of age at the time of the trial. Under current law, an alleged victim must be 14 years of age or younger at the time of the alleged offense and 16 years of age or younger at the time of the trial to testify by two-way closed-circuit television, and a child witness must be 14 years of age or younger at the time of the trial to so testify.

The bill also provides that the court may order that the testimony of a child be taken by two-way closed-circuit television if it finds that the child is unavailable to testify in open court in the presence of the defendant, the jury, the judge, and the public if the court finds, by a preponderance of the evidence, based upon expert opinion testimony, that the child will suffer emotional trauma that is more than de minimis as a result of testifying in the defendant's presence and not the courtroom generally.

VVAN supported this bill last year as a victim friendly measure to make the court room and trial process more trauma informed.

This bill died in House Appropriations



Virginia Sexual and Domestic Violence
ACTION ALLIANCE

PUT VICTIMS FIRST VIRGINIA

FUNDING CAMPAIGN **2024**

EXCITING BUDGET NEWS!!

The General Assembly Budget Conferees released their budget recommendations yesterday, and **the final version that will be presented to the Governor includes nearly all of the Victim Services funding that was in the combined House and Senate budgets!** This is the best possible outcome for Sexual and Domestic Violence Agencies, Victim/Witness Assistance Programs and Child Advocacy Centers.

WELL DONE, ALL OF YOU!!! This outcome is a direct result of the work that you have done over the past few months to be sure that your elected members of the General Assembly knew about the community needs and the devastating impact of reduced federal and local funding combined with the escalating need for services.

We know that this will not fully offset the cuts – and our campaign will continue. **For now, we can join together in gratitude.** Victim Services were clearly a high priority for both political parties and for the Governor, the House, and the Senate. **These increases are amongst the largest investments in state funding that we have ever seen.**

With much respect for all that you do and appreciation for the opportunity to work side by side with you to make Virginia a Commonwealth where all people are safe and have the opportunity to thrive,

The Action Alliance Team

NEW Funds in the Conference Budget (includes Gov, House, and Senate numbers)

	Year 1 (Jul 24-June 25)	Year 2 (Jul 25-June 26)
Sexual and Domestic Violence Agencies	\$2,068,114	\$5,568,114
Children's Advocacy Centers	\$1,564,902	\$3,912,256
Victim/Witness Assistance Programs	\$5,045,107	\$7,445,107
Competitive VSGP grants	\$1,450,000	\$2,500,000
TOTAL COMMITMENT TO PUT VICTIMS FIRST VA	\$10,128,123	\$19,425,477

Bills of interest in 2024

• **Firearms and Domestic Violence, HB 46 (Bennett-Parker) and SB 47 (Favola):**

<https://lis.virginia.gov/cgi-bin/legp604.exe?241+sum+HB46>

- These were bills crafted by the Action Alliance with input from law enforcement, judges, advocates, attorneys, gun violence prevention practitioners, etc.
- Right now, law requires those convicted of A&B against a family or household member and those subject to final 2-year protective orders to turn over firearms and certify to the court that they have done so - without providing any information to the courts or law enforcement about the transferee. Meaning that there is no enforcement mechanism. Many domestic violence victims tell us that their abusers still have access to their deadly firearms because under current law, you can transfer your firearm to someone legally allowed to own a firearm in the same household and be in compliance with your protective order. This bill would have clarified transferee eligibility and aligned transfer protocol across code sections (substantial risk orders, protective orders, and domestic violence convictions) – creating a consistent, clear, and safe process for all. These bills DID NOT introduce new policy, they simply aligned and clarified existing law.
- **STATUS: Vetoed by the Governor**

• **Firearms and Domestic Violence, SB 642 (Perry) and HB 362 (McClure):**

<https://lis.virginia.gov/cgi-bin/legp604.exe?241+sum+SB642>

- Seeks to “close the boyfriend loophole” by adding to the existing definition of “family or household member” a person's intimate partner, defined in the bill as an individual who, within the previous 12 months, was in a romantic, dating, or sexual relationship with the person. The bill also provides that any person who knowingly and intentionally purchases, possesses, or transports any firearm following a misdemeanor conviction for an offense that occurred on or after July 1, 2024, for the offense of assault and

battery against an intimate partner or an offense substantially similar under the laws of any other state or of the United States is guilty of a Class 1 misdemeanor.

- **STATUS: Awaiting signature by Governor**

- **Housing and Sexual/Domestic Violence/Stalking, HB 764 (Delaney):**

<https://lis.virginia.gov/cgi-bin/legp604.exe?241+sum+HB764>

- Provides that a tenant who is a victim of family abuse, sexual abuse, or other criminal sexual assault may terminate such tenant's obligations under a rental agreement if the tenant has obtained a permanent protective order and has given proper written notice of termination. Under current law, there must be a family abuse protective order or a conviction before the tenant may terminate such obligations under a rental agreement.
- The original bill also included In-eligibility for lease termination – issuance of a preliminary protective order, documentation from a sexual and domestic violence agency, and was more expansive – these were stripped away and ultimately the final bill just adds issuance of a final act of violence protective order. Still a win, but the Delegate is interested in continuing to expand.
- **STATUS: Awaiting signature by Governor**

- **Criminal Injuries Compensation Sexual Assault Victims, SB 646 (French):**

<https://lis.virginia.gov/cgi-bin/legp604.exe?241+sum+SB646>

- Removes statute of limitations for filing/approving claims for an award under the Criminal Injuries Compensation Fund involving sexual abuse of a minor where the conduct constitutes a felony. Under current law, such claim involving sexual abuse of a minor shall be filed within 10 years after the minor's eighteenth birthday.
- **STATUS: Awaiting signature by Governor**

- **Legal Age of Marriage, HB994 (Keyes-Gamarra):** [https://lis.virginia.gov/cgi-](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=241&typ=bil&val=hb994)

[bin/legp604.exe?ses=241&typ=bil&val=hb994](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=241&typ=bil&val=hb994)

- Establishes 18 as the legal age for marriage in Virginia, with no exceptions. Virginia was one of the leading states in the nation when we established 18 as the legal age of marriage, however we included one exception for emancipated minors. The removal of this exception reduces the risk of coercion and ensures that individuals entering into marriage do so with all of the legal rights and responsibilities of an adult.
- **STATUS: Awaiting signature by Governor**

- **Contraceptive Equity Act, HB 819 (Mundon-King):** [https://lis.virginia.gov/cgi-](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=241&typ=bil&val=hb819)

[bin/legp604.exe?ses=241&typ=bil&val=hb819](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=241&typ=bil&val=hb819)

- Requires health insurance carriers to provide coverage, under any health insurance contract, policy, or plan that includes coverage for prescription drugs on an outpatient basis, for contraceptive drugs and contraceptive devices, as defined in the bill, including those available over the counter. The bill prohibits a health insurance carrier from imposing upon any person receiving contraceptive benefits pursuant to the provisions of the bill any copayment, coinsurance payment, or fee, except in certain circumstances.
- **STATUS: Awaiting signature by Governor**

- **Second-look bill, SB 427 (Deeds):** <https://lis.virginia.gov/cgi-bin/legp604.exe?241+sum+SB427>

- o Provides procedures for individuals serving a sentence for certain felony convictions or a combination of such convictions who remain incarcerated in a state or local correctional facility or secure facility and meet certain criteria to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such sentence or run the unserved portion of such sentence concurrently with another sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed. Depending on the type of conviction, the bill allows the court to grant a hearing on such petition after an individual has served at least 25 years for certain offenses, after 20 years for certain other offenses, and after 15 years for any other felony conviction not specified. The bill does not allow an individual convicted of a Class 1 felony (e.g. willful, deliberate and intentional killing of a person/aggravated murder) to petition for modification of his sentence. The bill requires the attorney for the Commonwealth and the victim to agree to hearing the petition for a court to conduct the hearing.

- o **STATUS: Continued to 2025 (DIED in House Appropriations)**

- **LGBTQ Equality, SB 101 (Ebbin):**

- o Provides that no person authorized to issue a marriage license shall deny the issuance of such license to two parties contemplating a lawful marriage on the basis of the sex, gender, or race of the parties. The bill also requires that such lawful marriages be recognized in the Commonwealth regardless of the sex, gender, or race of the parties.
- o The bill provides that religious organizations or members of the clergy acting in their religious capacity shall have the right to refuse to perform any marriage.
- o **STATUS: Signed by Governor!**

DCJS Victims Services Team Grant Programs

Advisory Committee on Sexual and Domestic Violence
March 20, 2024



DCJS

Virginia Department of Criminal Justice Services

Victims of Crime Act (VOCA)

- Federal fiscal year 2024 VOCA appropriation is \$1.195 billion, an approximate 34% decrease from FFY 2023.
- Federal Crime Victims Fund balances remain concerningly low, but a large deposit is anticipated this fiscal year.
- The President's FFY 2025 budget includes a proposal for sustaining the Crime Victims Fund.

DCJS VOCA-Supported Grants

- **Victims Services Grant Program (VSGP)**
 - SFY 2024 12-month continuation awards (with 10% reduction to VOCA portion of awards).
 - Two solicitations for SFY 2025: competitive applications are currently being reviewed, and non-competitive (for SDVA) applications are due 4/12/24.

- **Victim Witness Grant Program (VWGP)**
 - SFY 2024 12-month continuation awards (with 10% reduction to VOCA portion of awards).

Violence Against Women Act (VAWA)

- Funds administered by the Office on Violence Against Women.
- Federal fiscal year 2024 SASP and STOP funding amounts equal FFY 2023 levels:
 - SASP = \$79 million
 - STOP = \$255 million

DCJS VAWA-Supported Grants

- **Sexual Assault Services Program (SASP)**
 - SFY 2024 Special One-Time Funding Opportunity: 12-month awards underway.
 - CY 2024: New grants began on 1/1/2024.
- **VSTOP**
 - CY 2024: New 24-month grants began on 1/1/2024.
 - Law enforcement, culturally-specific, and sexual assault-specific projects were eligible to receive an increase, and three new programs were awarded funding as a part of a competitive application process.

Other Funding Sources

- **ARPA VSGP Restoration Grants**
 - Some recipients requested and received extensions until 6/30/24.
 - Currently accepting applications to award approximately \$2.8 million in ARPA funds for SDVA, due 4/12/24. This is likely the final amount of these funds.
- **Virginia Sexual and Domestic Violence Victim Fund (VSDVVF)**
 - SFY 2023-2024 “FNE Projects”: 18-month awards underway.
 - SFY 2024 “Traditional”: 12-month awards underway.
 - SFY 2025: Currently accepting applications, due 4/1/24 (level funding).

