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HOUSE BILL NO. 738

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend and reenact Chapter 147 of the Acts of Assembly of 2013 and to amend and reenact §§ 8.01-337, 20-108, 20-124.7, 22.1-287.04, 23.1-508.1, 24.2-452, 44-93.1, 54.1-3601, and 55.1-615 of the Code of Virginia, relating to Space Force; extension of certain benefits and privileges for persons serving in a branch of the Armed Forces.

Patrons—Sewell, Ballard, Glass and Wiley

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-337, 20-108, 20-124.7, 22.1-287.04, 23.1-508.1, 24.2-452, 44-93.1, 54.1-3601, and 55.1-615 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-337. Who liable to serve as jurors.

All citizens over 18 years of age who have been residents of the Commonwealth one year, and of the county, city, or town in which they reside six months next preceding their being summoned to serve as such, and competent in other respects, except as hereinafter provided, shall be liable to serve as jurors. No person shall be deemed incompetent to serve on any jury because of blindness or partial blindness. Military personnel of the United States Army, Air Force, Marine Corps, Coast Guard, *Space Force*, or Navy shall not be considered residents of this Commonwealth by reason of their being stationed herein.

§ 20-108. Revision and alteration of such decrees.

The court may, from time to time after decreeing as provided in § 20-107.2, on petition of either of the parents, or on its own motion or upon petition of any probation officer or the Department of Social Services, which petition shall set forth the reasons for the relief sought, revise and alter such decree concerning the care, custody, and maintenance of the children and make a new decree concerning the same, as the circumstances of the parents and the benefit of the children may require. The intentional withholding of visitation of a child from the other parent without just cause may constitute a material change of circumstances justifying a change of custody in the discretion of the court.

No support order may be retroactively modified, but may be modified with respect to any period during which there is a pending petition for modification in any court, but only from the date that notice of such petition has been given to the responding party.

Any member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, *Space Force*, National Guard, or any other reserve component thereof, who files a petition or is a party to a petition requesting the adjudication of the custody, visitation or support of a child based on a change of circumstances due to one of the parent's deployment, as that term is defined in § 20-124.7, shall be entitled to have such a petition expedited on the docket of the court.

§ 20-124.7. Definitions.

For purposes of this chapter:

"Deploying parent or guardian" means a parent of a child under the age of 18 whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child under the age of 18 who is deployed or who has received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, *Space Force*, National Guard, or any other reserve component thereof.

"Deployment" means compliance with military orders received by a member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, *Space Force*, National Guard, or any other reserve component thereof to report for combat operations or other active service for which the deploying parent or guardian is required to report unaccompanied by any family member.

§ 22.1-287.04. Uniformed services-connected students.

A. For purposes of this section, a "uniformed services-connected student" means a student enrolled in a public school whose parent is serving in either (i) the active component of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, *Space Force*, or National Guard, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the U.S. Public Health Services or (ii) the reserve component of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, *Space Force*, or National Guard.

B. The Department of Education shall establish a process for the identification of newly enrolled uniformed services-connected students by local school divisions. Local school divisions shall identify

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59 newly enrolled uniformed services-connected students in accordance with such process.

60 C. Nonidentifiable, aggregate data collected from the identification of uniformed services-connected
61 students shall be made available to local, state, and federal entities for the purposes of becoming eligible
62 for nongeneral fund sources and receiving services to meet the needs of uniformed services-connected
63 students residing in the Commonwealth.

64 D. Data collected from the identification of uniformed services-connected students shall not be a
65 public record as defined in § 2.2-3701. No person shall disclose such data except as permitted under the
66 provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and related
67 regulations. No such data shall be used for the purposes of student achievement, the Standards of
68 Accreditation, student-growth indicators, the school performance report card, or any other school rating
69 system.

70 **§ 23.1-508.1. State Board; reduced rate tuition and mandatory fee charges; certain students**
71 **who are active duty members of Armed Forces of the United States.**

72 A. The State Board may charge reduced rate tuition and mandatory fees to any student who is (i) an
73 active duty member of the Armed Forces of the United States stationed outside the Commonwealth; (ii)
74 enrolled in a degree program at a comprehensive community college, provided that any such
75 comprehensive community college that offers online degree programs is a member of the National
76 Council for State Authorization Reciprocity Agreements; and (iii) enrolled in training that leads to a
77 Military Occupational Specialty in the Army or Marine Corps, an Air Force Specialty Code, a *Space*
78 *Force Specialty Code*, or a Navy Enlisted Classification.

79 B. Any student granted reduced rate tuition pursuant to this section shall be counted as a
80 non-Virginia student for the purposes of determining college admissions and enrollment policies.

81 **§ 24.2-452. Definitions.**

82 As used in this chapter, unless the context requires a different meaning:

83 1. "Covered voter" means:

84 a. A uniformed-service voter or an overseas voter who is registered to vote in this state;

85 b. A uniformed-service voter defined in subdivision 9 a whose voting residence is in this state and
86 who otherwise satisfies this state's voter eligibility requirements;

87 c. An overseas voter who, before leaving the United States, was last eligible to vote in this state and,
88 except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements;

89 d. An overseas voter who, before leaving the United States, would have been last eligible to vote in
90 this state had the voter then been of voting age and, except for a state residency requirement, otherwise
91 satisfies this state's voter eligibility requirements; or

92 e. An overseas voter who was born outside the United States, is not described in subdivision c or d,
93 and, except for a state residency requirement, otherwise satisfies this state's voter eligibility
94 requirements, if:

95 (1) The last place where a parent or legal guardian of the voter was, or under this chapter would
96 have been, eligible to vote before leaving the United States is within this state; and

97 (2) The voter has not previously registered to vote in any other state.

98 2. "Dependent" means an individual recognized as a dependent by a uniformed service.

99 3. "Federal postcard application" means the application prescribed under § 101(b)(2) of the
100 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2).

101 4. "Federal write-in absentee ballot" means the ballot described in § 103 of the Uniformed and
102 Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, that may be used in all elections in which
103 the voter is eligible to vote as provided in § 24.2-702.1.

104 5. "Military-overseas ballot" means:

105 a. A federal write-in absentee ballot;

106 b. A ballot specifically prepared or distributed for use by a covered voter in accordance with this
107 title; or

108 c. A ballot cast by a covered voter in accordance with this title.

109 6. "Overseas voter" means a United States citizen who is outside the United States.

110 7. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States
111 Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

112 8. "Uniformed service" means:

113 a. Active and reserve components of the Army, Navy, Air Force, Marine Corps, *Space Force*, or
114 Coast Guard of the United States;

115 b. The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned
116 corps of the National Oceanic and Atmospheric Administration of the United States; or

117 c. The Virginia National Guard.

118 9. "Uniformed-service voter" means an individual who is qualified to vote and is:

119 a. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps,
120 *Space Force*, or Coast Guard of the United States who is on active duty;

b. A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;

c. A member on activated status of the National Guard; or

d. A spouse or dependent of a member referred to in this definition.

10. "United States," used in the territorial sense, means the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

§ 44-93.1. Supplement of military pay and additional life insurance benefits for employees of Commonwealth or political subdivisions.

A. In addition to the paid military leave provisions of § 44-93, the Commonwealth or any political subdivision of the Commonwealth may supplement the military pay of its officers and employees who are reservists or national guard members called to federally funded military duty in an amount necessary to bring their total salary, inclusive of their base military pay, to the level earned at the time they were called to federally funded military duty. The employer may also, in its discretion, continue to provide any health insurance and other existing benefits to such officers and employees.

B. In addition to any other benefit provided by law, if an employee of the Commonwealth or of any political subdivision has been called to federal active duty services under Title 10 of the United States Code, the Commonwealth shall provide an additional death benefit in the amount of \$20,000 to be paid if the employee is killed in action in any armed conflict while serving with any reserve component of the Army, Navy, Marine Corps, Air Force, *Space Force*, or Coast Guard or with any unit of these respective services of the United States.

§ 54.1-3601. Exemption from requirements of licensure.

The requirements for licensure provided for in this chapter shall not be applicable to:

1. Persons who render services that are like or similar to those falling within the scope of the classifications or categories in this chapter, so long as the recipients or beneficiaries of such services are not subject to any charge or fee, or any financial requirement, actual or implied, and the person rendering such service is not held out, by himself or otherwise, as a licensed practitioner or a provider of clinical or school psychology services.

2. The activities or services of a student pursuing a course of study in psychology in an institution accredited by an accrediting agency recognized by the Board or under the supervision of a practitioner licensed or certified under this chapter, if such activities or services constitute a part of his course of study and are adequately supervised.

3. The activities of rabbis, priests, ministers or clergymen of any religious denomination or sect when such activities are within the scope of the performance of their regular or specialized ministerial duties, and no separate charge is made or when such activities are performed, whether with or without charge, for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination or sect, and the person rendering service remains accountable to its established authority.

4. Persons employed as salaried employees or volunteers of the federal government, the Commonwealth, a locality, or any agency established or funded, in whole or part, by any such governmental entity or of a private, nonprofit organization or agency sponsored or funded, in whole or part, by a community-based citizen group or organization, except that any such person who renders psychological services, as defined in this chapter, shall be (i) supervised by a licensed psychologist or clinical psychologist; (ii) licensed by the Department of Education as a school psychologist; or (iii) employed by a school for students with disabilities which is certified by the Board of Education. Any person who, in addition to the above-enumerated employment, engages in an independent private practice shall not be exempt from the licensure requirements.

5. Persons regularly employed by private business firms as personnel managers, deputies or assistants so long as their counseling activities relate only to employees of their employer and in respect to their employment.

6. Any psychologist holding a license or certificate in another state, the District of Columbia, or a United States territory or foreign jurisdiction consulting with licensed psychologists in this Commonwealth.

7. Any psychologist holding a license or certificate in another state, the District of Columbia, or a United States territory or foreign jurisdiction when in Virginia temporarily and such psychologist has been issued a temporary license by the Board to participate in continuing education programs or rendering psychological services without compensation to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106.

8. The performance of the duties of any commissioned or contract clinical psychologist in active service in the army, navy, coast guard, marine corps, air force, *space force*, or public health service of the United States while such individual is so commissioned or serving.

182 9. Any person performing services in the lawful conduct of his particular profession or business
183 under state law.

184 10. Any person duly licensed as a psychologist in another state or the District of Columbia who
185 testifies as a treating psychologist or who is employed as an expert for the purpose of possibly testifying
186 as an expert witness.

187 11. Any psychologist who is licensed in another state, the District of Columbia, or a United States
188 territory or possession and who is in good standing with the applicable regulatory agency in that state,
189 the District of Columbia, or that United States territory or possession who provides behavioral health
190 services, as defined in § 37.2-100, to a patient located in the Commonwealth when (i) such practice is
191 for the purpose of providing continuity of care through the use of telemedicine services as defined in §
192 38.2-3418.16 and (ii) the psychologist has previously established a practitioner-patient relationship with
193 the patient. A psychologist who provides behavioral health services to a patient located in the
194 Commonwealth through use of telemedicine services pursuant to this subdivision may provide such
195 services for a period of no more than one year from the date on which the psychologist began providing
196 such services to such patient.

197 **§ 55.1-615. Acknowledgments taken before commissioned officers in military service.**

198 A circuit court of any county or city, or clerk of such court, shall also record any writing as is
199 described in § 55.1-600 as to any person whose name is signed thereto who at the time of such
200 acknowledgment was in active service in the Armed Forces of the United States, or as to the consort of
201 such person, upon the certificate of any commissioned officer of the army, navy, marine corps, air force,
202 coast guard, *space force*, any state national guard that is federally recognized, or other branch of the
203 service of which such person is a member, that such writing had been acknowledged before him by such
204 person. Such certificate shall be written upon or attached to such writing and shall be substantially to
205 the following effect:

206 In the army (or navy, etc.) of the United States.

207 I, _____, a commissioned officer of the army (or navy, marine corps, air force, coast guard,
208 *space force*, or other branch of service) of the United States with the rank of lieutenant (or ensign or
209 other appropriate rank) whose home address is _____, do certify that E.F. (or E.F. and G.H., and so
210 forth), whose name (or names) is (or are) signed to the writing above (or hereto attached), bearing date
211 on the _____ day of _____, and who, or whose consort, is a private (corporal, seaman, captain, or other
212 grade or rank) in the army (or navy, etc.) of the United States, and whose home address is _____,
213 has (or have) acknowledged the same before me.

214 Given under my hand this _____ day of _____.

215 Such acknowledgment may be taken at any place where the officer taking the acknowledgment and
216 the person whose name is signed to the writing may be. Such commissioned officer may take the
217 acknowledgment of any person in any branch of the Armed Forces of the United States or the consort
218 of such person.

219 Every acknowledgment executed prior to July 1, 1995, in substantial compliance with the provisions
220 of this section is hereby validated, ratified, and confirmed, notwithstanding any error or omission with
221 respect to any address, grade, or rank.

222 **2. That Chapter 147 of the Acts of Assembly of 2013 is amended and reenacted as follows:**

223 § 1. Notwithstanding any other provision to the contrary, and in accordance with Chapter 404 of the
224 Acts of Assembly of 2009, the names and homes of record of patriotic Virginians who rendered faithful
225 military service and paid the ultimate sacrifice in the cause of freedom and liberty for the
226 Commonwealth and the nation shall be engraved on the walls of the Virginia War Memorial Shrine of
227 Memory, subject to the following criteria:

228 1. The deceased service member shall be a Virginian based upon official state of residency as listed
229 on U.S. Department of Defense documents. However, the Virginia War Memorial Foundation Board of
230 Trustees may also, under extraordinary circumstances and within the full discretion of the Board,
231 determine that the service member is a Virginian based on place of birth, longtime residency, or other
232 substantial ties to the Commonwealth independent of the residency status listed on U.S. Department of
233 Defense documents; and

234 2. The deceased service member shall have died while serving on active duty in the uniformed armed
235 forces in a U.S. Department of Defense designated combat zone under honorable conditions or shall
236 have been designated "Missing in Action" and presumed dead. For purposes of this act, "uniformed
237 armed forces" shall include active duty members of the Army, Navy, Air Force, Marine Corps, Coast
238 Guard, *Space Force*, Reserve elements of any such branches, and National Guard when mobilized for
239 qualifying service.