Court of Appeals Strikes Down Virginia Sodomy Law

On April 12, 2013, the Virginia Board of Health approved permanent regulations for housing the mentally ill and mentally retarded in the Commonwealth. The regulations, which were originally adopted on an emergency basis, provide for the mandatory hospitalization of certain individuals who are deemed to be a threat to themselves or others. These regulations replace a prior set of rules that were in effect from 1973, when the state abolished the practice of hospitalization. The new rules are expected to go into effect in early 2014. The Board of Health also announced that it would begin the process of revising the existing rules to address the needs of people with mental health disorders. These revised rules will be sent to the Governor for approval before becoming final. If approved, the new rules will go into effect in 2014.

Women’s Rights

Reproductive Freedom

Virginia became the first state in the nation to adopt a state constitutional amendment protecting women’s right to reproductive freedom. The amendment will go into effect on November 8, 2013. The amendment is expected to provide significant protection for women’s reproductive rights, including the right to make decisions about their own bodies, and the right to access safe and legal abortion services. The amendment also recognizes the right to choose and to control one’s own reproductive destiny, and it prohibits the state from interfering with this right. The amendment will be voted on in the General Assembly in January 2014.

Use of Drones Limited in Virginia

The Virginia General Assembly approved legislation that limits the use of drones in the state. The legislation, which was signed into law by Governor McAuliffe on February 28, 2013, prohibits the state and local agencies from using drones to collect evidence or engage in surveillance activities. The law also prohibits the use of drones to monitor public gatherings or protests, and it requires that any drones used for law enforcement purposes be operated by a trained and licensed operator. The law is set to take effect on January 1, 2014.

Use of Restraints on Pregnant Inmates Now Limited

The Virginia Board of Corrections approved regulations that limit the use of restraints on pregnant inmates in state prisons. The regulations, which were adopted in December 2012, prohibit the use of any force or restraint on pregnant inmates, and require that pregnant inmates be provided with adequate medical care and treatment. The regulations also require that any use of force or restraint on pregnant inmates be limited to situations where the inmate is in danger of harming herself or others, and that any restraint used be the least amount necessary to protect the health and safety of the inmate and others. The regulations are set to take effect on January 1, 2014.

Freedom of Speech Applies to Online Comments

In August 2013, the Virginia Board of Health approved regulations that protect the First Amendment right to freedom of speech and the right to privacy. The regulations, which were adopted on an emergency basis, prohibit the state from blocking or filtering online comments based on their content, and require that all comments be reviewed by an independent advisor before being approved. The regulations are set to take effect on January 1, 2014.