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SENATE BILL NO. 87

Senate Amendments in [] — January 21, 2000

A BILL to amend and reenact § 9-170 of the Code of Virginia and to amend the Code of Virginia by adding in Title 36 a chapter numbered 8.1, consisting of sections numbered 36-140.1 and 36-140.2, relating to the Live In Our Community Police Housing Program and Fund.

Patrons—Edwards, Barry, Couric, Maxwell, Miller, Y.B., Puckett and Whipple; Delegates: Albo, Darner and Woodrum

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 9-170 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 36 a chapter numbered 8.1, consisting of sections numbered 36-140.1 and 36-140.2, as follows:

§ 9-170. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power to:

1. Promulgate regulations, pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.), for the administration of (i) this chapter including the authority to require the submission of reports and information by law-enforcement officers within this Commonwealth or (ii) §§ 18.2-268.6, 18.2-268.9, 19.2-188.1, 19.2-310.5 and for any provisions of the Code as they relate to the responsibilities of the Division of Forensic Science. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer (i) in permanent positions, and (ii) in temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be completed by law-enforcement officers who have not completed the compulsory training standards set out in subdivision 2 above, prior to assignment of any such officers to undercover investigation work. Failure to complete such training shall not, for that reason, constitute grounds to exclude otherwise properly admissible testimony or other evidence from such officer resulting from any undercover investigation;

7. Establish compulsory minimum entry level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards for persons employed as jailers or custodial officers by local criminal justice agencies and for correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and establish the time required for completion of such training;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

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SB87E

- 60 11. Consult and cooperate with counties, municipalities, agencies of this Commonwealth, other state
61 and federal governmental agencies, and with universities, colleges, junior colleges, and other institutions,
62 whether located in or outside the Commonwealth, concerning the development of police training schools
63 and programs or courses of instruction;
- 64 12. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth,
65 for school operation for the specific purpose of training law-enforcement officers; but this shall not
66 prevent the holding of any such school whether approved or not;
- 67 13. Establish and maintain police training programs through such agencies and institutions as the
68 Board may deem appropriate;
- 69 14. Establish compulsory minimum qualifications of certification and recertification for instructors in
70 criminal justice training schools approved by the Department;
- 71 15. Conduct and stimulate research by public and private agencies which shall be designed to
72 improve police administration and law enforcement;
- 73 16. Make recommendations concerning any matter within its purview pursuant to this chapter;
- 74 17. Coordinate its activities with those of any interstate system for the exchange of criminal history
75 record information, nominate one or more of its members to serve upon the council or committee of any
76 such system, and participate when and as deemed appropriate in any such system's activities and
77 programs;
- 78 18. Conduct inquiries and investigations it deems appropriate to carry out its functions under this
79 chapter and, in conducting such inquiries and investigations, shall have the authority to require any
80 criminal justice agency to submit information, reports, and statistical data with respect to its policy and
81 operation of information systems or with respect to its collection, storage, dissemination, and usage of
82 criminal history record information and correctional status information, and such criminal justice
83 agencies shall submit such information, reports, and data as are reasonably required;
- 84 19. Conduct audits as required by § 9-186;
- 85 20. Conduct a continuing study and review of questions of individual privacy and confidentiality of
86 criminal history record information and correctional status information;
- 87 21. Advise criminal justice agencies and initiate educational programs for such agencies with respect
88 to matters of privacy, confidentiality, and security as they pertain to criminal history record information
89 and correctional status information;
- 90 22. Maintain a liaison with any board, commission, committee, or other body which may be
91 established by law, executive order, or resolution to regulate the privacy and security of information
92 collected by the Commonwealth or any political subdivision thereof;
- 93 23. Issue regulations establishing guidelines and standards for the collection, storage, and
94 dissemination of criminal history record information and correctional status information, and the privacy,
95 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and
96 court orders;
- 97 24. The Department of State Police shall be the control terminal agency for the Commonwealth and
98 perform all functions required of a control terminal agency by the regulations of the National Crime
99 Information Center. Notwithstanding any other provision to the contrary in this chapter, the Central
100 Criminal Records Exchange and the Department of State Police shall remain the central repository for
101 criminal history record information in the Commonwealth, and the Department shall continue to be
102 responsible for the management and operation of such exchange;
- 103 25. Operate a statewide criminal justice statistical analysis center, which shall maintain a unified
104 criminal justice data system, produce reports, provide technical assistance to state and local criminal
105 justice data system users, and provide analysis and interpretation of criminal justice statistical
106 information;
- 107 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
108 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
109 update that plan;
- 110 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
111 Commonwealth, and units of general local government, or combinations thereof, including planning
112 district commissions, in planning, developing, and administering programs, projects, comprehensive
113 plans, and other activities for improving law enforcement and the administration of criminal justice
114 throughout the Commonwealth, including allocating and subgranting funds for these purposes;
- 115 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
116 activities for the Commonwealth and units of general local government, or combinations thereof, in the
117 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
118 justice at every level throughout the Commonwealth;
- 119 29. Review and evaluate programs, projects, and activities, and recommend, where necessary,
120 revisions or alterations to such programs, projects, and activities for the purpose of improving law
121 enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Provide forensic laboratory services as detailed in Article 4 (§ 9-196.1 et seq.) of this chapter;

38. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse cases;

39. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

40. Establish compulsory training standards for law-enforcement officers to ensure sensitivity to and awareness of cultural diversity;

41. Review and evaluate community policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs; and

42. Assist, as necessary, in the administration of the Live In Our Community Police Housing Program and Fund established pursuant to Chapter 8.1 of Title 36; and

43. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

CHAPTER 8.1

LIVE IN OUR COMMUNITY POLICE HOUSING PROGRAM.

§ 36-140.1. Live In Our Community Police Housing Program established.

A. There is hereby established the Live In Our Community Police Housing Program, hereinafter referred to as the Program. The Program shall be developed and administered by the Department of Housing and Community Development in cooperation with the Department of Criminal Justice Services and the Virginia Housing Development Authority. The goal of the Program shall be to prevent crime and promote neighborhood safety and security by encouraging law-enforcement officers to become homeowners and residents in economically distressed communities covered by the community-policing programs by offering incentives in the form of subsidies and/or grants. The Program shall comply with applicable federal and state laws and regulations and be consistent with existing state housing and community-policing programs. The Program shall be supported by such funds as may be appropriated for such purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf in the Live In Our Community Police Housing Fund established pursuant to § 36-140.2.

B. The Department shall promulgate regulations for the implementation of the Program which shall include, but not be limited to, the following:

1. The criteria for eligible law-enforcement officers including the requirement that the officer (i) live

183 in the home for at least three years after its purchase, (ii) be employed full time by a federal, state,
184 county, or local law-enforcement agency, (iii) receive a marked patrol car, and (iv) become a member
185 of the local homeowners' association, if such an association is available;

186 2. The criteria for selecting participating community-policing programs including a requirement that
187 the community-policing program cover one or more designated revitalization areas;

188 3. The criteria for home ownership or other suitable initiatives under the Program and applicable
189 discounts including the requirement that the home purchased must be located in an identified
190 revitalization area; and

191 4. The criteria for the designation of revitalization areas including a requirement that each
192 revitalization area be characterized as an economically distressed area in which qualified candidates for
193 economic development and renewal assistance reside.

194 C. The Department shall confer with representatives of the United States Department of Housing and
195 Urban Development's Officer Next Door Program, local law-enforcement agencies, municipal
196 governments, and financial lending and mortgage institutions prior to selecting participating community
197 policing programs.

198 D. The Program shall consist of at least five community-policing programs located in regions of the
199 Commonwealth to provide equal geographic distribution of such programs. The first award shall be
200 granted no later than June 1, 2001 [, subject to the availability of funds] .

201 E. The Department shall review each locality's application, recommend awards in accordance with
202 the eligibility criteria established in the regulations promulgated pursuant to subsection B, and evaluate
203 the effectiveness of the Program. The Department shall report its evaluation by December 1, 2004, to
204 the Governor, and the General Assembly.

205 § 36-140.2. Live In Our Community Police Housing Fund established.

206 There is hereby created in the state treasury a special nonreverting fund to be known as the Live In
207 Our Community Police Housing Fund, hereafter referred to as "the Fund." The Fund shall be
208 established on the books of the Comptroller. All funds as may be appropriated for such purpose and
209 from such gifts, donations, grants, bequests, and other funds as may be received on its behalf shall be
210 paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall
211 remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon,
212 at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys
213 in the Fund shall be used for the purposes of the Live In Our Community Police Housing Program
214 including the administration of the Program. Expenditures and disbursements from the Fund shall be
215 made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the
216 Director of the Department of Criminal Justice Services.

217 2. That the provisions of this act shall expire on July 1, 2005.