

047684212

HOUSE BILL NO. 399

Offered January 14, 2004

Prefiled January 12, 2004

A BILL to amend and reenact § 9.1-502 of the Code of Virginia, relating to the Law-Enforcement Officers Procedural Guarantee Act; access to records.

Patron—Amundson

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-502 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-502. Notice of charges; response; election to proceed under grievance procedure of local governing body.

A. Before any dismissal, demotion, suspension without pay or transfer for punitive reasons may be imposed, the following rights shall be afforded:

1. The law-enforcement officer shall be notified in writing of all charges, the basis therefor, and the action ~~which~~ that may be taken;

2. The law-enforcement officer shall be given an opportunity, within a reasonable time limit after the date of the written notice provided for above, to respond orally and in writing to the charges. The time limit shall be determined by the agency, but in no event shall it be less than five calendar days unless agreed to by the law-enforcement officer;

3. In making his response, the law-enforcement officer may be assisted by counsel at his own expense; and

4. The law-enforcement officer shall be given written notification of his right to initiate a grievance under the grievance procedure established by the local governing body pursuant to §§ 15.2-1506 and 15.2-1507. A copy of the local governing body's grievance procedure shall be provided to the law-enforcement officer upon his request.

B. A law-enforcement officer may proceed under either the local governing body's grievance procedure or the law-enforcement officer's procedural guarantees, but not both.

C. A law-enforcement officer shall have access to records of any inquiry or complaint relating to him that has been closed, except for records of founded inquiries or complaints. The governing body may redact personal or identifying information from any inquiry or complaint before giving the law-enforcement officer access, and may take a reasonable amount of time to do so before allowing access.

INTRODUCED

HB399