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SENATE BILL NO. 1308

Offered January 10, 2007

Prefiled January 10, 2007

A BILL to amend and reenact §§ 9.1-102 and 53.1-120 of the Code of Virginia, relating to training of officers providing courthouse security.

Patron—Newman

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102 and 53.1-120 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-102. 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 and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. 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 in (i) permanent positions, and (ii) 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, prior to assignment of any such officers to undercover investigation work. Failure to complete the 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. The Department shall also establish separate training standards for those persons designated to provide partial courthouse security duties pursuant to the provisions of § 53.1-120. The time required for the training of persons providing partial courthouse security shall not exceed two weeks and shall focus on the subjects of courtroom security, firearms training, and civil process;

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 deputy sheriffs and jail 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;

11. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other

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59 institutions, whether located in or outside the Commonwealth, concerning the development of police  
60 training schools and programs or courses of instruction;

61 12. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth,  
62 for school operation for the specific purpose of training law-enforcement officers; but this shall not  
63 prevent the holding of any such school whether approved or not;

64 13. Establish and maintain police training programs through such agencies and institutions as the  
65 Board deems appropriate;

66 14. Establish compulsory minimum qualifications of certification and recertification for instructors in  
67 criminal justice training schools approved by the Department;

68 15. Conduct and stimulate research by public and private agencies which shall be designed to  
69 improve police administration and law enforcement;

70 16. Make recommendations concerning any matter within its purview pursuant to this chapter;

71 17. Coordinate its activities with those of any interstate system for the exchange of criminal history  
72 record information, nominate one or more of its members to serve upon the council or committee of any  
73 such system, and participate when and as deemed appropriate in any such system's activities and  
74 programs;

75 18. Conduct inquiries and investigations it deems appropriate to carry out its functions under this  
76 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to  
77 submit information, reports, and statistical data with respect to its policy and operation of information  
78 systems or with respect to its collection, storage, dissemination, and usage of criminal history record  
79 information and correctional status information, and such criminal justice agencies shall submit such  
80 information, reports, and data as are reasonably required;

81 19. Conduct audits as required by § 9.1-131;

82 20. Conduct a continuing study and review of questions of individual privacy and confidentiality of  
83 criminal history record information and correctional status information;

84 21. Advise criminal justice agencies and initiate educational programs for such agencies with respect  
85 to matters of privacy, confidentiality, and security as they pertain to criminal history record information  
86 and correctional status information;

87 22. Maintain a liaison with any board, commission, committee, or other body which may be  
88 established by law, executive order, or resolution to regulate the privacy and security of information  
89 collected by the Commonwealth or any political subdivision thereof;

90 23. Adopt regulations establishing guidelines and standards for the collection, storage, and  
91 dissemination of criminal history record information and correctional status information, and the privacy,  
92 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and  
93 court orders;

94 24. Operate a statewide criminal justice research center, which shall maintain an integrated criminal  
95 justice information system, produce reports, provide technical assistance to state and local criminal  
96 justice data system users, and provide analysis and interpretation of criminal justice statistical  
97 information;

98 25. Develop a comprehensive, statewide, long-range plan for strengthening and improving law  
99 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically  
100 update that plan;

101 26. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the  
102 Commonwealth, and units of general local government, or combinations thereof, including planning  
103 district commissions, in planning, developing, and administering programs, projects, comprehensive  
104 plans, and other activities for improving law enforcement and the administration of criminal justice  
105 throughout the Commonwealth, including allocating and subgranting funds for these purposes;

106 27. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and  
107 activities for the Commonwealth and units of general local government, or combinations thereof, in the  
108 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal  
109 justice at every level throughout the Commonwealth;

110 28. Review and evaluate programs, projects, and activities, and recommend, where necessary,  
111 revisions or alterations to such programs, projects, and activities for the purpose of improving law  
112 enforcement and the administration of criminal justice;

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

118 30. Do all things necessary on behalf of the Commonwealth and its units of general local  
119 government, to determine and secure benefits available under the Omnibus Crime Control and Safe  
120 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and

121 programs for strengthening and improving law enforcement, the administration of criminal justice, and  
122 delinquency prevention and control;

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

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

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

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

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

143 36. Establish training standards and publish a model policy for law-enforcement personnel in the  
144 handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for  
145 determining the predominant physical aggressor in accordance with § 19.2-81.3;

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

148 38. Establish compulsory training standards for basic training and the recertification of  
149 law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for  
150 biased policing;

151 39. Review and evaluate community-policing programs in the Commonwealth, and recommend where  
152 necessary statewide operating procedures, guidelines, and standards which strengthen and improve such  
153 programs, including sensitivity to and awareness of cultural diversity and the potential for biased  
154 policing;

155 40. Publish and disseminate a model policy or guideline that may be used by state and local agencies  
156 to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the  
157 potential for biased policing;

158 41. [Expired.]

159 42. Establish a Virginia Law-Enforcement Accreditation Center. The Center shall, in cooperation with  
160 Virginia law-enforcement agencies, provide technical assistance and administrative support, including  
161 staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center  
162 may provide accreditation assistance and training, resource material, and research into methods and  
163 procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia  
164 accreditation status;

165 43. Promote community policing philosophy and practice throughout the Commonwealth by  
166 providing community policing training and technical assistance statewide to all law-enforcement  
167 agencies, community groups, public and private organizations and citizens; developing and distributing  
168 innovative policing curricula and training tools on general community policing philosophy and practice  
169 and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia  
170 organizations with specific community policing needs; facilitating continued development and  
171 implementation of community policing programs statewide through discussion forums for community  
172 policing leaders, development of law-enforcement instructors; promoting a statewide community policing  
173 initiative; and serving as a statewide information source on the subject of community policing including,  
174 but not limited to periodic newsletters, a website and an accessible lending library;

175 44. Establish, in consultation with the Department of Education and the Virginia State Crime  
176 Commission, compulsory minimum standards for employment and job-entry and in-service training  
177 curricula and certification requirements for school security officers, which training and certification shall  
178 be administered by the Virginia Center for School Safety pursuant to § 9.1-184. Such training standards  
179 shall include, but shall not be limited to, the role and responsibility of school security officers, relevant  
180 state and federal laws, school and personal liability issues, security awareness in the school environment,  
181 mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics.

182 The Department shall establish an advisory committee consisting of local school board representatives,  
183 principals, superintendents, and school security personnel to assist in the development of these standards  
184 and certification requirements;

185 45. Establish training standards and publish a model policy and protocols for local and regional  
186 sexual assault response teams;

187 46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with  
188 Article 11 (§ 9.1-185 et seq.) of this chapter;

189 47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.) of  
190 this chapter;

191 48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal  
192 justice agencies regarding the investigation, registration, and dissemination of information requirements  
193 as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

194 49. (Effective July 1, 2007) Establish minimum standards for (i) employment, (ii) job-entry and  
195 in-service training curricula, and (iii) certification requirements for campus security officers. Such  
196 training standards shall include, but not be limited to, the role and responsibility of campus security  
197 officers, relevant state and federal laws, school and personal liability issues, security awareness in the  
198 campus environment, and disaster and emergency response. The Department shall provide technical  
199 support and assistance to campus police departments and campus security departments on the  
200 establishment and implementation of policies and procedures, including but not limited to: the  
201 management of such departments, investigatory procedures, judicial referrals, the establishment and  
202 management of databases for campus safety and security information sharing, and development of  
203 uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial  
204 referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of  
205 college administrators, college police chiefs, college security department chiefs, and local  
206 law-enforcement officials to assist in the development of the standards and certification requirements and  
207 training pursuant to this subdivision; and

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

210 § 53.1-120. Sheriff to provide for courthouse and courtroom security; designation of deputies for such  
211 purpose; assessment.

212 A. Each sheriff shall ensure that the courthouses and courtrooms within his jurisdiction are secure  
213 from violence and disruption and shall designate deputies for this purpose. A list of such designations  
214 shall be forwarded to the Director of the Department of Criminal Justice Services. *Each sheriff may also*  
215 *designate deputies who shall provide partial courthouse security and whose courthouse security duties*  
216 *primarily consist of guarding the entrances of courthouses, including operating metal detectors located*  
217 *at the entrance, and who do not provide courtroom security.*

218 B. The chief circuit court judge, the chief general district court judge and the chief juvenile and  
219 domestic relations district court judge shall be responsible by agreement with the sheriff of the  
220 jurisdiction for the designation of courtroom security deputies for their respective courts. If the  
221 respective chief judges and sheriff are unable to agree on the number, type and working schedules of  
222 courtroom security deputies for the court, the matter shall be referred to the Compensation Board for  
223 resolution in accordance with existing budgeted funds and personnel.

224 C. The sheriff shall have the sole responsibility for the identity of the deputies designated for  
225 courtroom security.

226 D. Any county or city, through its governing body, may assess a sum not in excess of \$5 as part of  
227 the costs in each criminal or traffic case in its district or circuit court in which the defendant is  
228 convicted of a violation of any statute or ordinance. If a town provides court facilities for a county, the  
229 governing body of the county shall return to the town a portion of the assessments collected based on  
230 the number of criminal and traffic cases originating and heard in the town. The imposition of such  
231 assessment shall be by ordinance of the governing body that may provide for different sums in the  
232 circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the  
233 case is heard, remitted to the treasurer of the appropriate county or city and held by such treasurer to be  
234 appropriated by the governing body to the sheriff's office. The assessment shall be used solely for the  
235 funding of courthouse security personnel, and, if requested by the sheriff, equipment and other personal  
236 property used in connection with courthouse security.