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HOUSE BILL NO. 144**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee for Courts of Justice
on February 3, 2010)

(Patron Prior to Substitute—Delegate O'Bannon)

A BILL to amend and reenact § 9.1-102 of the Code of Virginia, relating to the Department of Criminal Justice services establishing a policy for inquiry by law enforcement of the location of last drink consumed by an individual accused of driving while intoxicated.

Be it enacted by the General Assembly of Virginia:**1. That § 9.1-102 of the Code of Virginia is 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;

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

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

13. Establish and maintain police training programs through such agencies and institutions as the

60 Board deems appropriate;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

121 32. 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;

33. 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;

34. 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;

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

36. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

37. 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;

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

39. 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, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

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

41. [Expired.]

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

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

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

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

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

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

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

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

205 50. Establish compulsory training standards and publish a model policy for law-enforcement
206 personnel regarding death notification;

207 51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established
208 pursuant to § 9.1-187; ~~and~~

209 52. *Establish, publish and disseminate a model policy or guideline for law enforcement personnel for*
210 *handling individuals suspected of driving while intoxicated, including communication to the Alcoholic*
211 *Beverage Control Board regarding the physical location where the individual consumed his last*
212 *alcoholic beverage; and*

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