

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 15.2-1705 and 15.2-1707 of the Code of Virginia, relating to*
 3 *law-enforcement officers; grounds for decertification; notification.*

4 [H 2121]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That §§ 15.2-1705 and 15.2-1707 of the Code of Virginia are amended and reenacted as follows:**
 8 **§ 15.2-1705. Minimum qualifications; waiver.**

9 A. The chief of police and all police officers of any locality, all deputy sheriffs and jail officers in
 10 this Commonwealth, and all law-enforcement officers as defined in § 9.1-101 who enter upon the duties
 11 of such office after July 1, 1994, are required to meet the following minimum qualifications for office.
 12 Such person shall (i) be a citizen of the United States, (ii) be required to undergo a background
 13 investigation including fingerprint-based criminal history records inquiries to both the Central Criminal
 14 Records Exchange and the Federal Bureau of Investigation, (iii) have a high school education or have
 15 passed the General Educational Development exam, (iv) possess a valid driver's license if required by
 16 the duties of office to operate a motor vehicle, (v) undergo a physical examination, subsequent to a
 17 conditional offer of employment, conducted under the supervision of a licensed physician, (vi) be at
 18 least eighteen years of age, (vii) not have been convicted of or ~~pleaded~~ *pled* guilty or no contest to a
 19 felony or any offense that would be a felony if committed in ~~Virginia~~ *the Commonwealth*, and (viii) not
 20 have produced a positive result on a pre-employment drug screening, if such screening is required by
 21 the hiring law-enforcement agency or jail, where the positive result cannot be explained to the
 22 law-enforcement agency or jail administrator's satisfaction. *In addition, all such officers who enter upon*
 23 *the duties of such office on or after July 1, 2013, shall not have been convicted of or pled guilty or no*
 24 *contest to (a) any misdemeanor involving moral turpitude, including but not limited to petit larceny*
 25 *under § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if committed in*
 26 *the Commonwealth, (b) any misdemeanor sex offense in the Commonwealth, another state, or the United*
 27 *States, including but not limited to sexual battery under § 18.2-67.4 or consensual sexual intercourse*
 28 *with a minor 15 or older under clause (ii) of § 18.2-371, or (c) domestic assault under § 18.2-57.2 or*
 29 *any offense that would be domestic assault under the laws of another state or the United States.*

30 B. Upon request of a sheriff or chief of police, or the director or chief executive of any agency or
 31 department employing law-enforcement officers as defined in § 9.1-101, or jail officers as defined in
 32 § 53.1-1, the Department of Criminal Justice Services is hereby authorized to waive the requirements for
 33 qualification as set out in subsection A of this section for good cause shown.

34 **§ 15.2-1707. Decertification of law-enforcement officers.**

35 ~~Upon written notification from the sheriff, chief of police or agency administrator that~~ *A. The sheriff,*
 36 *chief of police, or agency administrator shall notify the Criminal Justice Services Board in writing when*
 37 *any certified law-enforcement or jail officer currently employed by his agency has (i) been convicted of*
 38 *or pled guilty or no contest to a felony or any offense that would be a felony if committed in Virginia*
 39 *the Commonwealth, (ii) been convicted of or pled guilty or no contest to a Class 1 misdemeanor*
 40 *involving moral turpitude or any offense that would be any misdemeanor involving moral turpitude,*
 41 *including but not limited to petit larceny under § 18.2-96, or any offense involving moral turpitude that*
 42 *would be a misdemeanor if committed in the Commonwealth, (iii) been convicted of or pled guilty or no*
 43 *contest to any misdemeanor sex offense in the Commonwealth, another state, or the United States,*
 44 *including but not limited to sexual battery under § 18.2-67.4 or consensual sexual intercourse with a*
 45 *minor 15 or older under clause (ii) of § 18.2-371, (iv) been convicted of or pled guilty or no contest to*
 46 *domestic assault under § 18.2-57.2 or any offense that would be domestic assault under the laws of*
 47 *another state or the United States, (v) failed to comply with or maintain compliance with mandated*
 48 *training requirements, or ~~(iii)~~ (vi) refused to submit to a drug screening or has produced a positive result*
 49 *on a drug screening reported to the employing agency, where the positive result cannot be explained to*
 50 *the agency administrator's satisfaction, ~~which~~. Notification shall also be provided in writing for any*
 51 *employee who resigned or was terminated in advance of being convicted or found guilty of an offense*
 52 *that requires decertification or who resigned or was terminated in advance of a pending drug screening.*
 53 *The notification, where appropriate, shall be accompanied by a copy of the judgment of conviction.*
 54 *Upon receiving such notice from the sheriff, chief of police, or agency administrator, or from an*
 55 *attorney for the Commonwealth, the Criminal Justice Services Board shall decertify such*
 56 *law-enforcement or jail officer. Such officer shall not have the right to serve as a law-enforcement*

57 officer within ~~this~~ *the* Commonwealth until his certification has been reinstated by the Board.

58 ~~The clerk of any court in which a conviction of a felony is made who has knowledge that a~~
59 ~~law-enforcement or jail officer has been convicted shall have a duty to report these findings promptly to~~
60 ~~the employing agency.~~

61 *B. When a conviction has not become final, the Board may decline to decertify the officer until the*
62 *conviction becomes final, after considering the likelihood of irreparable damage to the officer if such*
63 *officer is decertified during the pendency of an ultimately successful appeal, the likelihood of injury or*
64 *damage to the public if the officer is not decertified, and the seriousness of the offense.*

65 *C. The Department of Criminal Justice Services is hereby authorized to waive the requirements for*
66 *decertification as set out in subsection A for good cause shown.*

67 *D. The Criminal Justice Services Board may initiate decertification proceedings against any former*
68 *law-enforcement or jail officer whom the Board has found to have been convicted of an offense that*
69 *requires decertification or who has failed to comply with or maintain compliance with mandated*
70 *training requirements.*