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HOUSE BILL NO. 1392

Offered January 11, 2017

Prefiled July 18, 2016

A BILL to amend and reenact §§ 9.1-102, 18.2-308.1, and 22.1-280.2:1 of the Code of Virginia, relating to school security officers; carrying a firearm in performance of duties.

Patrons—Lingamfelter, Anderson, Cole, Marshall, R.G., Bell, Richard P., Campbell, Cline, Collins, Cox, Davis, Dudenhefer, Edmunds, Fariss, Farrell, Fowler, Freitas, Garrett, Greason, Helsel, Hodges, Holcomb, Hugo, Jones, Kilgore, Landes, LaRock, Massie, Miller, Morris, Pogge, Ransone, Robinson, Stolle, Webert, Wilt and Wright

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102, 18.2-308.1, and 22.1-280.2:1 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. [Repealed];

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, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

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. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. 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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56 institutions, whether located in or outside the Commonwealth, concerning the development of police
57 training schools and programs or courses of instruction;

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

61 14. Establish and maintain police training programs through such agencies and institutions as the
62 Board deems appropriate;

63 15. Establish compulsory minimum qualifications of certification and recertification for instructors in
64 criminal justice training schools approved by the Department;

65 16. Conduct and stimulate research by public and private agencies which shall be designed to
66 improve police administration and law enforcement;

67 17. Make recommendations concerning any matter within its purview pursuant to this chapter;

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

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

78 20. Conduct audits as required by § 9.1-131;

79 21. Conduct a continuing study and review of questions of individual privacy and confidentiality of
80 criminal history record information and correctional status information;

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

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

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

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

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

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

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

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

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

115 31. Do all things necessary on behalf of the Commonwealth and its units of general local
116 government, to determine and secure benefits available under the Omnibus Crime Control and Safe
117 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. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. 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 subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. (Effective until July 1, 2018) The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Alcoholic Beverage Control Board;

f. (Effective July 1, 2018) The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties; and

j. Missing children, missing adults, and search and rescue protocol;

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. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, 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;

41. Promote community policing philosophy and practice throughout the Commonwealth by

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

188 42. Establish, in consultation with the Department of Education and the Virginia State Crime
189 Commission, compulsory minimum standards for employment and job-entry and in-service training
190 curricula and certification requirements for school security officers, which training and certification shall
191 be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184.
192 Such training standards shall include, but shall not be limited to, the role and responsibility of school
193 security officers, relevant state and federal laws, school and personal liability issues, security awareness
194 in the school environment, mediation and conflict resolution, disaster and emergency response, and
195 student behavioral dynamics. *The Department shall establish additional standards and certification*
196 *requirements for school security officers who carry a firearm in the performance of their duties, which*
197 *training and certification shall be administered by the VCSCS. Such requirements shall include firearms*
198 *training and training in active shooter emergency response, emergency evacuation procedure, and threat*
199 *assessment.* The Department shall establish an advisory committee consisting of local school board
200 representatives, principals, superintendents, and school security personnel to assist in the development of
201 ~~these~~ the standards and certification requirements in this subdivision;

202 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with
203 Article 11 (§ 9.1-185 et seq.);

204 44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

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

208 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula,
209 and (iii) certification requirements for campus security officers. Such training standards shall include, but
210 not be limited to, the role and responsibility of campus security officers, relevant state and federal laws,
211 school and personal liability issues, security awareness in the campus environment, and disaster and
212 emergency response. The Department shall provide technical support and assistance to campus police
213 departments and campus security departments on the establishment and implementation of policies and
214 procedures, including but not limited to: the management of such departments, investigatory procedures,
215 judicial referrals, the establishment and management of databases for campus safety and security
216 information sharing, and development of uniform record keeping for disciplinary records and statistics,
217 such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an
218 advisory committee consisting of college administrators, college police chiefs, college security
219 department chiefs, and local law-enforcement officials to assist in the development of the standards and
220 certification requirements and training pursuant to this subdivision;

221 47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established
222 pursuant to § 9.1-187;

223 48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and
224 attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human
225 trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

226 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of
227 § 46.2-117;

228 50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional
229 Standards Committee by providing technical assistance and administrative support, including staffing, for
230 the Committee;

231 51. (Effective July 1, 2017) In accordance with § 9.1-102.1, design and approve the issuance of
232 photo-identification cards to private security services registrants registered pursuant to Article 4
233 (§ 9.1-138 et seq.);

234 52. In consultation with the State Council of Higher Education for Virginia and the Virginia
235 Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on
236 trauma-informed sexual assault investigation; and

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

239 **§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property**
240 **prohibited; penalty.**

A. If any person knowingly possesses any (i) stun weapon as defined in this section; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) weapon, including a weapon of like kind, designated in subsection A of § 18.2-308, other than a firearm; upon (a) the property of any public, private or religious elementary, middle or high school, including buildings and grounds; (b) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (c) any school bus owned or operated by any such school, he ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

B. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such person is upon (i) any public, private or religious elementary, middle or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school, he ~~shall be~~ *is* guilty of a Class 6 felony.

C. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material within a public, private or religious elementary, middle or high school building and intends to use, or attempts to use, such firearm, or displays such weapon in a threatening manner, such person ~~shall be~~ *is* guilty of a Class 6 felony and sentenced to a mandatory minimum term of imprisonment of five years to be served consecutively with any other sentence.

The exemptions set out in §§ 18.2-308 and 18.2-308.016 shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to (i) persons who possess such weapon or weapons as a part of the school's curriculum or activities; (ii) a person possessing a knife customarily used for food preparation or service and using it for such purpose; (iii) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; (iv) any law-enforcement officer, or retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (v) any person who possesses a knife or blade which he uses customarily in his trade; (vi) a person who possesses an unloaded firearm that is in a closed container, or a knife having a metal blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle; (vii) a person who has a valid concealed handgun permit and possesses a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school; ~~or~~ (viii) *a school security officer authorized to carry a firearm pursuant to § 22.1-280.2:1; or* (ix) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, hired by a private or religious school for the protection of students and employees as authorized by such school. For the purposes of this paragraph, "weapon" includes a knife having a metal blade of three inches or longer and "closed container" includes a locked vehicle trunk.

As used in this section:

"Stun weapon" means any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person.

§ 22.1-280.2:1. Employment of school security officers.

Local school boards may employ school security officers, as defined in § 9.1-101 for the purposes set forth therein. *Such school security officer may carry a firearm in the performance of his duties if (i) he is a retired law-enforcement officer as defined in § 9.1-101 who retired or resigned in good standing, (ii) he has met the additional training and certification requirements of the Department of Criminal Justice Services pursuant to subdivision 44 of § 9.1-101, (iii) the local school board solicits input from the chief law-enforcement officer of the locality regarding the qualifications of such officer, and (iv) the local school board grants him the authority to carry a firearm in the performance of his duties.*