

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 1392]  
5 Approved

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

7 **1. That §§ 9.1-102, 18.2-308.1, and 22.1-280.2:1 of the Code of Virginia are amended and reenacted**  
8 **as follows:**

9 **§ 9.1-102. Powers and duties of the Board and the Department.**

10 The Department, under the direction of the Board, which shall be the policy-making body for  
11 carrying out the duties and powers hereunder, shall have the power and duty to:

12 1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the  
13 administration of this chapter including the authority to require the submission of reports and  
14 information by law-enforcement officers within the Commonwealth. Any proposed regulations  
15 concerning the privacy, confidentiality, and security of criminal justice information shall be submitted  
16 for review and comment to any board, commission, or committee or other body which may be  
17 established by the General Assembly to regulate the privacy, confidentiality, and security of information  
18 collected and maintained by the Commonwealth or any political subdivision thereof;

19 2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement  
20 officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time  
21 required for completion of such training;

22 3. Establish minimum training standards and qualifications for certification and recertification for  
23 law-enforcement officers serving as field training officers;

24 4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and  
25 programs for schools, whether located in or outside the Commonwealth, which are operated for the  
26 specific purpose of training law-enforcement officers;

27 5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize  
28 radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in  
29 § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum  
30 qualifications for certification and recertification of instructors who provide such training;

31 6. [Repealed];

32 7. Establish compulsory minimum entry-level, in-service and advanced training standards for those  
33 persons designated to provide courthouse and courtroom security pursuant to the provisions of  
34 § 53.1-120, and to establish the time required for completion of such training;

35 8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy  
36 sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time  
37 required for the completion of such training;

38 9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as  
39 the time required for completion of such training, for persons employed as deputy sheriffs and jail  
40 officers by local criminal justice agencies, correctional officers employed by the Department of  
41 Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile  
42 correctional facility as the term is defined in § 66-25.3;

43 10. Establish compulsory minimum training standards for all dispatchers employed by or in any local  
44 or state government agency, whose duties include the dispatching of law-enforcement personnel. Such  
45 training standards shall apply only to dispatchers hired on or after July 1, 1988;

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

50 12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state  
51 and federal governmental agencies, and with universities, colleges, community colleges, and other  
52 institutions, whether located in or outside the Commonwealth, concerning the development of police  
53 training schools and programs or courses of instruction;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

116 32. Receive, administer, and expend all funds and other assistance available to the Board and the  
117 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe

118 Streets Act of 1968, as amended;

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

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

131 35. Adopt and administer reasonable regulations for the planning and implementation of programs  
132 and activities and for the allocation, expenditure and subgranting of funds available to the  
133 Commonwealth and to units of general local government, and for carrying out the purposes of this  
134 chapter and the powers and duties set forth herein;

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

136 37. Establish training standards and publish and periodically update model policies for  
137 law-enforcement personnel in the following subjects:

138 a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including  
139 standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The  
140 Department shall provide technical support and assistance to law-enforcement agencies in carrying out  
141 the requirements set forth in subsection A of § 9.1-1301;

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

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

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

146 e. Communication of death notifications;

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

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

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

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

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

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

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

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

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

174 41. Promote community policing philosophy and practice throughout the Commonwealth by  
175 providing community policing training and technical assistance statewide to all law-enforcement  
176 agencies, community groups, public and private organizations and citizens; developing and distributing  
177 innovative policing curricula and training tools on general community policing philosophy and practice  
178 and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia

179 organizations with specific community policing needs; facilitating continued development and  
 180 implementation of community policing programs statewide through discussion forums for community  
 181 policing leaders, development of law-enforcement instructors; promoting a statewide community policing  
 182 initiative; and serving as a statewide information source on the subject of community policing including,  
 183 but not limited to periodic newsletters, a website and an accessible lending library;

184 42. Establish, in consultation with the Department of Education and the Virginia State Crime  
 185 Commission, compulsory minimum standards for employment and job-entry and in-service training  
 186 curricula and certification requirements for school security officers, which training and certification shall  
 187 be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184.  
 188 Such training standards shall include, but shall not be limited to, the role and responsibility of school  
 189 security officers, relevant state and federal laws, school and personal liability issues, security awareness  
 190 in the school environment, mediation and conflict resolution, disaster and emergency response, and  
 191 student behavioral dynamics. The Department shall establish an advisory committee consisting of local  
 192 school board representatives, principals, superintendents, and school security personnel to assist in the  
 193 development of these the standards and certification requirements *in this subdivision. The Department*  
 194 *shall require any school security officer who carries a firearm in the performance of his duties to*  
 195 *provide proof that he has completed a training course provided by a federal, state, or local*  
 196 *law-enforcement agency that includes training in active shooter emergency response, emergency*  
 197 *evacuation procedure, and threat assessment;*

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

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

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

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

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

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

222 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of  
 223 § 46.2-117;

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

227 51. (Effective July 1, 2017) In accordance with § 9.1-102.1, design and approve the issuance of  
 228 photo-identification cards to private security services registrants registered pursuant to Article 4  
 229 (§ 9.1-138 et seq.);

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

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

235 **§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property**  
 236 **prohibited; penalty.**

237 A. If any person knowingly possesses any (i) stun weapon as defined in this section; (ii) knife,  
 238 except a pocket knife having a folding metal blade of less than three inches; or (iii) weapon, including a  
 239 weapon of like kind, designated in subsection A of § 18.2-308, other than a firearm; upon (a) the

240 property of any public, private or religious elementary, middle or high school, including buildings and  
 241 grounds; (b) that portion of any property open to the public and then exclusively used for  
 242 school-sponsored functions or extracurricular activities while such functions or activities are taking  
 243 place; or (c) any school bus owned or operated by any such school, he ~~shall be~~ *is* guilty of a Class 1  
 244 misdemeanor.

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

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

256 The exemptions set out in §§ 18.2-308 and 18.2-308.016 shall apply, mutatis mutandis, to the  
 257 provisions of this section. The provisions of this section shall not apply to (i) persons who possess such  
 258 weapon or weapons as a part of the school's curriculum or activities; (ii) a person possessing a knife  
 259 customarily used for food preparation or service and using it for such purpose; (iii) persons who possess  
 260 such weapon or weapons as a part of any program sponsored or facilitated by either the school or any  
 261 organization authorized by the school to conduct its programs either on or off the school premises; (iv)  
 262 any law-enforcement officer, or retired law-enforcement officer qualified pursuant to subsection C of  
 263 § 18.2-308.016; (v) any person who possesses a knife or blade which he uses customarily in his trade;  
 264 (vi) a person who possesses an unloaded firearm that is in a closed container, or a knife having a metal  
 265 blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor  
 266 vehicle; (vii) a person who has a valid concealed handgun permit and possesses a concealed handgun  
 267 while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to  
 268 the school; ~~or~~ (viii) *a school security officer authorized to carry a firearm pursuant to § 22.1-280.2:1;*  
 269 *or (ix) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title*  
 270 *9.1, hired by a private or religious school for the protection of students and employees as authorized by*  
 271 *such school. For the purposes of this paragraph, "weapon" includes a knife having a metal blade of three*  
 272 *inches or longer and "closed container" includes a locked vehicle trunk.*

273 As used in this section:

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

276 **§ 22.1-280.2:1. Employment of school security officers.**

277 Local school boards may employ school security officers, as defined in § 9.1-101 for the purposes set  
 278 forth therein. *Such school security officer may carry a firearm in the performance of his duties if (i)*  
 279 *within 10 years immediately prior to being hired by the local school board he was an active*  
 280 *law-enforcement officer as defined in § 9.1-101 in the Commonwealth; (ii) he retired or resigned from*  
 281 *his position as a law-enforcement officer in good standing; (iii) he meets the training and qualifications*  
 282 *described in subsection C of § 18.2-308.016; (iv) he has provided proof of completion of a training*  
 283 *course that includes training in active shooter emergency response, emergency evacuation procedure,*  
 284 *and threat assessment to the Department of Criminal Justice Services pursuant to subdivision 42 of*  
 285 *§ 9.1-102, provided that if he received such training from a local law-enforcement agency he received*  
 286 *the training in the locality in which he is employed; (v) the local school board solicits input from the*  
 287 *chief law-enforcement officer of the locality regarding the qualifications of the school security officer*  
 288 *and receives verification from such chief law-enforcement officer that the school security officer is not*  
 289 *prohibited by state or federal law from possessing, purchasing, or transporting a firearm; and (vi) the*  
 290 *local school board grants him the authority to carry a firearm in the performance of his duties.*