

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 2067]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 15.2-1707 of the Code of Virginia is amended and reenacted as follows:**8 **§ 15.2-1707. Decertification of law-enforcement officers.**

9 A. The sheriff, chief of police, or agency administrator shall notify the Criminal Justice Services
10 Board in writing ~~when~~ *within 48 hours of becoming aware that* any certified law-enforcement or jail
11 officer currently employed by his agency has (i) been convicted of or pled guilty or no contest to a
12 felony or any offense that would be a felony if committed in the Commonwealth, (ii) been convicted of
13 or pled guilty or no contest to a Class 1 misdemeanor involving moral turpitude or any offense that
14 would be any misdemeanor involving moral turpitude, including but not limited to petit larceny under
15 § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if committed in the
16 Commonwealth, (iii) been convicted of or pled guilty or no contest to any misdemeanor sex offense in
17 the Commonwealth, another state, or the United States, including but not limited to sexual battery under
18 § 18.2-67.4 or consensual sexual intercourse with a minor 15 or older under clause (ii) of § 18.2-371,
19 (iv) been convicted of or pled guilty or no contest to domestic assault under § 18.2-57.2 or any offense
20 that would be domestic assault under the laws of another state or the United States, (v) failed to comply
21 with or maintain compliance with mandated training requirements, or (vi) refused to submit to a drug
22 screening or has produced a positive result on a drug screening reported to the employing agency, where
23 the positive result cannot be explained to the agency administrator's satisfaction. Notification shall also
24 be provided in writing ~~for~~ *within 48 hours of becoming aware that* any employee who resigned or was
25 terminated in advance of being convicted or found guilty of an offense that requires decertification or
26 who resigned or was terminated in advance of a pending drug screening. The notification, where
27 appropriate, shall be accompanied by a copy of the judgment of conviction. Upon receiving such notice
28 from the sheriff, chief of police, or agency administrator, or from an attorney for the Commonwealth,
29 the Criminal Justice Services Board shall *immediately* decertify such law-enforcement or jail officer.
30 Such officer shall not have the right to serve as a law-enforcement officer within the Commonwealth
31 until his certification has been reinstated by the Board.

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

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

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

42 *E. Any conviction of a misdemeanor that has been appealed to a court of record shall not be*
43 *considered a conviction for purposes of this section unless a final order of conviction is entered.*

ENROLLED

HB2067ER