

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 9.1-101 of the Code of Virginia, relating to the definition of criminal*  
 3 *justice agency; Virginia Criminal Sentencing Commission.*

[H 1022]

4 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 9.1-101 of the Code of Virginia is amended and reenacted as follows:**8 **§ 9.1-101. Definitions.**

9 As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires  
 10 a different meaning:

11 "Administration of criminal justice" means performance of any activity directly involving the  
 12 detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication,  
 13 correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection,  
 14 storage, and dissemination of criminal history record information.

15 "Board" means the Criminal Justice Services Board.

16 "Conviction data" means information in the custody of any criminal justice agency relating to a  
 17 judgment of conviction, and the consequences arising therefrom, in any court.

18 "Correctional status information" means records and data concerning each condition of a convicted  
 19 person's custodial status, including probation, confinement, work release, study release, escape, or  
 20 termination of custody through expiration of sentence, parole, pardon, or court decision.

21 "Criminal history record information" means records and data collected by criminal justice agencies  
 22 on adult individuals consisting of identifiable descriptions and notations of arrests, detentions,  
 23 indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall  
 24 not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title  
 25 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional  
 26 status information.

27 "Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof  
 28 which as its principal function performs the administration of criminal justice and any other agency or  
 29 subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for  
 30 the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which,  
 31 within the context of its criminal justice activities, employs special conservators of the peace appointed  
 32 under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency  
 33 requires its officers or special conservators to meet compulsory training standards established by the  
 34 Criminal Justice Services Board and submits reports of compliance with the training standards and (b)  
 35 the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only  
 36 to the extent that the private corporation or agency so designated as a criminal justice agency performs  
 37 criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities  
 38 otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil  
 39 Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

40 "Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to  
 41 § 18.2-271.2.

42 "Criminal justice agency" includes the Department of Criminal Justice Services.

43 "*Criminal justice agency*" includes the *Virginia Criminal Sentencing Commission*.

44 "Criminal justice agency" includes the Virginia State Crime Commission.

45 "Criminal justice information system" means a system including the equipment, facilities, procedures,  
 46 agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of  
 47 criminal history record information. The operations of the system may be performed manually or by  
 48 using electronic computers or other automated data processing equipment.

49 "Department" means the Department of Criminal Justice Services.

50 "Dissemination" means any transfer of information, whether orally, in writing, or by electronic  
 51 means. The term shall not include access to the information by officers or employees of a criminal  
 52 justice agency maintaining the information who have both a need and right to know the information.

53 "Law-enforcement officer" means any full-time or part-time employee of a police department or  
 54 sheriff's office which is a part of or administered by the Commonwealth or any political subdivision  
 55 thereof, or any full-time or part-time employee of a private police department, and who is responsible  
 56 for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of

57 the Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control  
58 Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia  
59 Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement  
60 division of the Department of Game and Inland Fisheries; (v) investigator who is a sworn member of  
61 the security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation  
62 and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement  
63 division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection  
64 police officer employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under  
65 Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; (x) member of the investigations unit  
66 designated by the State Inspector General pursuant to § 2.2-311 to investigate allegations of criminal  
67 behavior affecting the operations of a state or nonstate agency; (xi) employee with internal investigations  
68 authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 or by the  
69 Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3; or (xii) private police officer  
70 employed by a private police department. Part-time employees are those compensated officers who are  
71 not full-time employees as defined by the employing police department, sheriff's office, or private police  
72 department.

73 "Private police department" means any police department, other than a department that employs  
74 police agents under the provisions of § 56-353, that employs private police officers operated by an entity  
75 authorized by statute or an act of assembly to establish a private police department or such entity's  
76 successor in interest, provided it complies with the requirements set forth herein. No entity is authorized  
77 to operate a private police department or represent that it is a private police department unless such  
78 entity has been authorized by statute or an act of assembly or such entity is the successor in interest of  
79 an entity that has been authorized pursuant to this section, provided it complies with the requirements  
80 set forth herein. The authority of a private police department shall be limited to real property owned,  
81 leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous  
82 property; such authority shall not supersede the authority, duties, or jurisdiction vested by law with the  
83 local police department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The  
84 chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum  
85 of understanding with the private police department that addresses the duties and responsibilities of the  
86 private police department and the chief law-enforcement officer in the conduct of criminal investigations.  
87 Private police departments and private police officers shall be subject to and comply with the  
88 Constitution of the United States; the Constitution of Virginia; the laws governing municipal police  
89 departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721,  
90 and 15.2-1722; and any regulations adopted by the Board that the Department designates as applicable  
91 to private police departments. Any person employed as a private police officer pursuant to this section  
92 shall meet all requirements, including the minimum compulsory training requirements, for  
93 law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits  
94 under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a  
95 "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of  
96 the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an  
97 employee of the Commonwealth or any locality. An authorized private police department may use the  
98 word "police" to describe its sworn officers and may join a regional criminal justice academy created  
99 pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in  
100 existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and  
101 whose status as a private police department was recognized by the Department at that time is hereby  
102 validated and may continue to operate as a private police department as may such entity's successor in  
103 interest, provided it complies with the requirements set forth herein.

104 "School resource officer" means a certified law-enforcement officer hired by the local  
105 law-enforcement agency to provide law-enforcement and security services to Virginia public elementary  
106 and secondary schools.

107 "School security officer" means an individual who is employed by the local school board or a private  
108 or religious school for the singular purpose of maintaining order and discipline, preventing crime,  
109 investigating violations of the policies of the school board or the private or religious school, and  
110 detaining students violating the law or the policies of the school board or the private or religious school  
111 on school property, school buses, or at school-sponsored events and who is responsible solely for  
112 ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned  
113 school.

114 "Unapplied criminal history record information" means information pertaining to criminal offenses  
115 submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history  
116 record of an arrested or convicted person (i) because such information is not supported by fingerprints  
117 or other accepted means of positive identification or (ii) due to an inconsistency, error, or omission

**118** within the content of the submitted information.

**ENROLLED**

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