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HOUSE BILL NO. 658

Offered January 8, 2020

Prefiled January 6, 2020

A BILL to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 3.3, consisting of sections numbered 2.2-323 through 2.2-330, relating to establishing an independent commission to investigate the May 31, 2019, Virginia Beach mass shooting; report.

Patrons—Convirs-Fowler, Miyares, Cole, J.G., Davis, Hope, Hurst, Kory, Rasoul and Samirah

Referred to Committee on Rules

Whereas, on the afternoon of May 31, 2019, 12 innocent individuals were brutally shot to death on the grounds of Building 2 of the Virginia Beach Municipal Center; and

Whereas, during the same criminal act, four other innocent individuals were wounded by gunfire and suffered physical and emotional injuries, many of the injuries of a severe and lasting nature; and

Whereas, employees of the City of Virginia Beach and local citizens have suffered immense emotional trauma; and

Whereas, all of the violence was at the hands of a city engineer who resigned from his position earlier that day; and

Whereas, the government of the Commonwealth has a duty to investigate the mass shooting of May 31, 2019, in order to gain a fuller understanding of what happened that day so as to minimize the risk of a tragedy of this nature from ever occurring again; and

Whereas, May 31, 2019, will forever be remembered as a tragic day in the history of the Commonwealth; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 3.3, consisting of sections numbered 2.2-323 through 2.2-330, as follows:

CHAPTER 3.3.

COMMISSION TO INVESTIGATE THE MAY 31, 2019, VIRGINIA BEACH MASS SHOOTING.

§ 2.2-323. Commission to Investigate the May 31, 2019, Virginia Beach Mass Shooting; purpose.

The Commission to Investigate the May 31, 2019, Virginia Beach Mass Shooting is established as an independent commission. The purpose of the Commission is to conduct an independent, thorough, objective incident review of the May 31, 2019, tragedy and make recommendations regarding improvements that can be made in the Commonwealth's laws, policies, procedures, systems, and institutions, as well as those of other governmental agencies and private providers.

§ 2.2-324. Membership; terms; vacancies; chairman and vice-chairman.

The Commission shall consist of 21 members appointed as follows: five nonlegislative citizen members to be appointed by the Speaker of the House of Delegates; five nonlegislative citizen members to be appointed by the Senate Committee on Rules; and 10 nonlegislative citizen members to be appointed by the Governor. The Superintendent of State Police shall serve ex officio as a nonvoting member of the Commission. Each nonlegislative citizen member of the Commission shall have significant experience as a (i) law-enforcement officer, (ii) jurist, (iii) local government administrator, (iv) qualified, licensed forensic psychologist, (v) first responder, (vi) security expert, or (vii) IT specialist, and no nonlegislative citizen member of the Commission shall be currently serving in an elected capacity. The Governor shall appoint at least one person from each of the occupations and professions described in clauses (i) through (vii). Every effort shall be made to ensure that appointees do not have a conflict of interest yet can provide the best insight into their specialization.

Unless otherwise approved in writing by the chairman of the Commission, Commission members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.

The Superintendent of State Police shall serve a term coincident with his term of office. All other Commission members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All Commission members may be reappointed. Vacancies shall be filled in the same manner as the original appointments.

The Commission shall elect a chairman and vice-chairman from among its membership.

§ 2.2-325. Quorum; meetings.

A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

§ 2.2-326. Expenses.

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59 *Nonlegislative citizen members of the Commission shall be reimbursed for reasonable and necessary*
60 *expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.*

61 **§ 2.2-327. Powers and duties of the Commission.**

62 *The Commission shall have the following powers and duties:*

- 63 *1. Investigate the underlying motive for the May 31, 2019, Virginia Beach mass shooting;*
- 64 *2. Investigate the gunman's personal background and entire prior employment history with the City*
65 *of Virginia Beach and his interactions with coworkers and supervisors, including but not limited to*
66 *formal documentation and informal incidents;*
- 67 *3. Determine how the gunman was able to carry out his actions;*
- 68 *4. Identify any obstacles confronted by first responders;*
- 69 *5. Identify and examine the security procedures and protocols in place immediately prior to the mass*
70 *shooting;*
- 71 *6. Examine the post-shooting communications between law enforcement and the families of the*
72 *victims;*
- 73 *7. Study such other matters as it deems necessary to gain a comprehensive understanding of the*
74 *tragic events of May 31, 2019;*
- 75 *8. To the extent required by law, (i) protect the confidentiality of any individual's or family member's*
76 *personal or health information and (ii) make public or publish information and findings only in*
77 *summary or aggregate form without identifying personal or health information related to any individual*
78 *or family member unless authorization is obtained from an individual or family member that specifically*
79 *permits the Commission to disclose that person's personal or health information;*
- 80 *9. Ensure that its investigation does not impede any investigation into the matter being conducted by*
81 *law enforcement; and*
- 82 *10. Develop recommendations regarding improvements that can be made in the Commonwealth's*
83 *laws, policies, procedures, systems, and institutions, as well as those of other government agencies and*
84 *private providers, to minimize the risk of a tragedy of this nature from ever occurring again in the*
85 *Commonwealth.*

86 *All local law-enforcement agencies and every locality shall provide assistance to the Commission,*
87 *upon request.*

88 **§ 2.2-328. Staffing.**

89 *The Office of the State Inspector General or such other person or state entity under the Secretary of*
90 *Public Safety and Homeland Security as designated by the Governor shall provide staff support to the*
91 *Commission.*

92 *All agencies of the Commonwealth shall provide assistance to the Office of the State Inspector*
93 *General or such other person or state entity as the Governor designates to staff the Commission, upon*
94 *request.*

95 **§ 2.2-329. Chairman's executive summary of activity and work of the Commission.**

96 *Beginning in 2020, the chairman shall submit to the General Assembly and the Governor an annual*
97 *executive summary of the interim activity and work of the Commission no later than November 1 of*
98 *each year. The executive summary shall be submitted as provided in the procedures of the Division of*
99 *Legislative Automated Systems for the processing of legislative documents and reports and shall be*
100 *posted on the General Assembly's website.*

101 **§ 2.2-330. Sunset.**

102 *This chapter shall expire on November 1, 2022.*

103 **2. That the expenses of the Commission to Investigate the May 31, 2019, Virginia Beach Mass**
104 **Shooting (the Commission), as created by this act, and the investigation conducted by the**
105 **Commission pursuant to this act shall be paid from existing appropriations to the Office of the**
106 **State Inspector General or any agency under the Secretary of Public Safety and Homeland**
107 **Security, as determined by the Governor.**