

2020 SPECIAL SESSION I

INTRODUCED

20200388D

HOUSE BILL NO. 5029

Offered August 18, 2020

Prefiled August 17, 2020

A *BILL to amend the Code of Virginia by adding in Article 4 of Chapter 4 of Title 18.2 a section numbered 18.2-57.5, relating to law-enforcement officer; failure to intervene in an unlawful use of force; penalties.*

Patrons—McQuinn, Aird, Tran, Adams, D.M., Ayala, Bagby, Bourne, Bulova, Carr, Cole, J.G., Convirs-Fowler, Gooditis, Guzman, Hayes, Helmer, Hope, Keam, Kory, Krizek, Levine, Lindsey, Lopez, Murphy, Plum, Price, Rasoul, Samirah, Scott, Sickles, Simonds, Tyler, Watts and Willett; Senator: Favola

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 4 of Title 18.2 a section numbered 18.2-57.5 as follows:

§ 18.2-57.5. Failure of a law-enforcement officer to intervene in an unlawful use of force; penalties.

A. As used in this section:

"Deadly force" means any force that is likely or intended to cause serious bodily injury or death.

"Law-enforcement officer" means the same as that term is defined in § 18.2-57.

B. Any law-enforcement officer who witnesses another law-enforcement officer engaging or attempting to engage in the unlawful use of force against another person shall intervene, when such intervention is objectively reasonable and possible, to end the unlawful use or attempted unlawful use of force, or to prevent the further unlawful use of force. A law-enforcement officer shall also render aid, as circumstances objectively permit, to any person injured as the result of such unlawful use of force.

C. The knowing failure to intervene in the unlawful use of non-deadly force as required by subsection B is punishable as a Class 1 misdemeanor.

D. The knowing failure to intervene in the unlawful use of deadly force as required by subsection B is punishable as a Class 6 felony.

E. The knowing failure to intervene in the unlawful use of force as required by subsection B, whether such force is deadly or non-deadly, that leads to death or if the victim is thereby severely injured and is caused to suffer permanent and significant physical impairment is punishable as a Class 4 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1289 of the Acts of Assembly of 2020 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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