

# 2020 SPECIAL SESSION I

## SENATE SUBSTITUTE

20201180D

### HOUSE BILL NO. 5029

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary  
on September 16, 2020)

(Patron Prior to Substitute—Delegate McQuinn)

A BILL to amend the Code of Virginia by adding in Title 19.2 a chapter numbered 7.1, consisting of sections numbered 19.2-83.3 and 19.2-83.4, relating to law-enforcement officer; failure to intervene in use of excessive force; penalties.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 19.2 a chapter numbered 7.1, consisting of sections numbered 19.2-83.3 and 19.2-83.4, as follows:

#### CHAPTER 7.1.

##### LAW-ENFORCEMENT OFFICER CONDUCT DURING AN ARREST OR DETENTION.

##### § 19.2-83.3. Failure of a law-enforcement officer to intervene in an unlawful use of force.

A. 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 feasible, 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 the use of force.

B. Any law-enforcement officer who intervenes pursuant to subsection A or who witnesses another law-enforcement officer engaging or attempting to engage in the unlawful use of force against another person shall report such intervention or unlawful use of force in accordance with the law-enforcement officer's employing agency's policies and procedures for reporting misconduct committed by a law-enforcement officer. No employing agency shall retaliate, threaten to retaliate, or take or threaten to take any disciplinary action against a law-enforcement officer who intervenes pursuant to subsection A or makes a report pursuant to this subsection.

##### § 19.2-83.4. Penalties for violations of this chapter.

In addition to any other penalty authorized by law, any law-enforcement officer who knowingly violates the provisions of this chapter shall be subject to disciplinary action, including dismissal, demotion, suspension, or transfer of the law-enforcement officer or decertification as provided in subsection D of § 15.2-1707.

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