

20201002D

**HOUSE BILL NO. 5049****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Appropriations  
on September 3, 2020)

(Patron Prior to Substitute—Delegate Helmer)

*A BILL to amend and reenact §§ 9.1-101, 9.1-102, 15.2-1123.1, and 18.2-312 of the Code of Virginia; to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 55.4, consisting of a section numbered 2.2-5515, and by adding sections numbered 15.2-1721.1 and 15.2-1722.2; and to repeal § 52-11.3 of the Code of Virginia, relating to acquisition and use of military property by law-enforcement agencies.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 9.1-101, 9.1-102, 15.2-1123.1, and 18.2-312 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 55.4, consisting of a section numbered 2.2-5515, and by adding sections numbered 15.2-1721.1 and 15.2-1722.2 as follows:**

**CHAPTER 55.4.****LIMITATION ON ACQUISITION OF MILITARY PROPERTY.****§ 2.2-5515. Acquisition of military property.**

*A. No agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 shall acquire, purchase, or otherwise accept on any terms (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers; (iv) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat from a surplus program operated by the federal government; or (v) camouflage uniforms.*

*B. Any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 that has previously acquired any property listed in subsection A is prohibited from using such items unless such agency, director, or chief executive has received a waiver to use such items from the Department of Criminal Justice Services. Any waiver request made to the Department of Criminal Justice Services, with the exception of the Department of State Police, shall be limited to special weapons and tactics unit or other equivalent unit use only. The Department of State Police may seek a waiver for any of its units.*

*C. Any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 that requests property from a surplus program operated by the federal government shall publish a notice of such request on a publicly accessible website within 14 days after making the request.*

*D. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal property that is not specifically prohibited pursuant to subsection A from the federal government.*

*E. The provisions of this section shall not apply to the Virginia National Guard or Virginia Defense Force.*

**§ 9.1-101. Definitions.**

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

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

"Board" means the Criminal Justice Services Board.

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

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

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

60 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional  
61 status information.

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

75 "Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to  
76 § 18.2-271.2.

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

78 "Criminal justice agency" includes the Virginia Criminal Sentencing Commission.

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

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

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

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

88 "Law-enforcement officer" means any full-time or part-time employee of a police department or  
89 sheriff's office which is a part of or administered by the Commonwealth or any political subdivision  
90 thereof, or any full-time or part-time employee of a private police department, and who is responsible  
91 for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of  
92 the Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control  
93 Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia  
94 Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement  
95 division of the Department of Wildlife Resources; (v) investigator who is a sworn member of the  
96 security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and  
97 Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement  
98 division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection  
99 police officer employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under  
100 Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; (x) member of the investigations unit  
101 designated by the State Inspector General pursuant to § 2.2-311 to investigate allegations of criminal  
102 behavior affecting the operations of a state or nonstate agency; (xi) employee with internal investigations  
103 authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 or by the  
104 Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3; or (xii) private police officer  
105 employed by a private police department. Part-time employees are those compensated officers who are  
106 not full-time employees as defined by the employing police department, sheriff's office, or private police  
107 department.

108 "Private police department" means any police department, other than a department that employs  
109 police agents under the provisions of § 56-353, that employs private police officers operated by an entity  
110 authorized by statute or an act of assembly to establish a private police department or such entity's  
111 successor in interest, provided it complies with the requirements set forth herein. No entity is authorized  
112 to operate a private police department or represent that it is a private police department unless such  
113 entity has been authorized by statute or an act of assembly or such entity is the successor in interest of  
114 an entity that has been authorized pursuant to this section, provided it complies with the requirements  
115 set forth herein. The authority of a private police department shall be limited to real property owned,  
116 leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous  
117 property; such authority shall not supersede the authority, duties, or jurisdiction vested by law with the  
118 local police department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The  
119 chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum  
120 of understanding with the private police department that addresses the duties and responsibilities of the  
121 private police department and the chief law-enforcement officer in the conduct of criminal investigations.

Private police departments and private police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Board that the Department designates as applicable to private police departments. Any person employed as a private police officer pursuant to this section shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or any locality. An authorized private police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department at that time is hereby validated and may continue to operate as a private police department as may such entity's successor in interest, provided it complies with the requirements set forth herein.

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

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

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

#### **§ 9.1-102. Powers and duties of the Board and the Department.**

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

- 183 9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as  
184 the time required for completion of such training, for persons employed as deputy sheriffs and jail  
185 officers by local criminal justice agencies and correctional officers employed by the Department of  
186 Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of  
187 Corrections, such standards shall include training on the general care of pregnant women, the impact of  
188 restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary  
189 confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;
- 190 10. Establish compulsory minimum training standards for all dispatchers employed by or in any local  
191 or state government agency, whose duties include the dispatching of law-enforcement personnel. Such  
192 training standards shall apply only to dispatchers hired on or after July 1, 1988;
- 193 11. Establish compulsory minimum training standards for all auxiliary police officers employed by or  
194 in any local or state government agency. Such training shall be graduated and based on the type of  
195 duties to be performed by the auxiliary police officers. Such training standards shall not apply to  
196 auxiliary police officers exempt pursuant to § 15.2-1731;
- 197 12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state  
198 and federal governmental agencies, and institutions of higher education within or outside the  
199 Commonwealth, concerning the development of police training schools and programs or courses of  
200 instruction;
- 201 13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth,  
202 for school operation for the specific purpose of training law-enforcement officers; but this shall not  
203 prevent the holding of any such school whether approved or not;
- 204 14. Establish and maintain police training programs through such agencies and institutions as the  
205 Board deems appropriate;
- 206 15. Establish compulsory minimum qualifications of certification and recertification for instructors in  
207 criminal justice training schools approved by the Department;
- 208 16. Conduct and stimulate research by public and private agencies which shall be designed to  
209 improve police administration and law enforcement;
- 210 17. Make recommendations concerning any matter within its purview pursuant to this chapter;
- 211 18. Coordinate its activities with those of any interstate system for the exchange of criminal history  
212 record information, nominate one or more of its members to serve upon the council or committee of any  
213 such system, and participate when and as deemed appropriate in any such system's activities and  
214 programs;
- 215 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this  
216 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to  
217 submit information, reports, and statistical data with respect to its policy and operation of information  
218 systems or with respect to its collection, storage, dissemination, and usage of criminal history record  
219 information and correctional status information, and such criminal justice agencies shall submit such  
220 information, reports, and data as are reasonably required;
- 221 20. Conduct audits as required by § 9.1-131;
- 222 21. Conduct a continuing study and review of questions of individual privacy and confidentiality of  
223 criminal history record information and correctional status information;
- 224 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect  
225 to matters of privacy, confidentiality, and security as they pertain to criminal history record information  
226 and correctional status information;
- 227 23. Maintain a liaison with any board, commission, committee, or other body which may be  
228 established by law, executive order, or resolution to regulate the privacy and security of information  
229 collected by the Commonwealth or any political subdivision thereof;
- 230 24. Adopt regulations establishing guidelines and standards for the collection, storage, and  
231 dissemination of criminal history record information and correctional status information, and the privacy,  
232 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and  
233 court orders;
- 234 25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal  
235 justice information system, produce reports, provide technical assistance to state and local criminal  
236 justice data system users, and provide analysis and interpretation of criminal justice statistical  
237 information;
- 238 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law  
239 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically  
240 update that plan;
- 241 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the  
242 Commonwealth, and units of general local government, or combinations thereof, including planning  
243 district commissions, in planning, developing, and administering programs, projects, comprehensive  
244 plans, and other activities for improving law enforcement and the administration of criminal justice

throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties; and

j. Missing children, missing adults, and search and rescue protocol;

38. Establish compulsory training standards for basic training and the recertification of

306 law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for  
307 biased policing;

308 39. Review and evaluate community-policing programs in the Commonwealth, and recommend where  
309 necessary statewide operating procedures, guidelines, and standards which strengthen and improve such  
310 programs, including sensitivity to and awareness of cultural diversity and the potential for biased  
311 policing;

312 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with  
313 Virginia law-enforcement agencies, provide technical assistance and administrative support, including  
314 staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center  
315 may provide accreditation assistance and training, resource material, and research into methods and  
316 procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia  
317 accreditation status;

318 41. Promote community policing philosophy and practice throughout the Commonwealth by  
319 providing community policing training and technical assistance statewide to all law-enforcement  
320 agencies, community groups, public and private organizations and citizens; developing and distributing  
321 innovative policing curricula and training tools on general community policing philosophy and practice  
322 and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia  
323 organizations with specific community policing needs; facilitating continued development and  
324 implementation of community policing programs statewide through discussion forums for community  
325 policing leaders, development of law-enforcement instructors; promoting a statewide community policing  
326 initiative; and serving as a statewide information source on the subject of community policing including,  
327 but not limited to periodic newsletters, a website and an accessible lending library;

328 42. Establish, in consultation with the Department of Education and the Virginia State Crime  
329 Commission, compulsory minimum standards for employment and job-entry and in-service training  
330 curricula and certification requirements for school security officers, including school security officers  
331 described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the  
332 Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards  
333 shall be specific to the role and responsibility of school security officers and shall include (i) relevant  
334 state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school  
335 environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical  
336 alternative to restraint; (v) disaster and emergency response; (vi) awareness of cultural diversity and  
337 implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse  
338 disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and  
339 adolescent development and brain research. The Department shall establish an advisory committee  
340 consisting of local school board representatives, principals, superintendents, and school security  
341 personnel to assist in the development of the standards and certification requirements in this subdivision.  
342 The Department shall require any school security officer who carries a firearm in the performance of his  
343 duties to provide proof that he has completed a training course provided by a federal, state, or local  
344 law-enforcement agency that includes training in active shooter emergency response, emergency  
345 evacuation procedure, and threat assessment;

346 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with  
347 Article 11 (§ 9.1-185 et seq.);

348 44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

349 45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal  
350 justice agencies regarding the investigation, registration, and dissemination of information requirements  
351 as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

352 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula,  
353 and (iii) certification requirements for campus security officers. Such training standards shall include, but  
354 not be limited to, the role and responsibility of campus security officers, relevant state and federal laws,  
355 school and personal liability issues, security awareness in the campus environment, and disaster and  
356 emergency response. The Department shall provide technical support and assistance to campus police  
357 departments and campus security departments on the establishment and implementation of policies and  
358 procedures, including but not limited to: the management of such departments, investigatory procedures,  
359 judicial referrals, the establishment and management of databases for campus safety and security  
360 information sharing, and development of uniform record keeping for disciplinary records and statistics,  
361 such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an  
362 advisory committee consisting of college administrators, college police chiefs, college security  
363 department chiefs, and local law-enforcement officials to assist in the development of the standards and  
364 certification requirements and training pursuant to this subdivision;

365 47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established  
366 pursuant to § 9.1-187;

367 48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and

attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency; and

58. *Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for law-enforcement agencies to use certain military property. Any waivers granted shall be published by the Department on the Department's website; and*

59. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

**§ 15.2-1123.1. Lynchburg Regional Airport police department.**

The City of Lynchburg may by ordinance establish an airport police department at the Lynchburg Regional Airport. The authority of the airport police department shall be limited to real property owned, leased, or controlled by the Airport. Such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police department or sheriff's office, including as provided in §§ 15.2-1609 and 15.2-1704. The airport police department and airport police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Criminal Justice Services Board that the Department of Criminal Justice Services designates as applicable to private police departments. Any person employed as an airport police officer pursuant to this section shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1. An airport police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law-enforcement officer" or "qualified retired law-enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an

employee of the Commonwealth. The airport police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2.

**§ 15.2-1721.1. Acquisition of military property by localities.**

A. No locality, sheriff, chief of police, or director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101, or any public or private institution of higher education that has established a campus police department pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 shall acquire, purchase, or otherwise accept on any terms (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers; (iv) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat from a surplus program operated by the federal government; or (v) camouflage uniforms.

B. Any locality, sheriff, chief of police, or director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 that has previously acquired any property listed in subsection A is prohibited from using such items unless such locality, sheriff, chief of police, or director or chief executive has received a waiver to use such items from the Department of Criminal Justice Services. Any waiver request made to the Department of Criminal Justice Services shall be limited to special weapons and tactics unit or other equivalent unit use only.

C. Any locality, sheriff, chief of police, or director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 that requests property from a surplus program operated by the federal government shall publish a notice of such request on a publicly accessible website within 14 days after making the request.

D. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal property that is not specifically prohibited pursuant to subsection A from the federal government.

**§ 15.2-1722.2. Prohibition on the use of kinetic impact munitions by law-enforcement officers.**

A. As used in this section, "kinetic impact munitions" includes impact rounds and baton rounds, such as rubber batons, bean bag rounds, foam baton rounds, and plastic, wax, wood, or rubber-coated projectiles.

B. The use of kinetic impact munitions as a crowd control measure by a law-enforcement officer as defined in § 9.1-101 is prohibited unless (i) (a) an unlawful assembly, as defined in § 18.2-406, has been declared and (b) a warning to disperse has been announced unless a reasonable law-enforcement officer believes that the announcement of such warning will risk serious bodily injury or death to such law-enforcement officer or another person; (ii) such law-enforcement officer using or attempting to use a kinetic impact munition has received training and has been qualified in the past year to use kinetic impact munitions as a crowd control measure; (iii) such law-enforcement officer reasonably believes that the use of such kinetic impact munitions is immediately necessary to protect the law-enforcement officer or another person from the threat of serious bodily injury or death; and (iv) such use of kinetic impact munitions is targeted at the specific persons who are the cause of such threat of serious bodily injury or death.

C. In addition to any other penalty authorized by law, a violation of this section is grounds for disciplinary action against the law-enforcement officer, including dismissal, demotion, suspension, or transfer of the law-enforcement officer.

**§ 18.2-312. Illegal use of tear gas, phosgene gas, and other gases; penalties.**

A. If any person maliciously release or cause or procure releases or causes or procures to be released in any private home, place of business, or place of public gathering any tear gas, mustard gas, phosgene gas, or other noxious or nauseating gases or mixtures of chemicals designed to, produce and capable of, producing vile or injurious or nauseating odors or gases; and bodily injury results to any person from such gas or odor, the offending person shall be is guilty of a Class 3 felony.

If such act be is done unlawfully, but not maliciously, the offending person shall be is guilty of a Class 6 felony.

Nothing herein contained shall prevent the use of tear gas or other gases by police officers or other peace officers in the proper performance of their duties, or by any person or persons in the protection of person, life or property.

B. Law-enforcement officers as defined in § 9.1-101 may use crowd control measures that are not prohibited for use by military forces under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and may use tear gas if (i) an unlawful assembly, as defined in § 18.2-406, has been declared and a warning to disperse has been announced; (ii) a verbal announcement sufficient to be heard by the unlawful assembly of the intent to use tear gas as a crowd control measure has been provided; (iii) reasonable time has been



allowed for persons remaining at the unlawful assembly to disperse; (iv) if feasible, a second verbal announcement sufficient to be heard by the unlawful assembly has been provided immediately prior to the use of tear gas; and (v) such law-enforcement officer using or attempting to use tear gas has received training and has been qualified in the past year to use tear gas as a crowd control measure.

In addition to any other penalty authorized by law, a violation of this subsection is grounds for disciplinary action against the law-enforcement officer, including dismissal, demotion, suspension, or transfer of the law-enforcement officer.

2. That § 52-11.3 of the Code of Virginia is repealed.

3. 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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

4. That the Department of Criminal Justice Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

5. That this act shall be referred to as the Best Equipment for Law-Enforcement Act.