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SENATE BILL NO. 5003

Senate Amendments in [] - September 2, 2020

A BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 62, consisting of sections numbered 30-391 through 30-397, relating to Commission on Civil Rights and Policing established; report.

Patrons Prior to Engrossment—Senators Stuart, Locke and Ebbin; Delegate: Cole, M.L.

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 62, consisting of sections numbered 30-391 through 30-397, as follows:

CHAPTER 62.

COMMISSION ON CIVIL RIGHTS AND POLICING.

§ 30-391. Commission on Civil Rights and Policing; purpose.

The Commission on Civil Rights and Policing (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to review civil justice, civil liberties, and policing in the Commonwealth and to make policy recommendations to the General Assembly.

§ 30-392. Membership; terms.

The Commission shall have a total membership of 22 members, as follows:

1. [~~Four~~ Three] members of the Senate, to be appointed by the Senate Committee on Rules;
2. [~~Four~~ Three] members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;
3. Four chiefs of police or sheriffs, two of whom shall be appointed by the Speaker of the House of Delegates and two of whom shall be appointed by the Senate Committee on Rules;
4. Three attorneys for the Commonwealth, one of whom shall be appointed by the Speaker of the House of Delegates, one of whom shall be appointed by the Senate Committee on Rules, and one of whom shall be appointed by the Governor;
5. One representative from the Virginia African American Advisory Board, to be appointed by the Governor;

6. The current president of the Virginia NAACP [and representatives of at least two other minority groups, one of whom shall be appointed by the Speaker of the House of Delegates, and one of whom shall be appointed by the Senate Committee on Rules.] ;

7. The Secretary of Public Safety, or his designee;

8. The Chief Diversity, Equity, and Inclusion Officer, or his designee; and

9. Three nonlegislative citizen members with expertise in civil justice, one of whom shall be appointed by the Speaker of the House of Delegates, one of whom shall be appointed by the Senate Committee on Rules, and one of whom shall be appointed by the Governor. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.

Legislative members and ex officio members of the Commission shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. Nonlegislative citizen members shall be appointed for a term of two years.

The Commission shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

§ 30-393. Quorum; meetings; voting on recommendations.

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.

No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

§ 30-394. Compensation; expenses.

Legislative members of the Commission shall receive such compensation as provided in § 30-19.12,

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59 and nonlegislative citizen members shall receive such compensation for the performance of their duties
60 as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses
61 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to
62 members of the General Assembly for attendance at official meetings of the Commission shall be paid
63 by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other
64 compensation and expenses shall be paid from existing appropriations to the Commission or, if
65 unfunded, shall be approved by the Joint Rules Committee.

66 **§ 30-395. Powers and duties of the Commission.**

67 The Commission shall have the following powers and duties:

68 1. To study and report on operations, practices, and duties of state and local law-enforcement
69 agencies, including (i) assessing compliance with the rights afforded to citizens under the constitutions
70 of the United States and the Commonwealth; (ii) examining standard restraint techniques and uses; (iii)
71 examining de-escalation techniques and uses; (iv) examining the processes for reviewing reported
72 misconduct and reviewing whether employment contracts prevent the punishing of officers who have
73 been reported for misconduct; and (v) reviewing the use of pre-employment screening of officers for
74 biases;

75 2. To study and report on (i) the standardization of the use of body cameras and (ii) for-profit
76 policing;

77 3. To conduct public hearings to gather community input as to the operations of state and local
78 law-enforcement agencies;

79 4. To retain such consultants and advisors as the Commission deems necessary to review civil justice
80 and civil liberties in the Commonwealth and evaluate state and local law-enforcement agencies;

81 5. To make such special studies of and reports on the operations and functions of state and local
82 law-enforcement agencies as it deems appropriate and as may be requested by the General Assembly;
83 and

84 6. To submit to the General Assembly and the Governor an annual report for publication as a report
85 document as provided in the procedures of the Division of Legislative Automated Systems for the
86 processing of legislative documents and reports. The chairman of the Commission shall submit to the
87 General Assembly and the Governor an annual executive summary of the interim activity and work of
88 the Commission no later than the first day of each regular session of the General Assembly. The
89 executive summary shall be submitted for publication as a report document as provided in the
90 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
91 and reports and shall be posted on the General Assembly's website.

92 **§ 30-396. Staffing.**

93 Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Office
94 of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman of
95 the Commission serves. The Division of Legislative Services shall provide legal, research, policy
96 analysis, and other services as requested by the Commission.

97 **§ 30-397. Sunset.**

98 This chapter shall expire on July 1, 2023.

99 2. That, for its first year of existence, if the Commission is not funded by a separate appropriation
100 in the appropriation act, the Commission may be funded from the operating budgets of the Clerk
101 of the Senate and the Clerk of the House of Delegates upon the approval of the Joint Rules
102 Committee. If the Commission is not funded by a separate appropriation in the appropriation act
103 for any year thereafter, this chapter shall expire on July 1 of the fiscal year in which the
104 Commission fails to receive such funding.