

20201269D

## SENATE BILL NO. 5030

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations  
on September 25, 2020)(Patrons Prior to Substitute—Senators Locke, Norment [SBs 5002 and 5005], Favola [SB 5037],  
and Morrissey [SB 5049])

A *BILL to amend and reenact §§ 9.1-101, 9.1-102, 9.1-108, 9.1-112, 15.2-1123.1, 15.2-1609.10, 15.2-1705, 15.2-1707, 15.2-1709, 15.2-1722.1, 18.2-64.2, 18.2-312, 19.2-56, 19.2-201, and 52-30.1 through 52-30.4 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, by adding sections numbered 9.1-112.1, 15.2-1704.1, 15.2-1704.2, 15.2-1721.1, 15.2-1722.2, and 18.2-51.8, by adding in Article 4 of Chapter 4 of Title 18.2 a section numbered 18.2-57.5, and by adding in Title 19.2 a chapter numbered 7.1, consisting of sections numbered 19.2-83.3 through 19.2-83.6; and to repeal § 52-11.3 of the Code of Virginia, relating to policing reform.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-101, 9.1-102, 9.1-108, 9.1-112, 15.2-1123.1, 15.2-1609.10, 15.2-1705, 15.2-1707, 15.2-1709, 15.2-1722.1, 18.2-64.2, 18.2-312, 19.2-56, 19.2-201, and 52-30.1 through 52-30.4 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 number 55.4, consisting of a section numbered 2.2-5515, by adding sections numbered 9.1-112.1, 15.2-1704.1, 15.2-1704.2, 15.2-1721.1, 15.2-1722.2, and 18.2-51.8, by adding in Article 4 of Chapter 4 of Title 18.2 a section numbered 18.2-57.5, and by adding in Title 19.2 a chapter numbered 7.1, consisting of sections numbered 19.2-83.3 through 19.2-83.6, 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.

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

63 "Criminal history record information" means records and data collected by criminal justice agencies  
64 on adult individuals consisting of identifiable descriptions and notations of arrests, detentions,  
65 indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall  
66 not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title  
67 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional  
68 status information.

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

82 "Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to  
83 § 18.2-271.2.

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

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

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

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

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

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

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

115 "Private police department" means any police department, other than a department that employs  
116 police agents under the provisions of § 56-353, that employs private police officers operated by an entity  
117 authorized by statute or an act of assembly to establish a private police department or such entity's  
118 successor in interest, provided it complies with the requirements set forth herein. No entity is authorized  
119 to operate a private police department or represent that it is a private police department unless such  
120 entity has been authorized by statute or an act of assembly or such entity is the successor in interest of  
121 an entity that has been authorized pursuant to this section, provided it complies with the requirements

set forth herein. The authority of a private police department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property; 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 chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding with the private police department that addresses the duties and responsibilities of the 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;

- 183 6. [Repealed];
- 184 7. Establish compulsory minimum entry-level, in-service and advanced training standards for those  
185 persons designated to provide courthouse and courtroom security pursuant to the provisions of  
186 § 53.1-120, and to establish the time required for completion of such training;
- 187 8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy  
188 sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time  
189 required for the completion of such training;
- 190 9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as  
191 the time required for completion of such training, for persons employed as deputy sheriffs and jail  
192 officers by local criminal justice agencies and correctional officers employed by the Department of  
193 Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of  
194 Corrections, such standards shall include training on the general care of pregnant women, the impact of  
195 restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary  
196 confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;
- 197 10. Establish compulsory minimum training standards for all dispatchers employed by or in any local  
198 or state government agency, whose duties include the dispatching of law-enforcement personnel. Such  
199 training standards shall apply only to dispatchers hired on or after July 1, 1988;
- 200 11. Establish compulsory minimum training standards for all auxiliary police officers employed by or  
201 in any local or state government agency. Such training shall be graduated and based on the type of  
202 duties to be performed by the auxiliary police officers. Such training standards shall not apply to  
203 auxiliary police officers exempt pursuant to § 15.2-1731;
- 204 12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state  
205 and federal governmental agencies, and institutions of higher education within or outside the  
206 Commonwealth, concerning the development of police training schools and programs or courses of  
207 instruction;
- 208 13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth,  
209 for school operation for the specific purpose of training law-enforcement officers; but this shall not  
210 prevent the holding of any such school whether approved or not;
- 211 14. Establish and maintain police training programs through such agencies and institutions as the  
212 Board deems appropriate;
- 213 15. Establish compulsory minimum qualifications of certification and recertification for instructors in  
214 criminal justice training ~~schools~~ *academies* approved by the Department;
- 215 16. Conduct and stimulate research by public and private agencies which shall be designed to  
216 improve police administration and law enforcement;
- 217 17. Make recommendations concerning any matter within its purview pursuant to this chapter;
- 218 18. Coordinate its activities with those of any interstate system for the exchange of criminal history  
219 record information, nominate one or more of its members to serve upon the council or committee of any  
220 such system, and participate when and as deemed appropriate in any such system's activities and  
221 programs;
- 222 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this  
223 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to  
224 submit information, reports, and statistical data with respect to its policy and operation of information  
225 systems or with respect to its collection, storage, dissemination, and usage of criminal history record  
226 information and correctional status information, and such criminal justice agencies shall submit such  
227 information, reports, and data as are reasonably required;
- 228 20. Conduct audits as required by § 9.1-131;
- 229 21. Conduct a continuing study and review of questions of individual privacy and confidentiality of  
230 criminal history record information and correctional status information;
- 231 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect  
232 to matters of privacy, confidentiality, and security as they pertain to criminal history record information  
233 and correctional status information;
- 234 23. Maintain a liaison with any board, commission, committee, or other body which may be  
235 established by law, executive order, or resolution to regulate the privacy and security of information  
236 collected by the Commonwealth or any political subdivision thereof;
- 237 24. Adopt regulations establishing guidelines and standards for the collection, storage, and  
238 dissemination of criminal history record information and correctional status information, and the privacy,  
239 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and  
240 court orders;
- 241 25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal  
242 justice information system, produce reports, provide technical assistance to state and local criminal  
243 justice data system users, and provide analysis and interpretation of criminal justice statistical  
244 information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive 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 *systemic and individual racism*, cultural diversity, and the potential for ~~biased policing~~ *bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability*;

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

306 information to the Virginia Alcoholic Beverage Control Authority;  
307 g. Vehicle patrol duties that embody current best practices for pursuits and for responding to  
308 emergency calls;  
309 h. Criminal investigations that embody current best practices for conducting photographic and live  
310 lineups;  
311 i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of  
312 human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or  
313 street patrol duties; and  
314 j. Missing children, missing adults, and search and rescue protocol;  
315 38. Establish compulsory training standards for basic training and the recertification of  
316 law-enforcement officers to ensure (i) sensitivity to and awareness of *systemic and individual racism*,  
317 cultural diversity, and the potential for ~~biased policing~~ *bias-based profiling as defined in § 52-30.1,*  
318 *which shall include recognizing implicit biases in interacting with persons who have a mental illness,*  
319 *substance use disorder, or developmental or cognitive disability; (ii) training in de-escalation*  
320 *techniques; and (iii) training in the lawful use of force, including the use of deadly force only when*  
321 *necessary to protect the law-enforcement officer or another person;*  
322 39. Review and evaluate community-policing programs in the Commonwealth, and recommend where  
323 necessary statewide operating procedures, guidelines, and standards ~~which that~~ strengthen and improve  
324 such programs, including sensitivity to and awareness of *systemic and individual racism*, cultural  
325 diversity, and the potential for ~~biased policing~~ *bias-based profiling as defined in § 52-30.1, which shall*  
326 *include recognizing implicit biases in interacting with persons who have a mental illness, substance use*  
327 *disorder, or developmental or cognitive disability;*  
328 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with  
329 Virginia law-enforcement agencies, provide technical assistance and administrative support, including  
330 staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center  
331 may provide accreditation assistance and training, resource material, and research into methods and  
332 procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia  
333 accreditation status;  
334 41. Promote community policing philosophy and practice throughout the Commonwealth by  
335 providing community policing training and technical assistance statewide to all law-enforcement  
336 agencies, community groups, public and private organizations and citizens; developing and distributing  
337 innovative policing curricula and training tools on general community policing philosophy and practice  
338 and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia  
339 organizations with specific community policing needs; facilitating continued development and  
340 implementation of community policing programs statewide through discussion forums for community  
341 policing leaders, development of law-enforcement instructors; promoting a statewide community policing  
342 initiative; and serving as a statewide information source on the subject of community policing including,  
343 but not limited to periodic newsletters, a website and an accessible lending library;  
344 42. Establish, in consultation with the Department of Education and the Virginia State Crime  
345 Commission, compulsory minimum standards for employment and job-entry and in-service training  
346 curricula and certification requirements for school security officers, including school security officers  
347 described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the  
348 Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards  
349 shall be specific to the role and responsibility of school security officers and shall include (i) relevant  
350 state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school  
351 environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical  
352 alternative to restraint; (v) disaster and emergency response; (vi) awareness of *systemic and individual*  
353 *racism*, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health  
354 needs, substance ~~abuse~~ *use* disorders, and past traumatic experiences; and (viii) student behavioral  
355 dynamics, including child and adolescent development and brain research. The Department shall  
356 establish an advisory committee consisting of local school board representatives, principals,  
357 superintendents, and school security personnel to assist in the development of the standards and  
358 certification requirements in this subdivision. The Department shall require any school security officer  
359 who carries a firearm in the performance of his duties to provide proof that he has completed a training  
360 course provided by a federal, state, or local law-enforcement agency that includes training in active  
361 shooter emergency response, emergency evacuation procedure, and threat assessment;  
362 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with  
363 Article 11 (§ 9.1-185 et seq.);  
364 44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);  
365 45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal  
366 justice agencies regarding the investigation, registration, and dissemination of information requirements  
367 as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

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

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

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 *systemic and individual racism*, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance ~~abuse~~ *use* 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;*

59. *Establish requirements for compulsory mental health examinations for law-enforcement officers, deputy sheriffs and jail officers, and correctional officers that include guidelines for the implementation*

429 of such mental health examinations;

430 60. Establish compulsory in-service training standards for law-enforcement officers in the following  
431 subjects: (i) relevant state and federal laws; (ii) awareness of cultural diversity and the potential for  
432 bias-based profiling as defined in § 52-30.1; (iii) de-escalation techniques; (iv) working with individuals  
433 with disabilities, mental health needs, or substance use disorders; and (v) the lawful use of force,  
434 including the use of deadly force only when necessary to protect the law-enforcement officer or another  
435 person;

436 61. Develop a uniform curriculum and lesson plans for the compulsory minimum entry-level,  
437 in-service, and advanced training standards to be employed by criminal justice training academies  
438 approved by the Department when conducting training; and

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

441 **§ 9.1-108. Criminal Justice Services Board membership; terms; vacancies; members not**  
442 **disqualified from holding other offices; designation of chairmen; meetings; compensation.**

443 A. The Criminal Justice Services Board is established as a policy board within the meaning of  
444 § 2.2-2100, in the executive branch of state government. The Board shall consist of ~~29~~ 31 members as  
445 follows: the Chief Justice of the Supreme Court of Virginia, or his designee; the Attorney General or his  
446 designee; the Superintendent of the Department of State Police; the Director of the Department of  
447 Corrections; the Director of the Department of Juvenile Justice; the Chairman of the Parole Board; the  
448 Executive Director of the Virginia Indigent Defense Commission or his designee; and the Executive  
449 Secretary of the Supreme Court of Virginia. In those instances in which the Executive Secretary of the  
450 Supreme Court of Virginia, the Superintendent of the Department of State Police, the Director of the  
451 Department of Corrections, the Director of the Department of Juvenile Justice, or the Chairman of the  
452 Parole Board will be absent from a Board meeting, he may appoint a member of his staff to represent  
453 him at the meeting.

454 ~~Seventeen~~ Nineteen members shall be appointed by the Governor from among citizens of the  
455 Commonwealth. At least one shall be a representative of a crime victims' organization or a victim of  
456 crime as defined in subsection B of § 19.2-11.01, and ~~one~~ two shall ~~represent community interests~~ be  
457 ~~representatives of a civil rights organization, two shall be representatives of community interests of~~  
458 ~~minorities from one of the four groups of minority individuals defined in subsection F of § 2.2-4310, and~~  
459 ~~one shall be a representative from a mental health service provider as defined in § 54.1-2400.1.~~

460 The remainder shall be representative of the broad categories of state and local governments, criminal  
461 justice systems, and law-enforcement agencies, including but not limited to, police officials, sheriffs,  
462 attorneys for the Commonwealth, defense counsel, the judiciary, correctional and rehabilitative activities,  
463 and other locally elected and appointed administrative and legislative officials. Among these members  
464 there shall be ~~two sheriffs~~ one ~~sheriff~~ representing the Virginia Sheriffs' Association selected from among  
465 names submitted by the Association; one member who is an active duty law-enforcement officer  
466 appointed after consideration of the names, if any, submitted by police or fraternal associations that have  
467 memberships of at least 1,000; ~~two representatives~~ one representative of the Virginia Association of  
468 Chiefs of Police appointed after consideration of the names submitted by the Association, if any; one  
469 attorney for the Commonwealth appointed after consideration of the names submitted by the Virginia  
470 Association of Commonwealth's Attorneys, if any; one person who is a mayor, city or town manager, or  
471 member of a city or town council representing the Virginia Municipal League appointed after  
472 consideration of the names submitted by the League, if any; one person who is a county executive,  
473 manager, or member of a county board of supervisors representing the Virginia Association of Counties  
474 appointed after consideration of the names submitted by the Association, if any; one member  
475 representing the Virginia Association of Campus Law Enforcement Administrators appointed after  
476 consideration of the names submitted by the Association, if any; one member of the Private Security  
477 Services Advisory Board; and one representative of the Virginia Association of Regional Jails appointed  
478 after consideration of the names submitted by the Association, if any.

479 Four members of the Board shall be members of the General Assembly appointed as follows: one  
480 member of the House Committee on Appropriations appointed by the Speaker of ~~the~~ House of Delegates  
481 after consideration of the recommendation by the committee's chairman; one member of the House  
482 Committee for Courts of Justice appointed by the Speaker of the House of Delegates after consideration  
483 of the recommendation by the committee's chairman; one member of the Senate Committee on Finance  
484 ~~and Appropriations~~ appointed by the Senate Committee on Rules after consideration of the  
485 recommendation of the chairman of the Senate Committee on Finance ~~and Appropriations~~; and one  
486 member of the Senate Committee ~~for Courts of Justice~~ ~~on the Judiciary~~ appointed by the Senate  
487 Committee on Rules after consideration of the recommendation of the chairman of the Senate  
488 Committee ~~for Courts of Justice~~ ~~on the Judiciary~~. The legislative members shall serve for terms  
489 coincident with their terms of office and shall serve as ex officio, nonvoting members. Legislative  
490 members may be reappointed for successive terms.



B. The members of the Board appointed by the Governor shall serve for terms of four years, provided that no member shall serve beyond the time when he holds the office or employment by reason of which he was initially eligible for appointment. Gubernatorial appointed members of the Board shall not be eligible to serve for more than two consecutive full terms. Three or more years within a four-year period shall be deemed a full term. Any vacancy on the Board shall be filled in the same manner as the original appointment, but for the unexpired term.

C. The Governor shall appoint a chairman of the Board for a two-year term. No member shall be eligible to serve more than two consecutive terms as chairman. The Board shall designate one or more vice-chairmen from among its members, who shall serve at the pleasure of the Board.

D. Notwithstanding any provision of any statute, ordinance, local law, or charter provision to the contrary, membership on the Board shall not disqualify any member from holding any other public office or employment, or cause the forfeiture thereof.

E. The Board shall hold no less than four regular meetings a year. Subject to the requirements of this subsection, the chairman shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Board.

F. The Board may adopt bylaws for its operation.

G. Legislative members of the Board shall receive such compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for the performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Criminal Justice Services.

**§ 9.1-112. Committee on Training; membership.**

There is created a permanent Committee on Training under the Board that shall be the policy-making body responsible to the Board for effecting the provisions of subdivisions 2 through 17 of § 9.1-102. The Committee on Training shall be composed of 15 members of the Board as follows: the Superintendent of the Department of State Police; the Director of the Department of Corrections; a member of the Private Security Services Advisory Board; the Executive Secretary of the Supreme Court of Virginia; ~~two sheriffs~~ *one sheriff* representing the Virginia State Sheriffs' Association; ~~two representatives~~ *one representative* of the Virginia Association of Chiefs of Police Association; the active-duty law-enforcement officer representing police and fraternal associations; the attorney for the Commonwealth representing the Virginia Association of Commonwealth's Attorneys; *one representative of the Virginia Indigent Defense Commission*; a representative of the Virginia Municipal League; a representative of the Virginia Association of Counties; *a representative from a mental health service provider as defined in § 54.1-2400.1*; a regional jail superintendent representing the Virginia Association of Regional Jails; *one citizen representing a civil rights organization*; and *one citizen* representing community interests; ~~and one member designated by the chairman of the Board from among the other appointments made by the Governor of minority individuals from one of the four groups defined in subsection F of § 2.2-4310.~~

The Committee on Training shall annually elect its chairman from among its members.

*The Committee on Training may appoint curriculum review committees to assist the Committee on Training in carrying out its duties under this section. Any curriculum review committee shall be composed of nine members appointed by the Committee on Training. At least one member shall be a representative of a regional criminal justice academy, one member shall be a representative of an independent criminal justice academy, one member shall be a representative of the Department of State Police Training Academy, and one member shall be a representative of a community-based organization. The remainder shall be selected after consideration of names submitted by the Department of individuals with relevant experience.*

**§ 9.1-112.1. Criminal justice training academies; curriculum.**

A. Any criminal justice training academy approved by the Department shall employ the uniform curriculum and lesson plans developed by the Department pursuant to § 9.1-102 for all training offered at the academy intended to meet the compulsory minimum entry-level, in-service, and advanced training standards established by the Board pursuant to § 9.1-102. No credit shall be given toward the completion of the compulsory minimum training standards for any training that does not employ the uniform curriculum and lesson plans.

B. In addition to any audits or inspections conducted by the Department, the Department shall conduct an annual evaluation of each criminal justice training academy's compliance with the uniform curriculum and lesson plans. If the Department determines that a criminal justice training academy is deficient in employing the uniform curriculum and lesson plans, the Department shall provide assistance to the academy to ensure the academy's compliance and may take whatever enforcement action the Department deems appropriate, including revocation of the Department's approval of the academy.

552 C. An approved criminal justice training academy may petition the Department to approve the use of  
553 an alternative curriculum and lesson plans developed by such academy. The Department may approve  
554 the use of an alternative curriculum and lesson plans developed by the petitioning criminal justice  
555 training academy if the Department determines that such alternative curriculum and lesson plans (i)  
556 meet or exceed the compulsory minimum entry-level, in-service, and advanced training standards  
557 established by the Board pursuant to § 9.1-102 and (ii) are substantially similar to the uniform  
558 curriculum and lesson plans developed by the Department pursuant to § 9.1-102.

559 **§ 15.2-1123.1. Lynchburg Regional Airport police department.**

560 The City of Lynchburg may by ordinance establish an airport police department at the Lynchburg  
561 Regional Airport. The authority of the airport police department shall be limited to real property owned,  
562 leased, or controlled by the Airport. Such authority shall not supersede the authority, duties, or  
563 jurisdiction vested by law with the local police department or sheriff's office, including as provided in  
564 §§ 15.2-1609 and 15.2-1704. The airport police department and airport police officers shall be subject to  
565 and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing  
566 municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708,  
567 15.2-1719, 15.2-1721, 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Criminal Justice  
568 Services Board that the Department of Criminal Justice Services designates as applicable to private  
569 police departments. Any person employed as an airport police officer pursuant to this section shall meet  
570 all requirements, including the minimum compulsory training requirements, for law-enforcement officers  
571 pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1. An airport police officer is not entitled to benefits  
572 under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a  
573 "qualified law-enforcement officer" or "qualified retired law-enforcement officer" within the meaning of  
574 the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an  
575 employee of the Commonwealth. The airport police department may use the word "police" to describe  
576 its sworn officers and may join a regional criminal justice academy created pursuant to Article 5  
577 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2.

578 **§ 15.2-1609.10. Prohibited practices; collection of data.**

579 A. No sheriff or deputy sheriff shall engage in bias-based profiling as defined in § 52-30.1 in the  
580 performance of his official duties.

581 B. The sheriff of every locality shall collect data pertaining to (i) all investigatory motor vehicle  
582 stops, (ii) all stop-and-frisks of a person based on reasonable suspicion, ~~or and investigative stops~~ (iii)  
583 all other investigatory detentions that do not result in an arrest or the issuance of a summons pursuant  
584 to § 52-30.2 and report such data to the Department of State Police for inclusion in the Community  
585 Policing Reporting Database established pursuant to § 52-30.3. The sheriff of the locality shall be  
586 responsible for forwarding the data to the Superintendent of State Police.

587 C. The sheriff shall post the data that has been forwarded for inclusion in the Community Policing  
588 Reporting Database on a website that is maintained by the sheriff or on any other website on which the  
589 sheriff generally posts information and that is available to the public or that clearly describes how the  
590 public may access such data.

591 **§ 15.2-1704.1. Duty to render aid for a life-threatening condition.**

592 A. Any law-enforcement officer as defined in § 9.1-101 on duty who witnesses another person  
593 suffering from a serious bodily injury or a life-threatening condition shall render aid, as circumstances  
594 objectively permit, to such person.

595 B. Any law-enforcement officer who fails to render aid pursuant to subsection A shall be subject to  
596 disciplinary action, including dismissal, demotion, suspension, or transfer of the law-enforcement officer.

597 **§ 15.2-1704.2. Duty to report wrongdoing committed by another law-enforcement officer.**

598 A. As used in this section:

599 "Law-enforcement officer" means the same as that term is defined in § 9.1-101.

600 "Wrongdoing" means a violation, which is not of a merely technical or minimal nature, of a federal  
601 or state law or regulation, local ordinance, or rule of an officer's law-enforcement agency designed to  
602 protect the interests of the public and includes bias-based profiling as defined in § 52-30.1.

603 B. Any law-enforcement officer who witnesses any wrongdoing committed by another  
604 law-enforcement officer on duty or has a good faith reasonable belief that another law-enforcement  
605 officer on duty committed wrongdoing shall report such wrongdoing to his supervisor or other  
606 supervisory law-enforcement officer in accordance with such law-enforcement officer's employing  
607 agency's policies and procedures for reporting such acts committed by a law-enforcement officer.

608 C. In addition to any other penalty authorized by law, any law-enforcement officer who fails to  
609 report such wrongdoing as required by subsection B shall be subject to disciplinary action, including  
610 dismissal, demotion, suspension, or transfer of the law-enforcement officer.

611 D. In addition to any other penalty authorized by law, the failure of a law-enforcement officer, who  
612 has actual knowledge of the commission on duty of a criminal offense by another law-enforcement  
613 officer, to report such wrongdoing as required by subsection B is punishable as a Class 1 misdemeanor.

*E. It shall be the duty of all law-enforcement officers to cooperate fully with persons lawfully assigned to conduct investigations into wrongdoing. All such officers shall truthfully answer all questions directed to them by investigators, supervisors, or commanders and shall give all pertinent information of which they may have knowledge that is related to the investigation in question. No law-enforcement officer shall encourage any person to withhold information or to provide untruthful information during any investigation. In addition to any other penalty authorized by law, any law-enforcement officer who violates this subsection shall be subject to disciplinary action, including dismissal, demotion, suspension, or transfer of the law-enforcement officer.*

**§ 15.2-1705. Minimum qualifications; waiver.**

A. The chief of police and all police officers of any locality, all deputy sheriffs and jail officers in this the Commonwealth, and all law-enforcement officers as defined in § 9.1-101 who enter upon the duties of such office after July 1, 1994, are required to meet the following minimum qualifications for office. Such person shall (i) be a citizen of the United States; (ii) be required to undergo a background investigation including fingerprint-based criminal history records inquiries to both the Central Criminal Records Exchange and the Federal Bureau of Investigation; (iii) have a high school education or have passed a high school equivalency examination approved by the Board of Education; (iv) possess a valid driver's license if required by the duties of office to operate a motor vehicle; (v) undergo a physical examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed physician; (vi) be at least ~~eighteen~~ 18 years of age; (vii) not have been convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in the Commonwealth; ~~and~~; (viii) not have produced a positive result on a pre-employment drug screening, if such screening is required by the hiring law-enforcement agency or jail, where the positive result cannot be explained to the law-enforcement agency or jail administrator's satisfaction; *and (ix) undergo a psychological examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed psychologist or other licensed mental health professional.* In addition, all such officers who enter upon the duties of such office on or after July 1, 2013, shall not have been convicted of or pled guilty or no contest to (a) any misdemeanor involving moral turpitude, including but not limited to petit larceny under § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if committed in the Commonwealth; (b) any misdemeanor sex offense in the Commonwealth, another state, or the United States, including but not limited to sexual battery under § 18.2-67.4 or consensual sexual intercourse with a minor 15 or older under clause (ii) of § 18.2-371; or (c) domestic assault under § 18.2-57.2 or any offense that would be domestic assault under the laws of another state or the United States.

B. *In addition, if the police officer, deputy sheriff, or jail officer had been employed at any time by another law-enforcement agency or jail, the hiring law-enforcement agency or jail shall request from all prior employing agencies or jails any information (i) related to an arrest or prosecution of a former police officer, deputy sheriff, or jail officer, including any expunged arrest or criminal charge that would otherwise be prohibited from disclosure in accordance with § 19.2-392.4; (ii) related to a civil suit regarding a former police officer's, deputy sheriff's, or jail officer's employment or performance of his duties; (iii) obtained during the course of any internal investigation related to a former police officer's, deputy sheriff's, or jail officer's alleged criminal conduct, use of excessive force, or other official misconduct in violation of the state professional standards of conduct adopted by the Criminal Justice Services Board; and (iv) related to a former police officer, deputy sheriff, or jail officer's job performance that led to such officer's or deputy sheriff's resignation, dismissal, demotion, suspension, or transfer. The hiring agency or jail may request this information subsequent to a conditional offer of employment; however, no police officer, deputy sheriff, or jail officer may be employed in such position until the requested information is received from all prior employing agencies in the Commonwealth. Any sheriff or chief of police in the Commonwealth, any director or chief executive of any law-enforcement agency or jail in the Commonwealth, and the Director of the Department of Criminal Justice Services or his designee shall disclose any information requested in accordance with the provisions of this subsection to any hiring agency or jail that requests such information.*

C. Upon request of a sheriff or chief of police, or the director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101, or jail officers as defined in § 53.1-1, the Department of Criminal Justice Services is hereby authorized to waive the requirements for qualification as set out in subsection A ~~of this section~~ for good cause shown.

**§ 15.2-1707. Decertification of law-enforcement officers.**

A. The sheriff, chief of police, or agency administrator shall notify the Criminal Justice Services Board (*the Board*) in writing within 48 hours of becoming aware that any certified law-enforcement or jail officer currently employed by his agency has (i) been convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in the Commonwealth; (ii) been convicted of or pled guilty or no contest to a Class 1 misdemeanor involving moral turpitude or any offense that

would be any misdemeanor involving moral turpitude, including but not limited to petit larceny under § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if committed in the Commonwealth; (iii) been convicted of or pled guilty or no contest to any misdemeanor sex offense in the Commonwealth, another state, or the United States, including but not limited to sexual battery under § 18.2-67.4 or consensual sexual intercourse with a minor 15 years of age or older under clause (ii) of § 18.2-371; (iv) been convicted of or pled guilty or no contest to domestic assault under § 18.2-57.2 or any offense that would be domestic assault under the laws of another state or the United States; (v) failed to comply with or maintain compliance with mandated training requirements; or (vi) refused to submit to a drug screening or has produced a positive result on a drug screening reported to the employing agency, where the positive result cannot be explained to the agency administrator's satisfaction.

Notification shall also be provided B. The sheriff, chief of police, or agency administrator shall notify the Board in writing within 48 hours of becoming aware that any employee who resigned or was if any certified law-enforcement or jail officer currently employed by his agency (i) is terminated or resigns in advance of being convicted or found guilty of an offense set forth in clause (i) of subsection A that requires decertification or who resigned or was, (ii) is terminated or resigns in advance of a pending drug screening, (iii) is terminated for a violation of state or federal law, (iv) is terminated for a violation of the agency's policies and procedures, or (v) is terminated or resigns while such officer is the subject of a pending internal investigation for conduct that could result in termination from the agency.

C. The notification, where appropriate, shall be accompanied by a copy of the judgment of conviction.

D. Upon receiving such notice from the sheriff, chief of police, or agency administrator, or from an attorney for the Commonwealth, the Criminal Justice Services Board shall immediately decertify such law-enforcement or jail officer. Such officer shall not have the right to serve as a law-enforcement officer within the Commonwealth until his certification has been reinstated by the Board.

B. E. When a conviction has not become final, the Board may decline to decertify the officer until the conviction becomes final, after considering the likelihood of irreparable damage to the officer if such officer is decertified during the pendency of an ultimately successful appeal, the likelihood of injury or damage to the public if the officer is not decertified, and the seriousness of the offense.

C. F. The Department of Criminal Justice Services is hereby authorized to waive the requirements for decertification as set out in subsection A for good cause shown.

D. G. The Criminal Justice Services Board may initiate decertification proceedings against any current or former law-enforcement or jail officer whom if the Board has found to have been convicted of an offense that requires that any basis for the officer's decertification or who has failed to comply with or maintain compliance with mandated training requirements set forth in subsection A or B exists.

E. H. Any conviction of a misdemeanor that has been appealed to a court of record shall not be considered a conviction for purposes of this section unless a final order of conviction is entered. Any finding of misconduct listed in subsection B will not be considered final until all grievances or appeals have been exhausted or waived and the finding of misconduct is made final.

I. The sheriff, chief of police, or agency administrator shall also notify the Board and the civilian review panel that has oversight authority over such agency, if such panel has been established, in writing if any certified law-enforcement or jail officer currently employed by his agency has received three complaints of excessive use of force in the previous five years. Any recommendations made by the civilian review panel concerning such complaints shall be forwarded to the Board.

**§ 15.2-1709. Employer immunity from liability; disclosure of information regarding former deputy sheriffs and law-enforcement officers.**

Any sheriff or chief of police, the any director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101, or jail officers as defined in § 53.1-1, and the Director of the Department of Criminal Justice Services or his designee who discloses information about a former deputy sheriff's or law-enforcement officer's or jail officer's job performance or information requested pursuant to subsection B of § 15.2-1705 to a prospective law-enforcement or jail employer of the former appointee or employee is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from civil liability for such disclosure or its consequences. For purposes of this section, the presumption of good faith is rebutted upon a showing that unless the information disclosed by the former employer was knowingly false or deliberately misleading, was rendered with malicious purpose, or violated any civil right of the former employee or appointee.

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

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.

**§ 15.2-1722.1. Prohibited practices; collection of data.**

A. No law-enforcement officer shall engage in bias-based profiling as defined in § 52-30.1 in the performance of his official duties.

B. The police force of every locality shall collect data pertaining to (i) all investigatory motor vehicle stops, (ii) all stop-and-frisks of a person based on reasonable suspicion, ~~or~~ and (iii) all other investigatory stops detentions that do not result in an arrest or the issuance of a summons pursuant to § 52-30.2 and report such data to the Department of State Police for inclusion in the Community Policing Reporting Database established pursuant to § 52-30.3. The chief of police of the locality shall be responsible for forwarding the data to the Superintendent of State Police.

C. The chief of police of the locality shall post the data that has been forwarded for inclusion in the Community Policing Reporting Database on a website that is maintained by the chief of police or on any other website on which the chief of police generally posts information and that is available to the public or that clearly describes how the public may access such data.

**§ 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.

**§ 18.2-51.8. Prohibition on the use of neck restraints by law-enforcement officers; penalty.**

A. As used in this section, "neck restraint" means the use of any body part or object to attempt to control or disable a person by applying pressure against the neck, including the trachea or carotid artery, with the purpose, intent, or effect of controlling or restricting the person's movement or restricting the person's blood flow or breathing, including chokeholds, carotid restraints, and lateral vascular neck restraints.

B. Any law-enforcement officer, as defined in § 9.1-101, who uses a neck restraint in the performance of his official duties is guilty of a Class 6 felony.

A violation of this section shall constitute a separate and distinct offense. If the acts or activities violating this section also violate another provision of law, a prosecution under this section shall not

798 *prohibit or bar any prosecution or proceeding under such other provision or the imposition of any*  
 799 *penalties provided for thereby.*

800 **§ 18.2-57.5. Failure of a law-enforcement officer to intervene in use of excessive force; penalties.**

801 *A. As used in this section:*

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

803 *"Excessive force" means any force that is objectively unreasonable given the totality of the*  
 804 *circumstances, including the severity of the crime at issue, whether the suspect poses an immediate*  
 805 *threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or*  
 806 *attempting to evade arrest by flight.*

807 *"Law-enforcement officer" means the same as that term is defined in § 9.1-101.*

808 *B. Any law-enforcement officer who witnesses another law-enforcement officer, in the performance of*  
 809 *his official duties, engaging or attempting to engage in the use of excessive force against another person*  
 810 *shall intervene, when such intervention is objectively reasonable and possible, to end the use of*  
 811 *excessive force or attempted use of excessive force, or to prevent the further use of excessive force. A*  
 812 *law-enforcement officer shall also render aid, as circumstances objectively permit, to any person injured*  
 813 *as the result of such use of excessive force.*

814 *C. The knowing failure to intervene in the use of nondeadly excessive force as required by subsection*  
 815 *B is punishable as a Class 1 misdemeanor.*

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

818 *E. The knowing failure to intervene in the use of excessive force as required by subsection B,*  
 819 *whether such force is deadly or nondeadly, that leads to death or if the victim is thereby severely*  
 820 *injured and is caused to suffer permanent and significant physical impairment is punishable as a Class*  
 821 *4 felony.*

822 **§ 18.2-64.2. Carnal knowledge of a person in the custody of a law-enforcement officer or an**  
 823 **inmate, parolee, probationer, detainee, or pretrial defendant or posttrial offender; penalty.**

824 *A. An accused is guilty of carnal knowledge of a person in the custody of a law-enforcement officer*  
 825 *or an inmate, parolee, probationer, detainee, or pretrial defendant or posttrial offender if he is a*  
 826 *law-enforcement officer or an employee or contractual employee of, or a volunteer with, a state or local*  
 827 *correctional facility or regional jail, the Department of Corrections, the Department of Juvenile Justice, a*  
 828 *secure facility or detention home, as defined in § 16.1-228, a state or local court services unit, as*  
 829 *defined in § 16.1-235, a local community-based probation services agency, or a pretrial services agency;*  
 830 *is in a position of authority over the person in the custody of a law-enforcement officer, inmate,*  
 831 *probationer, parolee, detainee, or a pretrial defendant or posttrial offender; knows that the person in the*  
 832 *custody of a law-enforcement officer, inmate, probationer, parolee, detainee, or pretrial defendant or*  
 833 *posttrial offender is in the custody of a private, local, or state law-enforcement agency or under the*  
 834 *jurisdiction of the a state or local correctional facility, a or regional jail, the Department of Corrections,*  
 835 *the Department of Juvenile Justice, a secure facility or detention home, as defined in § 16.1-228, a state*  
 836 *or local court services unit, as defined in § 16.1-235, a local community-based probation services*  
 837 *agency, or a pretrial services agency; and carnally knows, without the use of force, threat, or*  
 838 *intimidation, (i) an inmate who has been committed to jail or convicted and sentenced to confinement in*  
 839 *a state or local correctional facility or regional jail or (ii) a person in the custody of a law-enforcement*  
 840 *officer, probationer, parolee, detainee, or a pretrial defendant or posttrial offender in the custody of a*  
 841 *private, local, or state law-enforcement agency or under the jurisdiction of the Department of*  
 842 *Corrections, the Department of Juvenile Justice, a secure facility or detention home, as defined in*  
 843 *§ 16.1-228, a state or local court services unit, as defined in § 16.1-235, a local community-based*  
 844 *probation services agency, a pretrial services agency, a local or regional jail for the purposes of*  
 845 *imprisonment, a work program, or any other parole/probationary or pretrial services program or agency.*  
 846 *Such offense is a Class 6 felony.*

847 *An accused is guilty of carnal knowledge of a pretrial defendant or posttrial offender if he (a) is an*  
 848 *owner or employee of the bail bond company that posted the pretrial defendant's or posttrial offender's*  
 849 *bond; (b) has the authority to revoke the pretrial defendant's or posttrial offender's bond; and (c)*  
 850 *carnally knows, without use of force, threat, or intimidation, a pretrial defendant or posttrial offender.*  
 851 *Such offense is a Class 6 felony.*

852 *B. For the purposes of this section, a person is in the custody of a law-enforcement officer when due*  
 853 *to physical force, words, or actions by the law-enforcement officer, such person reasonably believes he*  
 854 *is not free to leave under the circumstances.*

855 *C. For the purposes of this section, "carnal:*

856 *"Carnal knowledge" includes the acts of sexual intercourse, cunnilingus, fellatio, anilingus, anal*  
 857 *intercourse, and animate or inanimate object sexual penetration.*

858 *"Law-enforcement officer" means the same as that term is defined in § 9.1-101.*

859 **§ 18.2-312. Illegal use of tear gas, phosgene gas, and other gases.**

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.

**§ 19.2-56. To whom search warrant directed; what it shall command; warrant to show date and time of issuance; copy of affidavit to be part of warrant and served therewith; warrants not executed within 15 days.**

A. The judge, magistrate, or other official authorized to issue criminal warrants, shall issue a search warrant if he finds from the facts or circumstances recited in the affidavit that there is probable cause for the issuance thereof.

Every search warrant shall be directed ~~to~~ (i) *to* the sheriff, sergeant, or any policeman of the county, city, or town in which the place to be searched is located; (ii) *to* any law-enforcement officer or agent employed by the Commonwealth and vested with the powers of sheriffs and police; or (iii) jointly to any such sheriff, sergeant, policeman, or law-enforcement officer or agent and an agent, special agent, or officer of the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury, the United States Naval Criminal Investigative Service, the United States Department of Homeland Security, any inspector, law-enforcement official, or police personnel of the United States Postal Service, or the Drug Enforcement Administration. The warrant shall (a) name the affiant, (b) recite the offense or the identity of the person to be arrested for whom a warrant or process for arrest has been issued in relation to which the search is to be made, (c) name or describe the place to be searched, (d) describe the property or person to be searched for, and (e) recite that the magistrate has found probable cause to believe that the property or person constitutes evidence of a crime (identified in the warrant) or tends to show that a person (named or described therein) has committed or is committing a crime or that the person to be arrested for whom a warrant or process for arrest has been issued is located at the place to be searched.

The warrant shall command that the place be forthwith searched, ~~either in day or night~~, and that the objects or persons described in the warrant, if found there, be seized. An inventory shall be produced before a court having jurisdiction of the offense or over the person to be arrested for whom a warrant or process for arrest has been issued in relation to which the warrant was issued as provided in § 19.2-57.

Any such warrant as provided in this section shall be executed by the policeman or other law-enforcement officer or agent into whose hands it shall come or be delivered. If the warrant is directed jointly to a sheriff, sergeant, policeman, or law-enforcement officer or agent of the Commonwealth and a federal agent or officer as otherwise provided in this section, the warrant may be executed jointly or by the policeman, law-enforcement officer, or agent into whose hands it is delivered. No other person may be permitted to be present during or participate in the execution of a warrant to search a place except (1) the owners and occupants of the place to be searched when permitted to be present by the officer in charge of the conduct of the search and (2) persons designated by the officer in charge of the conduct of the search to assist or provide expertise in the conduct of the search.

Any search warrant for records or other information pertaining to a subscriber to, or customer of, an electronic communication service or remote computing service, whether a domestic corporation or foreign corporation, that is transacting or has transacted any business in the Commonwealth, to be executed upon such service provider may be executed within or outside the Commonwealth by hand,



921 United States mail, commercial delivery service, facsimile, or other electronic means upon the service  
922 provider. Notwithstanding the provisions of § 19.2-57, the officer executing a warrant pursuant to this  
923 paragraph shall endorse the date of execution thereon and shall file the warrant, with the inventory  
924 attached (or a notation that no property was seized) and the accompanying affidavit, unless such  
925 affidavit was made by voice or videotape recording, within three days after the materials ordered to be  
926 produced are received by the officer from the service provider. The return shall be made in the circuit  
927 court clerk's office for the jurisdiction wherein the warrant was (A) executed, if executed within the  
928 Commonwealth, and a copy of the return shall also be delivered to the clerk of the circuit court of the  
929 county or city where the warrant was issued; or (B) issued, if executed outside the Commonwealth.  
930 Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day  
931 filing period.

932 Electronic communication service or remote computing service providers, whether a foreign or  
933 domestic corporation, shall also provide the contents of electronic communications pursuant to a search  
934 warrant issued under this section and § 19.2-70.3 using the same process described in the preceding  
935 paragraph.

936 Notwithstanding the provisions of § 19.2-57, any search warrant for records or other information  
937 pertaining to a customer of a financial institution as defined in § 6.2-604, money transmitter as defined  
938 in § 6.2-1900, commercial business providing credit history or credit reports, or issuer as defined in  
939 § 6.2-424 may be executed within the Commonwealth by hand, United States mail, commercial delivery  
940 service, facsimile, or other electronic means upon the financial institution, money transmitter,  
941 commercial business providing credit history or credit reports, or issuer. The officer executing such  
942 warrant shall endorse the date of execution thereon and shall file the warrant, with the inventory  
943 attached (or a notation that no property was seized) and the accompanying affidavit, unless such  
944 affidavit was made by voice or videotape recording, within three days after the materials ordered to be  
945 produced are received by the officer from the financial institution, money transmitter, commercial  
946 business providing credit history or credit reports, or issuer. The return shall be made in the circuit court  
947 clerk's office for the jurisdiction wherein the warrant was executed. Saturdays, Sundays, or any federal  
948 or state legal holiday shall not be used in computing the three-day filing period. For the purposes of this  
949 section, the warrant will be considered executed in the jurisdiction where the entity on which the  
950 warrant is served is located.

951 Every search warrant shall contain the date and time it was issued. However, the failure of any such  
952 search warrant to contain the date and time it was issued shall not render the warrant void, provided that  
953 the date and time of issuing of said warrant is established by competent evidence.

954 The judge, magistrate, or other official authorized to issue criminal warrants shall attach a copy of  
955 the affidavit required by § 19.2-54, which shall become a part of the search warrant and served  
956 therewith. However, this provision shall not be applicable in any case in which the affidavit is made by  
957 means of a voice or videotape recording or where the affidavit has been sealed pursuant to § 19.2-54.

958 Any search warrant not executed within 15 days after issuance thereof shall be returned to, and  
959 voided by, the officer who issued such search warrant.

960 *B. No law-enforcement officer shall seek, execute, or participate in the execution of a no-knock*  
961 *search warrant. A search warrant authorized under this section shall require that a law-enforcement*  
962 *officer provide notice of his identity, authority, and purpose prior to entering the place to be searched*  
963 *for the execution of such search warrant. After entering and securing the place to be searched and prior*  
964 *to undertaking any search or seizure pursuant to the search warrant, the executing law-enforcement*  
965 *officer shall read and give a copy of the search warrant to the person to be searched or the owner of*  
966 *the place to be searched or, if the owner is not present, to any occupant of the place to be searched. If*  
967 *the place to be searched is unoccupied, the executing law-enforcement officer shall leave a copy of the*  
968 *search warrant suitably affixed to the place to be searched.*

969 *Any evidence obtained from a search warrant in violation of this subsection shall not be admitted*  
970 *into evidence in any prosecution.*

971 C. For the purposes of this section:

972 "Foreign corporation" means any corporation or other entity, whose primary place of business is  
973 located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of  
974 service agreement with a resident of the Commonwealth to be performed in whole or in part by either  
975 party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to  
976 § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service  
977 agreement or the issuance of a certificate of authority shall be considered to be the agreement of the  
978 foreign corporation or entity that a search warrant or subpoena, which has been properly served on it,  
979 has the same legal force and effect as if served personally within the Commonwealth.

980 "No-knock search warrant" means any search warrant executed without law-enforcement officers  
981 giving notice of their identity, authority, and purpose prior to entering the place to be searched.

982 "Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by



commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

#### CHAPTER 7.1.

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

##### § 19.2-83.3. Definitions.

As used in this chapter, unless the context requires a different meaning:

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

"Deadly weapon" means any object, other than a body part or stationary object, that in the manner of its actual, attempted, or threatened use is likely to cause serious bodily injury or death.

##### § 19.2-83.4. Prohibited practices for law-enforcement officers during an arrest or detention.

The willful discharge of a firearm by a law-enforcement officer into or at a moving vehicle is prohibited unless the discharge of a firearm is immediately necessary to protect the law-enforcement officer or another person.

##### § 19.2-83.5. Use of deadly force by a law-enforcement officer during an arrest or detention.

A. A law-enforcement officer shall not use deadly force against a person unless:

1. The law-enforcement officer reasonably believes that deadly force is immediately necessary to protect the law-enforcement officer or another person, other than the subject of the use of deadly force, from the threat of serious bodily injury or death;

2. If feasible, the law-enforcement officer has provided a warning to the subject of the deadly force that he will use deadly force;

3. The law-enforcement officer's actions are reasonable, given the totality of the circumstances; and

4. All other options have been exhausted or do not reasonably lend themselves to the circumstances.

B. In determining if a law-enforcement officer's use of deadly force is proper, the following factors shall be considered:

1. The reasonableness of the law-enforcement officer's belief and actions from the perspective of a reasonable law-enforcement officer on the scene at the time of the incident; and

2. The totality of the circumstances, including (i) the amount of time available to the law-enforcement officer to make a decision; (ii) whether the subject of the use of deadly force (a) possessed or appeared to possess a deadly weapon and (b) refused to comply with the law-enforcement officer's lawful order to surrender an object believed to be a deadly weapon prior to the law-enforcement officer using deadly force; (iii) whether the law-enforcement officer engaged in de-escalation measures prior to the use of deadly force, including taking cover, waiting for backup, trying to calm the subject prior to the use of force, or using non-deadly force prior to the use of deadly force; (iv) whether any conduct by the law-enforcement officer prior to the use of deadly force intentionally increased the risk of a confrontation resulting in deadly force being used; and (v) the seriousness of the suspected crime.

##### § 19.2-83.6. 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.

##### § 19.2-201. Officers to give information of violation of penal laws to attorney for Commonwealth.

A. As used in this section, "chief law-enforcement officer" means the Superintendent of State Police; any chief of police or sheriff responsible for law enforcement in the jurisdiction served by him; the head of any private police department that has been designated as a criminal justice agency by the Department of Criminal Justice Services as defined by § 9.1-101; the chief of any campus police department established pursuant to §§ 23.1-809 and 23.1-810; the chief of the Lynchburg Regional Airport police department established pursuant to § 15.2-1123.1; or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101.

B. Every commissioner of the revenue, sheriff, constable or other officer shall promptly give information of the violation of any penal law to the attorney for the Commonwealth, who shall forthwith institute and prosecute all necessary and proper proceedings in such case, whether in the name of the Commonwealth or of a county or corporation, and may in such case issue or cause to be issued a summons for any witnesses he may deem material to give evidence before the court or grand jury. Except as otherwise provided in this chapter, no attorney for the Commonwealth shall go before any grand jury except when duly sworn to testify as a witness, but he may advise the foreman of a regular grand jury or any member or members thereof in relation to the discharge of their duties.

C. Every chief law-enforcement officer shall provide to the attorney for the Commonwealth access to

all records, including police reports, disciplinary records, and internal affairs investigations, relating to wrongful arrest or use of force complaints, or other complaints that a person has been deprived of the rights, privileges, or immunities secured or protected by the laws of the United States and the Commonwealth made against a law-enforcement officer who is employed by the chief law-enforcement officer's agency. Access shall be granted to the attorney for the Commonwealth to such records whenever a law-enforcement officer is a potential witness in a pending forfeiture, criminal matter, or criminal investigation related to the performance of his duties as a law enforcement officer.

The chief law-enforcement officer may redact any statements made by a law-enforcement officer employed by his agency or department during an internal affairs investigation that may incriminate such law-enforcement officer or be otherwise used to prosecute such law-enforcement officer. Any redactions made by the chief law-enforcement officer may be challenged by the attorney for the Commonwealth in an ex parte hearing before a circuit court judge.

Any information protected by the federal Health Insurance Portability and Accountability Act shall not be disclosed pursuant to this subsection.

#### **§ 52-30.1. Definition.**

For purposes of this chapter, unless the context requires a different meaning, "bias-based profiling" means actions of a law-enforcement officer that are based solely on the real or perceived race, ethnicity, age, gender, sexual orientation, gender identity, or any combination thereof, or other noncriminal characteristics of an individual, except when such characteristics are used in combination with other identifying factors in seeking to apprehend a suspect who matches a specific description.

#### **§ 52-30.2. Prohibited practices; collection of data.**

A. No State Police officer shall engage in bias-based profiling in the performance of his official duties.

B. State Police officers shall collect data pertaining to (i) all investigatory motor vehicle stops, (ii) all stop-and-frisks of a person based on reasonable suspicion, ~~or~~ and (iii) all other investigatory stops detentions that do not result in an arrest or the issuance of a summons to be reported into the Community Policing Reporting Database. State Police officers shall submit the data to their commanding officers, who shall forward it to the Superintendent of State Police.

C. Each time a law-enforcement officer or State Police officer stops a driver of a motor vehicle, stops and frisks a person based on reasonable suspicion, or temporarily detains a person during any other investigatory stop, such officer shall collect the following data based on the officer's observation or information provided to the officer by the driver: (i) the race, ethnicity, age, and gender of the person stopped, and whether the person stopped spoke English; (ii) the reason for the stop; (iii) the location of the stop; (iv) whether a warning, written citation, or summons was issued or whether any person was arrested; (v) if a warning, written citation, or summons was issued or an arrest was made, the warning provided, violation charged, or crime charged; and (vi) whether the vehicle or any person was searched; and (vii) whether the law-enforcement officer or State Police officer used physical force against any person and whether any person used physical force against any officers.

D. Each state and local law-enforcement agency shall collect the number of complaints the agency receives alleging the use of excessive force.

#### **§ 52-30.3. Community Policing Reporting Database established.**

A. The Department of State Police shall develop and implement a uniform statewide database to collect all records of investigatory motor vehicle stops, all stop-and-frisks of a person based on reasonable suspicion, and other investigatory stop records detentions that do not result in an arrest or the issuance of a summons, records of complaints alleging the use of excessive force, and data and information submitted by law-enforcement agencies pursuant to §§ 15.2-1609.10, 15.2-1722.1, and 52-30.2. The Department of State Police shall provide the Department of Criminal Justice Services with secure remote access to the database for the purposes of analyzing such data as required by subsection A of § 9.1-192.

B. The Department of State Police shall promulgate regulations governing the operation and maintenance of the database.

#### **§ 52-30.4. Reporting of state and local law-enforcement agencies required.**

All state and local law-enforcement agencies shall collect the data specified in subsections C and D of § 52-30.2, and any other data as may be specified by the Department of State Police, on forms developed by the Department of State Police and submit such data to the Department of State Police for inclusion in the Community Policing Reporting Database.

#### **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

1106 to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0  
1107 for periods of commitment to the custody of the Department of Juvenile Justice.  
1108 4. That the Department of Criminal Justice Services (the Department) shall promulgate regulations  
1109 to implement the provisions of §§ 2.2-5515, 15.2-1721.1, and 15.2-1722.2 of the Code of Virginia, as  
1110 created by this act, and §§ 9.1-101, 15.2-1123.1, and 18.2-312, and of subdivision 58 of § 9.1-102 of  
1111 the Code of Virginia, as amended by this act, within 280 days of the effective date of this act.  
1112 5. That the Department shall promulgate regulations to implement the provisions of § 15.2-1707 of  
1113 the Code of Virginia, as amended by this act, within 280 days of the effective date of this act. The  
1114 Department shall report to the Chairman of the Senate Committee on the Judiciary and the  
1115 Chairman of the House Committee for Courts of Justice by November 1, 2021, on the status of the  
1116 regulations.  
1117 6. That the provisions of §§ 15.2-1609.10, 15.2-1722.1, 52-30.2, 52-30.3, and 52-30.4 of the Code of  
1118 Virginia, as amended by this act, shall become effective on July 1, 2021.  
1119 7. That the provisions of § 15.2-1707 of the Code of Virginia, as amended by this act, shall apply  
1120 only to offenses or misconduct committed after the effective date of this act.