

20200823D

SENATE BILL NO. 5030

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary
on August 18, 2020)

(Patron Prior to Substitute—Senator Locke)

A BILL to amend and reenact §§ 9.1-101, 9.1-102, 9.1-108, 9.1-112, 9.1-168, 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, 19.2-56, 19.2-201, 52-11.3, 52-30.2, 52-30.3, and 52-30.4 of the Code of Virginia and 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 and 15.2-1721.1, and by adding in Title 19.2 a chapter numbered 7.1, consisting of sections numbered 19.2-83.3 through 19.2-83.7, 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, 9.1-168, 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, 19.2-56, 19.2-201, 52-11.3, 52-30.2, 52-30.3, and 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 and 15.2-1721.1, and by adding in Title 19.2 a chapter numbered 7.1, consisting of sections numbered 19.2-83.3 through 19.2-83.7, as follows:

CHAPTER 55.4.

LIMITATION ON ACQUISITION OF MILITARY PROPERTY.

§ 2.2-5515. Acquisition of military property.

All agencies of the Commonwealth or directors or chief executives of any agency or department employing law-enforcement officers as defined in § 9.1-101 are prohibited from acquiring, purchasing, or otherwise accepting on any terms (i) tracked armored vehicles; (ii) weaponized aircraft, vessels, and vehicles of any kind; (iii) firearms of .50-caliber or higher; (iv) ammunition of .50-caliber or higher; (v) grenade launchers; and (vi) bayonets from the U.S. Department of Defense for use in the law-enforcement activities of any law-enforcement agency of the Commonwealth or its political subdivisions.

§ 9.1-101. Definitions.

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

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

"Board" means the Criminal Justice Services Board.

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

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

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

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

60 Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

61 "Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to
62 § 18.2-271.2.

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

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

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

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

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

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

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

94 "Private police department" means any police department, other than a department that employs
95 police agents under the provisions of § 56-353, that employs private police officers operated by an entity
96 authorized by statute or an act of assembly to establish a private police department or such entity's
97 successor in interest, provided it complies with the requirements set forth herein. No entity is authorized
98 to operate a private police department or represent that it is a private police department unless such
99 entity has been authorized by statute or an act of assembly or such entity is the successor in interest of
100 an entity that has been authorized pursuant to this section, provided it complies with the requirements
101 set forth herein. The authority of a private police department shall be limited to real property owned,
102 leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous
103 property; such authority shall not supersede the authority, duties, or jurisdiction vested by law with the
104 local police department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The
105 chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum
106 of understanding with the private police department that addresses the duties and responsibilities of the
107 private police department and the chief law-enforcement officer in the conduct of criminal investigations.
108 Private police departments and private police officers shall be subject to and comply with the
109 Constitution of the United States; the Constitution of Virginia; the laws governing municipal police
110 departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721,
111 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Board that the Department designates as
112 applicable to private police departments. Any person employed as a private police officer pursuant to
113 this section shall meet all requirements, including the minimum compulsory training requirements, for
114 law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits
115 under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a
116 "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of
117 the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an
118 employee of the Commonwealth or any locality. An authorized private police department may use the
119 word "police" to describe its sworn officers and may join a regional criminal justice academy created
120 pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in
121 existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and

whose status as a private police department was recognized by the Department at that time is hereby validated and may continue to operate as a private police department as may such entity's successor in interest, provided it complies with the requirements set forth herein.

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

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

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

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

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

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

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

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

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

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

6. [Repealed];

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

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

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

- 183 12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state
184 and federal governmental agencies, and institutions of higher education within or outside the
185 Commonwealth, concerning the development of police training schools and programs or courses of
186 instruction;
- 187 13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth,
188 for school operation for the specific purpose of training law-enforcement officers; but this shall not
189 prevent the holding of any such school whether approved or not;
- 190 14. Establish and maintain police training programs through such agencies and institutions as the
191 Board deems appropriate;
- 192 15. Establish compulsory minimum qualifications of certification and recertification for instructors in
193 criminal justice training schools approved by the Department;
- 194 16. Conduct and stimulate research by public and private agencies which shall be designed to
195 improve police administration and law enforcement;
- 196 17. Make recommendations concerning any matter within its purview pursuant to this chapter;
- 197 18. Coordinate its activities with those of any interstate system for the exchange of criminal history
198 record information, nominate one or more of its members to serve upon the council or committee of any
199 such system, and participate when and as deemed appropriate in any such system's activities and
200 programs;
- 201 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this
202 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to
203 submit information, reports, and statistical data with respect to its policy and operation of information
204 systems or with respect to its collection, storage, dissemination, and usage of criminal history record
205 information and correctional status information, and such criminal justice agencies shall submit such
206 information, reports, and data as are reasonably required;
- 207 20. Conduct audits as required by § 9.1-131;
- 208 21. Conduct a continuing study and review of questions of individual privacy and confidentiality of
209 criminal history record information and correctional status information;
- 210 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect
211 to matters of privacy, confidentiality, and security as they pertain to criminal history record information
212 and correctional status information;
- 213 23. Maintain a liaison with any board, commission, committee, or other body which may be
214 established by law, executive order, or resolution to regulate the privacy and security of information
215 collected by the Commonwealth or any political subdivision thereof;
- 216 24. Adopt regulations establishing guidelines and standards for the collection, storage, and
217 dissemination of criminal history record information and correctional status information, and the privacy,
218 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and
219 court orders;
- 220 25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal
221 justice information system, produce reports, provide technical assistance to state and local criminal
222 justice data system users, and provide analysis and interpretation of criminal justice statistical
223 information;
- 224 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
225 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
226 update that plan;
- 227 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
228 Commonwealth, and units of general local government, or combinations thereof, including planning
229 district commissions, in planning, developing, and administering programs, projects, comprehensive
230 plans, and other activities for improving law enforcement and the administration of criminal justice
231 throughout the Commonwealth, including allocating and subgranting funds for these purposes;
- 232 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
233 activities for the Commonwealth and units of general local government, or combinations thereof, in the
234 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
235 justice at every level throughout the Commonwealth;
- 236 29. Review and evaluate programs, projects, and activities, and recommend, where necessary,
237 revisions or alterations to such programs, projects, and activities for the purpose of improving law
238 enforcement and the administration of criminal justice;
- 239 30. Coordinate the activities and projects of the state departments, agencies, and boards of the
240 Commonwealth and of the units of general local government, or combination thereof, including planning
241 district commissions, relating to the preparation, adoption, administration, and implementation of
242 comprehensive plans to strengthen and improve law enforcement and the administration of criminal
243 justice;
- 244 31. Do all things necessary on behalf of the Commonwealth and its units of general local

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

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

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

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

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

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

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

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

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

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

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

e. Communication of death notifications;

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

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

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

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

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

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure (i) sensitivity to and awareness of cultural diversity and the potential for biased policing and (ii) *training in de-escalation techniques*;

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

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

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement

306 agencies, community groups, public and private organizations and citizens; developing and distributing
307 innovative policing curricula and training tools on general community policing philosophy and practice
308 and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia
309 organizations with specific community policing needs; facilitating continued development and
310 implementation of community policing programs statewide through discussion forums for community
311 policing leaders, development of law-enforcement instructors; promoting a statewide community policing
312 initiative; and serving as a statewide information source on the subject of community policing including,
313 but not limited to periodic newsletters, a website and an accessible lending library;

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

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

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

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

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

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

353 48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and
354 attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human
355 trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

356 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of
357 § 46.2-117;

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

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

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

366 53. In consultation with the Department of Behavioral Health and Developmental Services, develop a
367 model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers,

administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

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

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

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

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

58. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of those standards;

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

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

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

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

~~Seventeen~~ Nineteen members shall be appointed by the Governor from among citizens of the Commonwealth. At least one shall be a representative of a crime victims' organization or a victim of crime as defined in subsection B of § 19.2-11.01, ~~and one shall represent community interests be a representative of a civil rights organization, and two shall be representatives of community-based organizations.~~ The remainder shall be representative of the broad categories of state and local governments, criminal justice systems, and law-enforcement agencies, including but not limited to, police officials, sheriffs, attorneys for the Commonwealth, defense counsel, the judiciary, correctional and rehabilitative activities, and other locally elected and appointed administrative and legislative officials. Among these members there shall be two sheriffs representing the Virginia Sheriffs' Association selected from among names submitted by the Association; one member who is an active duty law-enforcement officer appointed after consideration of the names, if any, submitted by police or fraternal associations that have memberships of at least 1,000; two representatives of the Virginia Association of Chiefs of Police appointed after consideration of the names submitted by the Association, if any; one attorney for the Commonwealth appointed after consideration of the names submitted by the Virginia Association of

Commonwealth's Attorneys, if any; one person who is a mayor, city or town manager, or member of a city or town council representing the Virginia Municipal League appointed after consideration of the names submitted by the League, if any; one person who is a county executive, manager, or member of a county board of supervisors representing the Virginia Association of Counties appointed after consideration of the names submitted by the Association, if any; one member representing the Virginia Association of Campus Law Enforcement Administrators appointed after consideration of the names submitted by the Association, if any; one member of the Private Security Services Advisory Board; and one representative of the Virginia Association of Regional Jails appointed after consideration of the names submitted by the Association, if any.

Four members of the Board shall be members of the General Assembly appointed as follows: one member of the House Committee on Appropriations appointed by the Speaker of House of Delegates after consideration of the recommendation by the committee's chairman; one member of the House Committee for Courts of Justice appointed by the Speaker of the House of Delegates after consideration of the recommendation by the committee's chairman; one member of the Senate Committee on Finance appointed by the Senate Committee on Rules after consideration of the recommendation of the chairman of the Senate Committee on Finance; and one member of the Senate Committee for Courts of Justice appointed by the Senate Committee on Rules after consideration of the recommendation of the chairman of the Senate Committee for Courts of Justice. The legislative members shall serve for terms coincident with their terms of office and shall serve as ex officio, nonvoting members. Legislative 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 representing the Virginia State Sheriffs' Association; two representatives 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; a representative of the Virginia Municipal League; a representative of the Virginia Association of Counties; a regional jail superintendent representing the Virginia Association of Regional Jails; one citizen representing community interests a civil rights organization; two citizens representing community-based organizations; and one member designated by the chairman of the Board from among the other appointments made by the Governor.

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 from the Department of State Police Training Academy, one member shall be a representative of a regional criminal justice academy, one member shall be a representative of an

independent criminal justice academy, and one member shall be a representative of a community-based organization. The remainder shall be selected from 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.

C. Any approved criminal justice training academy may petition the Department for a waiver exempting compliance with any uniform curriculum and lesson plans requirement pursuant to § 9.1-102. Upon showing that an alternative curriculum and lesson plans developed by the petitioning criminal justice training academy meet and exceed the compulsory minimum training standards required by § 9.1-102, and substantially comports with the content of the uniform curriculum and lesson plans, then the Department shall issue a waiver for the use of the alternative curriculum and lesson plans. The Department shall conduct an evaluation of each criminal justice training academy's use of an alternative curriculum and lesson plans every third year during the criminal justice training academy's recertification to ensure compliance with the uniform curriculum and lesson plans content. If the Department determines that the criminal justice training academy is in substantial compliance with the uniform curriculum and lesson plans, the waiver shall be extended for three years.

§ 9.1-168. Eligibility for funds.

A. Any city, county, or town establishing a police department shall provide the Department written notice of its intent to seek state funds in accordance with the provisions of this article. Such city, county, or town shall become eligible to receive funds at the beginning of the next fiscal year which commences not sooner than twelve months after the filing of this notice.

B. No city, county, or town shall receive any funds in accordance with the terms of this article unless it notifies the Department prior to July 1 each year that its law-enforcement personnel, whether full-time or part-time and whether permanently or temporarily employed, have complied with the minimum training standards as provided in §§ 9.1-102 and 9.1-114, unless such personnel are exempt from the minimum training standards as provided in §§ 9.1-113 and 9.1-116 or that an effort will be made to have its law-enforcement personnel comply with such minimum training standards during the ensuing fiscal year. Any city, county, or town failing to make an effort to comply with the minimum training standards may be declared ineligible for funding in the succeeding fiscal year by the Department.

C. A change in the form of government from city to tier-city shall not preclude the successor tier-city which continues to provide a police department from eligibility for funds.

D. Any county consolidated under the provisions of Chapter 35 (§ 15.2-3500 et seq.) of Title 15.2 shall be eligible to receive financial assistance for law-enforcement expenditures subject to the provisions of this article. The consolidated county shall be eligible to receive, on behalf of the formerly incorporated towns that became shires, boroughs or special service tax districts within the consolidated county, law-enforcement assistance under the provisions of this article, provided that the consolidation agreement approved pursuant to Chapter 35 (§ 15.2-3500 et seq.) of Title 15.2 provides for the additional law-enforcement governmental services previously provided by the police department of such incorporated towns.

E. The Department shall declare any city, county, or town ineligible for funding in the succeeding fiscal year if (i) a local law-enforcement agency in such city, county, or town has refused to report the required data to the Department of State Police as required by §§ 15.2-1609.10, 15.2-1722.1, and 52-30.2 or (ii) a local law-enforcement agency in such city, county, or town has engaged in bias-based profiling as defined in § 52-30.1 and has failed to adopt or implement the Department's recommendations to end such bias-based profiling.

F. The Department shall not increase funding to any local law-enforcement agency that is not an accredited law-enforcement agency. For purposes of this subsection, a local law-enforcement agency shall be considered an accredited law-enforcement agency if such agency obtains Virginia accreditation status or any equivalent accreditation status as determined by the Virginia Law-Enforcement

552 *Accreditation Center.*

553 **§ 15.2-1123.1. Lynchburg Regional Airport police department.**

554 The City of Lynchburg may by ordinance establish an airport police department at the Lynchburg
555 Regional Airport. The authority of the airport police department shall be limited to real property owned,
556 leased, or controlled by the Airport. Such authority shall not supersede the authority, duties, or
557 jurisdiction vested by law with the local police department or sheriff's office, including as provided in
558 §§ 15.2-1609 and 15.2-1704. The airport police department and airport police officers shall be subject to
559 and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing
560 municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708,
561 15.2-1719, 15.2-1721, 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Criminal Justice
562 Services Board that the Department of Criminal Justice Services designates as applicable to private
563 police departments. Any person employed as an airport police officer pursuant to this section shall meet
564 all requirements, including the minimum compulsory training requirements, for law-enforcement officers
565 pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1. An airport police officer is not entitled to benefits
566 under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a
567 "qualified law-enforcement officer" or "qualified retired law-enforcement officer" within the meaning of
568 the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an
569 employee of the Commonwealth. The airport police department may use the word "police" to describe
570 its sworn officers and may join a regional criminal justice academy created pursuant to Article 5
571 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2.

572 **§ 15.2-1609.10. Prohibited practices; collection of data.**

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

575 B. The sheriff of every locality shall collect data pertaining to (i) all investigatory motor vehicle
576 stops, (ii) all stop-and-frisks of a person based on reasonable suspicion, or (iii) all other investigative
577 stops investigatory detentions that do not result in an arrest or the issuance of a summons pursuant to
578 § 52-30.2 and report such data to the Department of State Police for inclusion in the Community
579 Policing Reporting Database established pursuant to § 52-30.3. The sheriff of the locality shall be
580 responsible for forwarding the data to the Superintendent of State Police.

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

585 **§ 15.2-1705. Minimum qualifications; waiver.**

586 A. The chief of police and all police officers of any locality, all deputy sheriffs and jail officers in
587 this Commonwealth, and all law-enforcement officers as defined in § 9.1-101 who enter upon the duties
588 of such office after July 1, 1994, are required to meet the following minimum qualifications for office.
589 Such person shall (i) be a citizen of the United States, (ii) be required to undergo a background
590 investigation including fingerprint-based criminal history records inquiries to both the Central Criminal
591 Records Exchange and the Federal Bureau of Investigation, (iii) have a high school education or have
592 passed a high school equivalency examination approved by the Board of Education, (iv) possess a valid
593 driver's license if required by the duties of office to operate a motor vehicle, (v) undergo a physical
594 examination, subsequent to a conditional offer of employment, conducted under the supervision of a
595 licensed physician, (vi) be at least eighteen years of age, (vii) not have been convicted of or pled guilty
596 or no contest to a felony or any offense that would be a felony if committed in the Commonwealth, and
597 (viii) not have produced a positive result on a pre-employment drug screening, if such screening is
598 required by the hiring law-enforcement agency or jail, where the positive result cannot be explained to
599 the law-enforcement agency or jail administrator's satisfaction. In addition, all such officers who enter
600 upon the duties of such office on or after July 1, 2013, shall not have been convicted of or pled guilty
601 or no contest to (a) any misdemeanor involving moral turpitude, including but not limited to petit
602 larceny under § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if
603 committed in the Commonwealth, (b) any misdemeanor sex offense in the Commonwealth, another state,
604 or the United States, including but not limited to sexual battery under § 18.2-67.4 or consensual sexual
605 intercourse with a minor 15 or older under clause (ii) of § 18.2-371, or (c) domestic assault under
606 § 18.2-57.2 or any offense that would be domestic assault under the laws of another state or the United
607 States.

608 B. In addition, if the police officer, deputy sheriff, or jail officer had been employed at any time by
609 another law-enforcement agency or jail, the hiring law-enforcement agency or jail shall request from all
610 prior employing law-enforcement agencies or jails any information (i) related to an arrest or
611 prosecution of a former police officer, deputy sheriff, or jail officer, including any expunged arrest or
612 criminal charge that would otherwise be prohibited from disclosure in accordance with § 19.2-392.4; (ii)
613 related to a civil suit regarding a former police officer's, deputy sheriff's, or jail officer's employment or

performance of his duties; and (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. 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 law-enforcement agencies in the Commonwealth. If a prior employing law-enforcement agency is located outside the Commonwealth, the hiring agency or jail may request the police officer, deputy sheriff, or jail officer to complete a waiver or release liability authorizing the hiring agency or jail to request such information as listed in this subsection. 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. In addition, the hiring law-enforcement agency or jail may require a candidate for employment to undergo a psychological examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed clinician.

D. 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 or resigns for a violation of state or federal law, (iv) is terminated or resigns for engaging in serious misconduct as defined in statewide professional standards of conduct adopted by the Board, (v) is terminated or resigns while such officer is the subject of a pending internal investigation involving serious misconduct as defined in statewide professional standards of conduct adopted by the Board, or (vi) is terminated or resigns for an act committed while in the performance of his duties that compromises an officer's credibility, integrity, honesty, or other characteristics that constitute exculpatory or impeachment evidence in a criminal case.

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.~~

§ 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.

~~All localities, sheriffs, chiefs of police, or directors or chief executives of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 are prohibited from acquiring, purchasing, or otherwise accepting on any terms (i) tracked armored vehicles; (ii) weaponized aircraft, vessels, and vehicles of any kind; (iii) firearms of .50-caliber or higher; (iv) ammunition of .50-caliber or higher; (v) grenade launchers; and (vi) bayonets from the U.S. Department of Defense for use in the law-enforcement activities of any law-enforcement agency of the Commonwealth or its political subdivisions.~~

§ 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 (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.~~

§ 18.2-64.2. Carnal knowledge of an inmate, parolee, probationer, arrestee, detainee, or pretrial defendant or posttrial offender; penalty.

~~An accused is guilty of carnal knowledge of an inmate, parolee, probationer, arrestee, detainee, or pretrial defendant or posttrial offender if he is a law-enforcement officer as defined in § 9.1-101, or an employee or contractual employee of, or a volunteer with, a state or local correctional facility or regional jail, the Department of Corrections, the Department of Juvenile Justice, a secure facility or detention home; as defined in § 16.1-228, a state or local court services unit; as defined in § 16.1-235, a local community-based probation services agency or a pretrial services agency; is in a position of authority over the inmate, probationer, parolee, arrestee, detainee, or a pretrial defendant or posttrial offender; knows that the inmate, probationer, parolee, arrestee, detainee, or pretrial defendant or posttrial offender is in the custody of a private, local, or state law-enforcement agency or under the jurisdiction of the a state or local correctional facility; a or regional jail, the Department of Corrections, the Department of Juvenile Justice, a secure facility or detention home; as defined in § 16.1-228, a state or local court services unit; as defined in § 16.1-235, a local community-based probation services agency, or a pretrial services agency; and carnally knows, without the use of force, threat, or intimidation, (i) an inmate who has been committed to jail or convicted and sentenced to confinement in a state or local correctional facility or regional jail or (ii) a probationer, parolee, arrestee, detainee, or a pretrial defendant or posttrial offender in the custody of a private, local, or state law-enforcement agency or under the jurisdiction of the Department of Corrections, the Department of Juvenile Justice, a secure~~

facility or detention home; as defined in § 16.1-228, a state or local court services unit; as defined in § 16.1-235, a local community-based probation services agency, a pretrial services agency, a local or regional jail for the purposes of imprisonment, a work program, or any other parole/probationary or pretrial services program or agency. Such offense is a Class 6 felony.

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

For the purposes of this section, "carnal knowledge" includes the acts of sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, and animate or inanimate object sexual penetration.

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

Electronic communication service or remote computing service providers, whether a foreign or

domestic corporation, shall also provide the contents of electronic communications pursuant to a search warrant issued under this section and § 19.2-70.3 using the same process described in the preceding paragraph.

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

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

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

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

B. A search warrant authorized under this section shall require that a law-enforcement officer provide audible notice of his authority and purpose sufficient to be heard by any occupants of such place to be searched prior to the execution of such search warrant and shall be executed only in the daytime unless (i) a judge or magistrate, if a judge is not available, authorizes the execution of such search warrant at another time or without such notice for good cause shown or (ii) the search warrant is for the withdrawal of blood. A search warrant for the withdrawal of blood may be executed at any time of day.

A law-enforcement officer shall make reasonable efforts to locate a judge before seeking authorization to execute the warrant at another time or without such notice. Such reasonable efforts shall be documented in an affidavit and submitted to a magistrate when seeking such authorization.

Any evidence obtained from a search warrant in violation of this subsection shall not be admitted into evidence for the Commonwealth in any prosecution.

C. For the purposes of this section:

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

"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:

"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.

"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.

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

A. The use of a neck restraint by a law-enforcement officer is prohibited unless the use of a neck restraint is immediately necessary to protect the law-enforcement officer or another person.

B. 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. Failure of a law-enforcement officer to intervene in an unlawful use of force.

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

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

§ 19.2-83.7. 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.

§ 52-11.3. Acquisition of military property.

A. The Superintendent of State Police is authorized to apply for and accept grants or loans of personal property from the ~~United States~~ U.S. Department of Defense for use in the law-enforcement activities of the Department of State Police or any other law-enforcement agency of the Commonwealth or its political subdivisions. In connection with the receipt of such property, the Department of State Police and any other law-enforcement agency to which the property is transferred, may agree to hold the United States government harmless against claims for damages arising out of the use of the property received. Such other law-enforcement agencies may also agree to hold the Commonwealth harmless against such claims.

B. Notwithstanding the provisions of subsection A, the Superintendent is prohibited from acquiring, purchasing, or otherwise accepting on any terms (i) tracked armored vehicles; (ii) weaponized aircraft, vessels, and vehicles of any kind; (iii) firearms of .50-caliber or higher; (iv) ammunition of .50-caliber or higher; (v) grenade launchers; and (vi) bayonets from the U.S. Department of Defense for use in the law-enforcement activities of the Department of State Police or any other law-enforcement agency of the Commonwealth or its political subdivisions.

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

3. That the Department of Criminal Justice Services (the Department) shall promulgate regulations to implement the provisions of subdivision 58 of § 9.1-102 and §§ 9.1-168 and 15.2-1707 of the Code of Virginia, as amended by this act, within 280 days of the effective date of this act. The Department shall report to the Chairman of the Senate Committee on the Judiciary and the Chairman of the House Committee for Courts of Justice by November 1, 2021, on the status of the regulations. In developing statewide professional standards of conduct pursuant to subdivision 58 of § 9.1-102 of the Code of Virginia, as amended by this act, which should be reviewed and approved by the Criminal Justice Services Board (the Board) before the Department promulgates them as regulations, the Department shall constitute a working group that includes individuals not serving on the Board that represent the following: crime victims, people directly impacted by the criminal justice system, people representative of communities disproportionately represented among persons incarcerated in Virginia jails and prisons, civil rights advocates, mental health advocates, defense counsel, and people employed in the criminal justice system, including police officials, sheriffs, attorneys for the Commonwealth, the judiciary, and correctional and rehabilitative agencies. A majority of the working group should be comprised of individuals who are not representative of people employed in the criminal justice system.

4. That the provisions of subsection E of § 9.1-168 and §§ 15.2-1609.10, 15.2-1722.1, 52-30.2, 52-30.3, and 52-30.4 of the Code of Virginia, as amended by this act, shall become effective on July 1, 2021.

5. That the provisions of subsection F of § 9.1-168 of the Code of Virginia, as amended by this act, shall become effective on January 1, 2024.

6. That the provisions of § 15.2-1707 of the Code of Virginia, as amended by this act, shall only apply to offenses or misconduct committed after the effective date of this act.