

20201148D

SENATE BILL NO. 5030  
FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Stanley  
on September 9, 2020)

(Patrons Prior to Substitute—Senators Locke, Norment [SBs 5002 and 5005], Favola [SB 5037], and  
Morrissey [SB 5049])

A BILL to amend and reenact §§ 9.1-101, 9.1-102, 9.1-108, 9.1-112, 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, 40.1-57.2, as it shall become effective, 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, 40.1-57.2, as it shall become effective, 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

SENATE SUBSTITUTE

SB5030S3

60 to the extent that the private corporation or agency so designated as a criminal justice agency performs  
61 criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities  
62 otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil  
63 Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

64 "Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to  
65 § 18.2-271.2.

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

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

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

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

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

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

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

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

122 word "police" to describe its sworn officers and may join a regional criminal justice academy created  
 123 pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in  
 124 existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and  
 125 whose status as a private police department was recognized by the Department at that time is hereby  
 126 validated and may continue to operate as a private police department as may such entity's successor in  
 127 interest, provided it complies with the requirements set forth herein.

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

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

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

143 **§ 9.1-102. Powers and duties of the Board and the Department.**

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

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

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

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

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

161 5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize  
 162 radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in  
 163 § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum  
 164 qualifications for certification and recertification of instructors who provide such training;

165 6. [Repealed];

166 7. Establish compulsory minimum entry-level, in-service and advanced training standards for those  
 167 persons designated to provide courthouse and courtroom security pursuant to the provisions of  
 168 § 53.1-120, and to establish the time required for completion of such training;

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

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

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

182 11. Establish compulsory minimum training standards for all auxiliary police officers employed by or

183 in any local or state government agency. Such training shall be graduated and based on the type of  
184 duties to be performed by the auxiliary police officers. Such training standards shall not apply to  
185 auxiliary police officers exempt pursuant to § 15.2-1731;

186 12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state  
187 and federal governmental agencies, and institutions of higher education within or outside the  
188 Commonwealth, concerning the development of police training schools and programs or courses of  
189 instruction;

190 13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth,  
191 for school operation for the specific purpose of training law-enforcement officers; but this shall not  
192 prevent the holding of any such school whether approved or not;

193 14. Establish and maintain police training programs through such agencies and institutions as the  
194 Board deems appropriate;

195 15. Establish compulsory minimum qualifications of certification and recertification for instructors in  
196 criminal justice training schools approved by the Department;

197 16. Conduct and stimulate research by public and private agencies which shall be designed to  
198 improve police administration and law enforcement;

199 17. Make recommendations concerning any matter within its purview pursuant to this chapter;

200 18. Coordinate its activities with those of any interstate system for the exchange of criminal history  
201 record information, nominate one or more of its members to serve upon the council or committee of any  
202 such system, and participate when and as deemed appropriate in any such system's activities and  
203 programs;

204 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this  
205 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to  
206 submit information, reports, and statistical data with respect to its policy and operation of information  
207 systems or with respect to its collection, storage, dissemination, and usage of criminal history record  
208 information and correctional status information, and such criminal justice agencies shall submit such  
209 information, reports, and data as are reasonably required;

210 20. Conduct audits as required by § 9.1-131;

211 21. Conduct a continuing study and review of questions of individual privacy and confidentiality of  
212 criminal history record information and correctional status information;

213 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect  
214 to matters of privacy, confidentiality, and security as they pertain to criminal history record information  
215 and correctional status information;

216 23. Maintain a liaison with any board, commission, committee, or other body which may be  
217 established by law, executive order, or resolution to regulate the privacy and security of information  
218 collected by the Commonwealth or any political subdivision thereof;

219 24. Adopt regulations establishing guidelines and standards for the collection, storage, and  
220 dissemination of criminal history record information and correctional status information, and the privacy,  
221 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and  
222 court orders;

223 25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal  
224 justice information system, produce reports, provide technical assistance to state and local criminal  
225 justice data system users, and provide analysis and interpretation of criminal justice statistical  
226 information;

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

230 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the  
231 Commonwealth, and units of general local government, or combinations thereof, including planning  
232 district commissions, in planning, developing, and administering programs, projects, comprehensive  
233 plans, and other activities for improving law enforcement and the administration of criminal justice  
234 throughout the Commonwealth, including allocating and subgranting funds for these purposes;

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

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

242 30. Coordinate the activities and projects of the state departments, agencies, and boards of the  
243 Commonwealth and of the units of general local government, or combination thereof, including planning  
244 district commissions, relating to the preparation, adoption, administration, and implementation of

245 comprehensive plans to strengthen and improve law enforcement and the administration of criminal  
246 justice;

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

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

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

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

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

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

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

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

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

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

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

282 e. Communication of death notifications;

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

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

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

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

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

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

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

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

306 accreditation status;

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

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

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

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

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

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

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

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

359 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of  
360 § 46.2-117;

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

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

366 52. In consultation with the State Council of Higher Education for Virginia and the Virginia  
367 Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on

368 trauma-informed sexual assault investigation;

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

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

386 55. Establish a model policy for the operation of body-worn camera systems as defined in  
 387 § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

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

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

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

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

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

405 **§ 9.1-108. Criminal Justice Services Board membership; terms; vacancies; members not**  
 406 **disqualified from holding other offices; designation of chairmen; meetings; compensation.**

407 A. The Criminal Justice Services Board is established as a policy board within the meaning of  
 408 § 2.2-2100, in the executive branch of state government. The Board shall consist of ~~29~~ 31 members as  
 409 follows: the Chief Justice of the Supreme Court of Virginia, or his designee; the Attorney General or his  
 410 designee; the Superintendent of the Department of State Police; the Director of the Department of  
 411 Corrections; the Director of the Department of Juvenile Justice; the Chairman of the Parole Board; the  
 412 Executive Director of the Virginia Indigent Defense Commission or his designee; and the Executive  
 413 Secretary of the Supreme Court of Virginia. In those instances in which the Executive Secretary of the  
 414 Supreme Court of Virginia, the Superintendent of the Department of State Police, the Director of the  
 415 Department of Corrections, the Director of the Department of Juvenile Justice, or the Chairman of the  
 416 Parole Board will be absent from a Board meeting, he may appoint a member of his staff to represent  
 417 him at the meeting.

418 ~~Seventeen~~ *Nineteen* members shall be appointed by the Governor from among citizens of the  
 419 Commonwealth. At least one shall be a representative of a crime victims' organization or a victim of  
 420 crime as defined in subsection B of § 19.2-11.01, *one shall be an attorney representing civil liberty*  
 421 *groups, one shall be a mental health service provider, and one shall represent community interests of*  
 422 *minority individuals from one of the four groups defined in subsection F of § 2.2-4310.* The remainder  
 423 shall be representative of the broad categories of state and local governments, criminal justice systems,  
 424 and law-enforcement agencies, including but not limited to, police officials, sheriffs, attorneys for the  
 425 Commonwealth, defense counsel, the judiciary, correctional and rehabilitative activities, and other locally  
 426 elected and appointed administrative and legislative officials. Among these members there shall be two  
 427 sheriffs representing the Virginia Sheriffs' Association selected from among names submitted by the  
 428 Association; one member who is an active duty law-enforcement officer appointed after consideration of

429 the names, if any, submitted by police or fraternal associations that have memberships of at least 1,000;  
 430 two representatives of the Virginia Association of Chiefs of Police appointed after consideration of the  
 431 names submitted by the Association, if any; one attorney for the Commonwealth appointed after  
 432 consideration of the names submitted by the Virginia Association of Commonwealth's Attorneys, if any;  
 433 one person who is a mayor, city or town manager, or member of a city or town council representing the  
 434 Virginia Municipal League appointed after consideration of the names submitted by the League, if any;  
 435 one person who is a county executive, manager, or member of a county board of supervisors  
 436 representing the Virginia Association of Counties appointed after consideration of the names submitted  
 437 by the Association, if any; one member representing the Virginia Association of Campus Law  
 438 Enforcement Administrators appointed after consideration of the names submitted by the Association, if  
 439 any; one member of the Private Security Services Advisory Board; and one representative of the  
 440 Virginia Association of Regional Jails appointed after consideration of the names submitted by the  
 441 Association, if any.

442 Four members of the Board shall be members of the General Assembly appointed as follows: one  
 443 member of the House Committee on Appropriations appointed by the Speaker of House of Delegates  
 444 after consideration of the recommendation by the committee's chairman; one member of the House  
 445 Committee for Courts of Justice appointed by the Speaker of the House of Delegates after consideration  
 446 of the recommendation by the committee's chairman; one member of the Senate Committee on Finance  
 447 appointed by the Senate Committee on Rules after consideration of the recommendation of the chairman  
 448 of the Senate Committee on Finance; and one member of the Senate Committee for Courts of Justice  
 449 appointed by the Senate Committee on Rules after consideration of the recommendation of the chairman  
 450 of the Senate Committee for Courts of Justice. The legislative members shall serve for terms coincident  
 451 with their terms of office and shall serve as ex officio, nonvoting members. Legislative members may be  
 452 reappointed for successive terms.

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

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

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

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

468 F. The Board may adopt bylaws for its operation.

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

475 **§ 9.1-112. Committee on Training; membership.**

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

491 The Committee on Training shall annually elect its chairman from among its members.  
 492 *The Committee on Training may appoint curriculum review committees to assist the Committee on*  
 493 *Training in carrying out its duties under this section. Any curriculum review committee shall be*  
 494 *composed of nine members appointed by the Committee on Training. At least one member shall be a*  
 495 *representative from the Department of State Police Training Academy, one member shall be a*  
 496 *representative of a regional criminal justice academy, one member shall be a representative of an*  
 497 *independent criminal justice academy, and one member shall be a representative of a community-based*  
 498 *organization. The remainder shall be selected from names submitted by the Department of individuals*  
 499 *with relevant experience.*

500 **§ 9.1-112.1. Criminal justice training academies; curriculum.**

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

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

513 C. Any approved criminal justice training academy may petition the Department for a waiver  
 514 exempting compliance with any uniform curriculum and lesson plans requirement pursuant to § 9.1-102.  
 515 Upon showing that an alternative curriculum and lesson plans developed by the petitioning criminal  
 516 justice training academy meet and exceed the compulsory minimum training standards required by  
 517 § 9.1-102, and substantially comports with the content of the uniform curriculum and lesson plans, then  
 518 the Department shall issue a waiver for the use of the alternative curriculum and lesson plans. The  
 519 Department shall conduct an evaluation of each criminal justice training academy's use of an alternative  
 520 curriculum and lesson plans every third year during the criminal justice training academy's  
 521 recertification to ensure compliance with the uniform curriculum and lesson plans content. If the  
 522 Department determines that the criminal justice training academy is in substantial compliance with the  
 523 uniform curriculum and lesson plans, the waiver shall be extended for three years.

524 **§ 9.1-168. Eligibility for funds.**

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

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

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

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

548 E. The Department shall declare any city, county, or town ineligible for funding in the succeeding  
 549 fiscal year if a local law-enforcement agency in such city, county, or town has refused to report the  
 550 required data to the Department of State Police as required by §§ 15.2-1609.10, 15.2-1722.1, and  
 551 52-30.2.

552 *F. The Department shall not increase funding to any local law-enforcement agency that is not an*  
 553 *accredited law-enforcement agency. For purposes of this subsection, a local law-enforcement agency*  
 554 *shall be considered an accredited law-enforcement agency if such agency obtains and maintains*  
 555 *accredited status through the Virginia Law Enforcement Professional Standards Commission or the*  
 556 *Commission on Accreditation for Law Enforcement Agencies, Inc.*

557 **§ 15.2-1123.1. Lynchburg Regional Airport police department.**

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

576 **§ 15.2-1609.10. Prohibited practices; collection of data.**

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

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

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

589 **§ 15.2-1705. Minimum qualifications; waiver.**

590 A. The chief of police and all police officers of any locality, all deputy sheriffs and jail officers in  
 591 this Commonwealth, and all law-enforcement officers as defined in § 9.1-101 who enter upon the duties  
 592 of such office after July 1, 1994, are required to meet the following minimum qualifications for office.  
 593 Such person shall (i) be a citizen of the United States, (ii) be required to undergo a background  
 594 investigation including fingerprint-based criminal history records inquiries to both the Central Criminal  
 595 Records Exchange and the Federal Bureau of Investigation, (iii) have a high school education or have  
 596 passed a high school equivalency examination approved by the Board of Education, (iv) possess a valid  
 597 driver's license if required by the duties of office to operate a motor vehicle, (v) undergo a physical  
 598 examination, subsequent to a conditional offer of employment, conducted under the supervision of a  
 599 licensed physician, (vi) be at least eighteen years of age, (vii) not have been convicted of or pled guilty  
 600 or no contest to a felony or any offense that would be a felony if committed in the Commonwealth, and  
 601 (viii) not have produced a positive result on a pre-employment drug screening, if such screening is  
 602 required by the hiring law-enforcement agency or jail, where the positive result cannot be explained to  
 603 the law-enforcement agency or jail administrator's satisfaction. In addition, all such officers who enter  
 604 upon the duties of such office on or after July 1, 2013, shall not have been convicted of or pled guilty  
 605 or no contest to (a) any misdemeanor involving moral turpitude, including but not limited to petit  
 606 larceny under § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if  
 607 committed in the Commonwealth, (b) any misdemeanor sex offense in the Commonwealth, another state,  
 608 or the United States, including but not limited to sexual battery under § 18.2-67.4 or consensual sexual  
 609 intercourse with a minor 15 or older under clause (ii) of § 18.2-371, or (c) domestic assault under  
 610 § 18.2-57.2 or any offense that would be domestic assault under the laws of another state or the United  
 611 States.

612 B. *In addition, if the police officer, deputy sheriff, or jail officer had been employed at any time by*  
 613 *another law-enforcement agency or jail, the hiring law-enforcement agency or jail shall request from all*

614 prior employing law-enforcement agencies or jails any information (i) related to an arrest or  
 615 prosecution of a former police officer, deputy sheriff, or jail officer, including any expunged arrest or  
 616 criminal charge known to the agency or disclosed during the hiring process that would otherwise be  
 617 prohibited from disclosure in accordance with § 19.2-392.4; (ii) related to a civil suit regarding a  
 618 former police officer's, deputy sheriff's, or jail officer's employment or performance of his duties; and  
 619 (iii) obtained during the course of any internal investigation related to a former police officer's, deputy  
 620 sheriff's, or jail officer's alleged criminal conduct, use of excessive force, or other official misconduct in  
 621 violation of the state professional standards of conduct adopted by the Criminal Justice Services Board.  
 622 The hiring agency or jail may request this information subsequent to a conditional offer of employment;  
 623 however, no police officer, deputy sheriff, or jail officer may be employed in such position until the  
 624 requested information is received from all prior employing law-enforcement agencies in the  
 625 Commonwealth. If a prior employing law-enforcement agency is located outside the Commonwealth, the  
 626 hiring agency or jail may request the police officer, deputy sheriff, or jail officer to complete a waiver  
 627 or release liability authorizing the hiring agency or jail to request such information as listed in this  
 628 subsection. Any sheriff or chief of police in the Commonwealth, any director or chief executive of any  
 629 law-enforcement agency or jail in the Commonwealth, and the Director of the Department of Criminal  
 630 Justice Services or his designee shall disclose any information requested in accordance with the  
 631 provisions of this subsection to any hiring agency or jail that requests such information.

632 C. In addition, the hiring law-enforcement agency or jail may require a candidate for employment to  
 633 undergo a psychological examination, subsequent to a conditional offer of employment, conducted under  
 634 the supervision of a licensed clinician.

635 D. Upon request of a sheriff or chief of police, or the director or chief executive of any agency or  
 636 department employing law-enforcement officers as defined in § 9.1-101, or jail officers as defined in  
 637 § 53.1-1, the Department of Criminal Justice Services is hereby authorized to waive the requirements for  
 638 qualification as set out in subsection A of this section for good cause shown.

639 **§ 15.2-1707. Decertification of law-enforcement officers.**

640 A. The sheriff, chief of police, or agency administrator shall notify the Criminal Justice Services  
 641 Board (*the Board*) in writing within 48 hours of becoming aware that any certified law-enforcement or  
 642 jail officer currently employed by his agency has (i) been convicted of or pled guilty or no contest to a  
 643 felony or any offense that would be a felony if committed in the Commonwealth; (ii) been convicted of  
 644 or pled guilty or no contest to a Class 1 misdemeanor involving moral turpitude or any offense that  
 645 would be any misdemeanor involving moral turpitude, including but not limited to petit larceny under  
 646 § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if committed in the  
 647 Commonwealth; (iii) been convicted of or pled guilty or no contest to any misdemeanor sex offense in  
 648 the Commonwealth, another state, or the United States, including but not limited to sexual battery under  
 649 § 18.2-67.4 or consensual sexual intercourse with a minor 15 years of age or older under clause (ii) of  
 650 § 18.2-371; (iv) been convicted of or pled guilty or no contest to domestic assault under § 18.2-57.2 or  
 651 any offense that would be domestic assault under the laws of another state or the United States; (v)  
 652 failed to comply with or maintain compliance with mandated training requirements; or (vi) refused to  
 653 submit to a drug screening or has produced a positive result on a drug screening reported to the  
 654 employing agency, where the positive result cannot be explained to the agency administrator's  
 655 satisfaction.

656 ~~Notification shall also be provided~~ B. *The sheriff, chief of police, or agency administrator shall notify*  
 657 *the Board in writing within 48 hours of becoming aware that any employee who resigned or was if any*  
 658 *certified law-enforcement or jail officer currently employed by his agency (i) is terminated or resigns in*  
 659 *advance of being convicted or found guilty of an offense set forth in clause (i) of subsection A that*  
 660 *requires decertification or who resigned or was, (ii) is terminated or resigns in advance of a pending*  
 661 *drug screening, (iii) is terminated or resigns for a violation of state or federal law, (iv) is terminated or*  
 662 *resigns for engaging in serious misconduct as defined in statewide professional standards of conduct*  
 663 *adopted by the Board, (v) is terminated or resigns while such officer is the subject of a pending internal*  
 664 *investigation involving serious misconduct as defined in statewide professional standards of conduct*  
 665 *adopted by the Board, or (vi) is terminated or resigns for an act committed while in the performance of*  
 666 *his duties that compromises an officer's credibility, integrity, honesty, or other characteristics that*  
 667 *constitute exculpatory or impeachment evidence in a criminal case.*

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

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

674 ~~B.~~ E. When a conviction has not become final, the Board may decline to decertify the officer until

675 the conviction becomes final, after considering the likelihood of irreparable damage to the officer if such  
 676 officer is decertified during the pendency of an ultimately successful appeal, the likelihood of injury or  
 677 damage to the public if the officer is not decertified, and the seriousness of the offense.

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

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

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

688 **§ 15.2-1709. Employer immunity from liability; disclosure of information regarding former**  
 689 **deputy sheriffs and law-enforcement officers.**

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

701 **§ 15.2-1721.1. Acquisition of military property.**

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

709 **§ 15.2-1722.1. Prohibited practices; collection of data.**

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

712 B. The police force of every locality shall collect data pertaining to (i) *all investigatory motor*  
 713 *vehicle stops, (ii) all stop-and-frisks of a person based on reasonable suspicion, ~~or~~ and (iii) all other*  
 714 *investigatory stops detentions that do not result in an arrest or the issuance of a summons pursuant to*  
 715 *§ 52-30.2 and report such data to the Department of State Police for inclusion in the Community*  
 716 *Policing Reporting Database established pursuant to § 52-30.3. The chief of police of the locality shall*  
 717 *be responsible for forwarding the data to the Superintendent of State Police.*

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

722 **§ 18.2-64.2. Carnal knowledge of an inmate, parolee, probationer, arrestee, detainee, or pretrial**  
 723 **defendant or posttrial offender; penalty.**

724 An accused is guilty of carnal knowledge of an inmate, parolee, probationer, *arrestee*, detainee, or  
 725 pretrial defendant or posttrial offender if he is *a law-enforcement officer as defined in § 9.1-101, or an*  
 726 *employee or contractual employee of, or a volunteer with, a state or local correctional facility or*  
 727 *regional jail, the Department of Corrections, the Department of Juvenile Justice, a secure facility or*  
 728 *detention home; as defined in § 16.1-228, a state or local court services unit; as defined in § 16.1-235, a*  
 729 *local community-based probation services agency or a pretrial services agency; is in a position of*  
 730 *authority over the inmate, probationer, parolee, arrestee, detainee, or a pretrial defendant or posttrial*  
 731 *offender; knows that the inmate, probationer, parolee, arrestee, detainee, or pretrial defendant or posttrial*  
 732 *offender is in the custody of a private, local, or state law-enforcement agency or under the jurisdiction*  
 733 *of the a state or local correctional facility; a or regional jail, the Department of Corrections, the*  
 734 *Department of Juvenile Justice, a secure facility or detention home; as defined in § 16.1-228, a state or*  
 735 *local court services unit; as defined in § 16.1-235, a local community-based probation services agency,*  
 736 *or a pretrial services agency; and carnally knows, without the use of force, threat, or intimidation, (i) an*

737 inmate who has been committed to jail or convicted and sentenced to confinement in a state or local  
738 correctional facility or regional jail or (ii) a probationer, parolee, *arrestee*, detainee, or a pretrial  
739 defendant or posttrial offender *in the custody of a private, local, or state law-enforcement agency or*  
740 *under the jurisdiction of the Department of Corrections, the Department of Juvenile Justice, a secure*  
741 *facility or detention home, as defined in § 16.1-228, a state or local court services unit, as defined in*  
742 *§ 16.1-235, a local community-based probation services agency, a pretrial services agency, a local or*  
743 *regional jail for the purposes of imprisonment, a work program, or any other parole/probationary or*  
744 *pretrial services program or agency. Such offense is a Class 6 felony.*

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

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

752 **§ 19.2-56. To whom search warrant directed; what it shall command; warrant to show date and**  
753 **time of issuance; copy of affidavit to be part of warrant and served therewith; warrants not**  
754 **executed within 15 days.**

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

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

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

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

786 Any search warrant for records or other information pertaining to a subscriber to, or customer of, an  
787 electronic communication service or remote computing service, whether a domestic corporation or  
788 foreign corporation, that is transacting or has transacted any business in the Commonwealth, to be  
789 executed upon such service provider may be executed within or outside the Commonwealth by hand,  
790 United States mail, commercial delivery service, facsimile, or other electronic means upon the service  
791 provider. Notwithstanding the provisions of § 19.2-57, the officer executing a warrant pursuant to this  
792 paragraph shall endorse the date of execution thereon and shall file the warrant, with the inventory  
793 attached (or a notation that no property was seized) and the accompanying affidavit, unless such  
794 affidavit was made by voice or videotape recording, within three days after the materials ordered to be  
795 produced are received by the officer from the service provider. The return shall be made in the circuit  
796 court clerk's office for the jurisdiction wherein the warrant was (A) executed, if executed within the  
797 Commonwealth, and a copy of the return shall also be delivered to the clerk of the circuit court of the

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SB5030S3

798 county or city where the warrant was issued; or (B) issued, if executed outside the Commonwealth.  
799 Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day  
800 filing period.

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

805 Notwithstanding the provisions of § 19.2-57, any search warrant for records or other information  
806 pertaining to a customer of a financial institution as defined in § 6.2-604, money transmitter as defined  
807 in § 6.2-1900, commercial business providing credit history or credit reports, or issuer as defined in  
808 § 6.2-424 may be executed within the Commonwealth by hand, United States mail, commercial delivery  
809 service, facsimile, or other electronic means upon the financial institution, money transmitter,  
810 commercial business providing credit history or credit reports, or issuer. The officer executing such  
811 warrant shall endorse the date of execution thereon and shall file the warrant, with the inventory  
812 attached (or a notation that no property was seized) and the accompanying affidavit, unless such  
813 affidavit was made by voice or videotape recording, within three days after the materials ordered to be  
814 produced are received by the officer from the financial institution, money transmitter, commercial  
815 business providing credit history or credit reports, or issuer. The return shall be made in the circuit court  
816 clerk's office for the jurisdiction wherein the warrant was executed. Saturdays, Sundays, or any federal  
817 or state legal holiday shall not be used in computing the three-day filing period. For the purposes of this  
818 section, the warrant will be considered executed in the jurisdiction where the entity on which the  
819 warrant is served is located.

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

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

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

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

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

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

841 C. For the purposes of this section:

842 "Foreign corporation" means any corporation or other entity, whose primary place of business is  
843 located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of  
844 service agreement with a resident of the Commonwealth to be performed in whole or in part by either  
845 party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to  
846 § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service  
847 agreement or the issuance of a certificate of authority shall be considered to be the agreement of the  
848 foreign corporation or entity that a search warrant or subpoena, which has been properly served on it,  
849 has the same legal force and effect as if served personally within the Commonwealth.

850 "Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by  
851 commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its  
852 general manager in the Commonwealth, to any natural person designated by it as agent for the service  
853 of process, or if such corporation has designated a corporate agent, to any person named in the latest  
854 annual report filed pursuant to § 13.1-775.

#### 855 CHAPTER 7.1.

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

#### 857 § 19.2-83.3. Definitions.

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

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

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

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

866 **§ 19.2-83.4. Prohibited practices for law-enforcement officers during an arrest or detention.**

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

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

872 **§ 19.2-83.5. Use of deadly force by a law-enforcement officer during an arrest or detention.**

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

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

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

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

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

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

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

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

895 **§ 19.2-83.6. Failure of a law-enforcement officer to intervene in an unlawful use of force.**

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

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

908 **§ 19.2-83.7. Penalties for violations of this chapter.**

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

913 **§ 19.2-201. Officers to give information of violation of penal laws to attorney for**  
914 **Commonwealth.**

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

921 *agency or department employing law-enforcement officers as defined in § 9.1-101.*

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

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

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

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

945 **§ 40.1-57.2. (Effective May 1, 2021) Collective bargaining.**

946 A. No state, county, city, town, or like governmental officer, agent, or governing body is vested with  
947 or possesses any authority to recognize any labor union or other employee association as a bargaining  
948 agent of any public officers or employees, or to collectively bargain or enter into any collective  
949 bargaining contract with any such union or association or its agents with respect to any matter relating  
950 to them or their employment or service unless, in the case of a county, city, or town, such authority is  
951 provided for or permitted by a local ordinance or by a resolution. Any such ordinance or resolution shall  
952 provide for procedures for the certification and decertification of exclusive bargaining representatives,  
953 including reasonable public notice and opportunity for labor organizations to intervene in the process for  
954 designating an exclusive representative of a bargaining unit. As used in this section, "county, city, or  
955 town" includes any local school board, and "public officers or employees" includes employees of a local  
956 school board.

957 B. No ordinance or resolution adopted pursuant to subsection A shall include provisions that restrict  
958 the governing body's authority to establish the budget or appropriate funds.

959 C. For any governing body of a county, city, or town that has not adopted an ordinance or resolution  
960 providing for collective bargaining, such governing body shall, within 120 days of receiving certification  
961 from a majority of public employees in a unit considered by such employees to be appropriate for the  
962 purposes of collective bargaining, take a vote to adopt or not adopt an ordinance or resolution to provide  
963 for collective bargaining by such public employees and any other public employees deemed appropriate  
964 by the governing body. Nothing in this subsection shall require any governing body to adopt an  
965 ordinance or resolution authorizing collective bargaining.

966 D. Notwithstanding the provisions of subsection A regarding a local ordinance or resolution granting  
967 or permitting collective bargaining, no officer elected pursuant to Article VII, Section 4 of the  
968 Constitution of Virginia or any employee of such officer is vested with or possesses any authority to  
969 recognize any labor union or other employee association as a bargaining agent of any public officers or  
970 employees, or to collectively bargain or enter into any collective bargaining contract with any such  
971 union or association or its agents, with respect to any matter relating to them or their employment or  
972 service.

973 E. *Notwithstanding the provisions of subsection A, no county, city, town, or like governmental officer,*  
974 *agent, or governing body is vested with or possesses any authority (i) to recognize any labor union or*  
975 *other employee association as a bargaining agent of any law-enforcement agency or any employees of*  
976 *such a law-enforcement agency or (ii) to collectively bargain or enter into any collective bargaining*  
977 *contract with any such union or association or its agents with respect to any matter relating to them or*  
978 *their employment or service.*

979 **§ 52-11.3. Acquisition of military property.**

980 A. The Superintendent of State Police is authorized to apply for and accept grants or loans of  
981 personal property from the ~~United States~~ U.S. Department of Defense for use in the law-enforcement  
982 activities of the Department of State Police or any other law-enforcement agency of the Commonwealth

983 or its political subdivisions. In connection with the receipt of such property, the Department of State  
984 Police and any other law-enforcement agency to which the property is transferred, may agree to hold the  
985 United States government harmless against claims for damages arising out of the use of the property  
986 received. Such other law-enforcement agencies may also agree to hold the Commonwealth harmless  
987 against such claims.

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

994 **§ 52-30.2. Prohibited practices; collection of data.**

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

997 B. State Police officers shall collect data pertaining to (i) all investigatory motor vehicle stops, (ii)  
998 all stop-and-frisks of a person based on reasonable suspicion, ~~or~~ and (iii) all other investigatory stops  
999 detentions that do not result in an arrest or the issuance of a summons to be reported into the  
1000 Community Policing Reporting Database. State Police officers shall submit the data to their commanding  
1001 officers, who shall forward it to the Superintendent of State Police.

1002 C. Each time a law-enforcement officer or State Police officer stops a driver of a motor vehicle,  
1003 stops and frisks a person based on reasonable suspicion, or temporarily detains a person during any  
1004 other investigatory stop, such officer shall collect the following data based on the officer's observation  
1005 or information provided to the officer by the driver: (i) the race, ethnicity, age, and gender of the person  
1006 stopped, and whether the person stopped spoke English; (ii) the reason for the stop; (iii) the location of  
1007 the stop; (iv) whether a warning, written citation, or summons was issued or whether any person was  
1008 arrested; (v) if a warning, written citation, or summons was issued or an arrest was made, the warning  
1009 provided, violation charged, or crime charged; and (vi) whether the vehicle or any person was searched;  
1010 and (vii) whether the law-enforcement officer or State Police officer used physical force against any  
1011 person and whether any person used physical force against any officers.

1012 D. Each state and local law-enforcement agency shall collect the number of complaints the agency  
1013 receives alleging the use of excessive force.

1014 **§ 52-30.3. Community Policing Reporting Database established.**

1015 A. The Department of State Police shall develop and implement a uniform statewide database to  
1016 collect all records of investigatory motor vehicle stops, all stop-and-frisks of a person based on  
1017 reasonable suspicion, and other investigatory stop records detentions that do not result in an arrest or  
1018 the issuance of a summons, records of complaints alleging the use of excessive force, and data and  
1019 information submitted by law-enforcement agencies pursuant to §§ 15.2-1609.10, 15.2-1722.1, and  
1020 52-30.2. The Department of State Police shall provide the Department of Criminal Justice Services with  
1021 secure remote access to the database for the purposes of analyzing such data as required by subsection  
1022 A of § 9.1-192.

1023 B. The Department of State Police shall promulgate regulations governing the operation and  
1024 maintenance of the database.

1025 **§ 52-30.4. Reporting of state and local law-enforcement agencies required.**

1026 All state and local law-enforcement agencies shall collect the data specified in subsections C and D  
1027 of § 52-30.2, and any other data as may be specified by the Department of State Police, on forms  
1028 developed by the Department of State Police and submit such data to the Department of State Police for  
1029 inclusion in the Community Policing Reporting Database.

1030 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
1031 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**  
1032 **necessary appropriation cannot be determined for periods of imprisonment in state adult**  
1033 **correctional facilities; therefore, Chapter 1289 of the Acts of Assembly of 2020 requires the**  
1034 **Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant**  
1035 **to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot**  
1036 **be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

1037 **3. That the Department of Criminal Justice Services (the Department) shall promulgate regulations**  
1038 **to implement the provisions of subdivision 58 of § 9.1-102 and §§ 9.1-168 and 15.2-1707 of the**  
1039 **Code of Virginia, as amended by this act, within 280 days of the effective date of this act. The**  
1040 **Department shall report to the Chairman of the Senate Committee on the Judiciary and the**  
1041 **Chairman of the House Committee for Courts of Justice by November 1, 2021, on the status of the**  
1042 **regulations. In developing statewide professional standards of conduct pursuant to subdivision 58**  
1043 **of § 9.1-102 of the Code of Virginia, as amended by this act, which should be reviewed and**

SENATE SUBSTITUTE

SB5030S3

1044 approved by the Criminal Justice Services Board (the Board) before the Department promulgates  
1045 them as regulations, the Department shall constitute a working group that includes individuals not  
1046 serving on the Board that represent the following: crime victims, people directly impacted by the  
1047 criminal justice system, people representative of communities disproportionately represented  
1048 among persons incarcerated in Virginia jails and prisons, civil rights advocates, mental health  
1049 advocates, defense counsel, and people employed in the criminal justice system, including police  
1050 officials, sheriffs, attorneys for the Commonwealth, the judiciary, and correctional and  
1051 rehabilitative agencies. A majority of the working group should be comprised of individuals who  
1052 are not representative of people employed in the criminal justice system.

1053 4. That the provisions of subsection E of § 9.1-168 and §§ 15.2-1609.10, 15.2-1722.1, 52-30.2,  
1054 52-30.3, and 52-30.4 of the Code of Virginia, as amended by this act, shall become effective on  
1055 July 1, 2021.

1056 5. That the provisions of subsection F of § 9.1-168 of the Code of Virginia, as amended by this act,  
1057 shall become effective on January 1, 2024.

1058 6. That the provisions of § 15.2-1707 of the Code of Virginia, as amended by this act, shall apply  
1059 only to offenses or misconduct committed after the effective date of this act.