

20200496D

SENATE BILL NO. 5112

Offered August 18, 2020

A *BILL to amend and reenact § 15.2-1707 of the Code of Virginia, relating to decertification of law-enforcement officers; acts that compromise integrity or credibility.*

Patron—McDougle

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-1707 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-1707. Decertification of law-enforcement officers.**

A. The sheriff, chief of police, or agency administrator shall notify the Criminal Justice Services Board in writing within 48 hours of becoming aware that any certified law-enforcement or jail officer currently employed by his agency has (i) been convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in the Commonwealth, (ii) been convicted of or pled guilty or no contest to a Class 1 misdemeanor involving moral turpitude or any offense that would be any misdemeanor involving moral turpitude, including but not limited to petit larceny under § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if committed in the Commonwealth, (iii) been convicted of or pled guilty or no contest to any misdemeanor sex offense in the Commonwealth, another state, or the United States, including but not limited to sexual battery under § 18.2-67.4 or consensual sexual intercourse with a minor 15 or older under clause (ii) of § 18.2-371, (iv) been convicted of or pled guilty or no contest to domestic assault under § 18.2-57.2 or any offense that would be domestic assault under the laws of another state or the United States, (v) failed to comply with or maintain compliance with mandated training requirements, or (vi) refused to submit to a drug screening or has produced a positive result on a drug screening reported to the employing agency, where the positive result cannot be explained to the agency administrator's satisfaction, or (vii) *been placed on a Brady list because such officer committed acts that compromise an officer's credibility, integrity, honesty, or other characteristics that constitute exculpatory or impeachment evidence in a criminal case.* Notification shall also be provided in writing within 48 hours of becoming aware that any employee who resigned or was terminated in advance of being convicted or found guilty of an offense that requires decertification or who resigned or was terminated in advance of a pending drug screening. The notification, where appropriate, shall be accompanied by a copy of the judgment of conviction. Upon receiving such notice from the sheriff, chief of police, or agency administrator, or from an attorney for the Commonwealth of clauses (i) through (vi), the Criminal Justice Services Board shall immediately decertify such law-enforcement or jail officer. *Upon receiving notice from the sheriff, chief of police, or agency administrator, or from an attorney for the Commonwealth of clause (vii), the Criminal Justice Services Board may decertify such law-enforcement or jail officer.* Such officer shall not have the right to serve as a law-enforcement officer within the Commonwealth until his certification has been reinstated by the Board.

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

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

D. The Criminal Justice Services Board may initiate decertification proceedings against any former law-enforcement or jail officer (i) whom the Board has found to have been convicted of an offense that requires decertification or, (ii) who has failed to comply with or maintain compliance with mandated training requirements, or (iii) *who has been placed on a Brady list.*

E. Any conviction of a misdemeanor that has been appealed to a court of record shall not be considered a conviction for purposes of this section unless a final order of conviction is entered.

INTRODUCED

SB5112