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## HOUSE BILL NO. 1875

Offered January 13, 2021

Prefiled January 8, 2021

A *BILL to amend and reenact § 15.2-1705, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to law-enforcement officers; minimum qualifications.*

Patron—Coyner

Referred to Committee on Public Safety

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-1705, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-1705. (Effective until March 1, 2021) Minimum qualifications; waiver.**

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

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

**§ 15.2-1705. (Effective March 1, 2021) Minimum qualifications; waiver.**

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

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59 another state, or the United States, including but not limited to sexual battery under § 18.2-67.4 or  
60 consensual sexual intercourse with a minor 15 years of age or older under clause (ii) of § 18.2-371; or  
61 (c) domestic assault under § 18.2-57.2 or any offense that would be domestic assault under the laws of  
62 another state or the United States.

63 B. In addition, if the police officer, deputy sheriff, or jail officer had been employed at any time by  
64 another law-enforcement agency or jail, the hiring law-enforcement agency or jail shall request from all  
65 prior employing law-enforcement agencies or jails any information (i) related to an arrest or prosecution  
66 of a former police officer, deputy sheriff, or jail officer, including any expunged arrest or criminal  
67 charge known to the agency or disclosed during the hiring process that would otherwise be prohibited  
68 from disclosure in accordance with § 19.2-392.4; (ii) related to a civil suit regarding a former police  
69 officer's, deputy sheriff's, or jail officer's employment or performance of his duties; (iii) obtained during  
70 the course of any internal investigation related to a former police officer's, deputy sheriff's, or jail  
71 officer's alleged criminal conduct, use of excessive force, or other official misconduct in violation of the  
72 state professional standards of conduct adopted by the Criminal Justice Services Board; and (iv) related  
73 to a former police officer, deputy sheriff, or jail officer's job performance that led to such officer's or  
74 deputy sheriff's resignation, dismissal, demotion, suspension, or transfer. The hiring agency or jail may  
75 request this information subsequent to a conditional offer of employment; however, no police officer,  
76 deputy sheriff, or jail officer may be employed in such position until the requested information is  
77 received from all prior employing law-enforcement agencies in the Commonwealth. The hiring agency  
78 or jail shall request that the police officer, deputy sheriff, or jail officer complete a waiver or release  
79 liability authorizing the hiring agency or jail to request such information as listed in this subsection from  
80 all prior employing law-enforcement agencies or jails, including law-enforcement agencies or jails  
81 located outside the Commonwealth. Any sheriff or chief of police in the Commonwealth, any director or  
82 chief executive of any law-enforcement agency or jail in the Commonwealth, and the Director of the  
83 Department of Criminal Justice Services or his designee who receives such request for information shall  
84 disclose such requested information within 14 days of receiving such request to the requesting hiring  
85 law-enforcement agency or jail.

86 C. In addition, the hiring law-enforcement agency or jail may require a candidate for employment to  
87 undergo a psychological examination, subsequent to a conditional offer of employment, conducted under  
88 the supervision of a licensed psychiatrist or a licensed clinical psychologist.

89 D. Upon request of a sheriff or chief of police, or the director or chief executive of any agency or  
90 department employing law-enforcement officers as defined in § 9.1-101 or jail officers as defined in  
91 § 53.1-1, the Department of Criminal Justice Services is hereby authorized to waive the requirements for  
92 qualification as set out in subsection A for good cause shown.