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HOUSE BILL NO. 893

Offered January 8, 2020

Prefiled January 7, 2020

A *BILL to amend the Code of Virginia by adding sections numbered 15.2-1609.10, 15.2-1722.1, and 52-28.3, relating to law enforcement; use of force; data collection and reporting requirements.*

Patrons—Guzman, Levine and Samirah; Senator: Morrissey

Referred to Committee on Counties, Cities and Towns

1. That the Code of Virginia is amended by adding sections numbered 15.2-1609.10, 15.2-1722.1, and 52-28.3 as follows:

§ 15.2-1609.10. Use of force; collection of data.

The sheriff of every locality shall collect data pertaining to the use of force by a law-enforcement officer pursuant to subsection B of § 52-28.3 and report such data to the Department of State Police. The sheriff of the locality shall be responsible for forwarding the data to the Superintendent of State Police.

§ 15.2-1722.1. Use of force; collection of data.

The chief of police of every locality shall collect data pertaining to the use of force by a law-enforcement officer pursuant to subsection B of § 52-28.3 and report such data to the Department of State Police. The chief of police of the locality shall be responsible for forwarding the data to the Superintendent of State Police.

§ 52-28.3. Use of force; collection of data; inclusion in annual Crime in Virginia report.

A. State Police officers shall collect data pertaining to the use of force by a law-enforcement officer pursuant to subsection B and shall submit the data to their supervisory officers, who shall forward it to the Superintendent of State Police.

B. State and local law-enforcement officers shall collect data regarding the following incidents involving the use of force by a state or local law-enforcement officer, which the Department of State Police shall include in the annual Crime in Virginia report: (i) any civilian fatality that occurs in connection with the use of force by a state or local law-enforcement officer; (ii) any serious bodily injury to a civilian that occurs in connection with the use of force by a state or local law-enforcement officer; and (iii) in the absence of either a civilian fatality or serious bodily injury to a civilian, the discharge of a firearm by a state or local law-enforcement officer at or in the direction of a civilian. For any such incident, the information shall include:

- 1. The date, time, and location of the incident;*
- 2. The number of law-enforcement officers involved in the incident;*
- 3. The basis for the initial contact between the civilian and the officer;*
- 4. If the initial contact was due to unlawful or criminal activity, the most serious reported offenses committed by the civilian prior to or at the time of the incident;*
- 5. The age, sex, gender identity, national origin, race, ethnicity, English proficiency status, and developmental or intellectual disability status, as defined in § 37.2-100, of the civilian;*
- 6. The type of force used against the law-enforcement officer, civilian, or both, including the types of weapons used, if applicable;*
- 7. The type of serious bodily injury or cause of death of the civilian, if applicable;*
- 8. Whether the civilian resisted and the type of resistance, if applicable;*
- 9. Any apparent or known impairment in the physical condition of the civilian, including drug or alcohol impairment, if applicable;*
- 10. Any apparent or known mental or physical disability of the civilian, if applicable;*
- 11. Whether, at any time during the incident, the civilian was armed or believed to be armed with a weapon;*
- 12. The age, sex, gender identity, national origin, race, ethnicity, and English proficiency status of the law-enforcement officer;*
- 13. Whether the law-enforcement officer was on duty at the time of the incident; and*
- 14. In the case of a report pursuant to clause (i) or (ii), whether the law-enforcement officer discharged a firearm during the incident.*

C. All state and local law-enforcement agencies shall collect the data specified in subsection B and any other data as may be specified by the Department of State Police, on forms developed by the Department of State Police.

INTRODUCED

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