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HOUSE BILL NO. 1142

Offered January 13, 2022

A *BILL to amend and reenact § 52-30.2 of the Code of Virginia, relating to Virginia Community Policing Act; collection of data and reporting requirements.*

Patron—Torian

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 52-30.2 of the Code of Virginia is amended and reenacted as follows:

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

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

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

C. Each time a law-enforcement officer or State Police officer *responds to a motor vehicle accident*, stops a driver of a motor vehicle, *stops or* stops and frisks a person based on *probable cause*, reasonable suspicion, *or a consensual investigative encounter, stops or stops and frisks without cause*, or temporarily detains a person during any other investigatory stop, such officer shall collect the following data based on the officer's observation or information provided to the officer by the driver: (i) the race, ethnicity, age, and gender of the person stopped; and whether the person stopped spoke English; (ii) the reason for the stop; (iii) the location of the stop, *including address, neighborhood, or zip code*; (iv) the date and time of the stop; (v) the duration of the stop; (vi) whether a warning, written citation, or summons was issued or whether any person was arrested; ~~(v)~~ (vii) if a warning, written citation, or summons was issued or an arrest was made, the warning provided, violation charged, or crime charged; ~~(vi)~~ (viii) whether the vehicle or any person or property was patted down or searched, and the location of the pat down or search if different from the location of the initial encounter; (ix) whether the officer requested and obtained consent for any pat down or search, whether the officer had a search warrant for the person's person or property or whether there was an outstanding arrest warrant; (x) whether a weapon was found, and if so, what type and whether it was lawfully possessed; (xi) whether other contraband was found, and if so, what it was and whether it was seized; ~~and (vii)~~ (xii) whether the law-enforcement officer or State Police officer used physical force against any person and whether any person used physical force against any officers; and (xiii) the race or ethnicity of the law-enforcement officer or State Police officer who responded to the stop.

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

INTRODUCED

HB1142