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**HOUSE BILL NO. 1743**

Offered January 14, 2009

Prefiled January 7, 2009

*A BILL to amend and reenact § 9.1-101 of the Code of Virginia, relating to the Department of Criminal Justice Services; definition of law-enforcement officer.*

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Patron—Pogge

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Referred to Committee on General Laws

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**Be it enacted by the General Assembly of Virginia:****1. That § 9.1-101 of the Code of Virginia is amended and reenacted as follows:****§ 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 officers appointed under § 15.2-1737, or special conservators of the peace or special policemen appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers, special conservators or special policemen 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.) of this chapter, but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

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

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

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

"Department" means the Department of Criminal Justice Services.

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

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the

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59 penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the  
60 Department of Alcoholic Beverage Control; (ii) police agent appointed under the provisions of § 56-353;  
61 (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn  
62 member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator  
63 who is a full-time sworn member of the security division of the State Lottery Department; (vi)  
64 conservation officer of the Department of Conservation and Recreation commissioned pursuant to  
65 § 10.1-115; ~~or~~ (vii) full-time sworn member of the enforcement division of the Department of Motor  
66 Vehicles appointed pursuant to § 46.2-217; *or (viii) auxiliary deputy sheriff appointed pursuant to*  
67 *§ 15.2-1603 or auxiliary police officer appointed or provided for pursuant to § 15.2-1733.* Part-time  
68 employees are those compensated officers who are not full-time employees as defined by the employing  
69 police department or sheriff's office.

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

73 "School security officer" means an individual who is employed by the local school board for the  
74 singular purpose of maintaining order and discipline, preventing crime, investigating violations of school  
75 board policies, and detaining students violating the law or school board policies on school property or at  
76 school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of  
77 all students, faculty, staff, and visitors in the assigned school.