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**SENATE BILL NO. 1163**

Offered January 12, 2011

Prefiled January 12, 2011

*A BILL to amend and reenact §§ 9.1-102, 9.1-150, and 9.1-176 of the Code of Virginia and to repeal §§ 9.1-127, 9.1-158, 9.1-159, and 9.1-160 and Article 7 (§§ 9.1-163 and 9.1-164) of Chapter 1 of Title 9.1 of the Code of Virginia, relating to powers and duties of the Criminal Justice Services Board and the Department of Criminal Justice Services.*

Patron—Reynolds

Referred to Committee for Courts of Justice

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

**1. That §§ 9.1-102, 9.1-150, and 9.1-176 of the Code of Virginia are amended and reenacted as follows:**

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be completed by law-enforcement officers who have not completed the compulsory training standards set out in subdivision 2, prior to assignment of any such officers to undercover investigation work. Failure to complete the training shall not, for that reason, constitute grounds to exclude otherwise properly admissible testimony or other evidence from such officer resulting from any undercover investigation;

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and for correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and establish the time required for completion of such training;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police

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59 training schools and programs or courses of instruction;

60 12. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth,  
61 for school operation for the specific purpose of training law-enforcement officers; but this shall not  
62 prevent the holding of any such school whether approved or not;

63 13. Establish and maintain police training programs through such agencies and institutions as the  
64 Board deems appropriate;

65 14. Establish compulsory minimum qualifications of certification and recertification for instructors in  
66 criminal justice training schools approved by the Department;

67 15. Conduct and stimulate research by public and private agencies which shall be designed to  
68 improve police administration and law enforcement;

69 16. Make recommendations concerning any matter within its purview pursuant to this chapter;

70 17. Coordinate its activities with those of any interstate system for the exchange of criminal history  
71 record information, nominate one or more of its members to serve upon the council or committee of any  
72 such system, and participate when and as deemed appropriate in any such system's activities and  
73 programs;

74 18. Conduct inquiries and investigations it deems appropriate to carry out its functions under this  
75 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to  
76 submit information, reports, and statistical data with respect to its policy and operation of information  
77 systems or with respect to its collection, storage, dissemination, and usage of criminal history record  
78 information and correctional status information, and such criminal justice agencies shall submit such  
79 information, reports, and data as are reasonably required;

80 19. Conduct audits as required by § 9.1-131;

81 20. Conduct a continuing study and review of questions of individual privacy and confidentiality of  
82 criminal history record information and correctional status information;

83 21. Advise criminal justice agencies and initiate educational programs for such agencies with respect  
84 to matters of privacy, confidentiality, and security as they pertain to criminal history record information  
85 and correctional status information;

86 22. Maintain a liaison with any board, commission, committee, or other body which may be  
87 established by law, executive order, or resolution to regulate the privacy and security of information  
88 collected by the Commonwealth or any political subdivision thereof;

89 23. Adopt regulations establishing guidelines and standards for the collection, storage, and  
90 dissemination of criminal history record information and correctional status information, and the privacy,  
91 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and  
92 court orders;

93 24. Operate a statewide criminal justice research center, which shall maintain an integrated criminal  
94 justice information system, produce reports, provide technical assistance to state and local criminal  
95 justice data system users, and provide analysis and interpretation of criminal justice statistical  
96 information;

97 25. Develop a comprehensive, statewide, long-range plan for strengthening and improving law  
98 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically  
99 update that plan;

100 26. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the  
101 Commonwealth, and units of general local government, or combinations thereof, including planning  
102 district commissions, in planning, developing, and administering programs, projects, comprehensive  
103 plans, and other activities for improving law enforcement and the administration of criminal justice  
104 throughout the Commonwealth, including allocating and subgranting funds for these purposes;

105 27. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and  
106 activities for the Commonwealth and units of general local government, or combinations thereof, in the  
107 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal  
108 justice at every level throughout the Commonwealth;

109 28. Review and evaluate programs, projects, and activities, and recommend, where necessary,  
110 revisions or alterations to such programs, projects, and activities for the purpose of improving law  
111 enforcement and the administration of criminal justice;

112 29. Coordinate the activities and projects of the state departments, agencies, and boards of the  
113 Commonwealth and of the units of general local government, or combination thereof, including planning  
114 district commissions, relating to the preparation, adoption, administration, and implementation of  
115 comprehensive plans to strengthen and improve law enforcement and the administration of criminal  
116 justice;

117 30. Do all things necessary on behalf of the Commonwealth and its units of general local  
118 government, to determine and secure benefits available under the Omnibus Crime Control and Safe  
119 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and  
120 programs for strengthening and improving law enforcement, the administration of criminal justice, and

delinquency prevention and control;

31. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

32. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

33. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

34. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

35. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

36. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

37. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing;

41. [Expired.]

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center ~~shall~~ *may*, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

43. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant

182 state and federal laws, school and personal liability issues, security awareness in the school environment,  
183 mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics.  
184 The Department shall establish an advisory committee consisting of local school board representatives,  
185 principals, superintendents, and school security personnel to assist in the development of these standards  
186 and certification requirements;

187 45. Establish training standards and publish a model policy and protocols for local and regional  
188 sexual assault response teams;

189 46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with  
190 Article 11 (§ 9.1-185 et seq.) ~~of this chapter~~;

191 47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.) ~~of~~  
192 ~~this chapter~~;

193 48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal  
194 justice agencies regarding the investigation, registration, and dissemination of information requirements  
195 as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

196 49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula,  
197 and (iii) certification requirements for campus security officers. Such training standards shall include, but  
198 not be limited to, the role and responsibility of campus security officers, relevant state and federal laws,  
199 school and personal liability issues, security awareness in the campus environment, and disaster and  
200 emergency response. The Department shall provide technical support and assistance to campus police  
201 departments and campus security departments on the establishment and implementation of policies and  
202 procedures, including but not limited to: the management of such departments, investigatory procedures,  
203 judicial referrals, the establishment and management of databases for campus safety and security  
204 information sharing, and development of uniform record keeping for disciplinary records and statistics,  
205 such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an  
206 advisory committee consisting of college administrators, college police chiefs, college security  
207 department chiefs, and local law-enforcement officials to assist in the development of the standards and  
208 certification requirements and training pursuant to this subdivision;

209 50. Establish compulsory training standards and publish a model policy for law-enforcement  
210 personnel regarding death notification;

211 51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established  
212 pursuant to § 9.1-187;

213 52. Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for  
214 questioning individuals suspected of driving while intoxicated concerning the physical location of that  
215 individual's last consumption of an alcoholic beverage and for communicating that information to the  
216 Alcoholic Beverage Control Board; and

217 53. Perform such other acts as may be necessary or convenient for the effective performance of its  
218 duties.

219 § 9.1-150. Monetary penalty.

220 Any person *required to be* licensed, certified or registered by the Board pursuant to this article who  
221 violates any statute or Board regulation who is not criminally prosecuted ~~shall~~ *may* be subject to the  
222 monetary penalty provided in this section. If the Board determines that a respondent is guilty of the  
223 violation complained of, the Board shall determine the amount of the monetary penalty for the violation,  
224 which shall not exceed \$2,500 for each violation. The penalty may be sued for and recovered in the  
225 name of the Commonwealth. The monetary penalty shall be paid into the state treasury to the credit of  
226 the Literary Fund in accordance with § 19.2-353.

227 § 9.1-176. Mandated services; optional services and facilities.

228 A. *As used in this section:*

229 "*Detoxification center program*" means any facility program or procedure for the placement of public  
230 inebriates as an alternative to arresting and jailing such persons, for the purpose of monitoring the  
231 withdrawal from excessive use of alcohol or use of a narcotic drug or other intoxicant or drug of  
232 whatever nature.

233 "*Public inebriate*" means any person who is intoxicated in a public place and would be subject to  
234 arrest for public intoxication under § 18.2-388 or a local ordinance established for the same offense.

235 B. Any city, county or combination thereof that elects or is required to establish a local  
236 community-based probation services agency pursuant to this article shall provide to the judicial system  
237 the following services as components of local community-based probation supervision: community  
238 service; home incarceration with or without electronic monitoring; electronic monitoring; and substance  
239 abuse screening, assessment, testing and treatment. Additional services and facilities, including, but not  
240 limited to, local day reporting centers and services, local halfway house facilities and services for the  
241 temporary care of adults placed on community-based probation, and law-enforcement diversion into  
242 detoxification center programs, as defined in ~~§ 9.1-163~~, may be established by the city, county or  
243 combination thereof.

244 2. That §§ 9.1-127, 9.1-158, 9.1-159, and 9.1-160 and Article 7 (§§ 9.1-163 and 9.1-164) of Chapter  
245 1 of Title 9.1 of the Code of Virginia are repealed.  
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