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## HOUSE BILL NO. 1015

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education  
on February 10, 2016)

(Patron Prior to Substitute—Delegate Massie)

*A BILL to amend and reenact §§ 9.1-102, 9.1-1301, and 23-9.2:16 of the Code of Virginia, relating to institutions of higher education; memoranda of understanding with local law-enforcement agencies.*

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

**1. That §§ 9.1-102, 9.1-1301, and 23-9.2:16 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. [Repealed];

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, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

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. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. 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 training schools and programs or courses of instruction;

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

14. Establish and maintain police training programs through such agencies and institutions as the

60 Board deems appropriate;

61 15. Establish compulsory minimum qualifications of certification and recertification for instructors in  
62 criminal justice training schools approved by the Department;

63 16. Conduct and stimulate research by public and private agencies which shall be designed to  
64 improve police administration and law enforcement;

65 17. Make recommendations concerning any matter within its purview pursuant to this chapter;

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

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

76 20. Conduct audits as required by § 9.1-131;

77 21. Conduct a continuing study and review of questions of individual privacy and confidentiality of  
78 criminal history record information and correctional status information;

79 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect  
80 to matters of privacy, confidentiality, and security as they pertain to criminal history record information  
81 and correctional status information;

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

85 24. Adopt regulations establishing guidelines and standards for the collection, storage, and  
86 dissemination of criminal history record information and correctional status information, and the privacy,  
87 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and  
88 court orders;

89 25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal  
90 justice information system, produce reports, provide technical assistance to state and local criminal  
91 justice data system users, and provide analysis and interpretation of criminal justice statistical  
92 information;

93 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law  
94 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically  
95 update that plan;

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

101 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and  
102 activities for the Commonwealth and units of general local government, or combinations thereof, in the  
103 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal  
104 justice at every level throughout the Commonwealth;

105 29. Review and evaluate programs, projects, and activities, and recommend, where necessary,  
106 revisions or alterations to such programs, projects, and activities for the purpose of improving law  
107 enforcement and the administration of criminal justice;

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

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

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

121 33. 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;

34. 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;

35. 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;

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

37. 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 *subsection A of § 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;

38. 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;

39. 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;

40. 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;

41. 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;

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center 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 and Campus 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 state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

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

185 46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with  
186 Article 11 (§ 9.1-185 et seq.);

187 47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

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

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

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

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

208 52. (Effective until July 1, 2018) Establish, publish, and disseminate a model policy or guideline for  
209 law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning  
210 the physical location of that individual's last consumption of an alcoholic beverage and for  
211 communicating that information to the Alcoholic Beverage Control Board;

212 52. (Effective July 1, 2018) Establish, publish, and disseminate a model policy or guideline for  
213 law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning  
214 the physical location of that individual's last consumption of an alcoholic beverage and for  
215 communicating that information to the Virginia Alcoholic Beverage Control Authority;

216 53. Establish training standards and publish a model policy for law-enforcement personnel assigned  
217 to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency  
218 calls;

219 54. Establish training standards and publish a model policy for law-enforcement personnel involved  
220 in criminal investigations that embody current best practices for conducting photographic and live  
221 lineups;

222 55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and  
223 attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human  
224 trafficking offenses using the common law and existing criminal statutes in the Code of Virginia. The  
225 Department shall publish and disseminate a model policy or guideline for law-enforcement personnel  
226 involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that  
227 law-enforcement personnel are sensitive to and aware of human trafficking offenses and the  
228 identification of victims of human trafficking offenses;

229 56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of  
230 § 46.2-117;

231 57. Establish training standards and publish a model policy for missing children, missing adults, and  
232 search and rescue protocol;

233 58. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional  
234 Standards Committee by providing technical assistance and administrative support, including staffing, for  
235 the Committee; and

236 59. Perform such other acts as may be necessary or convenient for the effective performance of its  
237 duties.

238 **§ 9.1-1301. Sexual assault policies for law-enforcement agencies in the Commonwealth;**  
239 **memoranda of understanding with institutions of higher education.**

240 A. The Virginia Department of State Police and the police and sheriff's departments of every political  
241 subdivision in the Commonwealth and every campus police department shall establish written policies  
242 and procedures regarding a law-enforcement officer's response to an alleged criminal sexual assault in  
243 violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2. Such policies shall, at a minimum,  
244 provide guidance as to the department's policy on (i) training; (ii) compliance with §§ 19.2-9.1 and

19.2-165.1; (iii) transportation of alleged sexual assault victims; and (iv) the provision of information on legal and community resources available to alleged victims of sexual assault.

*B. The primary law-enforcement agency of each locality that contains a public institution of higher education or nonprofit private institution of higher education shall cooperate in establishing a written memorandum of understanding with any such institution of higher education, if requested, to address the prevention of and response to criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2.*

**§ 23-9.2:16. Sexual assault; memoranda of understanding; policies.**

A. Each public institution of higher education or private nonprofit institution of higher education shall establish and the State Board for Community Colleges shall adopt a policy requiring each community college to establish a written memorandum of understanding with a sexual assault crisis center or other victim support service in order to provide sexual assault victims with immediate access to a confidential, independent advocate who can provide a trauma-informed response that includes an explanation of options for moving forward.

B. Each public institution of higher education or private nonprofit institution of higher education shall adopt policies to provide to sexual assault victims information on contacting such sexual assault crisis center or other victim support service.

*C. Each public institution of higher education or nonprofit private institution of higher education may request the cooperation of the primary law enforcement agency of the locality in which the institution is located to establish a written memorandum of understanding with such law-enforcement agency to address the prevention of and response to criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2.*