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SENATE BILL NO. 1064**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee on Finance
on January 25, 2017)

(Patron Prior to Substitute—Senator Deeds)

A BILL to amend and reenact §§ 9.1-102 and 32.1-111.4 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 2 of Title 27 a section numbered 27-23.11, relating to mental health awareness training; law-enforcement officers, firefighters, and emergency medical services personnel.

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102 and 32.1-111.4 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 2 of Title 27 a section numbered 27-23.11 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,

60 for school operation for the specific purpose of training law-enforcement officers; but this shall not
61 prevent the holding of any such school whether approved or not;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

121 32. Receive, administer, and expend all funds and other assistance available to the Board and the

122 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe
123 Streets Act of 1968, as amended;

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

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

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

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

141 37. Establish training standards and publish and periodically update model policies for
142 law-enforcement personnel in the following subjects:

143 a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including
144 standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The
145 Department shall provide technical support and assistance to law-enforcement agencies in carrying out
146 the requirements set forth in subsection A of § 9.1-1301;

147 b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's
148 disease;

149 c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

150 d. Protocols for local and regional sexual assault response teams;

151 e. Communication of death notifications;

152 f. (Effective until July 1, 2018) The questioning of individuals suspected of driving while intoxicated
153 concerning the physical location of such individual's last consumption of an alcoholic beverage and the
154 communication of such information to the Alcoholic Beverage Control Board;

155 f. (Effective July 1, 2018) The questioning of individuals suspected of driving while intoxicated
156 concerning the physical location of such individual's last consumption of an alcoholic beverage and the
157 communication of such information to the Virginia Alcoholic Beverage Control Authority;

158 g. Vehicle patrol duties that embody current best practices for pursuits and for responding to
159 emergency calls;

160 h. Criminal investigations that embody current best practices for conducting photographic and live
161 lineups;

162 i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of
163 human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or
164 street patrol duties; and

165 j. Missing children, missing adults, and search and rescue protocol;

166 38. Establish compulsory training standards for basic training and the recertification of
167 law-enforcement officers to ensure (i) sensitivity to and awareness of cultural diversity and the potential
168 for biased policing and (ii) participation in a mental health awareness program that includes training
169 regarding the following:

170 a. Understanding signs and symptoms of cumulative stress, depression, anxiety, exposure to acute
171 and chronic trauma, compulsive behaviors, and addiction;

172 b. Combating and overcoming stigmas;

173 c. Accessing available mental health treatments and resources; and

174 d. Responding appropriately to aggressive behaviors such as domestic violence and harassment;

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

179 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with
180 Virginia law-enforcement agencies, provide technical assistance and administrative support, including
181 staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center
182 may provide accreditation assistance and training, resource material, and research into methods and

183 procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia
184 accreditation status;

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

195 42. Establish, in consultation with the Department of Education and the Virginia State Crime
196 Commission, compulsory minimum standards for employment and job-entry and in-service training
197 curricula and certification requirements for school security officers, which training and certification shall
198 be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such
199 training standards shall include, but shall not be limited to, the role and responsibility of school security
200 officers, relevant state and federal laws, school and personal liability issues, security awareness in the
201 school environment, mediation and conflict resolution, disaster and emergency response, and student
202 behavioral dynamics. The Department shall establish an advisory committee consisting of local school
203 board representatives, principals, superintendents, and school security personnel to assist in the
204 development of these standards and certification requirements;

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

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

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

211 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula,
212 and (iii) certification requirements for campus security officers. Such training standards shall include, but
213 not be limited to, the role and responsibility of campus security officers, relevant state and federal laws,
214 school and personal liability issues, security awareness in the campus environment, and disaster and
215 emergency response. The Department shall provide technical support and assistance to campus police
216 departments and campus security departments on the establishment and implementation of policies and
217 procedures, including but not limited to: the management of such departments, investigatory procedures,
218 judicial referrals, the establishment and management of databases for campus safety and security
219 information sharing, and development of uniform record keeping for disciplinary records and statistics,
220 such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an
221 advisory committee consisting of college administrators, college police chiefs, college security
222 department chiefs, and local law-enforcement officials to assist in the development of the standards and
223 certification requirements and training pursuant to this subdivision;

224 47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established
225 pursuant to § 9.1-187;

226 48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and
227 attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human
228 trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

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

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

234 51. (Effective July 1, 2017) In accordance with § 9.1-102.1, design and approve the issuance of
235 photo-identification cards to private security services registrants registered pursuant to Article 4
236 (§ 9.1-138 et seq.);

237 52. In consultation with the State Council of Higher Education for Virginia and the Virginia
238 Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on
239 trauma-informed sexual assault investigation; and

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

242 **§ 27-23.11. Firefighter mental health awareness training.**

243 *All firefighters other than volunteer firefighters as defined in § 27-42 shall biennially participate in a*
244 *mental health awareness program created or certified by the Mental Health Work Group, established in*

245 *the Virginia Department of Fire Programs, that includes training regarding the following:*
 246 *a. Understanding signs and symptoms of cumulative stress, depression, anxiety, exposure to acute*
 247 *and chronic trauma, compulsive behaviors, and addiction;*
 248 *b. Combating and overcoming stigmas;*
 249 *c. Accessing available mental health treatments and resources; and*
 250 *d. Responding appropriately to aggressive behaviors such as domestic violence and harassment.*

251 **§ 32.1-111.4. Regulations; emergency medical services personnel and vehicles; response times;**
 252 **enforcement provisions; civil penalties.**

253 A. The Board shall prescribe by regulation:
 254 1. Requirements for recordkeeping, supplies, operating procedures, and other emergency medical
 255 services agency operations;

256 2. Requirements for the sanitation and maintenance of emergency medical services vehicles and their
 257 medical supplies and equipment;

258 3. Procedures, including the requirements for forms, to authorize qualified emergency medical
 259 services personnel to follow Do Not Resuscitate Orders pursuant to § 54.1-2987.1;

260 4. Requirements for the composition, administration, duties, and responsibilities of the Advisory
 261 Board;

262 5. Requirements, developed in consultation with the Advisory Board, governing the training,
 263 certification, and recertification of emergency medical services personnel, *which shall include biennial*
 264 *participation in a mental health awareness program described in § 27-23.11;*

265 6. Requirements for written notification to the Advisory Board, the Office of Emergency Medical
 266 Services, and the Financial Assistance and Review Committee of the Board's action, and the reasons
 267 therefor, on requests and recommendations of the Advisory Board, the Office of Emergency Medical
 268 Services, or the Financial Assistance and Review Committee, no later than five business days after
 269 reaching its decision, specifying whether the Board has approved, denied, or not acted on such requests
 270 and recommendations;

271 7. Authorization procedures, developed in consultation with the Advisory Board, that allow the
 272 possession and administration of epinephrine or a medically accepted equivalent for emergency cases of
 273 anaphylactic shock by certain levels of certified emergency medical services personnel as authorized by
 274 § 54.1-3408 and authorization procedures that allow the possession and administration of oxygen with
 275 the authority of the local operational medical director and an emergency medical services agency that
 276 holds a valid license issued by the Commissioner;

277 8. A uniform definition of "response time" and requirements, developed in consultation with the
 278 Advisory Board, for each emergency medical services agency to measure response times starting from
 279 the time a call for emergency medical services is received until the time (i) appropriate emergency
 280 medical services personnel are responding and (ii) appropriate emergency medical services personnel
 281 arrive on the scene, and requirements for emergency medical services agencies to collect and report such
 282 data to the Director of the Office of Emergency Medical Services, who shall compile such information
 283 and make it available to the public, upon request; and

284 9. Enforcement provisions, including, but not limited to, civil penalties that the Commissioner may
 285 assess against any emergency medical services agency or other entity found to be in violation of any of
 286 the provisions of this article or any regulation promulgated under this article. All amounts paid as civil
 287 penalties for violations of this article or regulations promulgated pursuant thereto shall be paid into the
 288 state treasury and shall be deposited in the emergency medical services special fund established pursuant
 289 to § 46.2-694, to be used only for emergency medical services purposes.

290 B. The Board shall classify emergency medical services agencies and emergency medical services
 291 vehicles by type of service rendered and shall specify the medical equipment, the supplies, the vehicle
 292 specifications, and the emergency medical services personnel required for each classification.

293 C. In formulating its regulations, the Board shall consider the current Minimal Equipment List for
 294 Ambulances adopted by the Committee on Trauma of the American College of Surgeons.