

18101237D

SENATE BILL NO. 59

Offered January 10, 2018

Prefiled November 30, 2017

A *BILL to amend and reenact §§ 9.1-102 and 58.1-344.3 of the Code of Virginia, relating to Department of Criminal Justice Services training standards; community engaged policing.*

Patrons—Lucas; Delegate: Kory

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102 and 58.1-344.3 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 [Repealed];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 institutions of higher education within 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

INTRODUCED

SB59

- 59 prevent the holding of any such school whether approved or not;
- 60 14. Establish and maintain police training programs through such agencies and institutions as the
61 Board deems appropriate;
- 62 15. Establish compulsory minimum qualifications of certification and recertification for instructors in
63 criminal justice training schools approved by the Department;
- 64 16. Conduct and stimulate research by public and private agencies which shall be designed to
65 improve police administration and law enforcement;
- 66 17. Make recommendations concerning any matter within its purview pursuant to this chapter;
- 67 18. Coordinate its activities with those of any interstate system for the exchange of criminal history
68 record information, nominate one or more of its members to serve upon the council or committee of any
69 such system, and participate when and as deemed appropriate in any such system's activities and
70 programs;
- 71 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this
72 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to
73 submit information, reports, and statistical data with respect to its policy and operation of information
74 systems or with respect to its collection, storage, dissemination, and usage of criminal history record
75 information and correctional status information, and such criminal justice agencies shall submit such
76 information, reports, and data as are reasonably required;
- 77 20. Conduct audits as required by § 9.1-131;
- 78 21. Conduct a continuing study and review of questions of individual privacy and confidentiality of
79 criminal history record information and correctional status information;
- 80 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect
81 to matters of privacy, confidentiality, and security as they pertain to criminal history record information
82 and correctional status information;
- 83 23. Maintain a liaison with any board, commission, committee, or other body which may be
84 established by law, executive order, or resolution to regulate the privacy and security of information
85 collected by the Commonwealth or any political subdivision thereof;
- 86 24. Adopt regulations establishing guidelines and standards for the collection, storage, and
87 dissemination of criminal history record information and correctional status information, and the privacy,
88 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and
89 court orders;
- 90 25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal
91 justice information system, produce reports, provide technical assistance to state and local criminal
92 justice data system users, and provide analysis and interpretation of criminal justice statistical
93 information;
- 94 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
95 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
96 update that plan;
- 97 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
98 Commonwealth, and units of general local government, or combinations thereof, including planning
99 district commissions, in planning, developing, and administering programs, projects, comprehensive
100 plans, and other activities for improving law enforcement and the administration of criminal justice
101 throughout the Commonwealth, including allocating and subgranting funds for these purposes;
- 102 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
103 activities for the Commonwealth and units of general local government, or combinations thereof, in the
104 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
105 justice at every level throughout the Commonwealth;
- 106 29. Review and evaluate programs, projects, and activities, and recommend, where necessary,
107 revisions or alterations to such programs, projects, and activities for the purpose of improving law
108 enforcement and the administration of criminal justice;
- 109 30. Coordinate the activities and projects of the state departments, agencies, and boards of the
110 Commonwealth and of the units of general local government, or combination thereof, including planning
111 district commissions, relating to the preparation, adoption, administration, and implementation of
112 comprehensive plans to strengthen and improve law enforcement and the administration of criminal
113 justice;
- 114 31. Do all things necessary on behalf of the Commonwealth and its units of general local
115 government, to determine and secure benefits available under the Omnibus Crime Control and Safe
116 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and
117 programs for strengthening and improving law enforcement, the administration of criminal justice, and
118 delinquency prevention and control;
- 119 32. Receive, administer, and expend all funds and other assistance available to the Board and the
120 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe

Streets Act of 1968, as amended;

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 and periodically update model policies for law-enforcement personnel in the following subjects:

a. 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;

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

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

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

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

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

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

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

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

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers ~~to that include fair and impartial policing, verbal de-escalation, and needs of special populations and that~~ ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

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

40. 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;

41. Promote community *engaged* policing philosophy and practice throughout the Commonwealth by (i) providing community *engaged* policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations, and citizens; (ii) developing and distributing innovative policing curricula and training tools on general community *engaged* policing philosophy and practice and contemporary critical issues facing Virginia communities; (iii) serving as a consultant to Virginia organizations with specific community *engaged* policing needs; (iv) facilitating continued development and implementation of community *engaged* policing programs

182 statewide through discussion forums for community policing leaders, development of law-enforcement
183 instructors that (a) are transparent, (b) account for the needs of all community members, including
184 individuals diagnosed with Alzheimer's disease, underserved communities, and other populations and
185 communities with special needs, (c) represent community values, and (d) work to prevent crime in a just
186 and fair manner; (v) developing training programs for law-enforcement agencies that address strategic
187 hiring and comprehensive officer training, including supervision, accountability, and community
188 engagement; (vi) promoting a statewide community engaged policing initiative; and serving as a
189 statewide information source on the subject of community policing including, but not limited to periodic
190 newsletters, a website and an accessible lending library (vii) providing community engaged policing
191 resources on the Department's website;

192 42. Establish, in consultation with the Department of Education and the Virginia State Crime
193 Commission, compulsory minimum standards for employment and job-entry and in-service training
194 curricula and certification requirements for school security officers, which training and certification shall
195 be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184.
196 Such training standards shall include, but shall not be limited to, the role and responsibility of school
197 security officers, relevant state and federal laws, school and personal liability issues, security awareness
198 in the school environment, mediation and conflict resolution, disaster and emergency response, and
199 student behavioral dynamics. The Department shall establish an advisory committee consisting of local
200 school board representatives, principals, superintendents, and school security personnel to assist in the
201 development of the standards and certification requirements in this subdivision. The Department shall
202 require any school security officer who carries a firearm in the performance of his duties to provide
203 proof that he has completed a training course provided by a federal, state, or local law-enforcement
204 agency that includes training in active shooter emergency response, emergency evacuation procedure,
205 and threat assessment;

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

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

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

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

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

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

230 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of
231 § 46.2-117;

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

235 51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to
236 private security services registrants registered pursuant to Article 4 (§ 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;

240 53. In consultation with the Department of Behavioral Health and Developmental Services, develop a
241 model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers,
242 administrators, or superintendents in any local or regional jail. Such program shall be based on any
243 existing addiction recovery programs that are being administered by any local or regional jails in the

Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process; and

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

§ 58.1-344.3. Voluntary contributions of refunds requirements.

A. 1. For taxable years beginning on and after January 1, 2005, all entities entitled to voluntary contributions of tax refunds listed in subsections B and C must have received at least \$10,000 in contributions in each of the three previous taxable years for which there is complete data and in which such entity was listed on the individual income tax return.

2. In the event that an entity listed in subsections B and C does not satisfy the requirement in subdivision 1, such entity shall no longer be listed on the individual income tax return.

3. a. The entities listed in subdivisions B 21 and B 22 as well as any other entities in subsections B and C added subsequent to the 2004 Session of the General Assembly shall not appear on the individual income tax return until their addition to the individual income tax return results in a maximum of 25 contributions listed on the return. Such contributions shall be added in the order that they are listed in subsections B and C.

b. Each entity added to the income tax return shall appear on the return for at least three consecutive taxable years before the requirement in subdivision 1 is applied to such entity.

4. The Department of Taxation shall report annually by the first day of each General Assembly Regular Session to the chairmen of the House and Senate Finance Committees the amounts collected for each entity listed under subsections B and C for the three most recent taxable years for which there is complete data. Such report shall also identify the entities, if any, that will be removed from the individual income tax return because they have failed the requirements in subdivision 1, the entities that will remain on the individual income tax return, and the entities, if any, that will be added to the individual income tax return.

B. Subject to the provisions of subsection A, the following entities entitled to voluntary contributions shall appear on the individual income tax return and are eligible to receive tax refund contributions of not less than \$1:

1. Nongame wildlife voluntary contribution.

a. All moneys contributed shall be used for the conservation and management of endangered species and other nongame wildlife. "Nongame wildlife" includes protected wildlife, endangered and threatened wildlife, aquatic wildlife, specialized habitat wildlife both terrestrial and aquatic, and mollusks, crustaceans, and other invertebrates under the jurisdiction of the Board of Game and Inland Fisheries.

b. All moneys shall be deposited into a special fund known as the Game Protection Fund and which shall be accounted for as a separate part thereof to be designated as the Nongame Cash Fund. All moneys so deposited in the Nongame Cash Fund shall be used by the Commission of Game and Inland Fisheries for the purposes set forth herein.

2. Open space recreation and conservation voluntary contribution.

a. All moneys contributed shall be used by the Department of Conservation and Recreation to acquire land for recreational purposes and preserve natural areas; to develop, maintain, and improve state park sites and facilities; and to provide funds to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

b. All moneys shall be deposited into a special fund known as the Open Space Recreation and Conservation Fund. The moneys in the fund shall be allocated one-half to the Department of Conservation and Recreation for the purposes stated in subdivision 2 a and one-half to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

3. Voluntary contribution to political party.

All moneys contributed shall be paid to the State Central Committee of any party that meets the definition of a political party under § 24.2-101 as of July 1 of the previous taxable year. The maximum contribution allowable under this subdivision shall be \$25. In the case of a joint return of husband and wife, each spouse may designate that the maximum contribution allowable be paid.

4. United States Olympic Committee voluntary contribution.

All moneys contributed shall be paid to the United States Olympic Committee.

5. Housing program voluntary contribution.

a. All moneys contributed shall be used by the Department of Housing and Community Development to provide assistance for emergency, transitional, and permanent housing for the homeless; and to provide assistance to housing for the low-income elderly for the physically or mentally disabled.

b. All moneys shall be deposited into a special fund known as the Virginia Tax Check-off for Housing Fund. All moneys deposited in the fund shall be used by the Department of Housing and

Community Development for the purposes set forth in this subdivision. Funds made available to the Virginia Tax Check-off for Housing Fund may supplement but shall not supplant activities of the Virginia Housing Trust Fund established pursuant to Chapter 9 (§ 36-141 et seq.) of Title 36 or those of the Virginia Housing Development Authority.

6. Voluntary contributions to the Department for Aging and Rehabilitative Services.

a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled.

b. All moneys shall be deposited into a special fund known as the Transportation Services for the Elderly and Disabled Fund. All moneys so deposited in the fund shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to this subdivision annually to the Secretary of Health and Human Resources.

7. Voluntary contribution to the Community *Engaged* Policing Fund.

a. All moneys contributed shall be used to provide grants to local law-enforcement agencies for the purchase of equipment or the support of services, as approved by the Criminal Justice Services Board, relating to community *engaged* policing.

b. All moneys shall be deposited into a special fund known as the Community *Engaged* Policing Fund. All moneys deposited in such fund shall be used by the Department of Criminal Justices Services for the purposes set forth herein.

8. Voluntary contribution to promote the arts.

All moneys contributed shall be used by the Virginia Arts Foundation to assist the Virginia Commission for the Arts in its statutory responsibility of promoting the arts in the Commonwealth. All moneys shall be deposited into a special fund known as the Virginia Arts Foundation Fund.

9. Voluntary contribution to the Historic Resources Fund.

All moneys contributed shall be deposited in the Historic Resources Fund established pursuant to § 10.1-2202.1.

10. Voluntary contribution to the Virginia Foundation for the Humanities and Public Policy.

All moneys contributed shall be paid to the Virginia Foundation for the Humanities and Public Policy. All moneys shall be deposited into a special fund known as the Virginia Humanities Fund.

11. Voluntary contribution to the Center for Governmental Studies.

All moneys contributed shall be paid to the Center for Governmental Studies, a public service and research center of the University of Virginia. All moneys shall be deposited into a special fund known as the Governmental Studies Fund.

12. Voluntary contribution to the Law and Economics Center.

All moneys contributed shall be paid to the Law and Economics Center, a public service and research center of George Mason University. All moneys shall be deposited into a special fund known as the Law and Economics Fund.

13. Voluntary contribution to Children of America Finding Hope.

All moneys contributed shall be used by Children of America Finding Hope (CAFH) in its programs which are designed to reach children with emotional and physical needs.

14. Voluntary contribution to 4-H Educational Centers.

All moneys contributed shall be used by the 4-H Educational Centers throughout the Commonwealth for their (i) educational, leadership, and camping programs and (ii) operational and capital costs. The State Treasurer shall pay the moneys to the Virginia 4-H Foundation in Blacksburg, Virginia.

15. Voluntary contribution to promote organ and tissue donation.

a. All moneys contributed shall be used by the Virginia Transplant Council to assist in its statutory responsibility of promoting and coordinating educational and informational activities as related to the organ, tissue, and eye donation process and transplantation in the Commonwealth of Virginia.

b. All moneys shall be deposited into a special fund known as the Virginia Donor Registry and Public Awareness Fund. All moneys deposited in such fund shall be used by the Virginia Transplant Council for the purposes set forth herein.

16. Voluntary contributions to the Virginia War Memorial division of the Department of Veterans Services and the National D-Day Memorial Foundation.

All moneys contributed shall be used by the Virginia War Memorial division of the Department of Veterans Services and the National D-Day Memorial Foundation in their work through each of their respective memorials. The State Treasurer shall divide the moneys into two equal portions and pay one portion to the Virginia War Memorial division of the Department of Veterans Services and the other portion to the National D-Day Memorial Foundation.

17. Voluntary contribution to the Virginia Federation of Humane Societies.

All moneys contributed shall be paid to the Virginia Federation of Humane Societies to assist in its mission of saving, caring for, and finding homes for homeless animals.

18. Voluntary contribution to the Tuition Assistance Grant Fund.
- a. All moneys contributed shall be paid to the Tuition Assistance Grant Fund for use in providing monetary assistance to residents of the Commonwealth who are enrolled in undergraduate or graduate programs in private Virginia colleges.
- b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education for Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act (§ 23.1-628 et seq.).
19. Voluntary contribution to the Spay and Neuter Fund.
- All moneys contributed shall be paid to the Spay and Neuter Fund for use by localities in the Commonwealth for providing low-cost spay and neuter surgeries through direct provision or contract or each locality may make the funds available to any private, nonprofit sterilization program for dogs and cats in such locality. The Tax Commissioner shall determine annually the total amounts designated on all returns from each locality in the Commonwealth, based upon the locality that each filer who makes a voluntary contribution to the Fund lists as his permanent address. The State Treasurer shall pay the appropriate amount to each respective locality.
20. Voluntary contribution to the Virginia Commission for the Arts.
- All moneys contributed shall be paid to the Virginia Commission for the Arts.
21. Voluntary contribution for the Department of Emergency Management.
- All moneys contributed shall be paid to the Department of Emergency Management.
22. Voluntary contribution for the cancer centers in the Commonwealth.
- All moneys contributed shall be paid equally to all entities in the Commonwealth that officially have been designated as cancer centers by the National Cancer Institute.
23. Voluntary contribution to the Brown v. Board of Education Scholarship Program Fund.
- a. All moneys contributed shall be paid to the Brown v. Board of Education Scholarship Program Fund to support the work of and generate nonstate funds to maintain the Brown v. Board of Education Scholarship Program.
- b. All moneys shall be deposited into the Brown v. Board of Education Scholarship Program Fund as established in § 30-231.4.
- c. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education in accordance with and for the purposes provided in Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.
24. Voluntary contribution to the Martin Luther King, Jr. Living History and Public Policy Center.
- All moneys contributed shall be paid to the Board of Trustees of the Martin Luther King, Jr. Living History and Public Policy Center.
25. Voluntary contribution to the Virginia Caregivers Grant Fund.
- All moneys contributed shall be paid to the Virginia Caregivers Grant Fund established pursuant to § 63.2-2202.
26. Voluntary contribution to public library foundations.
- All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each public library foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective public library foundation.
27. Voluntary contribution to Celebrating Special Children, Inc.
- All moneys contributed shall be paid to Celebrating Special Children, Inc. and shall be deposited into a special fund known as the Celebrating Special Children, Inc. Fund.
28. Voluntary contributions to the Department for Aging and Rehabilitative Services.
- a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for providing Medicare Part D counseling to the elderly and disabled.
- b. All moneys shall be deposited into a special fund known as the Medicare Part D Counseling Fund. All moneys so deposited shall be used by the Department for Aging and Rehabilitative Services to provide counseling for the elderly and disabled concerning Medicare Part D. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to the subdivision to the Secretary of Health and Human Resources.
29. Voluntary contribution to community foundations.
- All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each community foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective community foundation. A "community foundation" shall be defined as any institution that meets the membership requirements for a community foundation established by

428 the Council on Foundations.

429 30. Voluntary contribution to the Virginia Foundation for Community College Education.

430 a. All moneys contributed shall be paid to the Virginia Foundation for Community College Education
431 for use in providing monetary assistance to Virginia residents who are enrolled in comprehensive
432 community colleges in Virginia.

433 b. All moneys shall be deposited into a special fund known as the Virginia Foundation for
434 Community College Education Fund. All moneys so deposited in the Fund shall be administered by the
435 Virginia Foundation for Community College Education in accordance with and for the purposes
436 provided under the Community College Incentive Scholarship Program (former § 23-220.2 et seq.).

437 31. Voluntary contribution to the Middle Peninsula Chesapeake Bay Public Access Authority.

438 All moneys contributed shall be paid to the Middle Peninsula Chesapeake Bay Public Access
439 Authority to be used for the purposes described in § 15.2-6601.

440 32. Voluntary contribution to the Breast and Cervical Cancer Prevention and Treatment Fund.

441 All moneys contributed shall be paid to the Breast and Cervical Cancer Prevention and Treatment
442 Fund established pursuant to § 32.1-368.

443 33. Voluntary contribution to the Virginia Aquarium and Marine Science Center.

444 All moneys contributed shall be paid to the Virginia Aquarium and Marine Science Center for use in
445 its mission to increase the public's knowledge and appreciation of Virginia's marine environment and
446 inspire commitment to preserve its existence.

447 34. Voluntary contribution to the Virginia Capitol Preservation Foundation.

448 All moneys contributed shall be paid to the Virginia Capitol Preservation Foundation for use in its
449 mission in supporting the ongoing restoration, preservation, and interpretation of the Virginia Capitol
450 and Capitol Square.

451 35. Voluntary contribution for the Secretary of Veterans and Defense Affairs.

452 All moneys contributed shall be paid to the Office of the Secretary of Veterans and Defense Affairs
453 for related programs and services.

454 C. Subject to the provisions of subsection A, the following voluntary contributions shall appear on
455 the individual income tax return and are eligible to receive tax refund contributions or by making
456 payment to the Department if the individual is not eligible to receive a tax refund pursuant to § 58.1-309
457 or if the amount of such tax refund is less than the amount of the voluntary contribution:

458 1. Voluntary contribution to the Family and Children's Trust Fund of Virginia.

459 All moneys contributed shall be paid to the Family and Children's Trust Fund of Virginia.

460 2. Voluntary Chesapeake Bay restoration contribution.

461 a. All moneys contributed shall be used to help fund Chesapeake Bay and its tributaries restoration
462 activities in accordance with tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of
463 Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the
464 Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and
465 any subsequent revisions thereof.

466 b. The Tax Commissioner shall annually determine the total amount of voluntary contributions and
467 shall report the same to the State Treasurer, who shall credit that amount to a special nonreverting fund
468 to be administered by the Office of the Secretary of Natural Resources. All moneys so deposited shall
469 be used for the purposes of providing grants for the implementation of tributary plans developed
470 pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed
471 Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection
472 Agency on November 29, 2010, and any subsequent revisions thereof.

473 c. No later than November 1 of each year, the Secretary of Natural Resources shall submit a report
474 to the House Committee on Agriculture, Chesapeake and Natural Resources; the Senate Committee on
475 Agriculture, Conservation and Natural Resources; the House Committee on Appropriations; the Senate
476 Committee on Finance; and the Virginia delegation to the Chesapeake Bay Commission, describing the
477 grants awarded from moneys deposited in the fund. The report shall include a list of grant recipients, a
478 description of the purpose of each grant, the amount received by each grant recipient, and an assessment
479 of activities or initiatives supported by each grant. The report shall be posted on a website maintained
480 by the Secretary of Natural Resources, along with a cumulative listing of previous grant awards
481 beginning with awards granted on or after July 1, 2014.

482 3. Voluntary Jamestown-Yorktown Foundation Contribution.

483 All moneys contributed shall be used by the Jamestown-Yorktown Foundation for the Jamestown
484 2007 quadricentennial celebration. All moneys shall be deposited into a special fund known as the
485 Jamestown Quadricentennial Fund. This subdivision shall be effective for taxable years beginning before
486 January 1, 2008.

487 4. State forests voluntary contribution.

488 a. All moneys contributed shall be used for the development and implementation of conservation and
489 education initiatives in the state forests system.

b. All moneys shall be deposited into a special fund known as the State Forests System Fund, established pursuant to § 10.1-1119.1. All moneys so deposited in such fund shall be used by the State Forester for the purposes set forth herein.

5. Voluntary contributions to Uninsured Medical Catastrophe Fund.

All moneys contributed shall be paid to the Uninsured Medical Catastrophe Fund established pursuant to § 32.1-324.2, such funds to be used for the treatment of Virginians sustaining uninsured medical catastrophes.

6. Voluntary contribution to local school divisions.

a. All moneys contributed shall be used by a specified local public school foundation as created by and for the purposes stated in § 22.1-212.2:2.

b. All moneys collected pursuant to subdivision 6 a or through voluntary payments by taxpayers designated for a local public school foundation over refundable amounts shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each public school foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective public school foundation.

c. In order for a public school foundation to be eligible to receive contributions under this section, school boards must notify the Department during the taxable year in which they want to participate prior to the deadlines and according to procedures established by the Tax Commissioner.

7. Voluntary contribution to Home Energy Assistance Fund.

All moneys contributed shall be paid to the Home Energy Assistance Fund established pursuant to § 63.2-805, such funds to be used to assist low-income Virginians in meeting seasonal residential energy needs.

8. Voluntary contribution to the Virginia Military Family Relief Fund.

a. All moneys contributed shall be paid to the Virginia Military Family Relief Fund for use in providing assistance to military service personnel on active duty and their families for living expenses including, but not limited to, food, housing, utilities, and medical services.

b. All moneys shall be deposited into a special fund known as the Virginia Military Family Relief Fund, established and administered pursuant to § 44-102.2.

9. Voluntary contribution to the Federation of Virginia Food Banks.

All moneys contributed shall be paid to the Federation of Virginia Food Banks, a Partner State Association of Feeding America. The Federation of Virginia Food Banks shall as soon as practicable make an equitable distribution of all such moneys to the Blue Ridge Area Food Bank, Capital Area Food Bank, Feeding America Southwest Virginia, FeedMore, Inc., Foodbank of Southeastern Virginia and the Eastern Shore, Fredericksburg Area Food Bank, or Virginia Peninsula Foodbank.

The Secretary of Finance may request records or receipts of all distributions by the Federation of Virginia Food Banks of such moneys contributed for purposes of ensuring compliance with the requirements of this subdivision.

D. Unless otherwise specified and subject to the requirements in § 58.1-344.2, all moneys collected for each entity in subsections B and C shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amount designated for each entity in subsections B and C on all individual income tax returns and shall report the same to the State Treasurer, who shall credit that amount to each entity's respective special fund.