

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Title 19.2 a chapter numbered 7.1, consisting of*  
3 *sections numbered 19.2-83.3, 19.2-83.4, and 19.2-83.5, relating to law-enforcement officer; failure to*  
4 *intervene in use of excessive force; penalties.*

5 [H 5029]

6 Approved

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

8 **1. That the Code of Virginia is amended by adding in Title 19.2 a chapter numbered 7.1,**  
9 **consisting of sections numbered 19.2-83.3, 19.2-83.4, and 19.2-83.5, as follows:**

10 **CHAPTER 7.1.**11 **LAW-ENFORCEMENT OFFICER CONDUCT DURING AN ARREST OR DETENTION.**12 **§ 19.2-83.3. Definitions.**13 *As used in this chapter, unless the context requires a different meaning:*

14 *"Excessive force" means any force that is objectively unreasonable given the totality of the*  
15 *circumstances, including the severity of the crime at issue, whether the suspect poses an immediate*  
16 *threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or*  
17 *attempting to evade arrest by flight.*

18 **§ 19.2-83.4. Failure of a law-enforcement officer to intervene in use of excessive force.**

19 *A. Any law-enforcement officer who, while in the performance of his official duties, witnesses another*  
20 *law-enforcement officer engaging or attempting to engage in the use of excessive force against another*  
21 *person shall intervene, when such intervention is feasible, to end the use of excessive force or attempted*  
22 *use of excessive force, or to prevent the further use of excessive force. A law-enforcement officer shall*  
23 *also render aid, as circumstances objectively permit, to any person injured as the result of the use of*  
24 *excessive force.*

25 *B. Any law-enforcement officer who intervenes pursuant to subsection A or who witnesses another*  
26 *law-enforcement officer engaging or attempting to engage in the use of excessive force against another*  
27 *person shall report such intervention or use of excessive force in accordance with the law-enforcement*  
28 *officer's employing agency's policies and procedures for reporting misconduct committed by a*  
29 *law-enforcement officer. No employing agency shall retaliate, threaten to retaliate, or take or threaten to*  
30 *take any disciplinary action against a law-enforcement officer who intervenes pursuant to subsection A*  
31 *or makes a report pursuant to this subsection.*

32 **§ 19.2-83.5. Penalties for violations of this chapter.**

33 *In addition to any other penalty authorized by law, any law-enforcement officer who knowingly*  
34 *violates the provisions of this chapter shall be subject to disciplinary action, including dismissal,*  
35 *demotion, suspension, or transfer of the law-enforcement officer or decertification as provided in*  
36 *subsection D of § 15.2-1707.*