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HOUSE BILL NO. 5049

Offered August 18, 2020

Prefiled August 17, 2020

A BILL to amend and reenact §§ 9.1-101, 9.1-102, 15.2-1123.1, and 18.2-312 of the Code of Virginia; to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 55.4, consisting of a section numbered 2.2-5515, and by adding sections numbered 15.2-1721.1 and 15.2-1722.2; and to repeal § 52-11.3 of the Code of Virginia, relating to acquisition and use of military property by law-enforcement agencies.

Patrons—Helmer, Samirah, Hayes, Rasoul, Adams, D.M., Ayala, Bourne, Carr, Cole, J.G., Gooditis, Guzman, Herring, Hope, Jenkins, Kory, Levine, Lopez, McQuinn, Price, Simonds, Subramanyam, Watts and Willett

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-101, 9.1-102, 15.2-1123.1, and 18.2-312 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 55.4, consisting of a section numbered 2.2-5515, and by adding sections numbered 15.2-1721.1 and 15.2-1722.2 as follows:

CHAPTER 55.4.

LIMITATION ON ACQUISITION OF MILITARY PROPERTY.

§ 2.2-5515. Acquisition of military property.

A. No agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 shall acquire, purchase, or otherwise accept on any terms (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers; (iv) standard issue military rifles; (v) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat from a surplus program operated by the federal government; or (vi) camouflage uniforms.

B. Any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 that has previously acquired any property listed in subsection A is prohibited from using such items unless such agency, director, or chief executive has received a waiver to use such items from the Department of Criminal Justice Services. Any waiver request made to the Department of Criminal Justice Services shall be limited to special weapons and tactics unit or other equivalent unit use only.

C. Any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 that requests property from a surplus program operated by the federal government shall publish a notice of such request on a publicly accessible website within 14 days after making the request.

D. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal property that is not specifically prohibited pursuant to subsection A from the federal government.

E. The provisions of this section shall not apply to the Virginia National Guard or Virginia Defense Force.

§ 9.1-101. Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

57 "Criminal history record information" means records and data collected by criminal justice agencies
58 on adult individuals consisting of identifiable descriptions and notations of arrests, detentions,
59 indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall
60 not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title
61 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional
62 status information.

63 "Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof
64 which as its principal function performs the administration of criminal justice and any other agency or
65 subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for
66 the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which,
67 within the context of its criminal justice activities, employs special conservators of the peace appointed
68 under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency
69 requires its officers or special conservators to meet compulsory training standards established by the
70 Criminal Justice Services Board and submits reports of compliance with the training standards and (b)
71 the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only
72 to the extent that the private corporation or agency so designated as a criminal justice agency performs
73 criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities
74 otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil
75 Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

76 "Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to
77 § 18.2-271.2.

78 "Criminal justice agency" includes the Department of Criminal Justice Services.

79 "Criminal justice agency" includes the Virginia Criminal Sentencing Commission.

80 "Criminal justice agency" includes the Virginia State Crime Commission.

81 "Criminal justice information system" means a system including the equipment, facilities, procedures,
82 agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of
83 criminal history record information. The operations of the system may be performed manually or by
84 using electronic computers or other automated data processing equipment.

85 "Department" means the Department of Criminal Justice Services.

86 "Dissemination" means any transfer of information, whether orally, in writing, or by electronic
87 means. The term shall not include access to the information by officers or employees of a criminal
88 justice agency maintaining the information who have both a need and right to know the information.

89 "Law-enforcement officer" means any full-time or part-time employee of a police department or
90 sheriff's office which is a part of or administered by the Commonwealth or any political subdivision
91 thereof, or any full-time or part-time employee of a private police department, and who is responsible
92 for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of
93 the Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control
94 Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia
95 Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement
96 division of the Department of Wildlife Resources; (v) investigator who is a sworn member of the
97 security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and
98 Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement
99 division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection
100 police officer employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under
101 Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; (x) member of the investigations unit
102 designated by the State Inspector General pursuant to § 2.2-311 to investigate allegations of criminal
103 behavior affecting the operations of a state or nonstate agency; (xi) employee with internal investigations
104 authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 or by the
105 Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3; or (xii) private police officer
106 employed by a private police department. Part-time employees are those compensated officers who are
107 not full-time employees as defined by the employing police department, sheriff's office, or private police
108 department.

109 "Private police department" means any police department, other than a department that employs
110 police agents under the provisions of § 56-353, that employs private police officers operated by an entity
111 authorized by statute or an act of assembly to establish a private police department or such entity's
112 successor in interest, provided it complies with the requirements set forth herein. No entity is authorized
113 to operate a private police department or represent that it is a private police department unless such
114 entity has been authorized by statute or an act of assembly or such entity is the successor in interest of
115 an entity that has been authorized pursuant to this section, provided it complies with the requirements
116 set forth herein. The authority of a private police department shall be limited to real property owned,
117 leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous
118 property; such authority shall not supersede the authority, duties, or jurisdiction vested by law with the

119 local police department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The
 120 chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum
 121 of understanding with the private police department that addresses the duties and responsibilities of the
 122 private police department and the chief law-enforcement officer in the conduct of criminal investigations.
 123 Private police departments and private police officers shall be subject to and comply with the
 124 Constitution of the United States; the Constitution of Virginia; the laws governing municipal police
 125 departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721,
 126 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Board that the Department designates as
 127 applicable to private police departments. Any person employed as a private police officer pursuant to
 128 this section shall meet all requirements, including the minimum compulsory training requirements, for
 129 law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits
 130 under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a
 131 "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of
 132 the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed
 133 an employee of the Commonwealth or any locality. An authorized private police department may use the
 134 word "police" to describe its sworn officers and may join a regional criminal justice academy created
 135 pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in
 136 existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and
 137 whose status as a private police department was recognized by the Department at that time is hereby
 138 validated and may continue to operate as a private police department as may such entity's successor in
 139 interest, provided it complies with the requirements set forth herein.

140 "School resource officer" means a certified law-enforcement officer hired by the local
 141 law-enforcement agency to provide law-enforcement and security services to Virginia public elementary
 142 and secondary schools.

143 "School security officer" means an individual who is employed by the local school board or a private
 144 or religious school for the singular purpose of maintaining order and discipline, preventing crime,
 145 investigating violations of the policies of the school board or the private or religious school, and
 146 detaining students violating the law or the policies of the school board or the private or religious school
 147 on school property, school buses, or at school-sponsored events and who is responsible solely for
 148 ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned
 149 school.

150 "Unapplied criminal history record information" means information pertaining to criminal offenses
 151 submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history
 152 record of an arrested or convicted person (i) because such information is not supported by fingerprints
 153 or other accepted means of positive identification or (ii) due to an inconsistency, error, or omission
 154 within the content of the submitted information.

155 **§ 9.1-102. Powers and duties of the Board and the Department.**

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

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

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

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

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

173 5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize
 174 radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in
 175 § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum
 176 qualifications for certification and recertification of instructors who provide such training;

177 6. [Repealed];

178 7. Establish compulsory minimum entry-level, in-service and advanced training standards for those
 179 persons designated to provide courthouse and courtroom security pursuant to the provisions of

180 § 53.1-120, and to establish the time required for completion of such training;

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

184 9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as
185 the time required for completion of such training, for persons employed as deputy sheriffs and jail
186 officers by local criminal justice agencies and correctional officers employed by the Department of
187 Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of
188 Corrections, such standards shall include training on the general care of pregnant women, the impact of
189 restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary
190 confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

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

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

198 12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state
199 and federal governmental agencies, and institutions of higher education within or outside the
200 Commonwealth, concerning the development of police training schools and programs or courses of
201 instruction;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

294 e. Communication of death notifications;

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

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

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

302 i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of

303 human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or
304 street patrol duties; and

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

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

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

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

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

329 42. Establish, in consultation with the Department of Education and the Virginia State Crime
330 Commission, compulsory minimum standards for employment and job-entry and in-service training
331 curricula and certification requirements for school security officers, including school security officers
332 described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the
333 Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards
334 shall be specific to the role and responsibility of school security officers and shall include (i) relevant
335 state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school
336 environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical
337 alternative to restraint; (v) disaster and emergency response; (vi) awareness of cultural diversity and
338 implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse
339 disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and
340 adolescent development and brain research. The Department shall establish an advisory committee
341 consisting of local school board representatives, principals, superintendents, and school security
342 personnel to assist in the development of the standards and certification requirements in this subdivision.
343 The Department shall require any school security officer who carries a firearm in the performance of his
344 duties to provide proof that he has completed a training course provided by a federal, state, or local
345 law-enforcement agency that includes training in active shooter emergency response, emergency
346 evacuation procedure, and threat assessment;

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

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

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

353 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula,
354 and (iii) certification requirements for campus security officers. Such training standards shall include, but
355 not be limited to, the role and responsibility of campus security officers, relevant state and federal laws,
356 school and personal liability issues, security awareness in the campus environment, and disaster and
357 emergency response. The Department shall provide technical support and assistance to campus police
358 departments and campus security departments on the establishment and implementation of policies and
359 procedures, including but not limited to: the management of such departments, investigatory procedures,
360 judicial referrals, the establishment and management of databases for campus safety and security
361 information sharing, and development of uniform record keeping for disciplinary records and statistics,
362 such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an
363 advisory committee consisting of college administrators, college police chiefs, college security
364 department chiefs, and local law-enforcement officials to assist in the development of the standards and

365 certification requirements and training pursuant to this subdivision;
366 47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established
367 pursuant to § 9.1-187;

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

371 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of
372 § 46.2-117;

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

376 51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to
377 private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

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

381 53. In consultation with the Department of Behavioral Health and Developmental Services, develop a
382 model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers,
383 administrators, or superintendents in any local or regional jail. Such program shall be based on any
384 existing addiction recovery programs that are being administered by any local or regional jails in the
385 Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such
386 program may address aspects of the recovery process, including medical and clinical recovery,
387 peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of
388 the recovery process;

389 54. Establish compulsory minimum training standards for certification and recertification of
390 law-enforcement officers serving as school resource officers. Such training shall be specific to the role
391 and responsibility of a law-enforcement officer working with students in a school environment and shall
392 include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security
393 awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation
394 techniques; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias;
395 (vii) working with students with disabilities, mental health needs, substance abuse disorders, or past
396 traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent
397 development and brain research;

398 55. Establish a model policy for the operation of body-worn camera systems as defined in
399 § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

400 56. Establish compulsory minimum training standards for detector canine handlers employed by the
401 Department of Corrections, standards for the training and retention of detector canines used by the
402 Department of Corrections, and a central database on the performance and effectiveness of such detector
403 canines that requires the Department of Corrections to submit comprehensive information on each canine
404 handler and detector canine, including the number and types of calls and searches, substances searched
405 for and whether or not detected, and the number of false positives, false negatives, true positives, and
406 true negatives;

407 57. Establish compulsory training standards for basic training of law-enforcement officers for
408 recognizing and managing stress, self-care techniques, and resiliency; ~~and~~

409 58. *Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for*
410 *law-enforcement agencies to use certain military property. Any waivers granted shall be published by*
411 *the Department on the Department's website; and*

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

414 **§ 15.2-1123.1. Lynchburg Regional Airport police department.**

415 The City of Lynchburg may by ordinance establish an airport police department at the Lynchburg
416 Regional Airport. The authority of the airport police department shall be limited to real property owned,
417 leased, or controlled by the Airport. Such authority shall not supersede the authority, duties, or
418 jurisdiction vested by law with the local police department or sheriff's office, including as provided in
419 §§ 15.2-1609 and 15.2-1704. The airport police department and airport police officers shall be subject to
420 and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing
421 municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708,
422 15.2-1719, 15.2-1721, 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Criminal Justice
423 Services Board that the Department of Criminal Justice Services designates as applicable to private
424 police departments. Any person employed as an airport police officer pursuant to this section shall meet
425 all requirements, including the minimum compulsory training requirements, for law-enforcement officers

426 pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1. An airport police officer is not entitled to benefits
 427 under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a
 428 "qualified law-enforcement officer" or "qualified retired law-enforcement officer" within the meaning of
 429 the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an
 430 employee of the Commonwealth. The airport police department may use the word "police" to describe
 431 its sworn officers and may join a regional criminal justice academy created pursuant to Article 5
 432 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2.

433 **§ 15.2-1721.1. Acquisition of military property by localities.**

434 A. No locality, sheriff, chief of police, or director or chief executive of any agency or department
 435 employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101, or any public or private
 436 institution of higher education that has established a campus police department pursuant to Article 3
 437 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 shall acquire, purchase, or otherwise accept on any terms
 438 (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are
 439 combat-coded and have no established commercial flight application; (iii) grenades or similar explosives
 440 or grenade launchers; (iv) standard issue military rifles; (v) armored multi-wheeled vehicles that are
 441 mine-resistant, ambush-protected, and configured for combat from a surplus program operated by the
 442 federal government; or (vi) camouflage uniforms.

443 B. Any locality, sheriff, chief of police, or director or chief executive of any agency or department
 444 employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 that has previously
 445 acquired any property listed in subsection A is prohibited from using such items unless such locality,
 446 sheriff, chief of police, or director or chief executive has received a waiver to use such items from the
 447 Department of Criminal Justice Services. Any waiver request made to the Department of Criminal
 448 Justice Services shall be limited to special weapons and tactics unit or other equivalent unit use only.

449 C. Any locality, sheriff, chief of police, or director or chief executive of any agency or department
 450 employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 that requests property
 451 from a surplus program operated by the federal government shall publish a notice of such request on a
 452 publicly accessible website within 14 days after making the request.

453 D. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise
 454 acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any
 455 personal property that is not specifically prohibited pursuant to subsection A from the federal
 456 government.

457 **§ 15.2-1722.2. Prohibition on the use of kinetic energy munitions by law-enforcement officers.**

458 A. As used in this section, "kinetic energy munitions" includes impact rounds and baton rounds, such
 459 as rubber batons, bean bag rounds, foam baton rounds, and plastic, wax, wood, or rubber-coated
 460 projectiles.

461 B. The use of kinetic energy munitions by a law-enforcement officer as defined in § 9.1-101 is
 462 prohibited.

463 C. In addition to any other penalty authorized by law, a violation of this section is grounds for
 464 disciplinary action against the law-enforcement officer, including dismissal, demotion, suspension, or
 465 transfer of the law-enforcement officer.

466 **§ 18.2-312. Illegal use of tear gas, phosgene and other gases; penalty.**

467 A. If any person maliciously release or cause or procure releases or causes or procures to be
 468 released in any private home, place of business, or place of public gathering any tear gas, mustard gas,
 469 phosgene gas, or other noxious or nauseating gases or mixtures of chemicals designed to, produce and
 470 capable of, producing vile or injurious or nauseating odors or gases; and bodily injury results to any
 471 person from such gas or odor, the offending person shall be is guilty of a Class 3 felony.

472 If such act be is done unlawfully, but not maliciously, the offending person shall be is guilty of a
 473 Class 6 felony.

474 Nothing herein contained shall prevent the use of tear gas or other gases by police officers or other
 475 peace officers in the proper performance of their duties, or by any person or persons in the protection of
 476 person, life or property.

477 B. Law-enforcement officers as defined in § 9.1-101 may only use crowd control measures that are
 478 not prohibited for use by military forces under the Convention on the Prohibition of the Development,
 479 Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

480 **2. That § 52-11.3 of the Code of Virginia is repealed.**

481 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**
 482 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**
 483 **necessary appropriation cannot be determined for periods of imprisonment in state adult**
 484 **correctional facilities; therefore, Chapter 1289 of the Acts of Assembly of 2020 requires the**
 485 **Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant**
 486 **to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0**
 487 **for periods of commitment to the custody of the Department of Juvenile Justice.**

- 488 4. That the Department of Criminal Justice Services shall promulgate regulations to implement the
489 provisions of this act to be effective within 280 days of its enactment.
490 5. That this act shall be referred to as the Best Equipment for Law-Enforcement Act.

INTRODUCED

HB5049