20201185D

HOUSE BILL NO. 5069

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary on September 16, 2020)

(Patron Prior to Substitute—Delegate Carroll Foy)

A BILL to amend the Code of Virginia by adding in Title 19.2 a chapter numbered 7.1, consisting of sections numbered 19.2-83.3, 19.2-83.4, and 19.2-83.5, relating to law-enforcement officers; prohibition on the use of neck restraints.

Be it enacted by the General Assembly of Virginia:

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

CHAPTER 7.1.

LAW-ENFORCEMENT OFFICER CONDUCT DURING AN ARREST OR DETENTION.

§ 19.2-83.3. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Neck restraint" means the use of any body part or object to attempt to control or disable a person by applying pressure against the neck, including the trachea or carotid artery, with the purpose, intent, or effect of controlling or restricting the person's movement or restricting the person's blood flow or breathing, including chokeholds, carotid restraints, and lateral vascular neck restraints.

§ 19.2-83.4. Prohibited practices for law-enforcement officers during an arrest or detention.

The use of a neck restraint by a law-enforcement officer is prohibited unless the use of a neck restraint is immediately necessary to protect the law-enforcement officer or another person.

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

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