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HOUSE BILL NO. 5108

Offered August 21, 2020

A BILL to amend and reenact §§ 9.1-107, 9.1-108, and 9.1-112 of the Code of Virginia, relating to the Criminal Justice Services Board; Committee on Training; membership and responsibilities.

Patrons—Guzman, Gooditis, Guy, Willett, Adams, D.M., Aird, Bourne, Carr, Carroll Foy, Cole, J.G., Filler-Corn, Hayes, Helmer, Herring, Hope, Keam, Kory, Levine, Lindsey, Lopez, McQuinn, Plum, Price, Rasoul, Sickles, Simonds and Subramanyam; Senator: McClellan

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-107, 9.1-108, and 9.1-112 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-107. Powers and duties of Director.

A. The Director shall be charged with executive and administrative responsibility to (i) carry out the specific duties imposed on the Department under § 9.1-102 and (ii) maintain appropriate liaison with federal, state and local agencies and units of government, or combinations thereof, in order that all programs, projects and activities for strengthening and improving law enforcement and the administration of criminal justice may function effectively at all levels of government.

B. In addition, the Director shall have the power and duty to:

1. Accept grants from the United States government and agencies and instrumentalities thereof, and any other source. To these ends, the Department shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable.

2. In accordance with the standards of classification of the Personnel Act (§ 2.2-2900 et seq.), employ and fix the salaries of Department personnel and enter into contracts for services necessary in the performance of the Department's functions.

3. Do all acts necessary or convenient to carry out the purpose of this chapter and to assist the Board in carrying out its responsibilities under § 9.1-102.

4. *Be the policy maker responsible to the Board for effecting the provisions of subdivisions 2 through 17 of § 9.1-102 and any other compulsory training standards established by the Department under § 9.1-102.*

C. The Director shall be the Executive Director of the Board, but shall not be a member of the Board.

§ 9.1-108. Criminal Justice Services Board membership; terms; vacancies; members not disqualified from holding other offices; designation of chairmen; meetings; compensation.

A. The Criminal Justice Services Board is established as a policy board within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of 29 30 members as follows: the Chief Justice of the Supreme Court of Virginia, or his designee; the Attorney General or his designee; the Superintendent of the Department of State Police; the Director of the Department of Corrections; the Director of the Department of Juvenile Justice; the Chairman of the Parole Board; the Executive Director of the Virginia Indigent Defense Commission or his designee; and the Executive Secretary of the Supreme Court of Virginia. In those instances in which the Executive Secretary of the Supreme Court of Virginia, the Superintendent of the Department of State Police, the Director of the Department of Corrections, the Director of the Department of Juvenile Justice, or the Chairman of the Parole Board will be absent from a Board meeting, he may appoint a member of his staff to represent him at the meeting.

~~Seventeen~~ Eighteen members shall be appointed by the Governor from among citizens of the Commonwealth. At least one shall be a representative of a crime victims' organization or a victim of crime as defined in subsection B of § 19.2-11.01, ~~and one two shall represent community interests be representatives of a civil rights organization, two shall be representatives of community interests of minorities from one of the four groups of minority individuals defined in subsection F of § 2.2-4310, and one shall be a representative from a mental health service provider as defined in § 54.1-2400.1.~~

The remainder shall be representative of the broad categories of state and local governments, criminal justice systems, and law-enforcement agencies, including but not limited to, police officials, sheriffs, attorneys for the Commonwealth, defense counsel, the judiciary, correctional and rehabilitative activities, and other locally elected and appointed administrative and legislative officials. Among these members there shall be ~~two sheriffs~~ one sheriff representing the Virginia Sheriffs' Association selected from among names submitted by the Association; one member who is an active duty law-enforcement officer

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57 appointed after consideration of the names, if any, submitted by police or fraternal associations that have
58 memberships of at least 1,000; ~~two representatives~~ *one representative* of the Virginia Association of
59 Chiefs of Police appointed after consideration of the names submitted by the Association, if any; one
60 attorney for the Commonwealth appointed after consideration of the names submitted by the Virginia
61 Association of Commonwealth's Attorneys, if any; one person who is a mayor, city or town manager, or
62 member of a city or town council representing the Virginia Municipal League appointed after
63 consideration of the names submitted by the League, if any; one person who is a county executive,
64 manager, or member of a county board of supervisors representing the Virginia Association of Counties
65 appointed after consideration of the names submitted by the Association, if any; one member
66 representing the Virginia Association of Campus Law Enforcement Administrators appointed after
67 consideration of the names submitted by the Association, if any; one member of the Private Security
68 Services Advisory Board; and one representative of the Virginia Association of Regional Jails appointed
69 after consideration of the names submitted by the Association, if any.

70 Four members of the Board shall be members of the General Assembly appointed as follows: one
71 member of the House Committee on Appropriations appointed by the Speaker of *the* House of Delegates
72 after consideration of the recommendation by the committee's chairman; one member of the House
73 Committee for Courts of Justice appointed by the Speaker of the House of Delegates after consideration
74 of the recommendation by the committee's chairman; one member of the Senate Committee on Finance
75 *and Appropriations* appointed by the Senate Committee on Rules after consideration of the
76 recommendation of the chairman of the Senate Committee on Finance *and Appropriations*; and one
77 member of the Senate Committee ~~for Courts of Justice~~ *on the Judiciary* appointed by the Senate
78 Committee on Rules after consideration of the recommendation of the chairman of the Senate
79 Committee ~~for Courts of Justice~~ *on the Judiciary*. The legislative members shall serve for terms
80 coincident with their terms of office and shall serve as ex officio, nonvoting members. Legislative
81 members may be reappointed for successive terms.

82 B. The members of the Board appointed by the Governor shall serve for terms of four years,
83 provided that no member shall serve beyond the time when he holds the office or employment by
84 reason of which he was initially eligible for appointment. Gubernatorial appointed members of the Board
85 shall not be eligible to serve for more than two consecutive full terms. Three or more years within a
86 four-year period shall be deemed a full term. Any vacancy on the Board shall be filled in the same
87 manner as the original appointment, but for the unexpired term.

88 C. The Governor shall appoint a chairman of the Board for a two-year term. No member shall be
89 eligible to serve more than two consecutive terms as chairman. The Board shall designate one or more
90 vice-chairmen from among its members, who shall serve at the pleasure of the Board.

91 D. Notwithstanding any provision of any statute, ordinance, local law, or charter provision to the
92 contrary, membership on the Board shall not disqualify any member from holding any other public
93 office or employment, or cause the forfeiture thereof.

94 E. The Board shall hold no less than four regular meetings a year. Subject to the requirements of this
95 subsection, the chairman shall fix the times and places of meetings, either on his own motion or upon
96 written request of any five members of the Board.

97 F. The Board may adopt bylaws for its operation.

98 G. Legislative members of the Board shall receive such compensation as provided in § 30-19.12 and
99 nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for the
100 performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses
101 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the
102 costs of compensation and expenses of the members shall be provided by the Department of Criminal
103 Justice Services.

104 **§ 9.1-112. Committee on Training; membership.**

105 There is created a permanent Committee on Training ~~under the Board that shall be the policy-making~~
106 ~~body~~ *serve as the advisory board* responsible to the ~~Board~~ *Department of Criminal Justice Services* for
107 effecting the provisions of subdivisions 2 through 17 of § 9.1-102. The Committee on Training shall be
108 composed of 15 members of the Board as follows: the Superintendent of the Department of State Police;
109 the Director of the Department of Corrections; a member of the Private Security Services Advisory
110 Board; the Executive Secretary of the Supreme Court of Virginia; ~~two sheriffs~~ *one sheriff* representing
111 the Virginia State ~~Sheriffs' Association~~ *Sheriffs' Association*; ~~two representatives~~ *one representative* of the Virginia
112 Association of Chiefs of Police ~~Association~~; the active-duty law-enforcement officer representing police
113 and fraternal associations; the attorney for the Commonwealth representing the Virginia Association of
114 Commonwealth's Attorneys; *one representative of the Virginia Indigent Defense Commission*; a
115 representative of the Virginia Municipal League; a representative of the Virginia Association of
116 Counties; *a representative from a mental health service provider as defined in § 54.1-2400.1*; a regional
117 jail superintendent representing the Virginia Association of Regional Jails; one citizen *representing a*
118 *civil rights organization*; and one citizen representing community interests; ~~and one member designated~~

119 by the chairman of the Board from among the other appointments made by the Governor of minorities
120 from one of the four groups of minority individuals defined in subsection F of § 2.2-4310.

121 The Committee on Training shall annually elect its chairman from among its members.

122 The Committee on Training may appoint curriculum review committees to assist the Committee on
123 Training in carrying out its duties under this section. Any curriculum review committee shall be
124 composed of nine members appointed by the Committee on Training. At least one member shall be a
125 representative of a regional criminal justice academy, one member shall be a representative of an
126 independent criminal justice academy, and one member shall be a representative of a community-based
127 organization. The remainder shall be selected after consideration of names submitted by the Department
128 of individuals with relevant experience.

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