

20200610D

HOUSE BILL NO. 5112

Offered August 21, 2020

A BILL to amend and reenact § 52-30.1 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 15.2-1704.1 and 15.2-1704.2, relating to law-enforcement officer; duty to render aid; duty to report wrongdoing by another law-enforcement officer; penalty.

Patrons—Levine, Bulova, Convirs-Fowler, Adams, D.M., Ayala, Bourne, Carr, Carroll Foy, Carter, Cole, J.G., Gooditis, Guzman, Hayes, Herring, Hope, Jenkins, Kory, Lopez, McQuinn, Plum, Price, Rasoul, Samirah, Scott, Sickles, Simonds, Subramanyam and Willett

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 52-30.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 15.2-1704.1 and 15.2-1704.2 as follows:

§ 15.2-1704.1. Duty to render aid for a life-threatening condition.

A. Any law-enforcement officer as defined in § 9.1-101 who witnesses another person suffering from a serious bodily injury or a life-threatening condition shall render aid, as circumstances objectively permit, to such person.

B. Any law-enforcement officer on duty who fails to render aid pursuant to subsection A shall be subject to disciplinary action, including dismissal, demotion, suspension, or transfer of the law-enforcement officer.

§ 15.2-1704.2. Duty to report wrongdoing committed by another law-enforcement officer.

A. As used in this section:

"Law-enforcement officer" means the same as that term is defined in § 9.1-101.

"Wrongdoing" means a violation, which is not of a merely technical or minimal nature, of a federal or state law or regulation, local ordinance, or rule of an officer's law-enforcement agency designed to protect the interests of the public and includes bias-based profiling as defined in § 52-30.1.

B. Any law-enforcement officer who witnesses any wrongdoing committed by another law-enforcement officer or has a good faith reasonable belief that another law-enforcement officer committed wrongdoing shall report such wrongdoing to his supervisor or other supervisory law-enforcement officer in accordance with such law-enforcement officer's employing agency's policies and procedures for reporting such acts committed by a law-enforcement officer.

C. In addition to any other penalty authorized by law, any law-enforcement officer who fails to report such wrongdoing as required by subsection B shall be subject to disciplinary action, including dismissal, demotion, suspension, or transfer of the law-enforcement officer.

D. In addition to any other penalty authorized by law, the failure of a law-enforcement officer, who has actual knowledge of the commission on duty of a criminal offense by another law-enforcement officer, to report such wrongdoing as required by subsection B is punishable as a Class 1 misdemeanor.

E. It shall be the duty of all law-enforcement officers to cooperate fully with persons lawfully assigned to conduct investigations into wrongdoing. All such officers shall truthfully answer all questions directed to them by investigators, supervisors, or commanders and shall give all pertinent information of which they may have knowledge that is related to the investigation in question. No law-enforcement officer shall encourage any person to withhold information or to provide untruthful information during any investigation. In addition to any other penalty authorized by law, any law-enforcement officer who violates this subsection shall be subject to disciplinary action, including dismissal, demotion, suspension, or transfer of the law-enforcement officer.

§ 52-30.1. Definition.

For purposes of this chapter, unless the context requires a different meaning, "bias-based profiling" means actions of a law-enforcement officer that are based solely on the real or perceived race, ethnicity, age, gender, sexual orientation, gender identity, or any combination thereof, or other noncriminal characteristics of an individual, except when such characteristics are used in combination with other identifying factors in seeking to apprehend a suspect who matches a specific description.

INTRODUCED

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