

# 2020 SPECIAL SESSION I

INTRODUCED

20200054D

## SENATE BILL NO. 5049

Offered August 18, 2020

Prefiled August 17, 2020

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-51.8, relating to law-enforcement officers; prohibition on the use of neck restraints.*

Patrons—Morrissey and McClellan; Delegate: Kory

Referred to Committee on the Judiciary

### Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-51.8 as follows:

**§ 18.2-51.8. Prohibition on the use of neck restraints by law-enforcement officers.**

A. As used in this section, "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.

B. Any law-enforcement officer, as defined in § 9.1-101, who uses a neck restraint in the performance of his office duties is guilty of a Class 1 misdemeanor.

A violation of this section shall constitute a separate and distinct offense. If the acts or activities violating this section also violate another provision of law, a prosecution under this section shall not prohibit or bar any prosecution or proceeding under such other provision or the imposition of any penalties provided for thereby.

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