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SENATE BILL NO. 821

Offered January 11, 2023

Prefiled December 20, 2022

A BILL to amend and reenact §§ 19.2-83.1, 19.2-291.1, and 60.2-114 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 22.1-23.4 and 22.1-68.1, relating to reports of certain arrests and convictions of certain individuals to division superintendents; employment verification; method of submission; compilation.

Patrons—Surovell; Delegate: Kory

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-83.1, 19.2-291.1, and 60.2-114 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 22.1-23.4 and 22.1-68.1 as follows:

§ 19.2-83.1. Report of arrest of school employees and adult students for certain offenses.

A. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony, upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or any other employee in any ~~public~~ local school division in ~~this~~ the Commonwealth for a felony or a Class 1 misdemeanor or an equivalent offense in another state, shall file a report of such arrest with the division superintendent of the employing division as soon as practicable *but no later than 48 hours after such arrest*. The contents of the report required pursuant to this ~~section~~ subsection shall be utilized by the local school division solely to implement the provisions of subsection B of § 22.1-296.2 and § 22.1-315.

B. *The report required pursuant to subsection A shall be transmitted (i) via certified mail, return receipt requested, to the mailing address identified by the division superintendent pursuant to § 22.1-68.1 or (ii) to the fax number and email address identified by the division superintendent pursuant to § 22.1-68.1. Any certified mail return receipt shall be retained in the case file.*

C. *Each arresting official shall request in writing that the Virginia Employment Commission provide the name of the current employer of each person arrested for an offense set forth in § 9.1-902 for purposes of determining whether notice is required pursuant to subsection A.*

D. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony, shall file a report, as soon as practicable, with the division superintendent of the school division in which the student is enrolled upon arresting a person who is known or discovered by the arresting official to be a student age 18 or older in any ~~public~~ local school division in ~~this~~ the Commonwealth for:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;

2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;

4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;

8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;

9. Robbery pursuant to § 18.2-58;

10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;

11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3;

12. An act of violence by a mob pursuant to § 18.2-42.1; or

13. Abduction of any person pursuant to § 18.2-47 or 18.2-48.

§ 19.2-291.1. Report of conviction of school employees for certain offenses.

A. The clerk of any circuit court or any district court in the Commonwealth shall report to the Superintendent of Public Instruction and the division superintendent of any employing school division the conviction of any person, known by such clerk to hold a license issued by the Board of Education,

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59 for any felony involving the sexual molestation, physical or sexual abuse, or rape of a child or; any
60 felony involving drugs pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2; or any
61 felony set forth in Article 3 (§ 18.2-346 et seq.) of Chapter 8 of Title 18.2 as soon as practicable but no
62 later than seven days after the order convicting the defendant is signed.

63 B. The report required pursuant to subsection A shall be transmitted (i) via certified mail, return
64 receipt requested, to the mailing address identified by the division superintendent pursuant to
65 § 22.1-68.1 or (ii) to the fax number and email address identified by the division superintendent
66 pursuant to § 22.1-68.1. Any certified mail return receipt shall be retained in the case file.

67 **§ 22.1-23.4. Receipt of certain reports by division superintendents; compilation.**

68 The Department shall compile and make publicly available on its website a list of the fax numbers,
69 email addresses, and mailing addresses identified by each division superintendent for the receipt of
70 reports as set forth in § 22.1-68.1.

71 **§ 22.1-68.1. Receipt of certain reports.**

72 Each division superintendent shall identify, update as necessary, and make available to the
73 Department and to other appropriate individuals a fax number, an email address, and a mailing address
74 at which the division superintendent will receive the reports required to be transmitted pursuant to
75 subsection A of § 19.2-83.1 and subsection A of § 19.2-291.1.

76 **§ 60.2-114. Records and reports.**

77 A. Each employing unit shall keep true and accurate work records, containing such information as
78 the Commission may prescribe. Such records shall be open to inspection and be subject to being copied
79 by the Commission or its authorized representatives at any reasonable time and as often as may be
80 necessary. The Commission may require from any employing unit any sworn or unsworn reports, with
81 respect to persons employed by it, which the Commission deems necessary for the effective
82 administration of this title. Information thus obtained shall not be published or be open to public
83 inspection, other than to public employees in the performance of their public duties, in any manner
84 revealing the employing unit's identity, except as the Commissioner or his delegates deem appropriate,
85 nor shall such information be used in any judicial or administrative proceeding other than one arising
86 out of the provisions of this title; however, the Commission shall make its records about a claimant
87 available to the Workers' Compensation Commission if it requests such records. However, any claimant
88 at a hearing before an appeal tribunal or the Commission shall be supplied with information from such
89 records to the extent necessary for the proper presentation of his claim. Notwithstanding other provisions
90 of this section, the Commissioner, or his delegate, may, in his discretion, reveal information when such
91 communication is not inconsistent with the proper administration of this title.

92 B. Notwithstanding the provisions of subsection A, the Commission shall, on a reimbursable basis,
93 furnish wage and unemployment compensation information contained in its records to the Secretary of
94 Health and Human Services and the Division of Child Support Enforcement of the Department of Social
95 Services for their use as necessary for the purposes of the National Directory of New Hires established
96 under § 453(i) of the Social Security Act.

97 C. Notwithstanding the provisions of subsection A, the Commission shall, upon written request,
98 furnish:

99 1. Any agency or political subdivision of the Commonwealth, or its designated agent, such
100 information as it may require for the purpose of collecting fines, penalties, and costs owed to the
101 Commonwealth or its political subdivisions. Such information shall not be published or used in any
102 administrative or judicial proceeding, except in matters arising out of the collection of fines, penalties,
103 and costs owed to the Commonwealth or its political subdivisions; and

104 2. The Virginia Economic Development Partnership Authority such information as it may require to
105 facilitate the administration and enforcement by the Authority of performance agreements with
106 businesses that have received incentive awards. Any information provided to the Authority under this
107 subdivision shall be confidential pursuant to 20 C.F.R. Part 603 and shall only be disclosed to members
108 of the Authority who are public officials or employees of the Authority for the performance of their
109 official duties. No public official or employee shall redisclose any confidential information obtained
110 pursuant to this subdivision to nonlegislative citizen members of the Authority or to the public. Any
111 information so provided shall be used by the Authority solely for the purpose of verifying employment
112 and wage claims of those businesses that have received incentive awards; and

113 3. An arresting official such information as he may require to comply with the provisions of
114 § 19.2-83.1. Such information shall not be published or used in any administrative or judicial
115 proceeding.

116 D. Each employing unit shall report to the Virginia New Hire Reporting Center the employment of
117 any newly hired employee in compliance with § 63.2-1946.

118 E. Any member or employee of the Commission and any member, employee, or agent of any agency
119 or political subdivision of the Commonwealth who violates any provision of this section shall be guilty
120 of a Class 2 misdemeanor.

121 2. That the provisions of subsection C of § 19.2-83.1 of the Code of Virginia, as created by this act,
122 and the provisions of § 60.2-114 of the Code of Virginia, as amended by this act, shall expire on
123 July 1, 2027.

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