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SENATE BILL NO. 910

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 26, 2023)

(Patron Prior to Substitute—Senator Newman)

A *BILL to amend and reenact § 23.1-805 of the Code of Virginia, relating to public institutions of higher education; threat assessment teams; powers and duties.*

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-805 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-805. Violence prevention committee; threat assessment team.

A. Each public institution of higher education shall establish policies and procedures for the prevention of violence on campus, including assessment of and intervention with individuals whose behavior poses a threat to the safety of the campus community.

B. The governing board of each public institution of higher education shall determine a violence prevention committee structure on campus composed of individuals charged with education on and prevention of violence on campus. Each violence prevention committee shall include representatives from student affairs, law enforcement, human resources, counseling services, residence life, and other constituencies as needed and shall consult with legal counsel as needed. Each violence prevention committee shall develop a clear statement of mission, membership, and leadership. Such statement shall be published and made available to the campus community.

C. Each violence prevention committee shall (i) provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a physical threat to the community; (ii) identify members of the campus community to whom threatening behavior should be reported; (iii) establish policies and procedures that outline circumstances under which all faculty and staff are required to report behavior that may represent a physical threat to the community, provided that such report is consistent with state and federal law; and (iv) establish policies and procedures for (a) the assessment of individuals whose behavior may present a threat, (b) appropriate means of intervention with such individuals, and (c) sufficient means of action, including interim suspension, referrals to community services boards or health care providers for evaluation or treatment, medical separation to resolve potential physical threats, and notification of family members or guardians, or both, unless such notification would prove harmful to the individual in question, consistent with state and federal law.

D. The governing board of each public institution of higher education shall establish a threat assessment team that includes members from law enforcement, mental health professionals, *and* representatives of student affairs and human resources, ~~and, if available, college.~~ *College or university counsel shall be invited to provide legal advice. Each such threat assessment team may invite other representatives from campus to participate in individual cases, but no such representative shall be considered a member of the threat assessment team.* Each threat assessment team shall implement the assessment, intervention, and action policies set forth by the violence prevention committee pursuant to subsection C.

E. Each threat assessment team shall establish relationships or utilize existing relationships with mental health agencies and local and state law-enforcement agencies to expedite assessment of and intervention with individuals whose behavior may present a threat to safety. Upon a preliminary determination that an individual poses a threat of violence to self or others or exhibits significantly disruptive behavior or a need for assistance, the threat assessment team may obtain criminal history record information as provided in §§ 19.2-389 and 19.2-389.1 and health records as provided in § 32.1-127.1:03.

F. *Upon a preliminary determination that an individual poses an articulable and significant threat of violence to others, the threat assessment team shall:*

1. Obtain any available criminal history record information as provided in §§ 19.2-389 and 19.2-389.1 and any available health records as provided in § 32.1-127.1:03;

2. Notify in writing within 24 hours upon making such preliminary determination (i) the campus police department, (ii) local law enforcement for the city or county in which the public institution of higher education is located, local law enforcement for the city or county in which the individual resides, and, if known to the threat assessment team, local law enforcement for the city or county in which the individual is located, and (iii) the local attorney for the Commonwealth in any jurisdiction where the threat assessment team has notified local law enforcement; and

3. Disclose any specific threat of violence posed by the individual as part of such notification.

G. *The custodians of any criminal history record information or health records shall, upon request from a threat assessment team pursuant to subsections E and F, produce the information or records*

60 *requested.*

61 *H. No member or invited representative of a threat assessment team shall redisclose any criminal*
62 *history record information or health information obtained pursuant to this section or otherwise use any*
63 *record of an individual beyond the purpose for which such disclosure was made to the threat assessment*
64 *team.*

65 *I. Each threat assessment team member shall complete a minimum of eight hours of initial training*
66 *within 12 months of appointment to the threat assessment team and shall complete a minimum of two*
67 *hours of threat assessment training each academic year thereafter. Training shall be conducted by the*
68 *Department of Criminal Justice Services (the Department) or an independent entity approved by the*
69 *Department.*

70 *J. Consistent with applicable state and federal law, in the event that a public institution of higher*
71 *education has knowledge that a student or employee who was determined pursuant to an investigation*
72 *by the institution's threat assessment team to pose an articulable and significant threat of violence to*
73 *others is transferring to another institution of higher education or place of employment, the public*
74 *institution of higher education from which the individual is transferring shall notify the institution of*
75 *higher education or place of employment to which the individual is transferring of such investigation*
76 *and determination.*

77 **2. That the Secretary of Education and Secretary of Public Safety and Homeland Security shall**
78 **convene a task force (the task force) to determine best practices and develop model policies and**
79 **procedures for all threat assessment teams at public institutions of higher education. The task**
80 **force shall also consider and make legislative recommendations on the appropriate qualifications of**
81 **members of such threat assessment teams. The task force shall include representatives from the**
82 **Office of the Attorney General, campus police departments and local law enforcement, attorneys**
83 **for the Commonwealth, mental health and student affairs professionals, university counsel, human**
84 **resources representatives, one student representative, and one faculty representative. The task**
85 **force shall submit its findings, including all applicable best practices, model policies and**
86 **procedures, and legislative recommendations, to the Governor and Chairmen of the House**
87 **Committee for Courts of Justice, the Senate Committee on the Judiciary, the House Committee on**
88 **Education, and the Senate Committee on Education and Health no later than December 1, 2023.**