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**HOUSE BILL NO. 1496****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee for Courts of Justice  
on February 28, 2024)

(Patron Prior to Substitute—Delegate Rasoul)

*A BILL to amend and reenact § 30-158 of the Code of Virginia, relating to Virginia Crime Commission; surveillance technology; report.***Be it enacted by the General Assembly of Virginia:****1. That § 30-158 of the Code of Virginia is amended and reenacted as follows:****§ 30-158. Powers and duties of Commission.**

A. The Commission shall have the power and duty to:

1. Maintain offices, hold meetings and functions at any place within the Commonwealth that it deems necessary.

2. Conduct private and public hearings, and designate a member of the Commission to preside over such hearings. Pursuant to a resolution adopted by a majority of the Commission, witnesses appearing before the Commission may be examined privately and the Commission shall not make public the particulars of such examination. The Commission shall not have the power to take testimony at private or public hearings unless at least three of its members are present at such hearings. Witnesses appearing before the Commission at its request shall be entitled to receive the same fees and mileage as persons summoned to testify in the courts of the Commonwealth, if such witnesses request such fees and mileage.

3. Conduct studies and gather information and data in order to accomplish its purposes as set forth in § 30-156, and in connection with the faithful execution and effective enforcement of the laws of the Commonwealth with particular reference but not limited to organized crime and racketeering, and formulate its recommendations to the Governor and the General Assembly.

4. Submit an annual report of its recommendations to the General Assembly and the Governor. The Commission shall make such further interim reports to the Governor and the General Assembly as it deems advisable or as required by the Governor or by concurrent resolution of the General Assembly. The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

5. *Conduct an annual study on surveillance technology utilized by local and state law-enforcement agencies throughout the Commonwealth, including (i) the technology's potential impact on privacy rights and civil liberties, with particular attention to potential disparate impacts on different communities and populations; (ii) the technology's effectiveness for law or regulatory enforcement purposes, and the likelihood that evidence collected through such technology will be considered inadmissible in a court of competent jurisdiction; (iii) the potential for the misuse of the technology or any data that is collected through the use of such technology and safeguards to prevent such misuse; (iv) existing laws and regulations governing the technology and whether additional legislation is necessary to regulate its use; and (v) any recommendation as to whether technology utilized by a locality should be implemented throughout the Commonwealth. The Virginia Crime Commission shall submit a report of its findings to the Chairmen of the House Committee for Courts of Justice, the Senate Committee on the Judiciary, and the Governor within six months of beginning the study and shall make such report available to the public on the website of the Commission. As used in this subsection, (a) "biomarker" means a physiologic, pathologic, or anatomic characteristic or measurement that is objectively measured and evaluated as an indicator of normal biologic processes, pathologic processes, biological responses to therapeutic intervention, or a surrogate endpoint and (b) "surveillance technology" means any product or service, intentionally or unintentionally designed for use in electronic or fixed surveillance, that can be used to detect, monitor, intercept, collect, exploit, preserve, process, analyze, invasively observe, or retain sensitive data or personal information, including biomarkers, facial recognition data, license plates, and communications, concerning individuals or groups of individuals.*

B. At the direction or request of the legislature by concurrent resolution or of the Governor, the Commission shall, or at the request of any department, board, bureau, commission, authority or other agency created by the Commonwealth, or to which the Commonwealth is a party, the Commission may study the operations, management, jurisdiction, powers and interrelationship of any such department, board, bureau, commission, authority or other agency that has any direct responsibility for enforcing the criminal laws of the Commonwealth.