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HOUSE BILL NO. 423

Offered January 10, 2024

Prefiled January 8, 2024

A BILL to amend and reenact § 9.1-192 of the Code of Virginia and to amend the Code of Virginia by adding in Article 15 of Chapter 1 of Title 9.1 a section numbered 9.1-192.1, relating to civilian deaths in custody; report.

Patrons—McQuinn, Convors-Fowler, Henson and Martinez; Senator: Bagby

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-192 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 15 of Chapter 1 of Title 9.1 a section numbered 9.1-192.1 as follows:

Article 15.**Virginia Community Policing Report and Corrections Reports.****§ 9.1-192. Community Policing Reporting Database; annual report.**

A. The Department shall periodically access the Community Policing Reporting Database, which is maintained by the Department of State Police ~~in accordance with~~ pursuant to § 52-30.3, for the purposes of analyzing the data to determine the existence and prevalence of the practice of bias-based profiling and the prevalence of complaints alleging the use of excessive force. The Department shall maintain all records relating to the analysis, validation, and interpretation of such data. The Department may seek assistance in analyzing the data from any accredited public or private institution of higher education in the Commonwealth or from an independent body having the experience, staff expertise, and technical support capability to provide such assistance.

B. The Director shall annually report the findings and recommendations resulting from the analysis and interpretation of the data from the Community Policing Reporting Database to the Governor, the General Assembly, and the Attorney General beginning on or before July 1, 2021, and each July 1 thereafter. The report shall also include information regarding state or local law-enforcement agencies that have failed or refused to report the required data to the Department of State Police as required by §§ 15.2-1609.10, 15.2-1722.1, and 52-30.2. A copy of the Director's report shall also be provided to each attorney for the Commonwealth of the county or city in which a reporting law-enforcement agency is located.

§ 9.1-192.1. Civilian deaths in custody; annual report.

A. For the purposes of this section:

"Correctional facility" includes any local, regional, state, or juvenile correctional facility.

"Law-enforcement agency" means any sheriff's office, police department, or other agency or department that employs persons who have law-enforcement authority that is under the direction and control of the Commonwealth or any local governing body.

B. Every law-enforcement agency and correctional facility shall report to the Department the following information regarding the death of any person who is detained, under arrest or in the process of being arrested, en route to be incarcerated, incarcerated, or otherwise in the custody of such law-enforcement agency or correctional facility:

1. The name, gender, race, ethnicity, and age of the deceased;

2. The date, time, and location of death;

3. The law-enforcement agency or correctional facility that detained, arrested or was in the process of arresting, transported, incarcerated, or otherwise had custody of the deceased; and

4. A brief description of the circumstances surrounding the death and the cause of death.

C. Any law-enforcement agency or correctional facility that fails to comply with subsection B may, at the discretion of the Department, be declared ineligible for state grants or funds.

D. The Department shall analyze the data submitted pursuant to subsection B to (i) determine the means by which such information can be used to reduce the number of such deaths and (ii) examine the relationship, if any, between the number of such deaths and the actions of management of such law-enforcement agencies and correctional facilities. The Director shall annually report the findings and recommendations resulting from the analysis and interpretation of the data to the Governor, the General Assembly, and the Attorney General beginning on or before July 1, 2025, and each July 1 thereafter.