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SENATE BILL NO. 207

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety
on February 23, 2024)

(Patron Prior to Substitute—Senator Diggs)

A BILL to amend the Code of Virginia by adding a section numbered 9.1-116.01, relating to universal certification for certain law-enforcement officers.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 9.1-116.01 as follows:

§ 9.1-116.01. Universal certification for certain law-enforcement officers.

A. Any sworn law-enforcement officer with at least one year of law-enforcement experience (i) whose training qualifications meet or exceed current training standards established by the Board in accordance with this article and who is in compliance with §§ 15.2-1705 and 15.2-1706, (ii) who has not had a break in service of more than 24 months, and (iii) who is leaving the transferring law-enforcement agency in good standing with no pending investigations or disciplinary actions shall be eligible for employment at any law-enforcement agency within the Commonwealth or any political subdivision thereof. Any such law-enforcement officer shall complete any other training as determined to be necessary by the Board to ensure understanding of the criminal laws and all other laws of the Commonwealth.

B. Prior to any conditional offer of employment, the hiring law-enforcement agency shall request from all prior employing law-enforcement agencies any information (i) related to an arrest or prosecution of the applicant law-enforcement officer, including any expunged arrest or criminal charge known to the agency or disclosed during the hiring process that would otherwise be prohibited from disclosure in accordance with § 19.2-392.4; (ii) related to a civil suit regarding the applicant law-enforcement officer's employment or performance of his duties; (iii) obtained during the course of any internal investigation related to the applicant law-enforcement officer's alleged criminal conduct, use of excessive force, or other official misconduct in violation of the state professional standards of conduct adopted by the Board; and (iv) related to the applicant law-enforcement officer's job performance that led to such officer's resignation, dismissal, demotion, suspension, or transfer. The hiring law-enforcement agency shall employ all reasonable means to obtain personnel records for law-enforcement officers transferring from an out-of-state or federal law-enforcement agency, including requesting the applicant law-enforcement officer to complete a waiver or release liability authorizing the hiring law-enforcement agency to request such information as listed in this subsection from all prior employing law-enforcement agencies.

No law-enforcement officer shall be eligible for employment pursuant to this section until the requested information is received by the hiring law-enforcement agency from all prior employing law-enforcement agencies. The failure of an out-of-state or federal law-enforcement agency to respond to a request for information pursuant to this subsection shall not prejudice the applicant law-enforcement officer from seeking employment as a law-enforcement officer in accordance with § 15.2-1705.

C. In addition, the hiring law-enforcement agency may require a candidate for employment to undergo a psychological examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed psychiatrist or a licensed clinical psychologist.

D. Notwithstanding the provisions of this section, any sworn law-enforcement officer may be granted an exemption in accordance with the provisions of § 9.1-116 and may be subject to the compulsory minimum training standards established by the Board.