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## SENATE BILL NO. 88

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

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

(Patron Prior to Substitute—Senator Locke)

*A BILL to amend and reenact §§ 2.2-3711, 9.1-102, 15.2-1707, 15.2-1708, and 19.2-83.7 of the Code of Virginia, relating to decertification of law-enforcement officers and jail officers.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-3711, 9.1-102, 15.2-1707, 15.2-1708, and 19.2-83.7 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-3711. (Effective until date pursuant to Acts 2023, cc. 756 and 778, cl. 5) Closed meetings authorized for certain limited purposes.**

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the

60 government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity  
61 (a) created under the laws of the United States or of any state thereof if a majority of the ownership of  
62 the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the  
63 membership of any such entity is composed of foreign persons or foreign legal entities or (b) created  
64 under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a  
65 citizen or national of the United States or a trust territory or protectorate thereof.

66 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the  
67 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority,  
68 and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from  
69 private sources.

70 11. Discussion or consideration of honorary degrees or special awards.

71 12. Discussion or consideration of tests, examinations, or other information used, administered, or  
72 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

73 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible  
74 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement  
75 filed by the member, provided the member may request in writing that the committee meeting not be  
76 conducted in a closed meeting.

77 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to  
78 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing  
79 body in open meeting finds that an open meeting will have an adverse effect upon the negotiating  
80 position of the governing body or the establishment of the terms, conditions and provisions of the siting  
81 agreement, or both. All discussions with the applicant or its representatives may be conducted in a  
82 closed meeting.

83 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic  
84 activity and estimating general and nongeneral fund revenues.

85 16. Discussion or consideration of medical and mental health records subject to the exclusion in  
86 subdivision 1 of § 2.2-3705.5.

87 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to  
88 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and  
89 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game  
90 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3  
91 and subdivision 11 of § 2.2-3705.7.

92 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or  
93 discloses the identity of, or information tending to identify, any prisoner who (i) provides information  
94 about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or  
95 in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official  
96 renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or  
97 safety.

98 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific  
99 cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement  
100 or emergency service officials concerning actions taken to respond to such matters or a related threat to  
101 public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2,  
102 where discussion in an open meeting would jeopardize the safety of any person or the security of any  
103 facility, building, structure, information technology system, or software program; or discussion of reports  
104 or plans related to the security of any governmental facility, building or structure, or the safety of  
105 persons using such facility, building or structure.

106 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or  
107 of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of  
108 trustees of a trust established by one or more local public bodies to invest funds for postemployment  
109 benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title  
110 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the  
111 Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition,  
112 holding or disposition of a security or other ownership interest in an entity, where such security or  
113 ownership interest is not traded on a governmentally regulated securities exchange, to the extent that  
114 such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of  
115 Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia  
116 College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or  
117 the Virginia College Savings Plan under a promise of confidentiality, of the future value of such  
118 ownership interest or the future financial performance of the entity, and (ii) would have an adverse  
119 effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a  
120 local finance board or board of trustees, the board of visitors of the University of Virginia, or the  
121 Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure

of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in

subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11

(§ 2.2-2351 et seq.) of Chapter 22.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of any license or permit related to casino gaming, and discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

*55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.*

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

**§ 2.2-3711. (Effective pursuant to Acts 2023, cc. 756 and 778, cl. 5) Closed meetings authorized for certain limited purposes.**

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided that

306 the teacher makes a written request to be present to the presiding officer of the appropriate board.  
307 Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local  
308 governing body or an elected school board to discuss compensation matters that affect the membership  
309 of such body or board collectively.

310 2. Discussion or consideration of admission or disciplinary matters or any other matters that would  
311 involve the disclosure of information contained in a scholastic record concerning any student of any  
312 public institution of higher education in the Commonwealth or any state school system. However, any  
313 such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall  
314 be permitted to be present during the taking of testimony or presentation of evidence at a closed  
315 meeting, if such student, parents, or guardians so request in writing and such request is submitted to the  
316 presiding officer of the appropriate board.

317 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the  
318 disposition of publicly held real property, where discussion in an open meeting would adversely affect  
319 the bargaining position or negotiating strategy of the public body.

320 4. The protection of the privacy of individuals in personal matters not related to public business.

321 5. Discussion concerning a prospective business or industry or the expansion of an existing business  
322 or industry where no previous announcement has been made of the 'business' or industry's interest in  
323 locating or expanding its facilities in the community.

324 6. Discussion or consideration of the investment of public funds where competition or bargaining is  
325 involved, where, if made public initially, the financial interest of the governmental unit would be  
326 adversely affected.

327 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual  
328 or probable litigation, where such consultation or briefing in open meeting would adversely affect the  
329 negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable  
330 litigation" means litigation that has been specifically threatened or on which the public body or its legal  
331 counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in  
332 this subdivision shall be construed to permit the closure of a meeting merely because an attorney  
333 representing the public body is in attendance or is consulted on a matter.

334 8. Consultation with legal counsel employed or retained by a public body regarding specific legal  
335 matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be  
336 construed to permit the closure of a meeting merely because an attorney representing the public body is  
337 in attendance or is consulted on a matter.

338 9. Discussion or consideration by governing boards of public institutions of higher education of  
339 matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or  
340 work to be performed by such institution. However, the terms and conditions of any such gifts, bequests,  
341 grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and  
342 accepted by a public institution of higher education in the Commonwealth shall be subject to public  
343 disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision,  
344 (i) "foreign government" means any government other than the United States government or the  
345 government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity  
346 (a) created under the laws of the United States or of any state thereof if a majority of the ownership of  
347 the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the  
348 membership of any such entity is composed of foreign persons or foreign legal entities or (b) created  
349 under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a  
350 citizen or national of the United States or a trust territory or protectorate thereof.

351 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the  
352 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority,  
353 and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from  
354 private sources.

355 11. Discussion or consideration of honorary degrees or special awards.

356 12. Discussion or consideration of tests, examinations, or other information used, administered, or  
357 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

358 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible  
359 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement  
360 filed by the member, provided that the member may request in writing that the committee meeting not  
361 be conducted in a closed meeting.

362 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to  
363 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing  
364 body in open meeting finds that an open meeting will have an adverse effect upon the negotiating  
365 position of the governing body or the establishment of the terms, conditions and provisions of the siting  
366 agreement, or both. All discussions with the applicant or its representatives may be conducted in a  
367 closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion University, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business development or marketing strategies and activities with existing or

429 future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or  
430 the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, has  
431 formed, or forms, any arrangement for the delivery of health care, if disclosure of such information  
432 would adversely affect the competitive position of the University of Virginia Medical Center or the  
433 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be.

434 23. Discussion or consideration by the Virginia Commonwealth University Health System Authority  
435 or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or  
436 disposition by the Authority of real property, equipment, or technology software or hardware and related  
437 goods or services, where disclosure would adversely affect the bargaining position or negotiating  
438 strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the  
439 Authority; grants and contracts for services or work to be performed by the Authority; marketing or  
440 operational strategies plans of the Authority where disclosure of such strategies or plans would adversely  
441 affect the competitive position of the Authority; and members of the Authority's medical and teaching  
442 staffs and qualifications for appointments thereto.

443 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within  
444 the Department of Health Professions to the extent such discussions identify any practitioner who may  
445 be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

446 25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein  
447 personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees  
448 by or on behalf of individuals who have requested information about, applied for, or entered into  
449 prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.)  
450 of Title 23.1 is discussed.

451 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee  
452 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in  
453 § 56-484.12, related to the provision of wireless E-911 service.

454 27. Those portions of disciplinary proceedings by any regulatory board within the Department of  
455 Professional and Occupational Regulation, Department of Health Professions, or the Board of  
456 Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach  
457 a decision or meetings of health regulatory boards or conference committees of such boards to consider  
458 settlement proposals in pending disciplinary actions or modifications to previously issued board orders as  
459 requested by either of the parties.

460 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of  
461 § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are  
462 defined in § 33.2-1800, or any independent review panel appointed to review information and advise the  
463 responsible public entity concerning such records.

464 29. Discussion of the award of a public contract involving the expenditure of public funds, including  
465 interviews of bidders or offerors, and discussion of the terms or scope of such contract, where  
466 discussion in an open session would adversely affect the bargaining position or negotiating strategy of  
467 the public body.

468 30. Discussion or consideration of grant or loan application information subject to the exclusion in  
469 subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

470 31. Discussion or consideration by the Commitment Review Committee of information subject to the  
471 exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually  
472 violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

473 32. Discussion or consideration of confidential proprietary information and trade secrets developed  
474 and held by a local public body providing certain telecommunication services or cable television services  
475 and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this  
476 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et  
477 seq.).

478 33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless  
479 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets  
480 subject to the exclusion in subdivision 19 of § 2.2-3705.6.

481 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting  
482 security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

483 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee  
484 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative  
485 files.

486 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of  
487 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and  
488 meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and  
489 consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or  
490 recover scholarship awards.



37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of any license or permit related to casino gaming, and discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

55. *Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.*

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

#### **§ 9.1-102. Powers and duties of the Board and the Department.**

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions and (ii) temporary or probationary status and establish the time required for completion of such training. Such compulsory minimum training standards shall include crisis intervention training in accordance with clause (i) of § 9.1-188;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail

officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training academies approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

675 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and  
676 activities for the Commonwealth and units of general local government, or combinations thereof, in the  
677 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal  
678 justice at every level throughout the Commonwealth;

679 29. Review and evaluate programs, projects, and activities, and recommend, where necessary,  
680 revisions or alterations to such programs, projects, and activities for the purpose of improving law  
681 enforcement and the administration of criminal justice;

682 30. Coordinate the activities and projects of the state departments, agencies, and boards of the  
683 Commonwealth and of the units of general local government, or combination thereof, including planning  
684 district commissions, relating to the preparation, adoption, administration, and implementation of  
685 comprehensive plans to strengthen and improve law enforcement and the administration of criminal  
686 justice;

687 31. Do all things necessary on behalf of the Commonwealth and its units of general local  
688 government, to determine and secure benefits available under the Omnibus Crime Control and Safe  
689 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and  
690 programs for strengthening and improving law enforcement, the administration of criminal justice, and  
691 delinquency prevention and control;

692 32. Receive, administer, and expend all funds and other assistance available to the Board and the  
693 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe  
694 Streets Act of 1968, as amended;

695 33. Apply for and accept grants from the United States government or any other source in carrying  
696 out the purposes of this chapter and accept any and all donations both real and personal, and grants of  
697 money from any governmental unit or public agency, or from any institution, person, firm or  
698 corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section  
699 shall be detailed in the annual report of the Board. Such report shall include the identity of the donor,  
700 the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section  
701 shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall  
702 have the power to comply with conditions and execute such agreements as may be necessary;

703 34. Make and enter into all contracts and agreements necessary or incidental to the performance of  
704 its duties and execution of its powers under this chapter, including but not limited to, contracts with the  
705 United States, units of general local government or combinations thereof, in Virginia or other states, and  
706 with agencies and departments of the Commonwealth;

707 35. Adopt and administer reasonable regulations for the planning and implementation of programs  
708 and activities and for the allocation, expenditure and subgranting of funds available to the  
709 Commonwealth and to units of general local government, and for carrying out the purposes of this  
710 chapter and the powers and duties set forth herein;

711 36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707  
712 *and provide for a decertification review process in accordance with § 15.2-1708;*

713 37. Establish training standards and publish and periodically update model policies for  
714 law-enforcement personnel in the following subjects:

715 a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including  
716 standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The  
717 Department shall provide technical support and assistance to law-enforcement agencies in carrying out  
718 the requirements set forth in subsection A of § 9.1-1301;

719 b. The identification of, communication with, and facilitation of the safe return of individuals  
720 diagnosed with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and  
721 effective communication with individuals with Alzheimer's disease and dementia and their caregivers;  
722 (ii) techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including  
723 alternatives to physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect,  
724 and exploitation of individuals with Alzheimer's disease and dementia to adult protective services; (iv)  
725 protocols for contacting caregivers when an individual with Alzheimer's disease or dementia is found  
726 wandering or during an emergency or crisis situation; (v) a reference list of local resources available for  
727 individuals with Alzheimer's disease and dementia; and (vi) a reference list of local and national  
728 organizations that assist law-enforcement personnel with locating missing and wandering individuals  
729 with Alzheimer's disease and dementia and returning them to their caregivers;

730 c. Sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential  
731 for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include  
732 recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder,  
733 or developmental or cognitive disability;

734 d. Protocols for local and regional sexual assault response teams;

735 e. Communication of death notifications;

736 f. The questioning of individuals suspected of driving while intoxicated concerning the physical

location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties;

j. The recognition, prevention, and reporting of human trafficking;

k. Missing children, missing adults, and search and rescue protocol; and

l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during an arrest or detention of another person;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards that strengthen and improve such programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

798 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with  
799 Article 11 (§ 9.1-185 et seq.);

800 44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

801 45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal  
802 justice agencies regarding the investigation, registration, and dissemination of information requirements  
803 as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

804 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula,  
805 and (iii) certification requirements for campus security officers. Such training standards shall include, but  
806 not be limited to, the role and responsibility of campus security officers, relevant state and federal laws,  
807 school and personal liability issues, security awareness in the campus environment, and disaster and  
808 emergency response. The Department shall provide technical support and assistance to campus police  
809 departments and campus security departments on the establishment and implementation of policies and  
810 procedures, including but not limited to: the management of such departments, investigatory procedures,  
811 judicial referrals, the establishment and management of databases for campus safety and security  
812 information sharing, and development of uniform record keeping for disciplinary records and statistics,  
813 such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an  
814 advisory committee consisting of college administrators, college police chiefs, college security  
815 department chiefs, and local law-enforcement officials to assist in the development of the standards and  
816 certification requirements and training pursuant to this subdivision;

817 47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established  
818 pursuant to § 9.1-187;

819 48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and  
820 attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human  
821 trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

822 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of  
823 § 46.2-117;

824 50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional  
825 Standards Committee by providing technical assistance and administrative support, including staffing, for  
826 the Committee;

827 51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to  
828 private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

829 52. In consultation with the State Council of Higher Education for Virginia and the Virginia  
830 Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on  
831 trauma-informed sexual assault investigation;

832 53. In consultation with the Department of Behavioral Health and Developmental Services, develop a  
833 model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers,  
834 administrators, or superintendents in any local or regional jail. Such program shall be based on any  
835 existing addiction recovery programs that are being administered by any local or regional jails in the  
836 Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such  
837 program may address aspects of the recovery process, including medical and clinical recovery,  
838 peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of  
839 the recovery process;

840 54. Establish compulsory minimum training standards for certification and recertification of  
841 law-enforcement officers serving as school resource officers. Such training shall be specific to the role  
842 and responsibility of a law-enforcement officer working with students in a school environment and shall  
843 include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security  
844 awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation  
845 techniques; (v) disaster and emergency response; (vi) awareness of systemic and individual racism,  
846 cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs,  
847 substance use disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including  
848 current child and adolescent development and brain research;

849 55. Establish a model policy for the operation of body-worn camera systems as defined in  
850 § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

851 56. Establish compulsory minimum training standards for detector canine handlers employed by the  
852 Department of Corrections, standards for the training and retention of detector canines used by the  
853 Department of Corrections, and a central database on the performance and effectiveness of such detector  
854 canines that requires the Department of Corrections to submit comprehensive information on each canine  
855 handler and detector canine, including the number and types of calls and searches, substances searched  
856 for and whether or not detected, and the number of false positives, false negatives, true positives, and  
857 true negatives;

858 57. Establish compulsory training standards for basic training of law-enforcement officers for  
859 recognizing and managing stress, self-care techniques, and resiliency;

58. Establish guidelines and standards for psychological examinations conducted pursuant to subsection C of § 15.2-1705;

59. Establish compulsory in-service training standards, to include frequency of retraining, for law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders; and (v) the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

60. Develop a uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the Department when conducting training;

61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of those standards *and provide for a decertification review process in accordance with § 15.2-1708*;

62. Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for law-enforcement agencies to use certain military property. Any waivers granted by the Criminal Justice Services Board shall be published by the Department on the Department's website;

63. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to include crisis intervention training in accordance with clause (ii) of § 9.1-188;

64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local law-enforcement cooperation, with the development and implementation of the Marcus alert system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and 37.2-311.1;

65. Develop an online course to train hotel proprietors and their employees to recognize and report instances of suspected human trafficking; ~~and~~

66. *Establish standards and procedures for when the Board may grant a petition for reinstatement of certification of a decertified officer pursuant to subsection E of § 15.2-1708; and*

67. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

**§ 15.2-1707. Decertification of law-enforcement officers and jail officers.**

A. The sheriff, chief of police, or agency administrator *or their designee* shall notify the Criminal Justice Services Board (the Board) in writing within 48 hours of becoming aware that any certified law-enforcement or jail officer currently employed by his agency has (i) been convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in the Commonwealth; (ii) been convicted of or pled guilty or no contest to a Class 1 misdemeanor involving moral turpitude or any offense that would be any misdemeanor involving moral turpitude, including but not limited to petit larceny under § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if committed in the Commonwealth; (iii) been convicted of or pled guilty or no contest to any misdemeanor sex offense in the Commonwealth, another state, or the United States, including but not limited to sexual battery under § 18.2-67.4 or consensual sexual intercourse with a minor 15 years of age or older under clause (ii) of § 18.2-371; (iv) been convicted of or pled guilty or no contest to domestic assault under § 18.2-57.2 or any offense that would be domestic assault under the laws of another state or the United States; (v) failed to comply with or maintain compliance with mandated training requirements; or (vi) refused to submit to a drug screening or has produced a positive result on a drug screening reported to the employing agency, where the positive result cannot be explained to the agency administrator's satisfaction.

B. The sheriff, chief of police, or agency administrator *or their designee* shall notify the Board in writing ~~within 48 hours~~ if any certified law-enforcement or jail officer currently employed by his agency (i) is terminated or resigns in advance of being convicted or found guilty of an offense set forth in clause (i) of subsection A that requires decertification, (ii) is terminated or resigns in advance of a pending drug screening, (iii) is terminated or resigns for a violation of state or federal law, *including those instances when a prosecution for a violation of state or federal law is terminated as a result of such law-enforcement or jail officer resigning from his position*, (iv) is terminated or resigns for engaging in serious misconduct as defined in statewide professional standards of conduct adopted by the Board, (v) is terminated or resigns while such officer is the subject of a pending internal investigation involving serious misconduct as defined in statewide professional standards of conduct adopted by the Board, ~~or~~ (vi) is terminated or resigns for an act committed while in the performance of *or in relation* to his duties that compromises an officer's credibility, integrity, *or honesty; or other characteristics, or*

921 (vii) is terminated or resigns for an act committed while in the performance of his duties that constitute  
922 constitutes exculpatory or impeachment evidence in a criminal case. Such notification shall be given  
923 within 48 hours of a termination or resignation pursuant to clause (i), (ii), or (iii) or within 48 hours of  
924 the completion of an internal investigation for a termination or resignation pursuant to clauses (iv)  
925 through (vii).

926 C. Persons currently in a recruit or field training status who have not completed all certification  
927 requirements, pursuant to § 15.2-1705, and who have committed an act that would be any basis for  
928 decertification as set forth in subsection A or B shall be considered ineligible for certification and shall  
929 be considered decertified. The employing agency of such person shall notify the Board in accordance  
930 with subsection A or B.

931 D. The notification, where appropriate, shall be accompanied by a copy of the judgment of  
932 conviction.

933 D. E. Upon receiving such notice from the sheriff, chief of police, or agency administrator or their  
934 designee, or from an attorney for the Commonwealth, the Board shall immediately decertify such  
935 law-enforcement or jail officer. Such officer shall not have the right to serve as a law-enforcement, jail,  
936 courthouse security, or civil process officer within the Commonwealth until his certification has been  
937 reinstated by the Board pursuant to subsection E of § 15.2-1708 or through the decertification review  
938 process in accordance with § 15.2-1708.

939 E. When a conviction has not become final, the Board may decline to decertify the officer until the  
940 conviction becomes final, after considering the likelihood of irreparable damage to the officer if such  
941 officer is decertified during the pendency of an ultimately successful appeal, the likelihood of injury or  
942 damage to the public if the officer is not decertified, and the seriousness of the offense.

943 F. The Department of Criminal Justice Services is hereby authorized to waive the requirements for  
944 decertification as set out in subsection A or B for good cause shown.

945 G. The Board may initiate decertification proceedings against any decertify a current or former  
946 law-enforcement or jail officer if the Board has found that any basis for the officer's decertification set  
947 forth in subsection A or B exists. Such officer shall not have the right to serve as a law-enforcement,  
948 jail, courthouse security, or civil process officer within the Commonwealth until his certification has  
949 been reinstated by the Board pursuant to subsection E of § 15.2-1708 or through the decertification  
950 review process in accordance with § 15.2-1708.

951 H. Any conviction of a misdemeanor that has been appealed to a court of record shall not be  
952 considered a conviction for purposes of this section unless a final order of conviction is entered. Any  
953 finding of misconduct listed in subsection B will not be considered final until all grievances or appeals  
954 have been exhausted or waived and the finding of misconduct is made final.

955 **§ 15.2-1708. Notice of decertification; decertification review process.**

956 A. Service of notice. The Board shall, within ten 10 days of decertification, serve notice upon an  
957 affected a decertified officer, in person or by certified mail or trackable courier service with signature  
958 requirement, and upon the law-enforcement or jail agency employing said officer, by certified mail or  
959 trackable courier service with signature requirement, specifying the action taken and remedies available.  
960 The Board shall stay final action until the period for requesting a hearing a review of the decertification  
961 expires.

962 B. Decertification hearing review process. Any decertified law-enforcement or jail officer who has  
963 been decertified may, within thirty 30 days of receipt of notice served by the Board, request, by certified  
964 mail or trackable courier service with signature requirement, a hearing review of his decertification,  
965 which shall be granted by the Board. Upon receipt of such request, the Board shall set a date, time, and  
966 place for the hearing request the Department of Criminal Justice Services (the Department) to initiate a  
967 review of the decertification pursuant to the authority conferred in subdivisions 36 and 61 of § 9.1-102  
968 and in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) within sixty  
969 90 days and serve notice by certified mail or trackable courier service with signature requirement upon  
970 the affected decertified officer. The Board, or a committee thereof, shall conduct such hearing. The  
971 affected decertified officer may be represented by counsel at all stages of the decertification review  
972 process. The former employing agency shall have a representative present at all stages of the  
973 decertification review process. In the absence of a request for hearing review, decertification shall,  
974 without further proceedings, become final thirty 30 days after the initial notice has been served on the  
975 decertified officer in person or by certified mail or trackable courier service with signature requirement.

976 C. Standard of review. The decertification of a law-enforcement or jail officer under § 15.2-1707  
977 shall be sustained by the Board unless such law-enforcement or jail officer shows, by a preponderance  
978 of the evidence, good cause for his certification to be reinstated.

979 D. Final decision after request for hearing. The Board shall render a final decision within thirty days.

980 E. Notice of final action. The Board shall notify the officer and the law-enforcement or jail agency  
981 involved, by certified mail, of the final action regarding decertification. 1. Upon motion by the  
982 decertified officer or his counsel or the Attorney General, the Department may grant a continuance of



any informal fact-finding conference or formal hearing for good cause shown.

2. When an officer is decertified as a result of a termination or resignation related to a criminal charge that has not yet been adjudicated by a court and thereafter requests a review of his decertification, the Department may continue any informal fact-finding conference or formal hearing until the final disposition of the charge has been entered by the court hearing the criminal matter. Such officer shall remain decertified during such period of continuance unless the Department finds the officer's continued decertification may cause circumstances that constitute a manifest injustice to the officer, in which case the officer's certification may be reinstated during the period of continuance until the conviction becomes final.

3. When an officer is decertified as a result of a misdemeanor conviction that has been appealed to a court of record and thereafter requests review of his decertification, any informal fact-finding conference or formal hearing shall be continued until after the matter has been adjudicated by such court of record. Such officer shall remain decertified during such period of continuance.

4. When an officer is decertified as a result of any provision of clauses (ii) through (v) of subsection B of § 15.2-1707 and thereafter requests review of his decertification, any informal fact-finding conference or formal hearing shall be continued until after all grievances or appeals have been exhausted or waived and the employing agency's finding of misconduct is final. Such officer shall remain decertified during such period of continuance.

D. The findings and decision of the Department's decertification review may be appealed to the Criminal Justice Services Board (the Board) within 30 days of the decertified officer's receipt of notice of the Department's decision served by the Department. The final administrative decision of the Board's decertification review may be appealed pursuant to § 2.2-4026 of the Code of Virginia.

~~E.~~ E. Reinstatement after decertification. Any decertified officer ~~who is decertified~~ may, after a period of not less than five years after the date on which a final decision is made, petition the Board to be considered for reinstatement of certification.

F. Related records provided to the Board or the Department for the purposes of decertification of an identifiable law-enforcement or jail officer or the decertification review process for that identifiable law-enforcement or jail officer shall not be disclosed by the Board or the Department pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

#### **§ 19.2-83.7. Penalties for violations of this chapter.**

In addition to any other penalty authorized by law, any law-enforcement officer who knowingly violates the provisions of this chapter shall be subject to disciplinary action, including dismissal, demotion, suspension, or transfer of the law-enforcement officer or decertification as provided in subsection ~~D~~ E of § 15.2-1707.

2. That the Department of Criminal Justice Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.