

## SUMMARY

**Policing reform.** Adds law-enforcement officers to those persons who are guilty of a Class 6 felony if they are in a position of authority over and carnally know without force, threat, or intimidation any inmate, parolee, probationer, arrestee, detainee, or pretrial defendant or posttrial offender, including those in the custody of a private, local, or state law-enforcement agency.

The bill also requires that a law-enforcement officer provide notice of his authority and purpose prior to the execution of a search warrant and that such warrants shall only be executed during the daytime unless a judge authorizes the execution of such search warrant at another time for good cause shown.

The bill also requires the Criminal Justice Services Board (the Board) to adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers. The bill requires any sheriff, chief of police, or agency administrator to notify the Board in writing within 48 hours of becoming aware that any certified law-enforcement or jail officer currently employed by his agency has been found to have engaged in serious misconduct. The bill authorizes the Board to initiate decertification proceedings against any current or former law-enforcement or jail officer who has engaged in serious misconduct as defined in such statewide professional standards of conduct.

The bill also provides that any sheriff or chief of police, any director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers, and the Director of the Department of Criminal Justice Services shall disclose to a prospective law-enforcement or jail employer (i) any information related to an arrest or prosecution of a former appointee or employee, including expunged information; (ii) any information related to a civil suit regarding a former appointee's or employee's employment or performance of his duties; and (iii) any information obtained during the course of any internal investigation related to a former appointee's or employee's alleged criminal conduct, use of excessive force, or other official misconduct.

The bill adds a requirement for training in de-escalation techniques to the compulsory training standards developed by the Department of Criminal Justice Services for basic training and recertification of law-enforcement officers. The bill provides that a law-enforcement officer shall not use deadly force against a person unless (a) the law-enforcement officer reasonably believes that deadly force is immediately necessary to protect the law-enforcement officer or another person, other than the subject of the use of deadly force, from the threat of serious bodily injury or death; (b) the law-enforcement officer has provided a warning before using such deadly force; (c) the law-enforcement officer's actions are reasonable, given the totality of the circumstances; and (d) all other options have been exhausted or do not reasonably lend themselves to the circumstances. The bill also prohibits the use of neck restraints by law-enforcement officers and bans law-enforcement officers from willfully discharging a firearm into or at a moving vehicle. The bill also requires that law-enforcement officers intervene and render aid if they observe another law-enforcement officer using an unlawful use of force.

The bill also expands the required law-enforcement data collection for motor vehicle stops to include all investigatory stops, including pedestrian stops, and provides that any locality that has failed or refused to report the required data to the Department of State Police or fails to implement the corrective recommendations to end bias-based profiling shall be ineligible for 599 funding in the succeeding fiscal year.

The bill also prohibits the Department of State Police and other law-enforcement agencies from applying for and accepting grants or loans of personal property from the U.S. Department of Defense for use in law-enforcement activities. The bill also provides that any locality that participates in the federal 1033 Program to acquire any military property shall be ineligible for 599 funding in the succeeding fiscal year.

The bill also requires every chief police officer, defined in the bill, to provide the attorney for the Commonwealth access to all records relating to wrongful arrest or use of force complaints, or other complaints that a person has been deprived of the rights, privileges, or immunities secured or protected by the laws of the United States and the Commonwealth made against a law-enforcement officer that is employed by the chief police officer's agency when such law-enforcement officer has a matter before the court.

The bill also changes the membership of the Criminal Justice Services Board and its Committee on Training by requiring that one member be a representative of a civil rights organization and two members be representatives of community-based organizations; the bill lessens the representatives from the Virginia Sheriffs' Association and Virginia Association of Chiefs of Police from two representatives to one representative each. The bill further permits the Committee on Training to appoint curriculum review committees and requires the Committee on Training to provide an opportunity for public comment on any proposed change to any training standards promulgated for law-enforcement officers.

The bill requires the Department of Criminal Justice Services to develop 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 of Criminal Justice Services when conducting training. The bill requires any criminal justice training academy approved by the Department of Criminal Justice Services to employ such uniform curriculum and lesson plans and requires the Department of Criminal Justice Services to conduct annual evaluations of each criminal justice training academy's compliance with uniform curriculum and lesson plans.

**SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_**

1 A BILL to amend and reenact §§ 9.1-102, 9.1-108, 9.1-112, 9.1-168, 15.2-1609.10, 15.2-1705, 15.2-1707,  
 2 15.2-1709, 15.2-1722.1, 18.2-64.2, 19.2-56, 19.2-201, 52-11.3, 52-30.2, 52-30.3, and 52-30.4 of  
 3 the Code of Virginia and to amend the Code of Virginia by adding in Title 2.2 a chapter numbered  
 4 55.4, consisting of a section numbered 2.2-5515, by adding sections numbered 9.1-112.1 and 15.2-  
 5 1721.1, and by adding in Title 19.2 a chapter numbered 7.1, consisting of sections numbered 19.2-  
 6 83.3 through 19.2-83.7, relating to policing reform.

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

8 **1. That §§ 9.1-102, 9.1-108, 9.1-112, 9.1-168, 15.2-1609.10, 15.2-1705, 15.2-1707, 15.2-1709, 15.2-  
 9 1722.1, 18.2-64.2, 19.2-56, 19.2-201, 52-11.3, 52-30.2, 52-30.3, and 52-30.4 of the Code of Virginia  
 10 are amended and reenacted and that the Code of Virginia is amended by adding in Title 2.2 a  
 11 chapter number 55.4, consisting of a section numbered 2.2-5515, by adding sections numbered 9.1-  
 12 112.1 and 15.2-1721.1, and by adding in Title 19.2 a chapter numbered 7.1, consisting of sections  
 13 numbered 19.2-83.3 through 19.2-83.7, as follows:**

14 CHAPTER 55.4.

15 LIMITATION ON ACQUISITION OF MILITARY PROPERTY.

16 **§ 2.2-5515. Acquisition of military property.**

17 All agencies of the Commonwealth or directors or chief executives of any agency or department  
 18 employing law-enforcement officers as defined § 9.1-101 are prohibited from applying for and accepting  
 19 grants or loans of personal property from the U.S. Department of Defense for use in the law-enforcement  
 20 activities of any law-enforcement agency of the Commonwealth or its political subdivisions.

21 **§ 9.1-102. Powers and duties of the Board and the Department.**

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

24 1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the  
 25 administration of this chapter including the authority to require the submission of reports and information

26 by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the  
27 privacy, confidentiality, and security of criminal justice information shall be submitted for review and  
28 comment to any board, commission, or committee or other body which may be established by the General  
29 Assembly to regulate the privacy, confidentiality, and security of information collected and maintained  
30 by the Commonwealth or any political subdivision thereof;

31 2. Establish compulsory minimum training standards subsequent to employment as a law-  
32 enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the  
33 time required for completion of such training;

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

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

39 5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize  
40 radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in §  
41 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum  
42 qualifications for certification and recertification of instructors who provide such training;

43 6. [Repealed];

44 7. Establish compulsory minimum entry-level, in-service and advanced training standards for those  
45 persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-  
46 120, and to establish the time required for completion of such training;

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

50 9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well  
51 as the time required for completion of such training, for persons employed as deputy sheriffs and jail  
52 officers by local criminal justice agencies and correctional officers employed by the Department of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

148           36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-  
149 1707;

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

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

- 156           b. Communication with and facilitation of the safe return of individuals diagnosed with  
157 Alzheimer's disease;
- 158           c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;
- 159           d. Protocols for local and regional sexual assault response teams;
- 160           e. Communication of death notifications;
- 161           f. The questioning of individuals suspected of driving while intoxicated concerning the physical  
162 location of such individual's last consumption of an alcoholic beverage and the communication of such  
163 information to the Virginia Alcoholic Beverage Control Authority;
- 164           g. Vehicle patrol duties that embody current best practices for pursuits and for responding to  
165 emergency calls;
- 166           h. Criminal investigations that embody current best practices for conducting photographic and live  
167 lineups;
- 168           i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of  
169 human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or  
170 street patrol duties; and
- 171           j. Missing children, missing adults, and search and rescue protocol;
- 172           38. Establish compulsory training standards for basic training and the recertification of law-  
173 enforcement officers to ensure (i) sensitivity to and awareness of cultural diversity and the potential for  
174 biased policing and (ii) training in de-escalation techniques;
- 175           39. Review and evaluate community-policing programs in the Commonwealth, and recommend  
176 where necessary statewide operating procedures, guidelines, and standards which strengthen and improve  
177 such programs, including sensitivity to and awareness of cultural diversity and the potential for biased  
178 policing;
- 179           40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation  
180 with Virginia law-enforcement agencies, provide technical assistance and administrative support,  
181 including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The  
182 Center may provide accreditation assistance and training, resource material, and research into methods

183 and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia  
184 accreditation status;

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

195 42. Establish, in consultation with the Department of Education and the Virginia State Crime  
196 Commission, compulsory minimum standards for employment and job-entry and in-service training  
197 curricula and certification requirements for school security officers, including school security officers  
198 described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the  
199 Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards  
200 shall be specific to the role and responsibility of school security officers and shall include (i) relevant state  
201 and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school  
202 environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical  
203 alternative to restraint; (v) disaster and emergency response; (vi) awareness of cultural diversity and  
204 implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders,  
205 and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent  
206 development and brain research. The Department shall establish an advisory committee consisting of local  
207 school board representatives, principals, superintendents, and school security personnel to assist in the  
208 development of the standards and certification requirements in this subdivision. The Department shall  
209 require any school security officer who carries a firearm in the performance of his duties to provide proof

210 that he has completed a training course provided by a federal, state, or local law-enforcement agency that  
211 includes training in active shooter emergency response, emergency evacuation procedure, and threat  
212 assessment;

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

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

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

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

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

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

238 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of §  
239 46.2-117;

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

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

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

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

256 54. Establish compulsory minimum training standards for certification and recertification of law-  
257 enforcement officers serving as school resource officers. Such training shall be specific to the role and  
258 responsibility of a law-enforcement officer working with students in a school environment and shall  
259 include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness  
260 in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v)  
261 disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with

262 students with disabilities, mental health needs, substance abuse disorders, or past traumatic experiences;  
263 and (viii) student behavioral dynamics, including current child and adolescent development and brain  
264 research;

265 55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-  
266 1723.1 that also addresses the storage and maintenance of body-worn camera system records;

267 56. Establish compulsory minimum training standards for detector canine handlers employed by  
268 the Department of Corrections, standards for the training and retention of detector canines used by the  
269 Department of Corrections, and a central database on the performance and effectiveness of such detector  
270 canines that requires the Department of Corrections to submit comprehensive information on each canine  
271 handler and detector canine, including the number and types of calls and searches, substances searched  
272 for and whether or not detected, and the number of false positives, false negatives, true positives, and true  
273 negatives;

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

276 58. Adopt statewide professional standards of conduct applicable to all certified law-enforcement  
277 officers and certified jail officers and appropriate due process procedures for decertification based on  
278 serious misconduct in violation of those standards;

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

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

284 **§ 9.1-108. Criminal Justice Services Board membership; terms; vacancies; members not**  
285 **disqualified from holding other offices; designation of chairmen; meetings; compensation.**

286 A. The Criminal Justice Services Board is established as a policy board within the meaning of §  
287 2.2-2100, in the executive branch of state government. The Board shall consist of 29 members as follows:  
288 the Chief Justice of the Supreme Court of Virginia, or his designee; the Attorney General or his designee;

289 the Superintendent of the Department of State Police; the Director of the Department of Corrections; the  
290 Director of the Department of Juvenile Justice; the Chairman of the Parole Board; the Executive Director  
291 of the Virginia Indigent Defense Commission or his designee; and the Executive Secretary of the Supreme  
292 Court of Virginia. In those instances in which the Executive Secretary of the Supreme Court of Virginia,  
293 the Superintendent of the Department of State Police, the Director of the Department of Corrections, the  
294 Director of the Department of Juvenile Justice, or the Chairman of the Parole Board will be absent from a  
295 Board meeting, he may appoint a member of his staff to represent him at the meeting.

296         Seventeen members shall be appointed by the Governor from among citizens of the  
297 Commonwealth. At least one shall be a representative of a crime victims' organization or a victim of crime  
298 as defined in subsection B of § 19.2-11.01, ~~and one shall represent community interests~~ be a representative  
299 of a civil rights organization, and two shall be representatives of community-based organizations. The  
300 remainder shall be representative of the broad categories of state and local governments, criminal justice  
301 systems, and law-enforcement agencies, including but not limited to, police officials, sheriffs, attorneys  
302 for the Commonwealth, defense counsel, the judiciary, correctional and rehabilitative activities, and other  
303 locally elected and appointed administrative and legislative officials. Among these members there shall  
304 be ~~two sheriffs~~ one sheriff representing the Virginia Sheriffs' Association selected from among names  
305 submitted by the Association; one member who is an active duty law-enforcement officer appointed after  
306 consideration of the names, if any, submitted by police or fraternal associations that have memberships of  
307 at least 1,000; ~~two representatives~~ one representative of the Virginia Association of Chiefs of Police  
308 appointed after consideration of the names submitted by the Association, if any; one attorney for the  
309 Commonwealth appointed after consideration of the names submitted by the Virginia Association of  
310 Commonwealth's Attorneys, if any; one person who is a mayor, city or town manager, or member of a  
311 city or town council representing the Virginia Municipal League appointed after consideration of the  
312 names submitted by the League, if any; one person who is a county executive, manager, or member of a  
313 county board of supervisors representing the Virginia Association of Counties appointed after  
314 consideration of the names submitted by the Association, if any; one member representing the Virginia  
315 Association of Campus Law Enforcement Administrators appointed after consideration of the names

316 submitted by the Association, if any; one member of the Private Security Services Advisory Board; and  
317 one representative of the Virginia Association of Regional Jails appointed after consideration of the names  
318 submitted by the Association, if any.

319 Four members of the Board shall be members of the General Assembly appointed as follows: one  
320 member of the House Committee on Appropriations appointed by the Speaker of House of Delegates after  
321 consideration of the recommendation by the committee's chairman; one member of the House Committee  
322 for Courts of Justice appointed by the Speaker of the House of Delegates after consideration of the  
323 recommendation by the committee's chairman; one member of the Senate Committee on Finance  
324 appointed by the Senate Committee on Rules after consideration of the recommendation of the chairman  
325 of the Senate Committee on Finance; and one member of the Senate Committee for Courts of Justice  
326 appointed by the Senate Committee on Rules after consideration of the recommendation of the chairman  
327 of the Senate Committee for Courts of Justice. The legislative members shall serve for terms coincident  
328 with their terms of office and shall serve as ex officio, nonvoting members. Legislative members may be  
329 reappointed for successive terms.

330 B. The members of the Board appointed by the Governor shall serve for terms of four years,  
331 provided that no member shall serve beyond the time when he holds the office or employment by reason  
332 of which he was initially eligible for appointment. Gubernatorial appointed members of the Board shall  
333 not be eligible to serve for more than two consecutive full terms. Three or more years within a four-year  
334 period shall be deemed a full term. Any vacancy on the Board shall be filled in the same manner as the  
335 original appointment, but for the unexpired term.

336 C. The Governor shall appoint a chairman of the Board for a two-year term. No member shall be  
337 eligible to serve more than two consecutive terms as chairman. The Board shall designate one or more  
338 vice-chairmen from among its members, who shall serve at the pleasure of the Board.

339 D. Notwithstanding any provision of any statute, ordinance, local law, or charter provision to the  
340 contrary, membership on the Board shall not disqualify any member from holding any other public office  
341 or employment, or cause the forfeiture thereof.

342 E. The Board shall hold no less than four regular meetings a year. Subject to the requirements of  
343 this subsection, the chairman shall fix the times and places of meetings, either on his own motion or upon  
344 written request of any five members of the Board.

345 F. The Board may adopt bylaws for its operation.

346 G. Legislative members of the Board shall receive such compensation as provided in § 30-19.12  
347 and nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for the  
348 performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses  
349 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs  
350 of compensation and expenses of the members shall be provided by the Department of Criminal Justice  
351 Services.

352 **§ 9.1-112. Committee on Training; membership.**

353 There is created a permanent Committee on Training under the Board that shall be the policy-  
354 making body responsible to the Board for effecting the provisions of subdivisions 2 through 17 of § 9.1-  
355 102. The Committee on Training shall be composed of 15 members of the Board as follows: the  
356 Superintendent of the Department of State Police; the Director of the Department of Corrections; a  
357 member of the Private Security Services Advisory Board; the Executive Secretary of the Supreme Court  
358 of Virginia; ~~two sheriffs~~ one sheriff representing the Virginia ~~State Sheriffs~~ Sheriffs' Association; ~~two~~  
359 ~~representatives~~ one representative of the Virginia Association of Chiefs of Police Association; the active-  
360 duty law-enforcement officer representing police and fraternal associations; the attorney for the  
361 Commonwealth representing the Virginia Association of Commonwealth's Attorneys; a representative of  
362 the Virginia Municipal League; a representative of the Virginia Association of Counties; a regional jail  
363 superintendent representing the Virginia Association of Regional Jails; one citizen representing  
364 ~~community interests~~ a civil rights organization; two citizens representing community-based organizations;  
365 and one member designated by the chairman of the Board from among the other appointments made by  
366 the Governor.

367 The Committee on Training shall annually elect its chairman from among its members.

368 The Committee on Training may appoint curriculum review committees to assist the Committee  
369 on Training in carrying out its duties under this section. Any curriculum review committee shall be  
370 composed of nine members appointed by the Committee on Training. At least one member shall be a  
371 representative of a regional criminal justice academy, one member shall be a representative of an  
372 independent criminal justice academy, and one member shall be a representative of a community-based  
373 organization. The remainder shall be selected from names submitted by the Department of individuals  
374 with relevant experience.

375 **§ 9.1-112.1. Criminal justice training academies; curriculum.**

376 A. Any criminal justice training academy approved by the Department shall employ the uniform  
377 curriculum and lesson plans developed by the Department pursuant to § 9.1-102 for all training offered at  
378 the academy intended to meet the compulsory minimum entry-level, in-service, and advanced training  
379 standards established by the Board pursuant to § 9.1-102. No credit shall be given toward the completion  
380 of the compulsory minimum training standards for any training that does not employ the uniform  
381 curriculum and lesson plans.

382 B. In addition to any audits or inspections conducted by the Department, the Department shall  
383 conduct an annual evaluation of each criminal justice training academy's compliance with uniform  
384 curriculum and lesson plans. If the Department determines that a criminal justice training academy is  
385 deficient in employing the uniform curriculum and lesson plans, the Department shall provide assistance  
386 to the academy to ensure the academy's compliance and may take whatever enforcement action the  
387 Department deems appropriate, including revocation of the Department's approval of the academy.

388 **§ 9.1-168. Eligibility for funds.**

389 A. Any city, county, or town establishing a police department shall provide the Department written  
390 notice of its intent to seek state funds in accordance with the provisions of this article. Such city, county,  
391 or town shall become eligible to receive funds at the beginning of the next fiscal year which commences  
392 not sooner than twelve months after the filing of this notice.

393 B. No city, county, or town shall receive any funds in accordance with the terms of this article  
394 unless it notifies the Department prior to July 1 each year that its law-enforcement personnel, whether

395 full-time or part-time and whether permanently or temporarily employed, have complied with the  
396 minimum training standards as provided in §§ 9.1-102 and 9.1-114, unless such personnel are exempt  
397 from the minimum training standards as provided in §§ 9.1-113 and 9.1-116 or that an effort will be made  
398 to have its law-enforcement personnel comply with such minimum training standards during the ensuing  
399 fiscal year. Any city, county, or town failing to make an effort to comply with the minimum training  
400 standards may be declared ineligible for funding in the succeeding fiscal year by the Department.

401 C. A change in the form of government from city to tier-city shall not preclude the successor tier-  
402 city which continues to provide a police department from eligibility for funds.

403 D. Any county consolidated under the provisions of Chapter 35 (§ 15.2-3500 et seq.) of Title 15.2  
404 shall be eligible to receive financial assistance for law-enforcement expenditures subject to the provisions  
405 of this article. The consolidated county shall be eligible to receive, on behalf of the formerly incorporated  
406 towns that became shires, boroughs or special service tax districts within the consolidated county, law-  
407 enforcement assistance under the provisions of this article, provided that the consolidation agreement  
408 approved pursuant to Chapter 35 (§ 15.2-3500 et seq.) of Title 15.2 provides for the additional law-  
409 enforcement governmental services previously provided by the police department of such incorporated  
410 towns.

411 E. The Department shall declare any city, county, or town ineligible for funding in the succeeding  
412 fiscal year if (i) a local law-enforcement agency in such city, county, or town has failed or refused to report  
413 the required data to the Department of State Police as required by §§ 15.2-1609.10, 15.2-1722.1, and 52-  
414 30.2 or (ii) a local law-enforcement agency in such city, county, or town has engaged in bias-based  
415 profiling as defined in § 52-30.1 and has failed to adopt or implement the Department's recommendations  
416 to end such bias-based profiling.

417 F. The Department shall declare any city, county, or town ineligible for funding in the succeeding  
418 fiscal year if such locality participates in the federal 1033 Program codified in § 1033 of the National  
419 Defense Authorization Act for Fiscal Year 1997, 10 U.S.C. § 2576a, as amended.

420 **§ 15.2-1609.10. Prohibited practices; collection of data.**

421 A. No sheriff or deputy sheriff shall engage in bias-based profiling as defined in § 52-30.1 in the  
422 performance of his official duties.

423 B. The sheriff of every locality shall collect data pertaining to all motor vehicle, pedestrian, or  
424 investigative stops pursuant to § 52-30.2 and report such data to the Department of State Police for  
425 inclusion in the Community Policing Reporting Database established pursuant to § 52-30.3. The sheriff  
426 of the locality shall be responsible for forwarding the data to the Superintendent of State Police.

427 C. The sheriff shall post the data that has been forwarded for inclusion in the Community Policing  
428 Reporting Database on a website that is maintained by the sheriff or on any other website on which the  
429 sheriff generally posts information and that is available to the public or that clearly describes how the  
430 public may access such data.

431 **§ 15.2-1705. Minimum qualifications; waiver.**

432 A. The chief of police and all police officers of any locality, all deputy sheriffs and jail officers in  
433 this Commonwealth, and all law-enforcement officers as defined in § 9.1-101 who enter upon the duties  
434 of such office after July 1, 1994, are required to meet the following minimum qualifications for office.  
435 Such person shall (i) be a citizen of the United States, (ii) be required to undergo a background  
436 investigation including fingerprint-based criminal history records inquiries to both the Central Criminal  
437 Records Exchange and the Federal Bureau of Investigation, (iii) have a high school education or have  
438 passed a high school equivalency examination approved by the Board of Education, (iv) possess a valid  
439 driver's license if required by the duties of office to operate a motor vehicle, (v) undergo a physical  
440 examination, subsequent to a conditional offer of employment, conducted under the supervision of a  
441 licensed physician, (vi) be at least eighteen years of age, (vii) not have been convicted of or pled guilty or  
442 no contest to a felony or any offense that would be a felony if committed in the Commonwealth, and (viii)  
443 not have produced a positive result on a pre-employment drug screening, if such screening is required by  
444 the hiring law-enforcement agency or jail, where the positive result cannot be explained to the law-  
445 enforcement agency or jail administrator's satisfaction. In addition, all such officers who enter upon the  
446 duties of such office on or after July 1, 2013, shall not have been convicted of or pled guilty or no contest  
447 to (a) any misdemeanor involving moral turpitude, including but not limited to petit larceny under § 18.2-

448 96, or any offense involving moral turpitude that would be a misdemeanor if committed in the  
449 Commonwealth, (b) any misdemeanor sex offense in the Commonwealth, another state, or the United  
450 States, including but not limited to sexual battery under § 18.2-67.4 or consensual sexual intercourse with  
451 a minor 15 or older under clause (ii) of § 18.2-371, or (c) domestic assault under § 18.2-57.2 or any offense  
452 that would be domestic assault under the laws of another state or the United States.

453 B. In addition, if the police officer, deputy sheriff, or jail officer had been employed at any time  
454 by another law-enforcement agency or jail, the hiring law-enforcement agency or jail shall request from  
455 all prior employing agencies or jails any information (i) related to an arrest or prosecution of a former  
456 police officer, deputy sheriff, or jail officer, including any expunged arrest or criminal charge that would  
457 otherwise be prohibited from disclosure in accordance with § 19.2-392.4; (ii) related to a civil suit  
458 regarding a former police officer's, deputy sheriff's, or jail officer's employment or performance of his  
459 duties; and (iii) obtained during the course of any internal investigation related to a former police officer's,  
460 deputy sheriff's, or jail officer's alleged criminal conduct, use of excessive force, or other official  
461 misconduct in violation of the state professional standards of conduct adopted by the Criminal Justice  
462 Services Board. The hiring agency or jail may request this information subsequent to a conditional offer  
463 of employment; however, no police officer, deputy sheriff, or jail officer may be employed in such position  
464 until the requested information is received from all prior employing agencies in the Commonwealth. If a  
465 prior employing agency is located outside the Commonwealth, the hiring agency or jail may request the  
466 police officer, deputy sheriff, or jail officer to complete a waiver or release liability authorizing the hiring  
467 agency or jail to request such information as listed in this subsection subsequent to a conditional offer of  
468 employment Any sheriff or chief of police in the Commonwealth, any director or chief executive of any  
469 law-enforcement agency or jail in the Commonwealth, and the Director of the Department of Criminal  
470 Justice Services or his designee shall disclose any information requested in accordance with the provisions  
471 of this subsection to any hiring agency or jail that requests such information.

472 C. Upon request of a sheriff or chief of police, or the director or chief executive of any agency or  
473 department employing law-enforcement officers as defined in § 9.1-101, or jail officers as defined in §

474 53.1-1, the Department of Criminal Justice Services is hereby authorized to waive the requirements for  
475 qualification as set out in subsection A of this section for good cause shown.

476 **§ 15.2-1707. Decertification of law-enforcement officers.**

477 A. The sheriff, chief of police, or agency administrator shall notify the Criminal Justice Services  
478 Board (the Board) in writing within 48 hours of becoming aware that any certified law-enforcement or  
479 jail officer currently employed by his agency has (i) been convicted of or pled guilty or no contest to a  
480 felony or any offense that would be a felony if committed in the Commonwealth; (ii) been convicted of  
481 or pled guilty or no contest to a Class 1 misdemeanor involving moral turpitude or any offense that would  
482 be any misdemeanor involving moral turpitude, including but not limited to petit larceny under § 18.2-96,  
483 or any offense involving moral turpitude that would be a misdemeanor if committed in the  
484 Commonwealth; (iii) been convicted of or pled guilty or no contest to any misdemeanor sex offense in  
485 the Commonwealth, another state, or the United States, including but not limited to sexual battery under  
486 § 18.2-67.4 or consensual sexual intercourse with a minor 15 years of age or older under clause (ii) of §  
487 18.2-371; (iv) been convicted of or pled guilty or no contest to domestic assault under § 18.2-57.2 or any  
488 offense that would be domestic assault under the laws of another state or the United States; (v) failed to  
489 comply with or maintain compliance with mandated training requirements; or (vi) refused to submit to a  
490 drug screening or has produced a positive result on a drug screening reported to the employing agency,  
491 where the positive result cannot be explained to the agency administrator's satisfaction.

492 ~~B. Notification shall also be provided~~ The sheriff, chief of police, or agency administrator shall  
493 notify the Board in writing within 48 hours of becoming aware that any employee who resigned or was if  
494 any certified law-enforcement or jail officer currently employed by his agency (i) is terminated or resigns  
495 in advance of being convicted or found guilty of an offense set forth in subsection A that requires  
496 decertification or who resigned or was, (ii) is terminated or resigns in advance of a pending drug screening,  
497 (iii) is terminated or resigns for a violation of state or federal law, (iv) is terminated or resigns for engaging  
498 in serious misconduct as defined in statewide professional standards of conduct adopted by the Board, (v)  
499 is terminated or resigns while such officer is the subject of a pending internal investigation, or (vi) has  
500 been placed on a Brady list.

501           C. The notification, where appropriate, shall be accompanied by a copy of the judgment of  
502 conviction.

503           D. Upon receiving such notice from the sheriff, chief of police, or agency administrator, or from  
504 an attorney for the Commonwealth, the ~~Criminal Justice Services~~ Board shall immediately decertify such  
505 law-enforcement or jail officer. Such officer shall not have the right to serve as a law-enforcement officer  
506 within the Commonwealth until his certification has been reinstated by the Board.

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

511           ~~C.~~F. The Department of Criminal Justice Services is hereby authorized to waive the requirements  
512 for decertification as set out in subsection A for good cause shown.

513           ~~D.~~G. The ~~Criminal Justice Services~~ Board may initiate decertification proceedings against any  
514 current or former law-enforcement or jail officer whom if the Board has found to have been convicted of  
515 an offense that requires that any basis for the officer's decertification or who has failed to comply with or  
516 maintain compliance with mandated training requirements set forth in subsection A or B exists.

517           ~~E.~~H. Any conviction of a misdemeanor that has been appealed to a court of record shall not be  
518 considered a conviction for purposes of this section unless a final order of conviction is entered.

519           **§ 15.2-1709. Employer immunity from liability; disclosure of information regarding former**  
520 **deputy sheriffs and law-enforcement officers.**

521           Any sheriff or chief of police, ~~the~~ any director or chief executive of any agency or department  
522 employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101; or jail officers as defined  
523 in § 53.1-1, and the Director of the Department of Criminal Justice Services or his designee who discloses  
524 information about a former deputy sheriff's or law-enforcement officer's or jail officer's job performance  
525 or information requested pursuant to subsection B of § 15.2-1705 to a prospective law-enforcement or jail  
526 employer of the former appointee or employee is ~~presumed to be acting in good faith and, unless lack of~~  
527 ~~good faith is shown by clear and convincing evidence,~~ is immune from civil liability for such disclosure

528 or its consequences. ~~For purposes of this section, the presumption of good faith is rebutted upon a showing~~  
529 ~~that~~ unless the information disclosed by the former employer was knowingly false or deliberately  
530 misleading, was rendered with malicious purpose, or violated any civil right of the former employee or  
531 appointee.

532 **§ 15.2-1721.1. Acquisition of military property.**

533 All localities, sheriffs, chiefs of police, or directors or chief executives of any agency or department  
534 employing deputy sheriffs or law-enforcement officers as defined § 9.1-101 are prohibited from applying  
535 for and accepting grants or loans of personal property from the U.S. Department of Defense for use in the  
536 law-enforcement activities of any law-enforcement agency of the Commonwealth or its political  
537 subdivisions.

538 **§ 15.2-1722.1. Prohibited practices; collection of data.**

539 A. No law-enforcement officer shall engage in bias-based profiling as defined in § 52-30.1 in the  
540 performance of his official duties.

541 B. The police force of every locality shall collect data pertaining to all motor vehicle, pedestrian,  
542 or other investigatory stops pursuant to § 52-30.2 and report such data to the Department of State Police  
543 for inclusion in the Community Policing Reporting Database established pursuant to § 52-30.3. The chief  
544 of police of the locality shall be responsible for forwarding the data to the Superintendent of State Police.

545 C. The chief of police of the locality shall post the data that has been forwarded for inclusion in  
546 the Community Policing Reporting Database on a website that is maintained by the chief of police or on  
547 any other website on which the chief of police generally posts information and that is available to the  
548 public or that clearly describes how the public may access such data.

549 **§ 18.2-64.2. Carnal knowledge of an inmate, parolee, probationer, arrestee, detainee, or**  
550 **pretrial defendant or posttrial offender; penalty.**

551 An accused is guilty of carnal knowledge of an inmate, parolee, probationer, arrestee, detainee, or  
552 pretrial defendant or posttrial offender if he is a law-enforcement officer as defined in § 9.1-101, or an  
553 employee or contractual employee of, or a volunteer with, a state or local correctional facility or regional  
554 jail, the Department of Corrections, the Department of Juvenile Justice, a secure facility or detention home,

555 as defined in § 16.1-228, a state or local court services unit; as defined in § 16.1-235, a local community-  
556 based probation services agency or a pretrial services agency; is in a position of authority over the inmate,  
557 probationer, parolee, arrestee, detainee, or a pretrial defendant or posttrial offender; knows that the inmate,  
558 probationer, parolee, arrestee, detainee, or pretrial defendant or posttrial offender is in the custody of a  
559 private, local, or state law-enforcement agency or under the jurisdiction of ~~the~~ a state or local correctional  
560 facility, ~~a~~ or regional jail, the Department of Corrections, the Department of Juvenile Justice, a secure  
561 facility or detention home; as defined in § 16.1-228, a state or local court services unit; as defined in §  
562 16.1-235, a local community-based probation services agency, or a pretrial services agency; and carnally  
563 knows, without the use of force, threat, or intimidation, (i) an inmate who has been committed to jail or  
564 convicted and sentenced to confinement in a state or local correctional facility or regional jail or (ii) a  
565 probationer, parolee, arrestee, detainee, or a pretrial defendant or posttrial offender in the custody of a  
566 private, local, or state law-enforcement agency or under the jurisdiction of the Department of Corrections,  
567 the Department of Juvenile Justice, a secure facility or detention home; as defined in § 16.1-228, a state  
568 or local court services unit; as defined in § 16.1-235, a local community-based probation services agency,  
569 a pretrial services agency, a local or regional jail for the purposes of imprisonment, a work program, or  
570 any other parole/probationary or pretrial services program or agency. Such offense is a Class 6 felony.

571 An accused is guilty of carnal knowledge of a pretrial defendant or posttrial offender if he (a) is  
572 an owner or employee of the bail bond company that posted the pretrial defendant's or posttrial offender's  
573 bond; (b) has the authority to revoke the pretrial defendant's or posttrial offender's bond; and (c) carnally  
574 knows, without use of force, threat, or intimidation, a pretrial defendant or posttrial offender. Such offense  
575 is a Class 6 felony.

576 For the purposes of this section, "carnal knowledge" includes the acts of sexual intercourse,  
577 cunnilingus, fellatio, anilingus, anal intercourse, and animate or inanimate object sexual penetration.

578 **§ 19.2-56. To whom search warrant directed; what it shall command; warrant to show date**  
579 **and time of issuance; copy of affidavit to be part of warrant and served therewith; warrants not**  
580 **executed within 15 days.**

581           A. The judge, magistrate or other official authorized to issue criminal warrants, shall issue a search  
582 warrant if he finds from the facts or circumstances recited in the affidavit that there is probable cause for  
583 the issuance thereof.

584           Every search warrant shall be directed to (i) the sheriff, sergeant, or any policeman of the county,  
585 city, or town in which the place to be searched is located; (ii) any law-enforcement officer or agent  
586 employed by the Commonwealth and vested with the powers of sheriffs and police; or (iii) jointly to any  
587 such sheriff, sergeant, policeman or law-enforcement officer or agent and an agent, special agent or officer  
588 of the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco and Firearms of the United States  
589 Treasury, the United States Naval Criminal Investigative Service, the United States Department of  
590 Homeland Security, any inspector, law-enforcement official or police personnel of the United States Postal  
591 Service, or the Drug Enforcement Administration. The warrant shall (a) name the affiant, (b) recite the  
592 offense or the identity of the person to be arrested for whom a warrant or process for arrest has been issued  
593 in relation to which the search is to be made, (c) name or describe the place to be searched, (d) describe  
594 the property or person to be searched for, and (e) recite that the magistrate has found probable cause to  
595 believe that the property or person constitutes evidence of a crime (identified in the warrant) or tends to  
596 show that a person (named or described therein) has committed or is committing a crime or that the person  
597 to be arrested for whom a warrant or process for arrest has been issued is located at the place to be  
598 searched.

599           The warrant shall command that the place be forthwith searched, either in day or night, and that  
600 the objects or persons described in the warrant, if found there, be seized. An inventory shall be produced  
601 before a court having jurisdiction of the offense or over the person to be arrested for whom a warrant or  
602 process for arrest has been issued in relation to which the warrant was issued as provided in § 19.2-57.

603           Any such warrant as provided in this section shall be executed by the policeman or other law-  
604 enforcement officer or agent into whose hands it shall come or be delivered. If the warrant is directed  
605 jointly to a sheriff, sergeant, policeman, or law-enforcement officer or agent of the Commonwealth and a  
606 federal agent or officer as otherwise provided in this section, the warrant may be executed jointly or by  
607 the policeman, law-enforcement officer or agent into whose hands it is delivered. No other person may be

608 permitted to be present during or participate in the execution of a warrant to search a place except (1) the  
609 owners and occupants of the place to be searched when permitted to be present by the officer in charge of  
610 the conduct of the search and (2) persons designated by the officer in charge of the conduct of the search  
611 to assist or provide expertise in the conduct of the search.

612 Any search warrant for records or other information pertaining to a subscriber to, or customer of,  
613 an electronic communication service or remote computing service, whether a domestic corporation or  
614 foreign corporation, that is transacting or has transacted any business in the Commonwealth, to be  
615 executed upon such service provider may be executed within or outside the Commonwealth by hand,  
616 United States mail, commercial delivery service, facsimile, or other electronic means upon the service  
617 provider. Notwithstanding the provisions of § 19.2-57, the officer executing a warrant pursuant to this  
618 paragraph shall endorse the date of execution thereon and shall file the warrant, with the inventory attached  
619 (or a notation that no property was seized) and the accompanying affidavit, unless such affidavit was made  
620 by voice or videotape recording, within three days after the materials ordered to be produced are received  
621 by the officer from the service provider. The return shall be made in the circuit court clerk's office for the  
622 jurisdiction wherein the warrant was (A) executed, if executed within the Commonwealth, and a copy of  
623 the return shall also be delivered to the clerk of the circuit court of the county or city where the warrant  
624 was issued; or (B) issued, if executed outside the Commonwealth. Saturdays, Sundays, or any federal or  
625 state legal holiday shall not be used in computing the three-day filing period.

626 Electronic communication service or remote computing service providers, whether a foreign or  
627 domestic corporation, shall also provide the contents of electronic communications pursuant to a search  
628 warrant issued under this section and § 19.2-70.3 using the same process described in the preceding  
629 paragraph.

630 Notwithstanding the provisions of § 19.2-57, any search warrant for records or other information  
631 pertaining to a customer of a financial institution as defined in § 6.2-604, money transmitter as defined in  
632 § 6.2-1900, commercial business providing credit history or credit reports, or issuer as defined in § 6.2-  
633 424 may be executed within the Commonwealth by hand, United States mail, commercial delivery service,  
634 facsimile, or other electronic means upon the financial institution, money transmitter, commercial business

635 providing credit history or credit reports, or issuer. The officer executing such warrant shall endorse the  
636 date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no  
637 property was seized) and the accompanying affidavit, unless such affidavit was made by voice or  
638 videotape recording, within three days after the materials ordered to be produced are received by the  
639 officer from the financial institution, money transmitter, commercial business providing credit history or  
640 credit reports, or issuer. The return shall be made in the circuit court clerk's office for the jurisdiction  
641 wherein the warrant was executed. Saturdays, Sundays, or any federal or state legal holiday shall not be  
642 used in computing the three-day filing period. For the purposes of this section, the warrant will be  
643 considered executed in the jurisdiction where the entity on which the warrant is served is located.

644 Every search warrant shall contain the date and time it was issued. However, the failure of any  
645 such search warrant to contain the date and time it was issued shall not render the warrant void, provided  
646 that the date and time of issuing of said warrant is established by competent evidence.

647 The judge, magistrate, or other official authorized to issue criminal warrants shall attach a copy of  
648 the affidavit required by § 19.2-54, which shall become a part of the search warrant and served therewith.  
649 However, this provision shall not be applicable in any case in which the affidavit is made by means of a  
650 voice or videotape recording or where the affidavit has been sealed pursuant to § 19.2-54.

651 Any search warrant not executed within 15 days after issuance thereof shall be returned to, and  
652 voided by, the officer who issued such search warrant.

653 B. A search warrant authorized under this section shall require that a law-enforcement officer  
654 provide notice of his authority and purpose prior to the execution of such search warrant and shall be  
655 executed only in the daytime unless a judge authorizes the execution of such search warrant at another  
656 time for good cause shown.

657 Any evidence obtained from a search warrant in violation of this subsection shall not be admitted  
658 into evidence in any prosecution.

659 C. For the purposes of this section:

660 "Foreign corporation" means any corporation or other entity, whose primary place of business is  
661 located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of

662 service agreement with a resident of the Commonwealth to be performed in whole or in part by either  
663 party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to §  
664 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service  
665 agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign  
666 corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same  
667 legal force and effect as if served personally within the Commonwealth.

668 "Properly served" means delivery of a search warrant or subpoena by hand, by United States mail,  
669 by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its  
670 general manager in the Commonwealth, to any natural person designated by it as agent for the service of  
671 process, or if such corporation has designated a corporate agent, to any person named in the latest annual  
672 report filed pursuant to § 13.1-775.

673 CHAPTER 7.1.

674 LAW-ENFORCEMENT OFFICER CONDUCT DURING AN ARREST OR OTHER STOP.

675 § 19.2-83.3. Definitions.

676 As used in this chapter:

677 "Deadly force" means any force that is likely or intended to cause serious bodily injury or death.

678 "Deadly weapon" means any object, other than a body part or stationary object, that in the manner  
679 of its actual, attempted, or threatened use is likely to cause serious bodily injury or death.

680 "Neck restraint" means the use of any body part or object to attempt to control or disable a person  
681 by applying pressure against the neck, including the trachea or carotid artery, with the purpose, intent, or  
682 effect of controlling or restricting the person's movement or restricting the person's blood flow or  
683 breathing, including chokeholds, carotid restraints, and lateral vascular neck restraints.

684 § 19.2-83.4. Prohibited practices for law-enforcement officers during an arrest or other stop.

685 A. The use of a neck restraint by a law-enforcement officer is prohibited.

686 B. The willful discharge of a firearm by a law-enforcement officer into or at a moving vehicle is  
687 prohibited unless the discharge of a firearm is immediately necessary to protect the law-enforcement  
688 officer or another person.

689 **§ 19.2-83.5. Use of deadly force by a law-enforcement officer during an arrest or other stop.**

690 A. A law-enforcement officer shall not use deadly force against a person unless:

691 1. The law-enforcement officer reasonably believes that deadly force is immediately necessary to  
692 protect the law-enforcement officer or another person, other than the subject of the use of deadly force,  
693 from the threat of serious bodily injury or death;

694 2. If feasible, the law-enforcement officer has provided a warning to the subject of the deadly force  
695 that he will use deadly force;

696 3. The law-enforcement officer's actions are reasonable, given the totality of the circumstances;  
697 and

698 4. All other options have been exhausted or do not reasonably lend themselves to the  
699 circumstances.

700 B. In determining if a law-enforcement officer's use of deadly force is proper, the following factors  
701 shall be considered:

702 1. The reasonableness of the law-enforcement officer's belief and actions from the perspective of  
703 a reasonable law-enforcement officer; and

704 2. The totality of the circumstances, including (i) whether the subject of the use of deadly force (a)  
705 possessed or appeared to possess a deadly weapon and (b) refused to comply with the law-enforcement  
706 officer's lawful order to surrender an object believed to be a deadly weapon prior to the law-enforcement  
707 officer using deadly force; (ii) whether the law-enforcement officer engaged in de-escalation measures  
708 prior to the use of deadly force, including taking cover, waiting for backup, trying to calm the subject of  
709 the use of force, or using non-deadly force prior to the use of deadly force; and (iii) whether any conduct  
710 by the law-enforcement officer prior to the use of deadly force increased the risk of a confrontation  
711 resulting in deadly force being used.

712 **§ 19.2-83.6. Failure of a law-enforcement officer to intervene in an unlawful use of force.**

713 A. Any law-enforcement officer who witnesses another law-enforcement officer engaging or  
714 attempting to engage in the unlawful use of force against another person shall intervene, when such  
715 intervention is feasible, to end the unlawful use or attempted unlawful use of force, or to prevent the

716 further unlawful use of force. A law-enforcement officer shall also render aid, as circumstances objectively  
717 permit, to any person injured as the result of such unlawful use of force.

718 B. Any law-enforcement officer who intervenes pursuant to subsection A or who witnesses another  
719 law-enforcement officer engaging or attempting to engage in the unlawful use of force against another  
720 person shall report such intervention or unlawful use of force in accordance with the law-enforcement  
721 officer's employing agency's policies and procedures for reporting misconduct committed by a law-  
722 enforcement officer. No employing agency shall retaliate, threaten to retaliate, or take or threaten to take  
723 any disciplinary action against a law-enforcement officer who intervenes pursuant to subsection A or  
724 makes a report pursuant to this subsection.

725 **§ 19.2-83.7. Penalties for violations of this chapter.**

726 In addition to any other penalty authorized by law, any law-enforcement officer who knowingly  
727 violates the provisions of this chapter shall be subject to disciplinary action, including dismissal, demotion,  
728 suspension, or transfer of the law-enforcement officer or decertification as provided in subsection D of §  
729 15.2-1707.

730 **§ 19.2-201. Officers to give information of violation of penal laws to attorney for**  
731 **Commonwealth.**

732 A. As used in this section, "chief law-enforcement officer" means the Superintendent of State  
733 Police; any chief of police or sheriff responsible for law enforcement in the jurisdiction served by him; or  
734 the head of any private police department that has been designated as a criminal justice agency by the  
735 Department of Criminal Justice Services as defined by § 9.1-101.

736 B. Every commissioner of the revenue, sheriff, constable or other officer shall promptly give  
737 information of the violation of any penal law to the attorney for the Commonwealth, who shall forthwith  
738 institute and prosecute all necessary and proper proceedings in such case, whether in the name of the  
739 Commonwealth or of a county or corporation, and may in such case issue or cause to be issued a summons  
740 for any witnesses he may deem material to give evidence before the court or grand jury. Except as  
741 otherwise provided in this chapter, no attorney for the Commonwealth shall go before any grand jury

742 except when duly sworn to testify as a witness, but he may advise the foreman of a regular grand jury or  
743 any member or members thereof in relation to the discharge of their duties.

744 C. Every chief law-enforcement officer shall provide to the attorney for the Commonwealth access  
745 to all records, including police reports, disciplinary records, and internal affairs investigations, relating to  
746 wrongful arrest or use of force complaints, or other complaints that a person has been deprived of the  
747 rights, privileges, or immunities secured or protected by the laws of the United States and the  
748 Commonwealth made against a law-enforcement officer that is employed by the chief law-enforcement  
749 officer's agency. Access shall be granted to the attorney for the Commonwealth to such records whenever  
750 a law-enforcement officer is involved in a matter before a court.

751 **§ 52-11.3. Acquisition of military property.**

752 A. The Superintendent of State Police is ~~authorized to apply for and accept~~ prohibited from  
753 applying for and accepting grants or loans of personal property from the ~~United States~~ U.S. Department  
754 of Defense for use in the law-enforcement activities of the Department of State Police or any other law-  
755 enforcement agency of the Commonwealth or its political subdivisions.

756 B. ~~In connection with the receipt of such~~ For any property that has been previously received, the  
757 Department of State Police and any other law-enforcement agency to which the property ~~is~~ has been  
758 transferred, may agree to hold the United States government harmless against claims for damages arising  
759 out of the use of the property received. Such other law-enforcement agencies may also agree to hold the  
760 Commonwealth harmless against such claims.

761 **§ 52-30.2. Prohibited practices; collection of data.**

762 A. No State Police officer shall engage in bias-based profiling in the performance of his official  
763 duties.

764 B. State Police officers shall collect data pertaining to all motor vehicle, pedestrian, or other  
765 investigatory stops to be reported into the Community Policing Reporting Database. State Police officers  
766 shall submit the data to their commanding officers, who shall forward it to the Superintendent of State  
767 Police.

768 C. Each time a law-enforcement officer or State Police officer stops a driver of a motor vehicle,  
769 pedestrian, or any other person during an investigatory stop, such officer shall collect the following data  
770 based on the officer's observation or information provided to the officer by the driver: (i) the race,  
771 ethnicity, age, ~~and~~ gender, and whether English was the primary language of the person stopped; (ii) the  
772 reason for the stop; (iii) the location of the stop; (iv) whether a warning, written citation, or summons was  
773 issued or whether any person was arrested; (v) if a warning, written citation, or summons was issued or  
774 an arrest was made, the warning provided, violation charged, or crime charged; ~~and~~ (vi) whether the  
775 vehicle or any person was searched; and (vii) whether the law-enforcement officer or State Police officer  
776 used physical force against any person and whether any person used physical force against any officers.

777 D. Each state and local law-enforcement agency shall collect the number of complaints the agency  
778 receives alleging the use of excessive force.

779 **§ 52-30.3. Community Policing Reporting Database established.**

780 A. The Department of State Police shall develop and implement a uniform statewide database to  
781 collect all motor vehicle, pedestrian, and other investigatory stop records, records of complaints alleging  
782 the use of excessive force, and data and information submitted by law-enforcement agencies pursuant to  
783 §§ 15.2-1609.10, 15.2-1722.1, and 52-30.2. The Department of State Police shall provide the Department  
784 of Criminal Justice Services with secure remote access to the database for the purposes of analyzing such  
785 data as required by subsection A of § 9.1-192.

786 B. The Department of State Police shall promulgate regulations governing the operation and  
787 maintenance of the database.

788 **§ 52-30.4. Reporting of state and local law-enforcement agencies required.**

789 All state and local law-enforcement agencies shall collect the data specified in subsections C and  
790 D of § 52-30.2, and any other data as may be specified by the Department of State Police, on forms  
791 developed by the Department of State Police and submit such data to the Department of State Police for  
792 inclusion in the Community Policing Reporting Database.

793 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
794 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**

795 appropriation is \_\_\_\_\_ for periods of imprisonment in state adult correctional facilities;  
796 therefore, Chapter 1289 of the Acts of Assembly of 2020 requires the Virginia Criminal Sentencing  
797 Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of  
798 Virginia, the estimated amount of the necessary appropriation is \_\_\_\_\_ for periods of  
799 commitment to the custody of the Department of Juvenile Justice.

800 3. That the Department of Criminal Justice Services (the Department) shall promulgate regulations  
801 to implement the provisions of §§ 9.1-102(58), 9.1-168 and 15.2-1707 of the Code of Virginia, as  
802 amended by this act, within 280 days of the effective date of this act. The Department shall report  
803 to the Chairman of the Senate Committee on the Judiciary and the Chairman of the House  
804 Committee for Courts of Justice by November 1, 2021, on the status of the regulations. In developing  
805 statewide professional standards of conduct pursuant to § 9.1-102(58), which should be reviewed  
806 and approved by the Criminal Justice Services Board (Board) before the Department promulgates  
807 them as regulations, the Department shall constitute a working group that includes individuals not  
808 serving on the Board that represent the following: crime victims, people directly impacted by the  
809 criminal justice system, people representative of communities disproportionately represented  
810 among persons incarcerated in Virginia jails and prisons, civil rights advocates, mental health  
811 advocates, defense counsel, and people employed in the criminal justice system, including but not  
812 limited to, police officials, sheriffs, attorneys for the Commonwealth, the judiciary, and correctional  
813 and rehabilitative agencies. A majority of the working group should be comprised of individuals  
814 who are not representative of people employed in the criminal justice system.

815 #