

HOUSE BILL NO. 258

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Simonds)

A BILL to amend and reenact § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 35.1-15.1, relating to the Department of Criminal Justice Services; hotels; human trafficking training.

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

**1. That § 9.1-102 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 35.1-15.1 as follows:**

**§ 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;

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

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

31 5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize  
32 radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in §  
33 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum  
34 qualifications for certification and recertification of instructors who provide such training;

35 6. [Repealed];

36 7. Establish compulsory minimum entry-level, in-service and advanced training standards for those  
37 persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-  
38 120, and to establish the time required for completion of such training;

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

42 9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well  
43 as the time required for completion of such training, for persons employed as deputy sheriffs and jail  
44 officers by local criminal justice agencies and correctional officers employed by the Department of  
45 Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of  
46 Corrections, such standards shall include training on the general care of pregnant women, the impact of  
47 restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary  
48 confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

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

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

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

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

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

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

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

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

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

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

- 79           20. Conduct audits as required by § 9.1-131;
- 80           21. Conduct a continuing study and review of questions of individual privacy and confidentiality  
81 of criminal history record information and correctional status information;
- 82           22. Advise criminal justice agencies and initiate educational programs for such agencies with  
83 respect to matters of privacy, confidentiality, and security as they pertain to criminal history record  
84 information and correctional status information;
- 85           23. Maintain a liaison with any board, commission, committee, or other body which may be  
86 established by law, executive order, or resolution to regulate the privacy and security of information  
87 collected by the Commonwealth or any political subdivision thereof;
- 88           24. Adopt regulations establishing guidelines and standards for the collection, storage, and  
89 dissemination of criminal history record information and correctional status information, and the privacy,  
90 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and  
91 court orders;
- 92           25. Operate a statewide criminal justice research center, which shall maintain an integrated  
93 criminal justice information system, produce reports, provide technical assistance to state and local  
94 criminal justice data system users, and provide analysis and interpretation of criminal justice statistical  
95 information;
- 96           26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law  
97 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically  
98 update that plan;
- 99           27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the  
100 Commonwealth, and units of general local government, or combinations thereof, including planning  
101 district commissions, in planning, developing, and administering programs, projects, comprehensive  
102 plans, and other activities for improving law enforcement and the administration of criminal justice  
103 throughout the Commonwealth, including allocating and subgranting funds for these purposes;
- 104           28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects  
105 and activities for the Commonwealth and units of general local government, or combinations thereof, in

106 the Commonwealth, designed to strengthen and improve law enforcement and the administration of  
107 criminal justice at every level throughout the Commonwealth;

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

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

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

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

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

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

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

140           36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-  
141 1707;

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

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

148           b. Communication with and facilitation of the safe return of individuals diagnosed with  
149 Alzheimer's disease;

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

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

155           e. Communication of death notifications;

156           f. The questioning of individuals suspected of driving while intoxicated concerning the physical  
157 location of such individual's last consumption of an alcoholic beverage and the communication of such  
158 information to the Virginia Alcoholic Beverage Control Authority;

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

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

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

166 j. Missing children, missing adults, and search and rescue protocol; and

167 k. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in §  
168 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during  
169 an arrest or detention of another person;

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

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

183 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation  
184 with Virginia law-enforcement agencies, provide technical assistance and administrative support,  
185 including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The

186 Center may provide accreditation assistance and training, resource material, and research into methods  
187 and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia  
188 accreditation status;

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

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



213 this subdivision. The Department shall require any school security officer who carries a firearm in the  
214 performance of his duties to provide proof that he has completed a training course provided by a federal,  
215 state, or local law-enforcement agency that includes training in active shooter emergency response,  
216 emergency evacuation procedure, and threat assessment;

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

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

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

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

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

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

242 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of §  
243 46.2-117;

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

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

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

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

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

266 implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders,  
267 or past traumatic experiences; and (viii) student behavioral dynamics, including current child and  
268 adolescent development and brain research;

269 55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-  
270 1723.1 that also addresses the storage and maintenance of body-worn camera system records;

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

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

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

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

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

291 61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement  
292 officers and certified jail officers and appropriate due process procedures for decertification based on  
293 serious misconduct in violation of those standards;

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

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

299 64. Advise and assist the Department of Behavioral Health and Developmental Services, and  
300 support local law-enforcement cooperation, with the development and implementation of the Marcus alert  
301 system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement  
302 participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to  
303 §§ 9.1-193 and 37.2-311.1; ~~and~~

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

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

308 **§ 35.1-15.1. Required human trafficking training.**

309 A. Every hotel proprietor shall require its employees to complete a training course on recognizing  
310 and reporting instances of suspected human trafficking. Such training course shall be an online course  
311 provided by the Department of Criminal Justice Services pursuant to § 9.1-102 or an alternative online or  
312 in-person training course approved by the Department of Criminal Justice Services. The Department of  
313 Criminal Justice Services shall approve or disapprove of the use of any alternative online or in-person  
314 training course within 60 days of the submission of such training course for approval.

315 B. Each hotel employee shall complete the required training course described in subsection A  
316 within six months of being employed by a hotel and thereafter at least once during each consecutive period

317 of two calendar years commencing with the date on which he last completed the required training course,  
318 for as long as he is employed by a hotel.

319 **2. That the Department of Criminal Justice Services (the Department) shall approve or disapprove**  
320 **of the use of any alternative online or in-person training course submitted to the Department on or**  
321 **before July 1, 2022, by July 15, 2022.**

322 **3. That, notwithstanding subsection B of § 35.1-15.1 of the Code of Virginia, as created by this act,**  
323 **any individual employed by a hotel as of July 1, 2022, shall complete the required training course**  
324 **on recognizing and reporting instances of suspected human trafficking no later than December 31,**  
325 **2022.**

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