

1 SENATE BILL NO. 88

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee on Public Safety

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

5 (Patron Prior to Substitute--Senator Locke)

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

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

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

11 **§ 2.2-3711. (Effective until date pursuant to Acts 2023, cc. 756 and 778, cl. 5) Closed meetings**  
12 **authorized for certain limited purposes.**

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

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

24 2. Discussion or consideration of admission or disciplinary matters or any other matters that would  
25 involve the disclosure of information contained in a scholastic record concerning any student of any public  
26 institution of higher education in the Commonwealth or any state school system. However, any such

27 student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be  
28 permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if  
29 such student, parents, or guardians so request in writing and such request is submitted to the presiding  
30 officer of the appropriate board.

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

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

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

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

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

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

52 9. Discussion or consideration by governing boards of public institutions of higher education of  
53 matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or

54 work to be performed by such institution. However, the terms and conditions of any such gifts, bequests,  
55 grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and  
56 accepted by a public institution of higher education in the Commonwealth shall be subject to public  
57 disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision,  
58 (i) "foreign government" means any government other than the United States government or the  
59 government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity  
60 (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the  
61 stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the  
62 membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under  
63 the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or  
64 national of the United States or a trust territory or protectorate thereof.

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

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

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

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

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

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

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

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

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

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

103 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30,  
104 or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of  
105 trustees of a trust established by one or more local public bodies to invest funds for postemployment  
106 benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2,  
107 or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board

108 of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or  
109 disposition of a security or other ownership interest in an entity, where such security or ownership interest  
110 is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i)  
111 concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared  
112 by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings  
113 Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia  
114 College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or  
115 the future financial performance of the entity, and (ii) would have an adverse effect on the value of the  
116 investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of  
117 trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing  
118 in this subdivision shall be construed to prevent the disclosure of information relating to the identity of  
119 any investment held, the amount invested or the present value of such investment.

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

133 22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern  
134 Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any

135 persons to whom management responsibilities for the University of Virginia Medical Center or Eastern  
136 Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary,  
137 business-related information pertaining to the operations of the University of Virginia Medical Center or  
138 Eastern Virginia Medical School, as the case may be, including business development or marketing  
139 strategies and activities with existing or future joint venturers, partners, or other parties with whom the  
140 University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed,  
141 or forms, any arrangement for the delivery of health care, if disclosure of such information would  
142 adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as  
143 the case may be.

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

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

156 25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein  
157 personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by  
158 or on behalf of individuals who have requested information about, applied for, or entered into prepaid  
159 tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title  
160 23.1 is discussed.

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

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

170 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-  
171 3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in  
172 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible  
173 public entity concerning such records.

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

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

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

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

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

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

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

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

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

204           38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting  
205 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26,  
206 by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College  
207 Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory  
208 Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of  
209 § 2.2-3705.7.

210           39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-  
211 3705.6 related to economic development.

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



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

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

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

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

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

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

239 47. Discussion or consideration of grant, loan, or investment application records subject to the  
240 exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-  
241 2351 et seq.) of Chapter 22.

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

245 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response  
246 team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses  
247 involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii)  
248 individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to  
249 §§ 15.2-1627.5 and 63.2-1605.

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

254 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic  
255 Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and  
256 discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of  
257 § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B  
258 of § 2.2-2040.

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

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

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

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

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

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

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

283 E. This section shall not be construed to (i) require the disclosure of any contract between the  
284 Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§  
285 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to  
286 the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered  
287 to issue industrial revenue bonds by general or special law, to identify a business or industry to which  
288 subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record  
289 at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

290 **§ 2.2-3711. (Effective pursuant to Acts 2023, cc. 756 and 778, cl. 5) Closed meetings**  
291 **authorized for certain limited purposes.**

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

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

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

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

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

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

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

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

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

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

344           10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the  
345 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority,

346 and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private  
347 sources.

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

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

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

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

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

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

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

369 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or  
370 discloses the identity of, or information tending to identify, any prisoner who (i) provides information  
371 about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or

372 in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders  
373 other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

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

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

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

412           22. Those portions of meetings of the board of visitors of the University of Virginia or Old  
413 Dominion University, as the case may be, and those portions of meetings of any persons to whom  
414 management responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health  
415 Sciences Center at Old Dominion University, as the case may be, have been delegated, in which there is  
416 discussed proprietary, business-related information pertaining to the operations of the University of  
417 Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as  
418 the case may be, including business development or marketing strategies and activities with existing or  
419 future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or  
420 the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, has formed,  
421 or forms, any arrangement for the delivery of health care, if disclosure of such information would  
422 adversely affect the competitive position of the University of Virginia Medical Center or the Eastern  
423 Virginia Health Sciences Center at Old Dominion University, as the case may be.

424           23. Discussion or consideration by the Virginia Commonwealth University Health System  
425 Authority or the board of visitors of Virginia Commonwealth University of any of the following: the



426 acquisition or disposition by the Authority of real property, equipment, or technology software or  
427 hardware and related goods or services, where disclosure would adversely affect the bargaining position  
428 or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities  
429 of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing  
430 or operational strategies plans of the Authority where disclosure of such strategies or plans would  
431 adversely affect the competitive position of the Authority; and members of the Authority's medical and  
432 teaching staffs and qualifications for appointments thereto.

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

436 25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein  
437 personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by  
438 or on behalf of individuals who have requested information about, applied for, or entered into prepaid  
439 tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title  
440 23.1 is discussed.

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

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

450 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-  
451 3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in

452 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible  
453 public entity concerning such records.

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

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

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

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

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

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

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

476 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of  
477 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and  
478 meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and

479 consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or  
480 recover scholarship awards.

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

484 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting  
485 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26,  
486 by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College  
487 Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory  
488 Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of  
489 § 2.2-3705.7.

490 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-  
491 3705.6 related to economic development.

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

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

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

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

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

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

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

519 47. Discussion or consideration of grant, loan, or investment application records subject to the  
520 exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-  
521 2351 et seq.) of Chapter 22.

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

525 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response  
526 team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses  
527 involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii)  
528 individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to  
529 §§ 15.2-1627.5 and 63.2-1605.

530 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership  
531 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the

532 portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to  
533 subdivision 33 of § 2.2-3705.7.

534 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic  
535 Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and  
536 discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of  
537 § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B  
538 of § 2.2-2040.

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

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

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

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

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

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

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

563 E. This section shall not be construed to (i) require the disclosure of any contract between the  
564 Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§  
565 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to  
566 the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered  
567 to issue industrial revenue bonds by general or special law, to identify a business or industry to which  
568 subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record  
569 at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

570 **§ 9.1-102. Powers and duties of the Board and the Department.**

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

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

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

- 584           3. Establish minimum training standards and qualifications for certification and recertification for  
585 law-enforcement officers serving as field training officers;
- 586           4. Establish compulsory minimum curriculum requirements for in-service and advanced courses  
587 and programs for schools, whether located in or outside the Commonwealth, which are operated for the  
588 specific purpose of training law-enforcement officers;
- 589           5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize  
590 radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in §  
591 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum  
592 qualifications for certification and recertification of instructors who provide such training;
- 593           6. [Repealed];
- 594           7. Establish compulsory minimum entry-level, in-service and advanced training standards for those  
595 persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-  
596 120, and to establish the time required for completion of such training;
- 597           8. Establish compulsory minimum entry-level, in-service and advanced training standards for  
598 deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time  
599 required for the completion of such training;
- 600           9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well  
601 as the time required for completion of such training, for persons employed as deputy sheriffs and jail  
602 officers by local criminal justice agencies and correctional officers employed by the Department of  
603 Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of  
604 Corrections, such standards shall include training on the general care of pregnant women, the impact of  
605 restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary  
606 confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;
- 607           10. Establish compulsory minimum training standards for all dispatchers employed by or in any  
608 local or state government agency, whose duties include the dispatching of law-enforcement personnel.  
609 Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

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

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

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

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

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

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

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

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

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



- 637           20. Conduct audits as required by § 9.1-131;
- 638           21. Conduct a continuing study and review of questions of individual privacy and confidentiality  
639 of criminal history record information and correctional status information;
- 640           22. Advise criminal justice agencies and initiate educational programs for such agencies with  
641 respect to matters of privacy, confidentiality, and security as they pertain to criminal history record  
642 information and correctional status information;
- 643           23. Maintain a liaison with any board, commission, committee, or other body which may be  
644 established by law, executive order, or resolution to regulate the privacy and security of information  
645 collected by the Commonwealth or any political subdivision thereof;
- 646           24. Adopt regulations establishing guidelines and standards for the collection, storage, and  
647 dissemination of criminal history record information and correctional status information, and the privacy,  
648 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and  
649 court orders;
- 650           25. Operate a statewide criminal justice research center, which shall maintain an integrated  
651 criminal justice information system, produce reports, provide technical assistance to state and local  
652 criminal justice data system users, and provide analysis and interpretation of criminal justice statistical  
653 information;
- 654           26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law  
655 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically  
656 update that plan;
- 657           27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the  
658 Commonwealth, and units of general local government, or combinations thereof, including planning  
659 district commissions, in planning, developing, and administering programs, projects, comprehensive  
660 plans, and other activities for improving law enforcement and the administration of criminal justice  
661 throughout the Commonwealth, including allocating and subgranting funds for these purposes;
- 662           28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects  
663 and activities for the Commonwealth and units of general local government, or combinations thereof, in

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

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

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

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

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

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

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

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

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

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

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

706 b. The identification of, communication with, and facilitation of the safe return of individuals  
707 diagnosed with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and  
708 effective communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii)  
709 techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including  
710 alternatives to physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect,  
711 and exploitation of individuals with Alzheimer's disease and dementia to adult protective services; (iv)  
712 protocols for contacting caregivers when an individual with Alzheimer's disease or dementia is found  
713 wandering or during an emergency or crisis situation; (v) a reference list of local resources available for  
714 individuals with Alzheimer's disease and dementia; and (vi) a reference list of local and national  
715 organizations that assist law-enforcement personnel with locating missing and wandering individuals with  
716 Alzheimer's disease and dementia and returning them to their caregivers;

- 717 c. Sensitivity to and awareness of systemic and individual racism, cultural diversity, and the  
718 potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include  
719 recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder,  
720 or developmental or cognitive disability;
- 721 d. Protocols for local and regional sexual assault response teams;
- 722 e. Communication of death notifications;
- 723 f. The questioning of individuals suspected of driving while intoxicated concerning the physical  
724 location of such individual's last consumption of an alcoholic beverage and the communication of such  
725 information to the Virginia Alcoholic Beverage Control Authority;
- 726 g. Vehicle patrol duties that embody current best practices for pursuits and for responding to  
727 emergency calls;
- 728 h. Criminal investigations that embody current best practices for conducting photographic and live  
729 lineups;
- 730 i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of  
731 human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or  
732 street patrol duties;
- 733 j. The recognition, prevention, and reporting of human trafficking;
- 734 k. Missing children, missing adults, and search and rescue protocol; and
- 735 l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in §  
736 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during  
737 an arrest or detention of another person;
- 738 38. Establish compulsory training standards for basic training and the recertification of law-  
739 enforcement officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural  
740 diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1,  
741 which shall include recognizing implicit biases in interacting with persons who have a mental illness,  
742 substance use disorder, or developmental or cognitive disability; (ii) training in de-escalation techniques;

743 and (iii) training in the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3,  
744 only when necessary to protect the law-enforcement officer or another person;

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

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

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

767 42. Establish, in consultation with the Department of Education and the Virginia State Crime  
768 Commission, compulsory minimum standards for employment and job-entry and in-service training  
769 curricula and certification requirements for school security officers, including school security officers

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

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

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

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

792 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training  
793 curricula, and (iii) certification requirements for campus security officers. Such training standards shall  
794 include, but not be limited to, the role and responsibility of campus security officers, relevant state and  
795 federal laws, school and personal liability issues, security awareness in the campus environment, and  
796 disaster and emergency response. The Department shall provide technical support and assistance to

797 campus police departments and campus security departments on the establishment and implementation of  
798 policies and procedures, including but not limited to: the management of such departments, investigatory  
799 procedures, judicial referrals, the establishment and management of databases for campus safety and  
800 security information sharing, and development of uniform record keeping for disciplinary records and  
801 statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall  
802 establish an advisory committee consisting of college administrators, college police chiefs, college  
803 security department chiefs, and local law-enforcement officials to assist in the development of the  
804 standards and certification requirements and training pursuant to this subdivision;

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

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

810 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of §  
811 46.2-117;

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

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

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

820 53. In consultation with the Department of Behavioral Health and Developmental Services,  
821 develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail  
822 officers, administrators, or superintendents in any local or regional jail. Such program shall be based on  
823 any existing addiction recovery programs that are being administered by any local or regional jails in the

824 Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such  
825 program may address aspects of the recovery process, including medical and clinical recovery, peer-to-  
826 peer support, availability of mental health resources, family dynamics, and aftercare aspects of the  
827 recovery process;

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

837           55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-  
838 1723.1 that also addresses the storage and maintenance of body-worn camera system records;

839           56. Establish compulsory minimum training standards for detector canine handlers employed by  
840 the Department of Corrections, standards for the training and retention of detector canines used by the  
841 Department of Corrections, and a central database on the performance and effectiveness of such detector  
842 canines that requires the Department of Corrections to submit comprehensive information on each canine  
843 handler and detector canine, including the number and types of calls and searches, substances searched  
844 for and whether or not detected, and the number of false positives, false negatives, true positives, and true  
845 negatives;

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

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



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

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

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

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

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

868           64. Advise and assist the Department of Behavioral Health and Developmental Services, and  
869 support local law-enforcement cooperation, with the development and implementation of the Marcus alert  
870 system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement  
871 participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to  
872 §§ 9.1-193 and 37.2-311.1;

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

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

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

879           **§ 15.2-1707. Decertification of law-enforcement officers and jail officers.**

880           A. The sheriff, chief of police, or agency administrator or their designee shall notify the Criminal  
881 Justice Services Board (the Board) in writing within 48 hours of becoming aware that any certified law-  
882 enforcement or jail officer currently employed by his agency has (i) been convicted of or pled guilty or no  
883 contest to a felony or any offense that would be a felony if committed in the Commonwealth; (ii) been  
884 convicted of or pled guilty or no contest to a Class 1 misdemeanor involving moral turpitude or any offense  
885 that would be any misdemeanor involving moral turpitude, including but not limited to petit larceny under  
886 § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if committed in the  
887 Commonwealth; (iii) been convicted of or pled guilty or no contest to any misdemeanor sex offense in the  
888 Commonwealth, another state, or the United States, including but not limited to sexual battery under §  
889 18.2-67.4 or consensual sexual intercourse with a minor 15 years of age or older under clause (ii) of §  
890 18.2-371; (iv) been convicted of or pled guilty or no contest to domestic assault under § 18.2-57.2 or any  
891 offense that would be domestic assault under the laws of another state or the United States; (v) failed to  
892 comply with or maintain compliance with mandated training requirements; or (vi) refused to submit to a  
893 drug screening or has produced a positive result on a drug screening reported to the employing agency,  
894 where the positive result cannot be explained to the agency administrator's satisfaction.

895           B. The sheriff, chief of police, or agency administrator or their designee shall notify the Board in  
896 writing ~~within 48 hours~~ if any certified law-enforcement or jail officer currently employed by his agency  
897 (i) is terminated or resigns in advance of being convicted or found guilty of an offense set forth in clause  
898 (i) of subsection A that requires decertification, (ii) is terminated or resigns in advance of a pending drug  
899 screening, (iii) is terminated or resigns for a violation of state or federal law, including those instances  
900 when a prosecution for a violation of state or federal law is terminated as a result of such law-enforcement  
901 or jail officer resigning from his position, (iv) is terminated or resigns for engaging in serious misconduct  
902 as defined in statewide professional standards of conduct adopted by the Board, (v) is terminated or resigns  
903 while such officer is the subject of a pending internal investigation involving serious misconduct as

904 defined in statewide professional standards of conduct adopted by the Board, ~~or~~ (vi) is terminated or  
905 resigns for an act committed while in the performance of or in relation to his duties that compromises an  
906 officer's credibility, integrity, or honesty, or other characteristics, or (vii) is terminated or resigns for an  
907 act committed while in the performance of his duties that ~~constitute~~ constitutes exculpatory or  
908 impeachment evidence in a criminal case. Such notification shall be given within 48 hours of a termination  
909 or resignation pursuant to clause (i), (ii), or (iii) or within 48 hours of the completion of an internal  
910 investigation for a termination or resignation pursuant to clauses (iv) through (vii).

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

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

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

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

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

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

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

940 **§ 15.2-1708. Notice of decertification; decertification review process.**

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

947 B. ~~Decertification hearing review process.~~ Any decertified law-enforcement or jail officer ~~who has~~  
948 ~~been decertified~~ may, within ~~thirty~~ 30 days of receipt of notice served by the Board, request, by certified  
949 mail or trackable courier service with signature requirement, ~~a hearing review of his decertification~~, which  
950 shall be granted by the Board. Upon receipt of such request, the Board shall ~~set a date, time, and place for~~  
951 ~~the hearing~~ request the Department of Criminal Justice Services (the Department) to initiate a review of  
952 the decertification pursuant to the authority conferred in subdivisions 36 and 61 of § 9.1-102 and in  
953 accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) within ~~sixty~~ 90 days  
954 and serve notice by certified mail or trackable courier service with signature requirement upon the ~~affected~~  
955 decertified officer. ~~The Board, or a committee thereof, shall conduct such hearing.~~ The affected decertified  
956 officer may be represented by counsel at all stages of the decertification review process. The former

957 employing agency shall have a representative present at all stages of the decertification review process. In  
958 the absence of a request for ~~hearing review~~, decertification shall, without further proceedings, become  
959 final ~~thirty~~ 30 days after the initial notice has been served on the decertified officer in person or by certified  
960 mail or trackable courier service with signature requirement.

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

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

966 ~~E. Notice of final action. The Board shall notify the officer and the law enforcement or jail agency~~  
967 ~~involved, by certified mail, of the final action regarding decertification. 1. Upon motion by the decertified~~  
968 ~~officer or his counsel or the Attorney General, the Department may grant a continuance of any informal~~  
969 ~~fact-finding conference or formal hearing for good cause shown.~~

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

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

982 ~~4. When an officer is decertified as a result of any provision of clauses (ii) through (v) of subsection~~  
983 ~~B of § 15.2-1707 and thereafter requests review of his decertification, any informal fact-finding conference~~

984 or formal hearing shall be continued until after all grievances or appeals have been exhausted or waived  
985 and the employing agency's finding of misconduct is final. Such officer shall remain decertified during  
986 such period of continuance.

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

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

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

998 **§ 19.2-83.7. Penalties for violations of this chapter.**

999 In addition to any other penalty authorized by law, any law-enforcement officer who knowingly  
1000 violates the provisions of this chapter shall be subject to disciplinary action, including dismissal, demotion,  
1001 suspension, or transfer of the law-enforcement officer or decertification as provided in subsection ~~D~~ E of  
1002 § 15.2-1707.

1003 **2. That the Department of Criminal Justice Services shall promulgate regulations to implement the**  
1004 **provisions of this act to be effective within 280 days of its enactment.**

1005 #