

SENATE BILL NO. 920

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary

on _____)

(Patron Prior to Substitute--Senator Stuart)

A BILL to amend and reenact §§ 9.1-101, as it is currently effective and as it shall become effective, 9.1-102, 9.1-114.1, 9.1-184, 22.1-280.2:1, and 22.1-280.2:3 of the Code of Virginia, relating to employment of school protection officers in public schools.

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-101, as it is currently effective and as it shall become effective, 9.1-102, 9.1-114.1, 9.1-184, 22.1-280.2:1, and 22.1-280.2:3 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-101. (For contingent expiration date, see Acts 2021, Sp. Sess. I, cc. 524 and 542)

Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

26 "Criminal history record information" means records and data collected by criminal justice
27 agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions,
28 indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall
29 not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title
30 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional
31 status information.

32 "Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof
33 which as its principal function performs the administration of criminal justice and any other agency or
34 subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the
35 purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within
36 the context of its criminal justice activities, employs special conservators of the peace appointed under
37 Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires
38 its officers or special conservators to meet compulsory training standards established by the Criminal
39 Justice Services Board and submits reports of compliance with the training standards and (b) the private
40 corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent
41 that the private corporation or agency so designated as a criminal justice agency performs criminal justice
42 activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted
43 under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually
44 Violent Predators Act (§ 37.2-900 et seq.).

45 "Criminal justice agency" includes any program certified by the Commission on VASAP pursuant
46 to § 18.2-271.2.

47 "Criminal justice agency" includes the Department of Criminal Justice Services.

48 "Criminal justice agency" includes the Virginia Criminal Sentencing Commission.

49 "Criminal justice agency" includes the Virginia State Crime Commission.

50 "Criminal justice information system" means a system including the equipment, facilities,
51 procedures, agreements, and organizations thereof, for the collection, processing, preservation, or

52 dissemination of criminal history record information. The operations of the system may be performed
53 manually or by using electronic computers or other automated data processing equipment.

54 "Department" means the Department of Criminal Justice Services.

55 "Dissemination" means any transfer of information, whether orally, in writing, or by electronic
56 means. The term shall not include access to the information by officers or employees of a criminal justice
57 agency maintaining the information who have both a need and right to know the information.

58 "Law-enforcement officer" means any full-time or part-time employee of a police department or
59 sheriff's office which is a part of or administered by the Commonwealth or any political subdivision
60 thereof, or any full-time or part-time employee of a private police department, and who is responsible for
61 the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the
62 Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control
63 Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine
64 Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of
65 the Department of Wildlife Resources; (v) investigator who is a sworn member of the security division of
66 the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation
67 commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the
68 Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer
69 employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under Article 3 (§ 23.1-
70 809 et seq.) of Chapter 8 of Title 23.1; (x) member of the investigations unit designated by the State
71 Inspector General pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the
72 operations of a state or nonstate agency; (xi) employee with internal investigations authority designated
73 by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 or by the Department of Juvenile
74 Justice pursuant to subdivision A 7 of § 66-3; or (xii) private police officer employed by a private police
75 department. Part-time employees are those compensated officers who are not full-time employees as
76 defined by the employing police department, sheriff's office, or private police department.

77 "Private police department" means any police department, other than a department that employs
78 police agents under the provisions of § 56-353, that employs private police officers operated by an entity

79 authorized by statute or an act of assembly to establish a private police department or such entity's
80 successor in interest, provided it complies with the requirements set forth herein. No entity is authorized
81 to operate a private police department or represent that it is a private police department unless such entity
82 has been authorized by statute or an act of assembly or such entity is the successor in interest of an entity
83 that has been authorized pursuant to this section, provided it complies with the requirements set forth
84 herein. The authority of a private police department shall be limited to real property owned, leased, or
85 controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property;
86 such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police
87 department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or
88 sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding
89 with the private police department that addresses the duties and responsibilities of the private police
90 department and the chief law-enforcement officer in the conduct of criminal investigations. Private police
91 departments and private police officers shall be subject to and comply with the Constitution of the United
92 States; the Constitution of Virginia; the laws governing municipal police departments, including the
93 provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, 15.2-1721.1, and 15.2-
94 1722; and any regulations adopted by the Board that the Department designates as applicable to private
95 police departments. Any person employed as a private police officer pursuant to this section shall meet all
96 requirements, including the minimum compulsory training requirements, for law-enforcement officers
97 pursuant to this chapter. A private police officer is not entitled to benefits under the Line of Duty Act (§
98 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law enforcement officer" or
99 "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement Officers
100 Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or any
101 locality. An authorized private police department may use the word "police" to describe its sworn officers
102 and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of
103 Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not
104 otherwise established by statute or an act of assembly and whose status as a private police department was
105 recognized by the Department at that time is hereby validated and may continue to operate as a private

106 police department as may such entity's successor in interest, provided it complies with the requirements
107 set forth herein.

108 "School protection officer" means an individual hired by the local school board or a private or
109 religious school, with input from and collaboration with the local law-enforcement agency, to provide
110 security services to elementary and secondary schools in the Commonwealth and who may carry a firearm
111 in the performance of his duties. Such school protection officer will perform the duties of a school security
112 officer as defined in § 9.1-101 and shall also meet the eligibility and training requirements established in
113 § 22.1-280.2:1.

114 "School resource officer" means a certified law-enforcement officer hired by the local law-
115 enforcement agency to provide law-enforcement and security services to Virginia public elementary and
116 secondary schools.

117 "School security officer" means an individual who is employed by the local school board or a
118 private or religious school for the singular purpose of maintaining order and discipline, preventing crime,
119 investigating violations of the policies of the school board or the private or religious school, and detaining
120 students violating the law or the policies of the school board or the private or religious school on school
121 property, school buses, or at school-sponsored events and who is responsible solely for ensuring the safety,
122 security, and welfare of all students, faculty, staff, and visitors in the assigned school.

123 "Unapplied criminal history record information" means information pertaining to criminal
124 offenses submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history
125 record of an arrested or convicted person (i) because such information is not supported by fingerprints or
126 other accepted means of positive identification or (ii) due to an inconsistency, error, or omission within
127 the content of the submitted information.

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175 sheriff's office which is a part of or administered by the Commonwealth or any political subdivision
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177 the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the
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196 successor in interest, provided it complies with the requirements set forth herein. No entity is authorized
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203 department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or
204 sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding
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207 departments and private police officers shall be subject to and comply with the Constitution of the United
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232 secondary schools.

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234 private or religious school for the singular purpose of maintaining order and discipline, preventing crime,
235 investigating violations of the policies of the school board or the private or religious school, and detaining
236 students violating the law or the policies of the school board or the private or religious school on school
237 property, school buses, or at school-sponsored events and who is responsible solely for ensuring the safety,
238 security, and welfare of all students, faculty, staff, and visitors in the assigned school.

239 "Sealing" means (i) restricting dissemination of criminal history record information contained in
240 the Central Criminal Records Exchange, including any records relating to an arrest, charge, or conviction,
241 in accordance with the purposes set forth in § 19.2-392.13 and pursuant to the rules and regulations
242 adopted pursuant to § 9.1-128 and the procedures adopted pursuant to § 9.1-134 and (ii) prohibiting
243 dissemination of court records related to an arrest, charge, or conviction, unless such dissemination is
244 authorized by a court order for one or more of the purposes set forth in § 19.2-392.13.

245 "Unapplied criminal history record information" means information pertaining to criminal
246 offenses submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history
247 record of an arrested or convicted person (i) because such information is not supported by fingerprints or
248 other accepted means of positive identification or (ii) due to an inconsistency, error, or omission within
249 the content of the submitted information.

250 **§ 9.1-102. Powers and duties of the Board and the Department.**

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

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

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

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

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

269 5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize
270 radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in §
271 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum
272 qualifications for certification and recertification of instructors who provide such training;

273 6. [Repealed];

274 7. Establish compulsory minimum entry-level, in-service and advanced training standards for those
275 persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-
276 120, and to establish the time required for completion of such training;

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

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

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

290 11. Establish compulsory minimum training standards for all auxiliary police officers employed
291 by or in any local or state government agency. Such training shall be graduated and based on the type of

292 duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary
293 police officers exempt pursuant to § 15.2-1731;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

342 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects
343 and activities for the Commonwealth and units of general local government, or combinations thereof, in

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

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

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

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

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

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

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

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

378 36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-
379 1707;

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

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

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

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

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

393 e. Communication of death notifications;

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

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

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

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

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

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

406 l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in §
407 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during
408 an arrest or detention of another person;

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

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

422 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation
423 with Virginia law-enforcement agencies, provide technical assistance and administrative support,

424 including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The
425 Center may provide accreditation assistance and training, resource material, and research into methods
426 and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia
427 accreditation status;

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

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

451 school security personnel to assist in the development of the standards and certification requirements in
452 this subdivision. ~~The Department shall require any school security officer who carries a firearm in the~~
453 ~~performance of his duties to provide proof that he has completed a training course provided by a federal,~~
454 ~~state, or local law enforcement agency that includes training in active shooter emergency response,~~
455 ~~emergency evacuation procedure, and threat assessment;~~

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

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

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

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

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

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

481 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of §
482 46.2-117;

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

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

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

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

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

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

508 55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-
509 1723.1 that also addresses the storage and maintenance of body-worn camera system records;

510 56. Establish compulsory minimum training standards for detector canine handlers employed by
511 the Department of Corrections, standards for the training and retention of detector canines used by the
512 Department of Corrections, and a central database on the performance and effectiveness of such detector
513 canines that requires the Department of Corrections to submit comprehensive information on each canine
514 handler and detector canine, including the number and types of calls and searches, substances searched
515 for and whether or not detected, and the number of false positives, false negatives, true positives, and true
516 negatives;

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

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

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

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

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

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

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

538 64. Advise and assist the Department of Behavioral Health and Developmental Services, and
539 support local law-enforcement cooperation, with the development and implementation of the Marcus alert
540 system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement
541 participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to
542 §§ 9.1-193 and 37.2-311.1;

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

545 66. Establish compulsory training standards for basic training and the recertification of school
546 protection officers; and

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

549 **§ 9.1-114.1. Compliance with minimum training standards.**

550 A. Every full-time or part-time law-enforcement officer employed as a school resource officer
551 after July 1, 2020, shall comply with the compulsory minimum training standards for school resource
552 officers established by the Board within a period of time fixed by the Board. The Department shall ensure
553 that such required training is available throughout the Commonwealth.

554 B. Every former law-enforcement officer employed as a school protection officer shall comply
555 with the compulsory minimum training standards for school protection officers established by the Board

556 within a period of time fixed by the Board. The Department shall ensure that such required training is
557 available throughout the Commonwealth.

558 **§ 9.1-184. Virginia Center for School and Campus Safety created; duties.**

559 A. From such funds as may be appropriated, the Virginia Center for School and Campus Safety
560 (the Center) is hereby established within the Department. The Center shall:

561 1. Provide training for Virginia public school personnel in school safety, on evidence-based
562 antibullying tactics based on the definition of bullying in § 22.1-276.01, and in the effective identification
563 of students who may be at risk for violent behavior and in need of special services or assistance;

564 2. Serve as a resource and referral center for Virginia school divisions by conducting research,
565 sponsoring workshops, and providing information regarding current school safety concerns, such as
566 conflict management and peer mediation, bullying as defined in § 22.1-276.01, school facility design and
567 technology, current state and federal statutory and regulatory school safety requirements, and legal and
568 constitutional issues regarding school safety and individual rights;

569 3. Maintain and disseminate information to local school divisions on effective school safety
570 initiatives in Virginia and across the nation;

571 4. Develop a case management tool for the collection and reporting of data by threat assessment
572 teams pursuant to § 22.1-79.4;

573 5. Collect, analyze, and disseminate various Virginia school safety data, including school safety
574 audit information submitted to it pursuant to § 22.1-279.8, collected by the Department and, in conjunction
575 with the Department of Education, information relating to the activities of school resource officers and
576 school protection officers submitted pursuant to § 22.1-279.10;

577 6. Encourage the development of partnerships between the public and private sectors to promote
578 school safety in Virginia;

579 7. Provide technical assistance to Virginia school divisions in the development and implementation
580 of initiatives promoting school safety, including threat assessment-based protocols with such funds as may
581 be available for such purpose;

582 8. Develop a memorandum of understanding between the Director of the Department of Criminal
583 Justice Services and the Superintendent of Public Instruction to ensure collaboration and coordination of
584 roles and responsibilities in areas of mutual concern, such as school safety audits and crime prevention;

585 9. Provide training for and certification of school security officers and school protection officers,
586 as defined in § 9.1-101 and consistent with § 9.1-110;

587 10. Develop, in conjunction with the Department of State Police, the Department of Behavioral
588 Health and Developmental Services, and the Department of Education, a model critical incident response
589 training program for public school personnel and others providing services to schools that shall also be
590 made available to private schools in the Commonwealth;

591 11. In consultation with the Department of Education, provide schools with a model policy for the
592 establishment of threat assessment teams, including procedures for the assessment of and intervention
593 with students whose behavior poses a threat to the safety of school staff or students; ~~and~~

594 12. Develop a model memorandum of understanding setting forth the respective roles and
595 responsibilities of local school boards and local law-enforcement agencies regarding the use of school
596 resource officers. Such model memorandum of understanding may be used by local school boards and
597 local law-enforcement agencies to satisfy the requirements of subsection A of § 22.1-280.2:3; and

598 13. Develop a model memorandum of understanding setting forth the respective roles and
599 responsibilities of local school boards or private or religious schools and local law-enforcement agencies
600 regarding the use of school protection officers. Such model memorandum of understanding may be used
601 by local school boards and local law-enforcement agencies to satisfy the requirements of subsection B of
602 § 22.1-280.2:1 and subsection C of § 22.1-280.2:3.

603 B. All agencies of the Commonwealth shall cooperate with the Center and, upon request, assist the
604 Center in the performance of its duties and responsibilities.

605 **§ 22.1-280.2:1. Employment of school security officers and school protection officers;**
606 **memorandum of understanding.**

607 A. Local school boards and private or religious schools may employ school security officers, as
608 defined in § 9.1-101, for the purposes set forth therein. ~~Such~~ Local school boards and private or religious

609 schools may also employ school protection officers as defined in § 9.1-101 provided such school-security
610 protection officer may carry a firearm in the performance of his duties if meets the following requirements:
611 (i) within 10 years immediately prior to being hired by the local school board or private or religious school
612 he (a) was an active law-enforcement officer as defined in § 9.1-101 in the Commonwealth or (b) was
613 employed by a law-enforcement agency of the United States or any state or political subdivision thereof
614 and his duties were substantially similar to those of a law-enforcement officer as defined in § 9.1-101; (ii)
615 he retired or resigned from his position as a law-enforcement officer in good standing; (iii) he meets the
616 training and qualifications described in subsection C of § 18.2-308.016; (iv) he has ~~provided proof of~~
617 ~~completion of a training course that includes training in active shooter emergency response, emergency~~
618 ~~evacuation procedure, and threat assessment to the Department of Criminal Justice Services pursuant to~~
619 ~~subdivision 42 of § 9.1-102, provided that if he received such training from a local law enforcement~~
620 ~~agency he received the training in the locality in which he is employed~~ completed a K-12 behavioral threat
621 assessment course, a school crisis management and critical incident response course, and an active attack
622 response course, each of which must be approved by the Virginia Center for School and Campus Safety;
623 (v) the local school board or private or religious school solicits input from the chief law-enforcement
624 officer of the locality regarding the qualifications of the school security officer and receives verification
625 from such chief law-enforcement officer that the school security officer is not prohibited by state or federal
626 law from possessing, purchasing, or transporting a firearm; and (vi) the local school board or private or
627 religious school grants him the authority to carry a firearm in the performance of his duties.

628 B. Any school board employing school protection officers shall enter into a memorandum of
629 understanding setting forth the respective roles, duties, and responsibilities of local school boards and
630 local law-enforcement agencies regarding the hiring, training, equipment, and use of school protection
631 officers. The provisions of such memorandum of understanding shall be based on the model memorandum
632 of understanding developed by the Virginia Center for School and Campus Safety pursuant to subdivision
633 A 13 of § 9.1-184 that may be modified by the parties in accordance with their particular needs.

634 **§ 22.1-280.2:3. School boards; safety and security personnel.**

635 A. The school board in each school division in which the local law-enforcement agency employs
636 school resource officers, as defined in § 9.1-101, shall enter into a memorandum of understanding with
637 such local law-enforcement agency that sets forth the powers and duties of such school resource officers.
638 The provisions of such memorandum of understanding shall be based on the model memorandum of
639 understanding developed by the Virginia Center for School and Campus Safety pursuant to subdivision A
640 12 of § 9.1-184, which may be modified by the parties in accordance with their particular needs. Each
641 such school board and local law-enforcement agency shall review and amend or affirm such memorandum
642 at least once every two years or at any time upon the request of either party. Each school board shall ensure
643 the current division memorandum of understanding is conspicuously published on the division website
644 and provide notice and opportunity for public input during each memorandum of understanding review
645 period.

646 B. The chief local law-enforcement officer for any local school division in which a public
647 elementary or secondary school does not employ a school resource officer, as defined in § 9.1-101, shall
648 designate a law-enforcement officer to receive, either in-person or online, the training set forth in
649 subsection E of § 22.1-279.8. Such officer shall serve as the law-enforcement liaison for the school
650 administrator described in subsection E of § 22.1-279.8 in each public elementary or secondary school
651 that does not employ a school resource officer.

652 C. Any local school board may, pursuant to an agreement with the local law-enforcement agency,
653 employ a school protection officer, as defined in § 9.1-101, in any public elementary or secondary school
654 in the local school division. Each such school board and local law-enforcement agency shall enter into a
655 memorandum of understanding that sets forth the powers and duties of such school protection officers.
656 The provisions of such memorandum of understanding shall be based on the model memorandum of
657 understanding developed by the Virginia Center for School and Campus Safety pursuant to subdivision A
658 13 of § 9.1-184, which may be modified by the parties in accordance with their particular needs. Each
659 such school board and local law-enforcement agency shall review and amend or affirm such memorandum
660 at least once every two years or at any time upon the request of either party. Each such school board shall
661 ensure that the current division memorandum of understanding is conspicuously published on the local

662 school division's website and provide notice and opportunity for public input during each memorandum
663 of understanding review period.

664 #