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**HOUSE BILL NO. 1480**

Offered January 11, 2017

Prefiled December 13, 2016

*A BILL to amend and reenact §§ 9.1-102 and 32.1-111.4 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 2 of Title 27 a section numbered 27-23.11 and by adding a section numbered 37.2-312.3, relating to mental health awareness training; law-enforcement officers, firefighters, and emergency medical services personnel.*

Patrons—Helsel, Aird, Boysko, Freitas, Kory, Minchew and Peace

Referred to Committee for Courts of Justice

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

**1. That §§ 9.1-102 and 32.1-111.4 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 2 of Title 27 a section numbered 27-23.11 and by adding a section numbered 37.2-312.3 as follows:**

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

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

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

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

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

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

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

6. [Repealed];

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

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

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

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

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

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other

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59 institutions, whether located in or outside the Commonwealth, concerning the development of police  
60 training schools and programs or courses of instruction;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

118 31. Do all things necessary on behalf of the Commonwealth and its units of general local  
119 government, to determine and secure benefits available under the Omnibus Crime Control and Safe  
120 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and

121 programs for strengthening and improving law enforcement, the administration of criminal justice, and  
122 delinquency prevention and control;

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

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

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

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

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

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

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

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

151 c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

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

153 e. Communication of death notifications;

154 f. (Effective until July 1, 2018) The questioning of individuals suspected of driving while intoxicated  
155 concerning the physical location of such individual's last consumption of an alcoholic beverage and the  
156 communication of such information to the Alcoholic Beverage Control Board;

157 f. (Effective July 1, 2018) The questioning of individuals suspected of driving while intoxicated  
158 concerning the physical location of such individual's last consumption of an alcoholic beverage and the  
159 communication of such information to the Virginia Alcoholic Beverage Control Authority;

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

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

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

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

168 38. Establish compulsory training standards for basic training and the recertification of  
169 law-enforcement officers to ensure (i) sensitivity to and awareness of cultural diversity and the potential  
170 for biased policing and (ii) participation in a mental health awareness program created or certified by  
171 the Department of Behavioral Health and Developmental Services pursuant to § 37.2-312.3;

172 39. Review and evaluate community-policing programs in the Commonwealth, and recommend where  
173 necessary statewide operating procedures, guidelines, and standards which strengthen and improve such  
174 programs, including sensitivity to and awareness of cultural diversity and the potential for biased  
175 policing;

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

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

192 42. Establish, in consultation with the Department of Education and the Virginia State Crime  
193 Commission, compulsory minimum standards for employment and job-entry and in-service training  
194 curricula and certification requirements for school security officers, which training and certification shall  
195 be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such  
196 training standards shall include, but shall not be limited to, the role and responsibility of school security  
197 officers, relevant state and federal laws, school and personal liability issues, security awareness in the  
198 school environment, mediation and conflict resolution, disaster and emergency response, and student  
199 behavioral dynamics. The Department shall establish an advisory committee consisting of local school  
200 board representatives, principals, superintendents, and school security personnel to assist in the  
201 development of these standards and certification requirements;

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

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

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

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

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

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

226 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of  
227 § 46.2-117;

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

231 51. (Effective July 1, 2017) In accordance with § 9.1-102.1, design and approve the issuance of  
232 photo-identification cards to private security services registrants registered pursuant to Article 4  
233 (§ 9.1-138 et seq.);

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

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

239 **§ 27-23.11. Firefighter mental health awareness training.**

240 *All firefighters other than volunteer firefighters as defined in § 27-42 shall biennially participate in a*  
241 *mental health awareness program created or certified by the Department of Behavioral Health and*  
242 *Developmental Services pursuant to § 37.2-312.3.*

243 **§ 32.1-111.4. Regulations; emergency medical services personnel and vehicles; response times;**

244 enforcement provisions; civil penalties.

245 A. The Board shall prescribe by regulation:

246 1. Requirements for recordkeeping, supplies, operating procedures, and other emergency medical  
247 services agency operations;

248 2. Requirements for the sanitation and maintenance of emergency medical services vehicles and their  
249 medical supplies and equipment;

250 3. Procedures, including the requirements for forms, to authorize qualified emergency medical  
251 services personnel to follow Do Not Resuscitate Orders pursuant to § 54.1-2987.1;

252 4. Requirements for the composition, administration, duties, and responsibilities of the Advisory  
253 Board;

254 5. Requirements, developed in consultation with the Advisory Board, governing the training,  
255 certification, and recertification of emergency medical services personnel, *which shall include biennial  
256 participation in a mental health awareness program created or certified by the Department of  
257 Behavioral Health and Developmental Services pursuant to § 37.2-312.3;*

258 6. Requirements for written notification to the Advisory Board, the Office of Emergency Medical  
259 Services, and the Financial Assistance and Review Committee of the Board's action, and the reasons  
260 therefor, on requests and recommendations of the Advisory Board, the Office of Emergency Medical  
261 Services, or the Financial Assistance and Review Committee, no later than five business days after  
262 reaching its decision, specifying whether the Board has approved, denied, or not acted on such requests  
263 and recommendations;

264 7. Authorization procedures, developed in consultation with the Advisory Board, that allow the  
265 possession and administration of epinephrine or a medically accepted equivalent for emergency cases of  
266 anaphylactic shock by certain levels of certified emergency medical services personnel as authorized by  
267 § 54.1-3408 and authorization procedures that allow the possession and administration of oxygen with  
268 the authority of the local operational medical director and an emergency medical services agency that  
269 holds a valid license issued by the Commissioner;

270 8. A uniform definition of "response time" and requirements, developed in consultation with the  
271 Advisory Board, for each emergency medical services agency to measure response times starting from  
272 the time a call for emergency medical services is received until the time (i) appropriate emergency  
273 medical services personnel are responding and (ii) appropriate emergency medical services personnel  
274 arrive on the scene, and requirements for emergency medical services agencies to collect and report such  
275 data to the Director of the Office of Emergency Medical Services, who shall compile such information  
276 and make it available to the public, upon request; and

277 9. Enforcement provisions, including, but not limited to, civil penalties that the Commissioner may  
278 assess against any emergency medical services agency or other entity found to be in violation of any of  
279 the provisions of this article or any regulation promulgated under this article. All amounts paid as civil  
280 penalties for violations of this article or regulations promulgated pursuant thereto shall be paid into the  
281 state treasury and shall be deposited in the emergency medical services special fund established pursuant  
282 to § 46.2-694, to be used only for emergency medical services purposes.

283 B. The Board shall classify emergency medical services agencies and emergency medical services  
284 vehicles by type of service rendered and shall specify the medical equipment, the supplies, the vehicle  
285 specifications, and the emergency medical services personnel required for each classification.

286 C. In formulating its regulations, the Board shall consider the current Minimal Equipment List for  
287 Ambulances adopted by the Committee on Trauma of the American College of Surgeons.

288 § 37.2-312.3. **Emergency services mental health awareness training.**

289 A. *The Department shall establish and administer a mental health awareness training program for  
290 law-enforcement officers, firefighters, and emergency medical services personnel on how to recognize  
291 potential mental health issues and assist themselves or members of the emergency services community  
292 with mental health issues. Such program shall include training on:*

293 1. *Understanding signs and symptoms of cumulative stress, depression, anxiety, exposure to acute  
294 and chronic trauma, compulsive behaviors, and addiction;*

295 2. *Combatting and overcoming stigmas;*

296 3. *Accessing available mental health treatments and resources;*

297 4. *Appropriate responses to aggressive behaviors such as domestic violence and harassment; and*

298 5. *Utilizing employee assistance programs.*

299 B. *Any person shall be eligible to participate in such program. The Department may charge a  
300 reasonable fee for participation in the program.*

301 C. *The Department shall ensure that evaluative criteria are established to measure the effectiveness  
302 of such program.*

303 D. *The Department shall create and administer a process by which a program not created by the  
304 Department can be certified by the Department as a qualified mental health awareness training program*

**305** *if it addresses all topics enumerated in subsection A and is comparable to the program established by*  
**306** *the Department.*