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HOUSE BILL NO. 1642

Offered January 13, 2025

Prefiled January 3, 2025

A *BILL to amend the Code of Virginia by adding in Title 19.2 a chapter numbered 1.3, consisting of sections numbered 19.2-11.14 and 19.2-11.15, relating to criminal justice risk assessments; human oversight.*

Patrons—Hayes, Clark, Cousins, Henson and Keys-Gamarra

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 19.2 a chapter numbered 1.3, consisting of sections numbered 19.2-11.14 and 19.2-11.15, as follows:

CHAPTER 1.3.

CRIMINAL JUSTICE RISK ASSESSMENTS.

§ 19.2-11.14. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Artificial intelligence-based tools" means software systems or algorithms, including machine learning models, predictive analytics, and decision support systems, that analyze data and generate recommendations or predictions used to inform criminal justice decisions.

"Human oversight" means the process by which a qualified human decision maker reviews and approves the outputs or recommendations of an artificial intelligence-based tool prior to its use in making or informing a final decision.

§ 19.2-11.15. Criminal justice risk assessments; human oversight.

Notwithstanding any other provision of law, the recommendations or predictions provided by any artificial intelligence-based tool utilized for criminal justice purposes, including recommendations or predictions related to pretrial release, sentencing, probation, or parole, shall be reviewed and approved by a qualified human decision maker prior to using any such recommendations or predictions in making or informing a final decision. No decision related to pretrial release, sentencing, probation, or parole may rely solely on the recommendation of an artificial intelligence-based tool without documented human oversight. Documentation of such human oversight shall include the artificial intelligence-generated recommendation or prediction and the rationale for its acceptance, modification, or rejection by the qualified human decision maker.