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HOUSE BILL NO. 2235

Offered January 13, 2025

Prefiled January 7, 2025

A BILL to amend and reenact § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3 of Title 53.1 an article numbered 7.1, consisting of sections numbered 53.1-133.06 through 53.1-133.09, relating to local and regional correctional facilities; treatment of prisoners known to be pregnant.

Patrons—Cousins, Simonds, Anthony, Bennett-Parker, Clark, Cole, Glass, Henson, Hope, Jones, LeVere Bolling, Martinez, McClure, Price and Shin

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3 of Title 53.1 an article numbered 7.1, consisting of sections numbered 53.1-133.06 through 53.1-133.09, as follows:

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

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

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

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

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 and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For deputy sheriffs and jail officers who are employees of local or regional correctional facilities and correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

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. Such training shall include training in the identification of, communication with, and facilitation of the safe return of individuals diagnosed with

58 Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective
 59 communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques
 60 for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to
 61 physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of
 62 individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting
 63 caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an
 64 emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's
 65 disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement
 66 personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and
 67 returning them to their caregivers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

128 31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to
129 determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L.
130 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and
131 improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

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

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

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

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

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

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

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

159 b. The identification of, communication with, and facilitation of the safe return of individuals diagnosed
160 with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective
161 communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques
162 for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to
163 physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of
164 individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting
165 caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an
166 emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's
167 disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement
168 personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and
169 returning them to their caregivers;

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

174 d. Protocols for local and regional sexual assault and human trafficking response teams;

175 e. Communication of death notifications;

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

179 g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency

- 180 calls;
- 181 h. Criminal investigations that embody current best practices for conducting photographic and live
- 182 lineups;
- 183 i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human
- 184 trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol
- 185 duties;
- 186 j. The recognition, prevention, and reporting of human trafficking;
- 187 k. Missing children, missing adults, and search and rescue protocol;
- 188 l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3,
- 189 that embody current best practices for using such items as a crowd control measure or during an arrest or
- 190 detention of another person; and
- 191 m. The use of naloxone or other opioid antagonists to prevent opioid overdose deaths, in coordination
- 192 with statewide naloxone training programs developed by the Department of Behavioral Health and
- 193 Developmental Services and the Virginia Department of Health;
- 194 38. Establish compulsory training standards for basic training and the recertification of law-enforcement
- 195 officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and
- 196 the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include
- 197 recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or
- 198 developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful
- 199 use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the
- 200 law-enforcement officer or another person;
- 201 39. Review and evaluate community-policing programs in the Commonwealth, and recommend where
- 202 necessary statewide operating procedures, guidelines, and standards that strengthen and improve such
- 203 programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the
- 204 potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include
- 205 recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or
- 206 developmental or cognitive disability;
- 207 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with
- 208 Virginia law-enforcement agencies, provide technical assistance and administrative support, including
- 209 staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may
- 210 provide accreditation assistance and training, resource material, and research into methods and procedures
- 211 that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;
- 212 41. Promote community policing philosophy and practice throughout the Commonwealth by providing
- 213 community policing training and technical assistance statewide to all law-enforcement agencies, community
- 214 groups, public and private organizations and citizens; developing and distributing innovative policing
- 215 curricula and training tools on general community policing philosophy and practice and contemporary critical
- 216 issues facing Virginia communities; serving as a consultant to Virginia organizations with specific
- 217 community policing needs; facilitating continued development and implementation of community policing
- 218 programs statewide through discussion forums for community policing leaders, development of law-
- 219 enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide
- 220 information source on the subject of community policing including, but not limited to periodic newsletters, a
- 221 website and an accessible lending library;
- 222 42. Establish, in consultation with the Department of Education and the Virginia State Crime
- 223 Commission, compulsory minimum standards for employment and job-entry and in-service training curricula
- 224 and certification requirements for school security officers, including school security officers described in
- 225 clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for
- 226 School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the
- 227 role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii)
- 228 school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and
- 229 conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster
- 230 and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit
- 231 bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past
- 232 traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development
- 233 and brain research. The Department shall establish an advisory committee consisting of local school board
- 234 representatives, principals, superintendents, and school security personnel to assist in the development of the
- 235 standards and certification requirements in this subdivision. The Department shall require any school security
- 236 officer who carries a firearm in the performance of his duties to provide proof that he has completed a
- 237 training course provided by a federal, state, or local law-enforcement agency that includes training in active
- 238 shooter emergency response, emergency evacuation procedure, and threat assessment;
- 239 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11
- 240 (§ 9.1-185 et seq.);
- 241 44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

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

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

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

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

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

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

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

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

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

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

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

290 56. Establish compulsory minimum training standards for detector canine handlers employed by the
 291 Department of Corrections, standards for the training and retention of detector canines used by the
 292 Department of Corrections, and a central database on the performance and effectiveness of such detector
 293 canines that requires the Department of Corrections to submit comprehensive information on each canine
 294 handler and detector canine, including the number and types of calls and searches, substances searched for
 295 and whether or not detected, and the number of false positives, false negatives, true positives, and true
 296 negatives;

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

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

301 59. Establish compulsory in-service training standards, to include frequency of retraining, for
 302 law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of

303 cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation
 304 techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders;
 305 and (v) the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when
 306 necessary to protect the law-enforcement officer or another person;

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

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

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

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

319 64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local
 320 law-enforcement cooperation, with the development and implementation of the Marcus alert system, as
 321 defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in
 322 the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and
 323 37.2-311.1;

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

326 66. Develop an online course to train unarmed security officers, armed security officers, couriers, security
 327 canine handlers, and alarm respondents to recognize and report instances of suspected human trafficking to
 328 meet the compulsory minimum, entry-level, and in-service training standards as required by § 9.1-141;

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

331 68. Establish compulsory minimum and in-service training standards for law-enforcement officers on
 332 communicating with individuals with an intellectual disability or a developmental disability as defined in §
 333 37.2-100, such as autism spectrum disorder as defined in the most recent edition of the Diagnostic and
 334 Statistical Manual of Mental Disorders of the American Psychiatric Association, which shall include (i) an
 335 overview and behavioral recognition of autism spectrum disorder, (ii) best practices for crisis prevention and
 336 de-escalation techniques, (iii) an objective review of any relevant tools and technology available to assist in
 337 communication, and (iv) education on law-enforcement agency and community resources for the autism
 338 community on future crisis prevention. Such training standards shall be established in consultation with at
 339 least one individual with autism spectrum disorder, one family member of an individual with autism spectrum
 340 disorder, one specialist who works with individuals with autism spectrum disorder, one representative from
 341 the Department of Behavioral Health and Developmental Services, and one representative from a state or
 342 local law-enforcement agency; and

343 69. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

344 *Article 7.1.*

345 *Treatment of Prisoners Known to Be Pregnant.*

346 **§ 53.1-133.06. Definitions.**

347 *As used in this article, unless the context requires a different meaning:*

348 *"Postpartum recovery" means the eight-week period, or longer as determined by a health care*
 349 *professional responsible for the health and safety of the prisoner, following childbirth.*

350 *"Restraints" means any mechanical device, medication, physical intervention, or hands-on hold to prevent*
 351 *an individual from moving her body.*

352 **§ 53.1-133.07. Treatment of prisoners known to be pregnant.**

353 *A. The following restraints shall not be used on any prisoner known to be pregnant upon notification or*
 354 *diagnosis of the pregnancy and for the duration of the pregnancy unless there is an individualized*
 355 *determination that the prisoner will harm herself, the fetus, the newborn child, or any other person or poses a*
 356 *substantial flight risk: (i) leg restraints; (ii) handcuffs, wrist chains, wrist belts, or other wrist restraints,*
 357 *except to restrain the prisoner's wrists in front of her; or (iii) restraints connected to other inmates. If there is*
 358 *an individualized determination that the prisoner will harm herself, the fetus, the newborn child, or any other*
 359 *person or poses a substantial flight risk and restraints are used, such restraints shall be the least restrictive*
 360 *possible.*

361 *B. No restraints shall be used on any prisoner known to be pregnant while in labor or during delivery*
 362 *unless there is an individualized determination that the prisoner will harm herself, the fetus, the newborn*
 363 *child, or any other person or poses a substantial flight risk. If there is an individualized determination that*

364 *the prisoner will harm herself, the fetus, the newborn child, or any other person or poses a substantial flight*
 365 *risk and restraints are used, such restraints shall be the least restrictive possible. In such case, the deputy*
 366 *sheriff or jail officer ordering the use of restraints on any prisoner known to be pregnant while in labor or*
 367 *during delivery shall notify a supervisor as soon as reasonably practical and shall submit a use of force*
 368 *report indicating the reason for the use of such restraints and what type of restraints were used no later than*
 369 *the conclusion of such deputy sheriff's or jail officer's shift. The supervisor shall submit a written report to*
 370 *the sheriff in charge of a local correctional facility or the jail superintendent of a regional correctional*
 371 *facility within 72 hours following the use of restraints, containing the justification for restraining the*
 372 *prisoner. If restraints are used on a prisoner as authorized by subsection A or this subsection, such restraints*
 373 *shall be immediately removed upon the request of any doctor, nurse, or other health care provider treating*
 374 *such prisoner if the restraints present a threat to the life or health of the prisoner, the fetus, or the newborn*
 375 *child.*

376 *C. No employee of a local or regional correctional facility other than a licensed health care provider*
 377 *shall conduct a body cavity search of a prisoner known to be pregnant unless the employee has a reasonable*
 378 *belief that such prisoner is concealing contraband. If an employee conducts such body cavity search of a*
 379 *pregnant prisoner, the employee shall submit a written report to the sheriff or jail superintendent in charge of*
 380 *such correctional facility within 72 hours of such body cavity search and shall include in such report the*
 381 *justification for such body cavity search and what contraband was found, if any.*

382 *D. The sheriff or jail superintendent of a local or regional correctional facility shall ensure that prisoners*
 383 *known to be pregnant are provided sufficient food and dietary supplements that meet generally accepted*
 384 *prenatal nutritional guidelines for pregnant people as ordered by a licensed health care provider or such*
 385 *health care provider's staff.*

386 *E. No prisoner known to be pregnant shall be assigned to any bed in a local or regional correctional*
 387 *facility that is elevated more than three feet from the floor of such facility.*

388 **§ 53.1-133.08. Treatment of prisoners during postpartum recovery.**

389 *A. No restraints shall be used on any prisoner who is in postpartum recovery unless the deputy sheriff or*
 390 *jail officer has a reasonable belief that the prisoner will harm herself, her newborn child, or any other person*
 391 *or poses a substantial flight risk. If there is a reasonable belief that the prisoner will harm herself, her*
 392 *newborn child, or any other person or poses a substantial flight risk and restraints are used, such restraints*
 393 *shall be the least restrictive possible. In such case, the deputy sheriff or jail officer ordering the use of*
 394 *restraints shall notify a supervisor as soon as reasonably practical and shall submit a use of force report*
 395 *indicating the reason for the use of such restraints and what type of restraints were used no later than the*
 396 *conclusion of such deputy sheriff's or jail officer's shift. The supervisor shall submit a written report to the*
 397 *sheriff in charge of the local correctional facility or the jail superintendent of the regional correctional*
 398 *facility within 72 hours following the use of restraints, containing justification for restraining the prisoner. If*
 399 *restraints are used on a prisoner as authorized by this subsection, such restraints shall be immediately*
 400 *removed upon the request of any doctor, nurse, or other health care provider treating such prisoner if the*
 401 *restraints present a threat to the life or health of the prisoner, the fetus, or the newborn child.*

402 *B. Following the delivery of a newborn child by a prisoner, the sheriff or jail superintendent shall permit*
 403 *the newborn child to remain with the mother for 72 hours unless a licensed medical or mental health care*
 404 *professional has a reasonable belief that the newborn child remaining with the mother poses a health or*
 405 *safety risk to the newborn child. During the 72 hours, the sheriff or jail superintendent shall make available*
 406 *the necessary nutritional and hygiene products to care for the newborn child, including diapers, and the*
 407 *necessary postpartum recovery products for the mother. If the prisoner qualifies as indigent, such products*
 408 *shall be provided without cost.*

409 **§ 53.1-133.09. Training of deputy sheriffs and jail officers regarding pregnant prisoners.**

410 *For deputy sheriffs and jail officers employed in local or regional correctional facilities who may have*
 411 *contact with pregnant prisoners, the compulsory minimum entry-level training standards established*
 412 *pursuant to § 9.1-102 shall include training on the general care of pregnant women, the impact of restraints*
 413 *on pregnant prisoners and fetuses, the impact of being placed in restrictive housing or solitary confinement*
 414 *on pregnant prisoners, and the impact of body cavity searches on pregnant prisoners. All staff shall annually*
 415 *review policies related to restraining pregnant prisoners.*