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SENATE BILL NO. 1041

Offered January 8, 2025

Prefiled January 7, 2025

A BILL to amend and reenact §§ 9.1-102, 9.1-191, 19.2-11.5, as it is currently effective and as it shall become effective, and 19.2-368.3 of the Code of Virginia and to amend the Code of Virginia by adding in Article 14 of Chapter 1 of Title 9.1 a section numbered 9.1-191.1 and by adding a section numbered 19.2-11.6:1, relating to Virginia Forensic Nursing Advisory Council established; powers and duties of Criminal Justice Services Board; sexual assault forensic examiners; physical evidence recovery kits.

Patrons—Perry, Boysko and Jordan

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102, 9.1-191, 19.2-11.5, as it is currently effective and as it shall become effective, and 19.2-368.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 14 of Chapter 1 of Title 9.1 a section numbered 9.1-191.1 and by adding a section numbered 19.2-11.6:1 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 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

176 e. Communication of death notifications;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

320 64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local
 321 law-enforcement cooperation, with the development and implementation of the Marcus alert system, as
 322 defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in
 323 the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and
 324 37.2-311.1;

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

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

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

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

344 69. Review and approve recommendations made by the Virginia Forensic Nursing Advisory Council
 345 related to training, education, and certification of sexual assault forensic examiners, and direct the
 346 Coordinator of the Virginia Sexual Assault Forensic Examiner Coordination Program to implement any such
 347 recommendations the Board approves; and

348 ~~69:~~ 70. Perform such other acts as may be necessary or convenient for the effective performance of its
 349 duties.

350 Article 14.

351 Virginia Sexual Assault Forensic Examiner Coordination Program; *Virginia Forensic Nursing Advisory*
 352 *Council.*

353 § 9.1-191. Virginia Sexual Assault Forensic Examiner Coordination Program.

354 A. The Department shall establish ~~a the Virginia sexual assault forensic examiner coordination program~~
 355 *Sexual Assault Forensic Examiner Coordination Program (the Program)*. The ~~program~~ *Program* shall be
 356 headed by a coordinator (the Coordinator). The Coordinator shall:

357 1. Create and coordinate an annual statewide sexual assault forensic nurse examiner training program in
 358 partnership with the Attorney General, the Department of Health, the Virginia Hospital and Healthcare
 359 Association, the Victim Compensation Fund, the International Association of Forensic Nurses, and the
 360 Secretary of Health and Human ~~Services~~ *Resources*;

361 2. Coordinate the development and enhancement of sexual assault forensic examiner programs across the
 362 Commonwealth that include prevention of secondary trauma to survivors of sexual assault and culturally
 363 sensitive training for health professionals;

364 3. Participate in the development of hospital protocols and guidelines for treatment of survivors of sexual

365 assault in partnership with the Department of Health;

366 4. Coordinate and strengthen communications among sexual assault nurse examiner medical directors,

367 sexual assault response teams, and hospitals for existing and developing sexual assault nurse examiner

368 programs;

369 5. Provide technical assistance for existing and developing sexual assault forensic examiner programs,

370 including local sexual assault forensic examiner training programs;

371 6. Create and maintain a statewide list, updated biannually, to include the following:

372 a. A list of available sexual assault forensic examiners, sexual assault nurse examiners, sexual assault

373 forensic nurse examiners, and pediatric sexual assault nurse examiners;

374 b. The location and facility affiliation of each examiner;

375 c. The duty hours for each examiner and affiliated facility for sexual assault exam services; and

376 d. The location of available local sexual assault forensic examiner training programs;

377 7. Coordinate, share, and disseminate the list created pursuant to subdivision 6 to the emergency

378 operations communications system available to emergency medical services and law-enforcement agencies as

379 well as the internal emergency and hospital communications system;

380 8. Share and disseminate the list created pursuant to subdivision 6 with all other relevant agencies,

381 including law-enforcement agencies, attorneys for the Commonwealth, victim-witness programs, sexual

382 assault service organizations, the Department of Juvenile Justice, the Department of Social Services, the

383 Department of Education, and school divisions;

384 9. Create sexual assault nurse examiner recruitment materials for universities and colleges with nursing

385 programs in partnership with the State Council of Higher Education for Virginia; ~~and~~

386 10. Support and coordinate community education and public outreach, when appropriate, relating to

387 sexual assault nurse examiner issues for the Commonwealth; *and*

388 *11. Consider all recommendations from the Virginia Forensic Nursing Advisory Council for training,*

389 *education, and certification of sexual assault forensic examiners and implement any such recommendations*

390 *approved by the Board.*

391 B. The Coordinator may request and shall receive from every department, division, board, bureau,

392 commission, authority, or other agency created by the Commonwealth, or to which the Commonwealth is a

393 party, or any political subdivision thereof, cooperation and assistance in the performance of its duties. The

394 Coordinator may also consult and exchange information with local government agencies and interested

395 stakeholders.

396 C. The Coordinator shall report annually on or before October 1 to the Governor and the General

397 Assembly. The report shall include a summary of activities for the year and any recommendations to address

398 sexual assault exams within the Commonwealth, including budget needs to increase the availability of sexual

399 assault exam services across the Commonwealth. The Department shall ensure that such report is available to

400 the public.

401 **§ 9.1-191.1. Virginia Forensic Nursing Advisory Council.**

402 A. *The Virginia Forensic Nursing Advisory Council (the Council) is hereby established as an advisory*

403 *board within the meaning of § 2.2-2100 in the executive branch of state government. The Council shall*

404 *consist of five members to be appointed by the Governor. Each member shall have expertise as a sexual*

405 *assault forensic examiner, as defined in § 19.2-11.5, and shall currently reside and practice in the*

406 *Commonwealth. Members shall be appointed for terms of four years and shall not be eligible to serve for*

407 *more than two consecutive terms.*

408 B. *The Council shall review and make recommendations as necessary to the Board with support from the*

409 *Coordinator concerning:*

410 1. *Criteria to become a sexual assault forensic examiner;*

411 2. *The process for certification as a sexual assault forensic examiner;*

412 3. *The curriculum and training program of an entity seeking approval to train sexual assault forensic*

413 *examiners; and*

414 4. *Qualifications of prospective sexual assault forensic examiners.*

415 **§ 19.2-11.5. (Effective until July 1, 2025) Definitions.**

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

417 "Anonymous physical evidence recovery kit" means a physical evidence recovery kit that is collected

418 from a victim of sexual assault through a forensic medical examination where the victim elects, at the time of

419 the examination, not to report the sexual assault offense to a law-enforcement agency.

420 "Department" means the Virginia Department of Forensic Science.

421 "Division" means the Division of Consolidated Laboratory Services of the Virginia Department of

422 General Services.

423 "Health care provider" means ~~any hospital, clinic, or other medical facility~~ a health care provider as

424 defined in § 8.01-581.1 that provides forensic medical examinations to victims of sexual assault.

425 "Law-enforcement agency" means the state or local law-enforcement agency with the primary

426 responsibility for investigating an alleged sexual assault offense case and includes the employees of that
427 agency.

428 "Physical evidence recovery kit" means any evidence collection kit supplied by the Department to health
429 care providers for use in collecting evidence from victims of sexual assault during forensic medical
430 examinations or to the Office of the Chief Medical Examiner for use during death investigations to collect
431 evidence from decedents who may be victims of sexual assault.

432 "*Sexual assault forensic examiner*" means a health care provider who has completed the education and
433 training approved by the Board and implemented by the Coordinator of the Virginia Sexual Assault Forensic
434 Examiner Coordination Program pursuant to § 9.1-191 to conduct examinations using a physical evidence
435 recovery kit.

436 "Sexual assault offense" means a violation or attempted violation of any offense enumerated in Article 7
437 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or of any offense specified in § 18.2-361, 18.2-370, or
438 18.2-370.1.

439 "*Telehealth sexual assault forensic examination*" means an in-person forensic medical examination by a
440 health care provider in consultation with and under the supervision of a sexual assault forensic examiner
441 using telehealth services as defined in § 32.1-122.03:1 to collect evidence using a physical evidence recovery
442 kit.

443 "Victim of sexual assault" means any person who undergoes a forensic medical examination for the
444 collection of a physical evidence recovery kit connected to a sexual assault offense.

445 **§ 19.2-11.5. (Effective July 1, 2025) Definitions.**

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

447 "Anonymous physical evidence recovery kit" means a physical evidence recovery kit that is collected
448 from a victim of sexual assault through a forensic medical examination where the victim elects, at the time of
449 the examination, not to report the sexual assault offense to a law-enforcement agency.

450 "Anonymous trace evidence collection kit" means a trace evidence collection kit that is collected from a
451 victim of strangulation through a forensic medical examination where the victim elects, at the time of the
452 examination, not to report the strangulation to a law-enforcement agency.

453 "Department" means the Virginia Department of Forensic Science.

454 "Division" means the Division of Consolidated Laboratory Services of the Virginia Department of
455 General Services.

456 "Health care provider" means ~~any hospital, clinic, or other medical facility~~ a health care provider as
457 defined in § 8.01-581.1 that provides forensic medical examinations to victims of sexual assault.

458 "Law-enforcement agency" means the state or local law-enforcement agency with the primary
459 responsibility for investigating an alleged sexual assault offense case and includes the employees of that
460 agency.

461 "Physical evidence recovery kit" means any evidence collection kit supplied by the Department to health
462 care providers for use in collecting evidence from victims of sexual assault during forensic medical
463 examinations or to the Office of the Chief Medical Examiner for use during death investigations to collect
464 evidence from decedents who may be victims of sexual assault.

465 "*Sexual assault forensic examiner*" means a health care provider who has completed the education and
466 training approved by the Board and implemented by the Coordinator of the Virginia Sexual Assault Forensic
467 Examiner Coordination Program pursuant to § 9.1-191 to conduct examinations using a physical evidence
468 recovery kit.

469 "Sexual assault offense" means a violation or attempted violation of any offense enumerated in Article 7
470 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or of any offense specified in § 18.2-361, 18.2-370, or
471 18.2-370.1.

472 "*Telehealth sexual assault forensic examination*" means an in-person forensic medical examination by a
473 health care provider in consultation with and under the supervision of a sexual assault forensic examiner
474 using telehealth services as defined in § 32.1-122.03:1 to collect evidence using a physical evidence recovery
475 kit.

476 "Trace evidence collection kit" means any evidence collection kit supplied by the Department to health
477 care providers for use in collecting evidence from victims of strangulation during forensic medical
478 examinations or to the Office of the Chief Medical Examiner for use during death investigations to collect
479 evidence from decedents who may be victims of strangulation.

480 "Victim of sexual assault" means any person who undergoes a forensic medical examination for the
481 collection of a physical evidence recovery kit connected to a sexual assault offense.

482 "Victim of strangulation" means any person who undergoes a forensic medical examination for the
483 collection of evidence in connection with an alleged strangulation.

484 **§ 19.2-11.6:1. Telehealth sexual assault forensic examinations; admissibility of physical evidence**
485 **recovery kit.**

486 A. A health care provider may conduct a telehealth sexual assault forensic examination for a victim of

487 *sexual assault if a sexual assault forensic examiner is not readily available to conduct an in-person forensic*
 488 *medical examination for the collection of a physical evidence recovery kit.*

489 *B. There shall be a rebuttable presumption that a physical evidence recovery kit collected during a*
 490 *telehealth sexual assault forensic examination is in compliance with the provisions of this article and shall be*
 491 *admissible as evidence.*

492 **§ 19.2-368.3. Powers and duties of Commission.**

493 The Commission shall have the following powers and duties in the administration of the provisions of this
 494 chapter:

495 1. To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions and
 496 purposes of this chapter, to include a distinct policy (i) for the payment of physical evidence recovery kit
 497 examinations, *including mileage at a rate provided by law incurred by a sexual assault forensic examiner as*
 498 *defined in § 19.2-11.5*, and (ii) to require each health care provider as defined in § 8.01-581.1 that provides
 499 services under this chapter to negotiate with the Commission or its designee to establish prospective
 500 agreements relating to rates for payment of claims for such services allowed under § 19.2-368.11:1, such
 501 rates to discharge the obligation to the provider in full except where the provider is an agency of the
 502 Commonwealth and the claimant receives a third party recovery in addition to the payment from the Fund.

503 2. Notwithstanding the provisions of §§ 2.2-3706 and 2.2-3706.1, to acquire from the attorneys for the
 504 Commonwealth, State Police, local police departments, sheriffs' departments, and the Chief Medical
 505 Examiner such investigative results, information and data as will enable the Commission to determine if, in
 506 fact, a crime was committed or attempted, and the extent, if any, to which the victim or claimant was
 507 responsible for his own injury. These data shall include prior adult arrest records and juvenile court
 508 disposition records of the offender. For such purposes and in accordance with § 16.1-305, the Commission
 509 may also acquire from the juvenile and domestic relations district courts a copy of the order of disposition
 510 relating to the crime. The use of any information received by the Commission pursuant to this subdivision
 511 shall be limited to carrying out the purposes set forth in this section, and this information shall be confidential
 512 and shall not be disseminated further. The agency from which the information is requested may submit
 513 original reports, portions thereof, summaries, or such other configurations of information as will comply with
 514 the requirements of this section.

515 3. To hear and determine all claims for awards filed with the Commission pursuant to this chapter, and to
 516 reinvestigate or reopen cases as the Commission deems necessary.

517 4. To require and direct medical examination of victims.

518 5. To hold hearings, administer oaths or affirmations, examine any person under oath or affirmation and to
 519 issue summonses requiring the attendance and giving of testimony of witnesses and require the production of
 520 any books, papers, documentary or other evidence. The powers provided in this subsection may be delegated
 521 by the Commission to any member or employee thereof.

522 6. To take or cause to be taken affidavits or depositions within or without the Commonwealth.

523 7. To render each year to the Governor and to the General Assembly a written report of its activities. This
 524 report shall include a detailed section on all unclaimed restitution collected and disbursed to the victim from
 525 the Criminal Injuries Compensation Fund pursuant to subsection I of § 19.2-305.1.

526 8. To accept from the government of the United States grants of federal moneys for disbursement under
 527 the provisions of this chapter.

528 9. To collect and disburse unclaimed restitution pursuant to subsection I of § 19.2-305.1 and develop, in
 529 consultation with circuit court clerks and the Office of the Executive Secretary of the Supreme Court of
 530 Virginia, policies and procedures for the receipt, collection, and disbursement of unclaimed restitution to
 531 victims of crime.

532 10. To identify and locate victims of crime for whom restitution owed to such victims has been deposited
 533 into the Criminal Injuries Compensation Fund pursuant to subsection I of § 19.2-305.1. Notwithstanding the
 534 provisions of §§ 2.2-3706 and 2.2-3706.1, the Commission may acquire from the attorneys for the
 535 Commonwealth, State Police, local police departments, and sheriffs' departments such information as will
 536 enable the Commission to identify and locate such victims. The use of any information received by the
 537 Commission pursuant to this subdivision shall be limited to carrying out the purposes set forth in this section,
 538 and this information shall be confidential and shall not be disseminated further.