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SENATE BILL NO. 1194

Offered January 8, 2025

Prefiled January 8, 2025

A BILL to amend the Code of Virginia by adding a section numbered 19.2-81.7, relating to arrest of certain persons with or without a warrant not required.

Patron—Deeds

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 a section numbered 19.2-81.7 as follows:

§ 19.2-81.7. Arrest of certain persons with or without a warrant not required.

Notwithstanding any provision of this chapter to the contrary, no law-enforcement officer with the power to arrest is required to arrest an individual who is currently subject to an emergency custody order pursuant to § 37.2-808, a temporary detention order pursuant to § 37.2-809, or an involuntary admission pursuant to § 37.2-817. However, such officer may arrest such individual upon the expiration of any such order.

2. That the Department of Criminal Justice Services, in conjunction with the Office of the Attorney General, shall (i) provide and require in-person training to all law-enforcement agencies and officers and (ii) provide information to advise attorneys for the Commonwealth on the provisions of § 19.2-81.7 of the Code of Virginia, as created by this act, and other existing statutes related to the arrest and prosecution of persons with mental or behavioral health disorders by January 1, 2026. Any person employed as a law-enforcement officer prior to January 1, 2026, shall complete the training required by this act by July 1, 2026 and biennially thereafter. Any person employed as a law-enforcement officer after January 1, 2026 shall complete the training within one year of his date of hire and biennially thereafter.

3. That the Criminal Justice Services Board shall promulgate regulations pursuant to § 9.1-150.2 of the Code of Virginia requiring in-person training to special conservators of the peace on the provisions of § 19.2-81.7 of the Code of Virginia, as created by this act, and other existing statutes related to the arrest and prosecution of persons with mental or behavioral health disorders by January 1, 2026. Any person appointed as a special conservator of the peace prior to January 1, 2026, shall complete the training required by this act by July 1, 2026 and biennially thereafter. Any person appointed as a special conservator of the peace after January 1, 2026 shall complete the training within one year of his appointment and biennially thereafter.

INTRODUCED

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