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HOUSE BILL NO. 1642

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on January 17, 2025)

(Patron Prior to Substitute—Delegate Hayes)

A *BILL* to amend the Code of Virginia by adding in Title 19.2 a chapter numbered 1.3, consisting of a section numbered 19.2-11.14, relating to use of artificial intelligence-based tool for criminal justice purpose.

Be it enacted by the General Assembly of Virginia:

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

CHAPTER 1.3.

ARTIFICIAL INTELLIGENCE-BASED TOOLS FOR CRIMINAL JUSTICE PURPOSES.

§ 19.2-11.14. Use of artificial intelligence-based tool for criminal justice purpose.

A. As used in this section:

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

"Criminal justice purpose" means any activity related to pretrial detention or release, prosecution, adjudication, probation, parole, correctional supervision, or rehabilitation of criminal offenders.

B. Notwithstanding any other provision of law, the recommendations or predictions provided by any artificial intelligence-based tool utilized for any criminal justice purpose shall not be the sole basis for any decision related to such criminal justice purpose. However, the results of any artificial intelligence-based tool may be used in informing a final decision, provided that any such final decision is made by a human.

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