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HOUSE BILL NO. 2235**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Public Safety

on January 24, 2025)

(Patron Prior to Substitute—Delegate Cousins)

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.*

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 Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of

60 individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting
61 caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an
62 emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's
63 disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement
64 personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and
65 returning them to their caregivers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

115 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
116 activities for the Commonwealth and units of general local government, or combinations thereof, in the
117 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
118 justice at every level throughout the Commonwealth;

119 29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or
120 alterations to such programs, projects, and activities for the purpose of improving law enforcement and the

121 administration of criminal justice;

122 30. Coordinate the activities and projects of the state departments, agencies, and boards of the

123 Commonwealth and of the units of general local government, or combination thereof, including planning

124 district commissions, relating to the preparation, adoption, administration, and implementation of

125 comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

126 31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to

127 determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L.

128 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and

129 improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

130 32. Receive, administer, and expend all funds and other assistance available to the Board and the

131 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act

132 of 1968, as amended;

133 33. Apply for and accept grants from the United States government or any other source in carrying out the

134 purposes of this chapter and accept any and all donations both real and personal, and grants of money from

135 any governmental unit or public agency, or from any institution, person, firm or corporation, and may

136 receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the

137 annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction,

138 and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state

139 treasury to the account of the Department. To these ends, the Board shall have the power to comply with

140 conditions and execute such agreements as may be necessary;

141 34. Make and enter into all contracts and agreements necessary or incidental to the performance of its

142 duties and execution of its powers under this chapter, including but not limited to, contracts with the United

143 States, units of general local government or combinations thereof, in Virginia or other states, and with

144 agencies and departments of the Commonwealth;

145 35. Adopt and administer reasonable regulations for the planning and implementation of programs and

146 activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to

147 units of general local government, and for carrying out the purposes of this chapter and the powers and duties

148 set forth herein;

149 36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707 and

150 provide for a decertification review process in accordance with § 15.2-1708;

151 37. Establish training standards and publish and periodically update model policies for law-enforcement

152 personnel in the following subjects:

153 a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards

154 for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall

155 provide technical support and assistance to law-enforcement agencies in carrying out the requirements set

156 forth in subsection A of § 9.1-1301;

157 b. The identification of, communication with, and facilitation of the safe return of individuals diagnosed

158 with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective

159 communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques

160 for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to

161 physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of

162 individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting

163 caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an

164 emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's

165 disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement

166 personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and

167 returning them to their caregivers;

168 c. Sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for

169 racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing

170 implicit biases in interacting with persons who have a mental illness, substance use disorder, or

171 developmental or cognitive disability;

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

173 e. Communication of death notifications;

174 f. The questioning of individuals suspected of driving while intoxicated concerning the physical location

175 of such individual's last consumption of an alcoholic beverage and the communication of such information to

176 the Virginia Alcoholic Beverage Control Authority;

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

178 calls;

179 h. Criminal investigations that embody current best practices for conducting photographic and live

180 lineups;

181 i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human

182 trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol
183 duties;

184 j. The recognition, prevention, and reporting of human trafficking;

185 k. Missing children, missing adults, and search and rescue protocol;

186 l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3,
187 that embody current best practices for using such items as a crowd control measure or during an arrest or
188 detention of another person; and

189 m. The use of naloxone or other opioid antagonists to prevent opioid overdose deaths, in coordination
190 with statewide naloxone training programs developed by the Department of Behavioral Health and
191 Developmental Services and the Virginia Department of Health;

192 38. Establish compulsory training standards for basic training and the recertification of law-enforcement
193 officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and
194 the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include
195 recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or
196 developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful
197 use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the
198 law-enforcement officer or another person;

199 39. Review and evaluate community-policing programs in the Commonwealth, and recommend where
200 necessary statewide operating procedures, guidelines, and standards that strengthen and improve such
201 programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the
202 potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include
203 recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or
204 developmental or cognitive disability;

205 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with
206 Virginia law-enforcement agencies, provide technical assistance and administrative support, including
207 staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may
208 provide accreditation assistance and training, resource material, and research into methods and procedures
209 that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

210 41. Promote community policing philosophy and practice throughout the Commonwealth by providing
211 community policing training and technical assistance statewide to all law-enforcement agencies, community
212 groups, public and private organizations and citizens; developing and distributing innovative policing
213 curricula and training tools on general community policing philosophy and practice and contemporary critical
214 issues facing Virginia communities; serving as a consultant to Virginia organizations with specific
215 community policing needs; facilitating continued development and implementation of community policing
216 programs statewide through discussion forums for community policing leaders, development of law-
217 enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide
218 information source on the subject of community policing including, but not limited to periodic newsletters, a
219 website and an accessible lending library;

220 42. Establish, in consultation with the Department of Education and the Virginia State Crime
221 Commission, compulsory minimum standards for employment and job-entry and in-service training curricula
222 and certification requirements for school security officers, including school security officers described in
223 clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for
224 School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the
225 role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii)
226 school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and
227 conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster
228 and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit
229 bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past
230 traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development
231 and brain research. The Department shall establish an advisory committee consisting of local school board
232 representatives, principals, superintendents, and school security personnel to assist in the development of the
233 standards and certification requirements in this subdivision. The Department shall require any school security
234 officer who carries a firearm in the performance of his duties to provide proof that he has completed a
235 training course provided by a federal, state, or local law-enforcement agency that includes training in active
236 shooter emergency response, emergency evacuation procedure, and threat assessment;

237 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11
238 (§ 9.1-185 et seq.);

239 44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

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

243 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and

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

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

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

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

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

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

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

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

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

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

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

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

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

299 59. Establish compulsory in-service training standards, to include frequency of retraining, for
 300 law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of
 301 cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation
 302 techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders;
 303 and (v) the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when
 304 necessary to protect the law-enforcement officer or another person;

305 60. Develop a model curriculum and lesson plans for the compulsory minimum entry-level, in-service,

306 and advanced training standards to be employed by criminal justice training academies approved by the
307 Department when conducting training;

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

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

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

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

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

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

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

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

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

342 *Article 7.1.*

343 *Treatment of Prisoners Known to Be Pregnant.*

344 **§ 53.1-133.06. Definitions.**

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

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

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

350 **§ 53.1-133.07. Treatment of prisoners known to be pregnant.**

351 *A. No restraints shall be used on any prisoner known to be pregnant, beginning upon notification or*
352 *diagnosis by a health care provider about such pregnancy and for the duration of such prisoner's pregnancy,*
353 *unless a deputy sheriff or jail officer makes an individualized determination that (i) such prisoner will harm*
354 *herself, the fetus, or any other person; (ii) such prisoner poses a substantial flight risk; or (iii) the totality of*
355 *the circumstances creates a serious security risk. If such individualized determination is made that restraints*
356 *are necessary, such restraints shall be the least restrictive possible.*

357 *B. No restraints shall be used on any prisoner known to be pregnant while such prisoner is in labor or*
358 *during delivery unless a deputy sheriff or jail officer makes an individualized determination that (i) such*
359 *prisoner will harm herself, the fetus, the newborn child, or any other person; (ii) such prisoner poses a*
360 *substantial flight risk; or (iii) the totality of the circumstances creates a serious security risk. If such*
361 *individualized determination is made that restraints are necessary, the deputy sheriff or jail officer shall*
362 *consult with the health care provider treating such prisoner to ensure that such restraints are the least*
363 *restrictive possible. In such case, the deputy sheriff or jail officer ordering the use of restraints on any*
364 *prisoner known to be pregnant while in labor or during delivery shall notify a supervisor as soon as*
365 *reasonably practicable and shall submit a report indicating the reason for the use of such restraints and what*
366 *type of restraints were used no later than the conclusion of such deputy sheriff's or jail officer's shift. The*

367 supervisor shall submit a written report to the sheriff in charge of the local correctional facility, or his
 368 designee, or the jail superintendent of the regional correctional facility, or his designee, within 72 hours
 369 following the use of restraints, containing the justification for restraining such prisoner. If restraints are used
 370 on a prisoner as authorized by subsection A or this subsection, such restraints shall be immediately removed
 371 upon the request of any doctor, nurse, or other health care provider treating such prisoner if the restraints
 372 present a threat to the life or health of the prisoner, the fetus, or the newborn child.

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

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

383 E. A prisoner known to be pregnant shall be assigned to the lowest bed available.

384 **§ 53.1-133.08. Treatment of prisoners during postpartum recovery.**

385 A. No restraints shall be used on any prisoner who is in postpartum recovery unless a deputy sheriff or
 386 jail officer makes an individualized determination that (i) such prisoner will harm herself, the fetus, the
 387 newborn child, or any other person; (ii) such prisoner poses a substantial flight risk; or (iii) the totality of the
 388 circumstances creates a serious security risk. If such individualized determination is made that restraints are
 389 necessary, the deputy sheriff or jail officer shall consult with the health care provider treating such prisoner
 390 to ensure that such restraints are the least restrictive possible. In such case, the deputy sheriff or jail officer
 391 ordering the use of restraints shall notify a supervisor as soon as reasonably practicable and shall submit a
 392 report indicating the reason for the use of such restraints and what type of restraints were used no later than
 393 the conclusion of such deputy sheriff's or jail officer's shift. The supervisor shall submit a written report to
 394 the sheriff in charge of the local correctional facility, or his designee, or the jail superintendent of the
 395 regional correctional facility, or his designee, within 72 hours following the use of restraints, containing
 396 justification for restraining the prisoner. If restraints are used on a prisoner as authorized by this subsection,
 397 such restraints shall be immediately removed upon the request of any doctor, nurse, or other health care
 398 provider treating such prisoner if the restraints present a threat to the life or health of the prisoner, the fetus,
 399 or the newborn child.

400 B. Following the delivery of a newborn child by a prisoner, the sheriff or jail superintendent shall permit
 401 the newborn child to remain with the mother until discharge from the health care facility unless a licensed
 402 medical or mental health care professional has a reasonable belief that the newborn child remaining with the
 403 mother poses a health or safety risk to the newborn child.

404 **§ 53.1-133.09. Training of deputy sheriffs and jail officers regarding pregnant prisoners.**

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