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HOUSE BILL NO. 1642
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee for Courts of Justice
on _____)
(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.

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.

§ 19.2-11.14. Use of artificial intelligence-based tool.

A. As used in this section, "artificial intelligence-based tool" means any machine-based system or algorithm, including machine learning models, predictive analytics, and decision support systems, that analyze data and generate recommendations or predictions.

B. All decisions related to the pre-trial detention or release, prosecution, adjudication, sentencing, probation, parole, correctional supervision, or rehabilitation of criminal offenders shall be made by the judicial officer or other person charged with making such decision. No such decision shall be made solely on the basis of a recommendation or prediction of an artificial intelligence-based tool. The use of any such tool, recommendation, or prediction shall be subject to any challenge or objection permitted by law.