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HOUSE BILL NO. 1294

Offered January 15, 2026

A BILL to amend and reenact § 19.2-11.14 of the Code of Virginia, relating to use of artificial intelligence-based tools; covered artificial intelligence; disclosure of use.

Patron—Clark

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-11.14 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-11.14. Use of artificial intelligence

A. As used in this section, "artificial":
"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.

"Covered artificial intelligence" means any artificial intelligence used to aid a law-enforcement investigation, including by generating a lead for further investigation or corroboration, as well as generative artificial intelligence technologies used to write or materially aid in writing police reports or other records relating to a criminal investigation. "Covered artificial intelligence" includes (i) biometric identification; (ii) forensic DNA phenotyping; (iii) forensic investigative genetic genealogy; (iv) cross-camera tracking; (v) vehicle surveillance or tracking, including automated license plate readers; (vi) anomaly detection; (vii) gunshot detection; (viii) person-based predictive policing; (ix) risk scoring; (x) behavioral analysis; (xi) sentiment analysis; (xii) convoy analysis; (xiii) fraud detection; (xiv) analysis of financial transactions; and (xv) social network or social media analysis. "Covered artificial intelligence" does not mean artificial intelligence that is used for administrative tasks that do not materially alter investigations, such as productivity and document management tools, or generative artificial intelligence technologies used to check spelling or grammar.

"Law-enforcement officer" means the same as that term is defined in § 9.1-101.

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 without the involvement of a human decision-maker. The use of any recommendation or prediction from an artificial intelligence-based tool shall be subject to any challenge or objection permitted by law.

C. Any use of covered artificial intelligence in a criminal investigation by a law-enforcement officer shall be disclosed in the official police report filed for such investigation. Upon arrest or issuance of a summons following a criminal investigation, the official police report shall be submitted to the attorney for the Commonwealth and provided to counsel for the individual under investigation or directly to the individual under investigation if not represented by counsel. Any use of covered artificial intelligence by the law-enforcement agency in a criminal investigation subsequent to arrest shall be disclosed to the attorney for the Commonwealth and the individual under investigation as soon as practicable but no later than 30 calendar days following such use.

Disclosure of the use of covered artificial intelligence in the official police report shall include:

1. The name and a description of the covered artificial intelligence; and

2. A brief description of the covered artificial intelligence's role in the investigation, including whether it was used to generate an investigative lead or identify or aid in the identification of a suspect, witness, or victim.

D. An official police report or other law-enforcement record generated during a criminal investigation that was created in whole in or in part by using generative artificial intelligence shall:

1. *Include a disclaimer that the report or record contains content generated by artificial intelligence;*

2. Where technically feasible, identify the specific content in the report or record that was generated by artificial intelligence; and

3. Include a certification by the author of the report or record that the author has read and reviewed the report or record for accuracy.

E. The first draft of any report or record created in whole or in part by using generative artificial intelligence shall be retained for as long as the final report is retained. The program used to generate a draft or final report shall maintain an audit trail that, at a minimum, identifies (i) the person who used artificial intelligence to create or edit the report; (ii) any changes made to the report following the initial draft; and (iii) the video and audio footage used to create a report, if any.

59 *F. The Attorney General may investigate and, if warranted, bring a civil action against any law-*
60 *enforcement agency to obtain equitable or declaratory relief to enforce the provisions of this section.*

61 *G. Any person who resides within the jurisdiction of a law-enforcement agency that is subject to the*
62 *requirements of this section may bring a civil action against the law-enforcement agency to obtain equitable*
63 *or declaratory relief to enforce the provisions of this section. A prevailing plaintiff shall be entitled to*
64 *reasonable attorney fees and costs.*

65 *No action may be commenced against a law-enforcement agency under this section unless the plaintiff has*
66 *provided written notice of the alleged violation to the law-enforcement agency at least 90 days prior to filing*
67 *suit to enable the law-enforcement agency to cure the alleged violation.*