

58 sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required
59 for the completion of such training;

60 9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the
61 time required for completion of such training, for persons employed as deputy sheriffs and jail officers by
62 local criminal justice agencies and correctional officers employed by the Department of Corrections under the
63 provisions of Title 53.1. For deputy sheriffs and jail officers who are employees of local or regional
64 correctional facilities and correctional officers employed by the Department of Corrections, such standards
65 shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates
66 and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates,
67 and the impact of body cavity searches on pregnant inmates;

68 10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or
69 state government agency, whose duties include the dispatching of law-enforcement personnel. Such training
70 standards shall apply only to dispatchers hired on or after July 1, 1988. Such training shall include training in
71 the identification of, communication with, and facilitation of the safe return of individuals diagnosed with
72 Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective
73 communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques
74 for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to
75 physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of
76 individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting
77 caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an
78 emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's
79 disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement
80 personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and
81 returning them to their caregivers;

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

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

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

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

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

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

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

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

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

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

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

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

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

117 24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination
118 of criminal history record information and correctional status information, and the privacy, confidentiality,

119 and security thereof necessary to implement state and federal statutes, regulations, and court orders;

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

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

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

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

135 29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or
136 alterations to such programs, projects, and activities for the purpose of improving law enforcement and the
137 administration of criminal justice;

138 30. Coordinate the activities and projects of the state departments, agencies, and boards of the
139 Commonwealth and of the units of general local government, or combination thereof, including planning district
140 commissions, relating to the preparation, adoption, administration, and implementation of
141 comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

142 31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to
143 determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L.
144 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and
145 improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

146 32. Receive, administer, and expend all funds and other assistance available to the Board and the
147 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act
148 of 1968, as amended;

149 33. Apply for and accept grants from the United States government or any other source in carrying out the
150 purposes of this chapter and accept any and all donations both real and personal, and grants of money from
151 any governmental unit or public agency, or from any institution, person, firm or corporation, and may
152 receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the
153 annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction,
154 and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state
155 treasury to the account of the Department. To these ends, the Board shall have the power to comply with
156 conditions and execute such agreements as may be necessary;

157 34. Make and enter into all contracts and agreements necessary or incidental to the performance of its
158 duties and execution of its powers under this chapter, including but not limited to, contracts with the United
159 States, units of general local government or combinations thereof, in Virginia or other states, and with
160 agencies and departments of the Commonwealth;

161 35. Adopt and administer reasonable regulations for the planning and implementation of programs and
162 activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to
163 units of general local government, and for carrying out the purposes of this chapter and the powers and duties
164 set forth herein;

165 36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707 and
166 provide for a decertification review process in accordance with § 15.2-1708;

167 37. Establish training standards and publish and periodically update model policies for law-enforcement
168 personnel in the following subjects:

169 a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards
170 for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall
171 provide technical support and assistance to law-enforcement agencies in carrying out the requirements set
172 forth in subsection A of § 9.1-1301;

173 b. The identification of, communication with, and facilitation of the safe return of individuals diagnosed
174 with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective
175 communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques
176 for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to
177 physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of
178 individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting
179 caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an
180 emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's

181 disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement
182 personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and
183 returning them to their caregivers;

184 c. Sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for
185 racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing
186 implicit biases in interacting with persons who have a mental illness, substance use disorder, or
187 developmental or cognitive disability;

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

189 e. Communication of death notifications;

190 f. The questioning of individuals suspected of driving while intoxicated concerning the physical location
191 of such individual's last consumption of an alcoholic beverage and the communication of such information to
192 the Virginia Alcoholic Beverage Control Authority;

193 g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency
194 calls;

195 h. Criminal investigations that embody current best practices for conducting photographic and live
196 lineups;

197 i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human
198 trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol
199 duties;

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

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

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

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

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

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

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

226 41. Promote community policing philosophy and practice throughout the Commonwealth by providing
227 community policing training and technical assistance statewide to all law-enforcement agencies, community
228 groups, public and private organizations and citizens; developing and distributing innovative policing
229 curricula and training tools on general community policing philosophy and practice and contemporary critical
230 issues facing Virginia communities; serving as a consultant to Virginia organizations with specific
231 community policing needs; facilitating continued development and implementation of community policing
232 programs statewide through discussion forums for community policing leaders, development of law-
233 enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide
234 information source on the subject of community policing including, but not limited to periodic newsletters, a
235 website and an accessible lending library;

236 42. Establish, in consultation with the Department of Education and the Virginia State Crime
237 Commission, compulsory minimum standards for employment and job-entry and in-service training curricula
238 and certification requirements for school security officers, including school security officers described in
239 clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for
240 School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the
241 role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii)
242 school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and

243 conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster
 244 and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit
 245 bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past
 246 traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development
 247 and brain research. The Department shall establish an advisory committee consisting of local school board
 248 representatives, principals, superintendents, and school security personnel to assist in the development of the
 249 standards and certification requirements in this subdivision. The Department shall require any school security
 250 officer who carries a firearm in the performance of his duties to provide proof that he has completed a
 251 training course provided by a federal, state, or local law-enforcement agency that includes training in active
 252 shooter emergency response, emergency evacuation procedure, and threat assessment;

253 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11
 254 (§ 9.1-185 et seq.);

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

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

259 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and
 260 (iii) certification requirements for campus security officers. Such training standards shall include, but not be
 261 limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and
 262 personal liability issues, security awareness in the campus environment, and disaster and emergency
 263 response. The Department shall provide technical support and assistance to campus police departments and
 264 campus security departments on the establishment and implementation of policies and procedures, including
 265 but not limited to: the management of such departments, investigatory procedures, judicial referrals, the
 266 establishment and management of databases for campus safety and security information sharing, and
 267 development of uniform record keeping for disciplinary records and statistics, such as campus crime logs,
 268 judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of
 269 college administrators, college police chiefs, college security department chiefs, and local law-enforcement
 270 officials to assist in the development of the standards and certification requirements and training pursuant to
 271 this subdivision;

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

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

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

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

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

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

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

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

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

304 56. Establish compulsory minimum training standards for detector canine handlers employed by the

305 Department of Corrections, standards for the training and retention of detector canines used by the
306 Department of Corrections, and a central database on the performance and effectiveness of such detector
307 canines that requires the Department of Corrections to submit comprehensive information on each canine
308 handler and detector canine, including the number and types of calls and searches, substances searched for
309 and whether or not detected, and the number of false positives, false negatives, true positives, and true
310 negatives;

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

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

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

321 60. Develop a model curriculum and lesson plans for the compulsory minimum entry-level, in-service,
322 and advanced training standards to be employed by criminal justice training academies approved by the
323 Department when conducting training;

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

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

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

333 64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local
334 law-enforcement cooperation, with the development and implementation of the Marcus alert system, as
335 defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in
336 the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and
337 37.2-311.1;

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

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

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

345 68. Establish compulsory minimum and in-service training standards for law-enforcement officers on
346 communicating with individuals with an intellectual disability or a developmental disability as defined in
347 § 37.2-100, such as autism spectrum disorder as defined in the most recent edition of the Diagnostic and
348 Statistical Manual of Mental Disorders of the American Psychiatric Association, which shall include (i) an
349 overview and behavioral recognition of autism spectrum disorder, (ii) best practices for crisis prevention and
350 de-escalation techniques, (iii) an objective review of any relevant tools and technology available to assist in
351 communication, and (iv) education on law-enforcement agency and community resources for the autism
352 community on future crisis prevention. Such training standards shall be established in consultation with at
353 least one individual with autism spectrum disorder, one family member of an individual with autism spectrum
354 disorder, one specialist who works with individuals with autism spectrum disorder, one representative from
355 the Department of Behavioral Health and Developmental Services, and one representative from a state or
356 local law-enforcement agency;

357 69. Develop an online course for the Virginia Alcoholic Beverage Control Authority to offer to retail
358 licensees and their employees to train such licensees and employees to recognize and report instances of
359 suspected human trafficking;

360 70. Establish a model policy for best practices for law-enforcement officers responding to or investigating
361 an overdose, when prescriber information has been obtained during the course of such response or
362 investigation, to notify the prescriber of any controlled substance found to be in the possession of or believed
363 to have been ingested by the victim that such prescription of a controlled substance was involved in an
364 overdose. Such model policy shall include that a notification to a prescriber of a controlled substance shall
365 not be required if such notification would jeopardize an active law-enforcement investigation;

366 71. Establish a training curriculum for law-enforcement agencies, law-enforcement officers, and special

367 conservators of the peace on the discretion such officers can exercise regarding arrests as provided in Chapter
 368 7 (§ 19.2-71 et seq.) of Title 19.2. Such training shall include (i) instruction on the scope and nature of
 369 law-enforcement officer discretion in arrest decisions, with particular emphasis on encounters with
 370 individuals experiencing a mental health crisis, including individuals currently subject to an emergency
 371 custody order pursuant to § 37.2-808, a temporary detention order pursuant to § 37.2-809, or an involuntary
 372 admission order pursuant to § 37.2-817, and (ii) instruction on the immediate and long-term effects of arrests
 373 on individuals in need of mental health services due to a mental health crisis, including impacts on treatment
 374 outcomes as identified in substantially accepted peer-reviewed research literature;

375 72. Establish a model policy for the provision of security at nonprofit institutions that serve individuals
 376 and communities at risk of hate crimes as defined in § 52-8.5 within the Commonwealth, incorporating
 377 relevant information about various traditions, services, or activities that any law-enforcement officer,
 378 unarmed security officer, or armed security officer providing such security may encounter; **and**

379 *73. Establish a model policy for law-enforcement agencies on the wearing of facial coverings as defined
 380 in § 19.2-83.6:1 by law-enforcement officers while such officers are engaged in the performance of their
 381 official duties. Such model policy shall include a statement that (i) no law-enforcement officer shall and (ii)
 382 no supervising officer of a law-enforcement agency shall allow a subordinate law-enforcement officer to
 383 wear a facial covering as defined in § 19.2-83.6:1 while engaged in the performance of his official duties.
 384 Such model policy shall also include exemptions from the prohibition on wearing such facial coverings
 385 consistent with the provisions of subsection C of § 19.2-83.6:1; and*

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

§ 18.2-422. Prohibition of wearing of masks in certain places; exceptions; penalty.

387 *It shall be Except as otherwise provided in § 19.2-83.6:1, it is unlawful for any person over 16 years of
 388 age to, with the intent to conceal his identity, wear any mask, hood, or other device whereby a substantial
 389 portion of the face is hidden or covered so as to conceal the identity of the wearer, to be or appear in any
 390 public place, or upon any private property in this the Commonwealth without first having obtained from the
 391 owner or tenant thereof consent to do so in writing. However, the provisions of this section shall not apply to
 392 persons (i) wearing traditional holiday costumes; (ii) engaged in professions, trades, employment, or other
 393 activities and wearing protective masks which are deemed necessary for the physical safety of the wearer or
 394 other persons; (iii) engaged in any bona fide theatrical production or masquerade ball; or (iv) wearing a mask,
 395 hood, or other device for bona fide medical reasons upon (a) the advice of a licensed physician or osteopath
 396 and carrying on his person an affidavit from the physician or osteopath specifying the medical necessity for
 397 wearing the device and the date on which the wearing of the device will no longer be necessary and providing
 398 a brief description of the device, or (b) the declaration of a disaster or state of emergency by the Governor in
 399 response to a public health emergency where the emergency declaration expressly waives this section, defines
 400 the mask appropriate for the emergency, and provides for the duration of the waiver. The violation of any
 401 provisions of this section is a Class 6 felony.*

§ 19.2-83.6:1. Prohibition on wearing of facial coverings; exceptions; penalty.

402 A. *For the purposes of this section:*

403 *"Facial covering" means any opaque mask, garment, helmet, headgear, or other item or device whereby a
 404 substantial portion of the face is hidden or covered to conceal the identity of the wearer, including a
 405 balaclava, tactical mask, gator, ski mask, or other similar face-shielding item or device.*

406 *"Law-enforcement agency" means any agency or department responsible for the prevention and detection
 407 of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth or the federal
 408 government.*

409 *"Law-enforcement officer" means (i) the same as that term is defined in § 9.1-101 and (ii) any full-time or
 410 part-time employee of a federal law-enforcement agency.*

411 B. *Except as provided in subsection C, no law-enforcement officer shall wear a facial covering that
 412 conceals, obscures, or otherwise covers his face while such law-enforcement officer is engaged in the
 413 performance of his official duties.*

414 C. *The provisions of this section shall not apply to the use of the following by a law-enforcement officer
 415 when engaged in the performance of his official duties:*

416 1. *A translucent face shield or clear mask, provided that such face shield or mask does not conceal the
 417 wearer's identity;*

418 2. *An N95 medical mask or surgical mask to protect against the transmission of disease or infection;*

419 3. *A mask, helmet, or other device necessary to protect against exposure to any toxin, gas, smoke,
 420 inclement weather, or other hazardous or harmful environmental condition, including a respirator or self-
 421 contained breathing apparatus;*

422 4. *A mask, helmet, or other device necessary for underwater use;*

423 5. *A motorcycle helmet when a law-enforcement officer is utilizing a motorcycle or other vehicle that
 424 requires a helmet for safety;*

425 6. *Protective eyewear necessary for protection against retinal weapons, including lasers; or*

426 7. *A facial covering used by any law-enforcement officer assigned to a special weapons and tactics*

429 (SWAT) team or other specialized tactical team or unit while engaged in the performance of official SWAT
430 team duties.

431 D. A law-enforcement officer who violates the provisions of this section is guilty of a Class 1
432 misdemeanor unless the law-enforcement agency that employs such law-enforcement officer has adopted and
433 established a written policy for the use of facial coverings, using as guidance the model policy established by
434 the Department of Criminal Justice Services under § 9.1-102.