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HOUSE BILL NO. 1421

Offered January 22, 2026

A BILL to amend and reenact §§ 9.1-101, as it is currently effective and as it shall become effective, 18.2-57, 18.2-308.016, 53.1-2, 53.1-5, 53.1-10, 53.1-17.2, and 59.1-148.3 of the Code of Virginia, relating to State Board of Local and Regional Jails.

Patrons—Keys-Gamarra, Anthony, Henson, Hope and Schmidt

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-101, as it is currently effective and as it shall become effective, 18.2-57, 18.2-308.016, 53.1-2, 53.1-5, 53.1-10, 53.1-17.2, and 59.1-148.3 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-101. (Effective July 1, 2026) Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia Criminal Sentencing Commission.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's

59 office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any
60 full-time or part-time employee of a private police department, and who is responsible for the prevention and
61 detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall
62 include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent
63 appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation
64 police officer who is a full-time sworn member of the enforcement division of the Department of Wildlife
65 Resources; (v) investigator who is a sworn member of the security division of the Virginia Lottery; (vi)
66 conservation officer of the Department of Conservation and Recreation commissioned pursuant to
67 § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles
68 appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or
69 15.2-836.1; (ix) campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title
70 23.1; (x) member of the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to
71 investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; (xi)
72 employee with internal investigations authority designated by the Department of Corrections pursuant to
73 subdivision 44 10 of § 53.1-10 or by the Department of Juvenile Justice pursuant to subdivision A 7 of
74 § 66-3; (xii) private police officer employed by a private police department; or (xiii) person designated as a
75 sworn unit investigator by the Attorney General pursuant to subsection A of § 32.1-320.1. Part-time
76 employees are those compensated officers who are not full-time employees as defined by the employing
77 police department, sheriff's office, or private police department.

78 "Private police department" means any police department, other than a department that employs police
79 agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized
80 by statute or an act of assembly to establish a private police department or such entity's successor in interest,
81 provided it complies with the requirements set forth herein. No entity is authorized to operate a private police
82 department or represent that it is a private police department unless such entity has been authorized by statute
83 or an act of assembly or such entity is the successor in interest of an entity that has been authorized pursuant
84 to this section, provided it complies with the requirements set forth herein. The authority of a private police
85 department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the
86 local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority,
87 duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided
88 in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer
89 shall enter into a memorandum of understanding with the private police department that addresses the duties
90 and responsibilities of the private police department and the chief law-enforcement officer in the conduct of
91 criminal investigations. Private police departments and private police officers shall be subject to and comply
92 with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police
93 departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721,
94 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Board that the Department designates as
95 applicable to private police departments. An authorized private police department may use the word "police"
96 to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5
97 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1,
98 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police
99 department was recognized by the Department at that time is hereby validated and may continue to operate as
100 a private police department as may such entity's successor in interest, provided it complies with the
101 requirements set forth herein.

102 "Private police officer" means a law-enforcement officer who is employed by a private police department
103 that has entered into a memorandum of understanding with a police department or sheriff's office and who
104 may exercise the power and duties conferred by law upon such police officers on real property owned, leased,
105 or controlled by the employing entity and, if approved by the local chief of police or sheriff, any contiguous
106 property. Any person employed as a private police officer pursuant to this section shall meet all requirements,
107 including the minimum compulsory training requirements, for law-enforcement officers pursuant to this
108 chapter. A private police officer is not entitled to benefits under the Virginia Retirement System, is not a
109 "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of the
110 federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an
111 employee of the Commonwealth or any locality.

112 "School resource officer" means a certified law-enforcement officer hired by the local law-enforcement
113 agency to provide law-enforcement and security services to Virginia public elementary and secondary
114 schools.

115 "School security officer" means an individual who is employed by the local school board or a private or
116 religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating
117 violations of the policies of the school board or the private or religious school, and detaining students
118 violating the law or the policies of the school board or the private or religious school on school property,
119 school buses, or at school-sponsored events and who is responsible solely for ensuring the safety, security,
120 and welfare of all students, faculty, staff, and visitors in the assigned school.

121 "Sealing" means to prohibit public access to records relating to an arrest, charge, or conviction, including
 122 any ancillary matter ordered to be sealed, in the possession of (i) the Central Criminal Records Exchange; (ii)
 123 any court; (iii) any police department, sheriff's office, or campus police department; or (iv) the Department of
 124 Motor Vehicles unless dissemination is authorized for one or more of the purposes set forth in § 19.2-392.13
 125 and pursuant to the rules and regulations adopted pursuant to § 9.1-128 and the procedures adopted pursuant
 126 to § 9.1-134.

127 "Unapplied criminal history record information" means information pertaining to criminal offenses
 128 submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history record of
 129 an arrested or convicted person (i) because such information is not supported by fingerprints or other
 130 accepted means of positive identification or (ii) due to an inconsistency, error, or omission within the content
 131 of the submitted information.

132 **§ 9.1-101. (Effective until July 1, 2026) Definitions.**

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 134 different meaning:

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 137 supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and
 138 dissemination of criminal history record information.

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 141 of conviction, and the consequences arising therefrom, in any court.

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 143 person's custodial status, including probation, confinement, work release, study release, escape, or
 144 termination of custody through expiration of sentence, parole, pardon, or court decision.

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 146 adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments,
 147 informations, or other formal charges, and any disposition arising therefrom. The term shall not include
 148 juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal
 149 justice intelligence information, criminal justice investigative information, or correctional status information.

150 "Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as
 151 its principal function performs the administration of criminal justice and any other agency or subunit thereof
 152 which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of
 153 Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of
 154 its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12
 155 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special
 156 conservators to meet compulsory training standards established by the Criminal Justice Services Board and
 157 submits reports of compliance with the training standards and (b) the private corporation or agency complies
 158 with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or
 159 agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of
 160 the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the
 161 purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act
 162 (§ 37.2-900 et seq.).

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 164 § 18.2-271.2.

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 169 agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of
 170 criminal history record information. The operations of the system may be performed manually or by using
 171 electronic computers or other automated data processing equipment.

172 "Department" means the Department of Criminal Justice Services.

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 174 The term shall not include access to the information by officers or employees of a criminal justice agency
 175 maintaining the information who have both a need and right to know the information.

176 "Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's
 177 office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any
 178 full-time or part-time employee of a private police department, and who is responsible for the prevention and
 179 detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall
 180 include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent
 181 appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation
 182 police officer who is a full-time sworn member of the enforcement division of the Department of Wildlife

183 Resources; (v) investigator who is a sworn member of the security division of the Virginia Lottery; (vi)
184 conservation officer of the Department of Conservation and Recreation commissioned pursuant to
185 § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles
186 appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or
187 15.2-836.1; (ix) campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title
188 23.1; (x) member of the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to
189 investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; (xi)
190 employee with internal investigations authority designated by the Department of Corrections pursuant to
191 subdivision ~~4~~ 10 of § 53.1-10 or by the Department of Juvenile Justice pursuant to subdivision A 7 of
192 § 66-3; (xii) private police officer employed by a private police department; or (xiii) person designated as a
193 sworn unit investigator by the Attorney General pursuant to subsection A of § 32.1-320.1. Part-time
194 employees are those compensated officers who are not full-time employees as defined by the employing
195 police department, sheriff's office, or private police department.

196 "Private police department" means any police department, other than a department that employs police
197 agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized
198 by statute or an act of assembly to establish a private police department or such entity's successor in interest,
199 provided it complies with the requirements set forth herein. No entity is authorized to operate a private police
200 department or represent that it is a private police department unless such entity has been authorized by statute
201 or an act of assembly or such entity is the successor in interest of an entity that has been authorized pursuant
202 to this section, provided it complies with the requirements set forth herein. The authority of a private police
203 department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the
204 local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority,
205 duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided
206 in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer
207 shall enter into a memorandum of understanding with the private police department that addresses the duties
208 and responsibilities of the private police department and the chief law-enforcement officer in the conduct of
209 criminal investigations. Private police departments and private police officers shall be subject to and comply
210 with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police
211 departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721,
212 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Board that the Department designates as
213 applicable to private police departments. An authorized private police department may use the word "police"
214 to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5
215 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1,
216 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police
217 department was recognized by the Department at that time is hereby validated and may continue to operate as
218 a private police department as may such entity's successor in interest, provided it complies with the
219 requirements set forth herein.

220 "Private police officer" means a law-enforcement officer who is employed by a private police department
221 that has entered into a memorandum of understanding with a police department or sheriff's office and who
222 may exercise the power and duties conferred by law upon such police officers on real property owned, leased,
223 or controlled by the employing entity and, if approved by the local chief of police or sheriff, any contiguous
224 property. Any person employed as a private police officer pursuant to this section shall meet all requirements,
225 including the minimum compulsory training requirements, for law-enforcement officers pursuant to this
226 chapter. A private police officer is not entitled to benefits under the Virginia Retirement System, is not a
227 "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of the
228 federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an
229 employee of the Commonwealth or any locality.

230 "School resource officer" means a certified law-enforcement officer hired by the local law-enforcement
231 agency to provide law-enforcement and security services to Virginia public elementary and secondary
232 schools.

233 "School security officer" means an individual who is employed by the local school board or a private or
234 religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating
235 violations of the policies of the school board or the private or religious school, and detaining students
236 violating the law or the policies of the school board or the private or religious school on school property,
237 school buses, or at school-sponsored events and who is responsible solely for ensuring the safety, security,
238 and welfare of all students, faculty, staff, and visitors in the assigned school.

239 "Unapplied criminal history record information" means information pertaining to criminal offenses
240 submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history record of
241 an arrested or convicted person (i) because such information is not supported by fingerprints or other
242 accepted means of positive identification or (ii) due to an inconsistency, error, or omission within the content
243 of the submitted information.

244 **§ 18.2-57. Assault and battery; penalty.**

245 A. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor,
 246 and if the person intentionally selects the person against whom a simple assault is committed because of his
 247 race, religious conviction, gender, disability, gender identity, sexual orientation, color, or ethnic or national
 248 origin, the penalty upon conviction shall include a term of confinement of at least six months.

249 B. However, if a person intentionally selects the person against whom an assault and battery resulting in
 250 bodily injury is committed because of his race, religious conviction, gender, disability, gender identity, sexual
 251 orientation, color, or ethnic or national origin, the person is guilty of a Class 6 felony, and the penalty upon
 252 conviction shall include a term of confinement of at least six months.

253 C. In addition, if any person commits an assault or an assault and battery against another knowing or
 254 having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as defined in
 255 subsection H, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or
 256 supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional
 257 correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the
 258 facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under
 259 the supervision of the Department of Juvenile Justice, an employee or other individual who provides control,
 260 care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral
 261 Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any
 262 emergency medical services personnel member who is employed by or is a volunteer of an emergency
 263 medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency
 264 medical services agency, regardless of whether a resolution has been adopted by the governing body of a
 265 political subdivision recognizing such firefighters or emergency medical services personnel as employees,
 266 engaged in the performance of his public duties anywhere in the Commonwealth, such person is guilty of a
 267 Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of
 268 confinement of six months.

269 Nothing in this subsection shall be construed to affect the right of any person charged with a violation of
 270 this section from asserting and presenting evidence in support of any defenses to the charge that may be
 271 available under common law.

272 D. In addition, if any person commits a battery against another knowing or having reason to know that
 273 such other person is a full-time or part-time employee of any public or private elementary or secondary
 274 school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and the
 275 sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall
 276 be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or
 277 other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory
 278 minimum sentence of confinement of six months.

279 E. In addition, any person who commits a battery against another knowing or having reason to know that
 280 such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his
 281 duties in a hospital or in an emergency room on the premises of any clinic or other facility rendering
 282 emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction,
 283 shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term
 284 of confinement.

285 F. In addition, any person who commits an assault or an assault and battery against another knowing or
 286 having reason to know that such individual is an operator of a vehicle operated by a public transportation
 287 service as defined in § 18.2-160.2 who is engaged in the performance of his duties is guilty of a Class 1
 288 misdemeanor. The sentence of such person, upon conviction, shall also prohibit such person from entering or
 289 riding in any vehicle operated by the public transportation service that employed such operator for a period of
 290 not less than six months as a term and condition of such sentence.

291 G. In addition, any person who commits a battery against another knowing or having reason to know that
 292 such individual is a sports official for an entity sponsoring an interscholastic or intercollegiate sports event or
 293 any person performing services as a sports official for a public entity or a private, nonprofit organization that
 294 sponsors an amateur sports event who (i) is engaged in the performance of his duties or (ii) is on the premises
 295 of such event prior to engaging in his duties or upon conclusion of his duties is guilty of a Class 1
 296 misdemeanor. The sentence of such person, upon conviction, may also prohibit such person from attending
 297 any such sports event operated by the entity or organization that employed such sports official for a period of
 298 not less than six months as a term and condition of such sentence.

299 H. As used in this section:

300 "Disability" means a physical or mental impairment that substantially limits one or more of a person's
 301 major life activities.

302 "Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title
 303 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2.

304 "Judge" means any justice or judge of a court of record of the Commonwealth including a judge
 305 designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under
 306 § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation

307 Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district
 308 court.

309 "Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's
 310 office that is part of or administered by the Commonwealth or any political subdivision thereof who is
 311 responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws
 312 of the Commonwealth, any conservation officer of the Department of Conservation and Recreation
 313 commissioned pursuant to § 10.1-115, any special agent of the Virginia Alcoholic Beverage Control
 314 Authority, conservation police officers appointed pursuant to § 29.1-200, full-time sworn members of the
 315 enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any
 316 employee with internal investigations authority designated by the Department of Corrections pursuant to
 317 subdivision ~~4~~ 10 of § 53.1-10, and such officer also includes jail officers in local and regional correctional
 318 facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail
 319 responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733,
 320 auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan Washington
 321 Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30 when such fire
 322 marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

323 "School security officer" means the same as that term is defined in § 9.1-101.

324 "Sports official" includes an umpire, referee, judge, scorekeeper, timekeeper, or other person who is a
 325 neutral participant in a sports event.

326 I. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any school
 327 security officer or full-time or part-time employee of any public or private elementary or secondary school
 328 while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or
 329 reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and
 330 necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens
 331 physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student
 332 from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense
 333 of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or
 334 controlled substances or associated paraphernalia that are upon the person of the student or within his control.

335 In determining whether a person was acting within the exceptions provided in this subsection, due
 336 deference shall be given to reasonable judgments that were made by a school security officer or full-time or
 337 part-time employee of any public or private elementary or secondary school at the time of the event.

338 **§ 18.2-308.016. Retired law-enforcement officers; carrying a concealed handgun.**

339 A. Except as provided in subsection A of § 18.2-308.012, § 18.2-308 shall not apply to:

340 1. Any State Police officer retired from the Department of State Police, any officer retired from the
 341 Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control
 342 officer retired from a police department or sheriff's office within the Commonwealth, any special agent
 343 retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority, any
 344 employee with internal investigations authority designated by the Department of Corrections pursuant to
 345 subdivision ~~4~~ 10 of § 53.1-10 retired from the Department of Corrections, any conservation police officer
 346 retired from the Department of Wildlife Resources, any conservation officer retired from the Department of
 347 Conservation and Recreation, any Virginia Marine Police officer retired from the Law Enforcement Division
 348 of the Virginia Marine Resources Commission, any campus police officer appointed under Article 3
 349 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 retired from a campus police department, any retired member
 350 of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any
 351 retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated
 352 for cause, (i) with a service-related disability; (ii) following at least 10 years of service with any such
 353 law-enforcement agency, commission, board, or any combination thereof; (iii) who has reached 55 years of
 354 age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related
 355 injury, provided such officer carries with him written proof of consultation with and favorable review of the
 356 need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from
 357 which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the
 358 State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of
 359 consultation and favorable review shall be forwarded by the chief, Commission, or Board to the Department
 360 of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer
 361 shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the
 362 requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to
 363 carry a concealed handgun shall surrender such proof of consultation upon return to work as a
 364 law-enforcement officer or upon termination of employment with the law-enforcement agency. Notice of the
 365 surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal
 366 Information Network. However, if such officer retires on disability because of the service-related injury, and
 367 would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may
 368 retain the previously issued written proof of consultation.

369 2. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement
 370 agency, commission, or board mentioned in subdivision 1 who has resigned in good standing from such law-
 371 enforcement agency, commission, or board to accept a position covered by a retirement system that is
 372 authorized under Title 51.1, provided such person carries with him written proof of consultation with and
 373 favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the
 374 agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission
 375 or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable
 376 review shall be forwarded by the chief, Commission, or Board to the Department of State Police for entry
 377 into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause
 378 withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

379 3. Any State Police officer who is a member of the organized reserve forces of any of the Armed Services
 380 of the United States or National Guard, while such officer is called to active military duty, provided such
 381 officer carries with him written proof of consultation with and favorable review of the need to carry a
 382 concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable
 383 review shall be valid as long as the officer is on active military duty and shall expire when the officer returns
 384 to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be
 385 entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without
 386 cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while
 387 on active law-enforcement duty.

388 4. Any retired or resigned attorney for the Commonwealth or assistant attorney for the Commonwealth
 389 who (i) was not terminated for cause and served at least 10 years prior to his retirement or resignation; (ii)
 390 during the most recent 12-month period, has met, at his own expense, the standards for qualification in
 391 firearms training for active law-enforcement officers in the Commonwealth; (iii) carries with him written
 392 proof of consultation with and favorable review of the need to carry a concealed handgun issued by the
 393 attorney for the Commonwealth from whose office he retired or resigned; and (iv) meets the requirements of
 394 a "qualified retired law enforcement officer" pursuant to the federal Law Enforcement Officers Safety Act of
 395 2004 (18 U.S.C. § 926C). A copy of the proof of consultation and favorable review shall be forwarded by the
 396 attorney for the Commonwealth to the Department of State Police for entry into the Virginia Criminal
 397 Information Network.

398 B. For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or
 399 resigned law-enforcement officer, including a retired or resigned attorney for the Commonwealth or assistant
 400 attorney for the Commonwealth, who receives proof of consultation and review pursuant to this section shall
 401 have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in
 402 the same training and testing to carry firearms as is required of active law-enforcement officers in the
 403 Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification
 404 standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one
 405 year from the date of issuance, indicating that the retired or resigned officer has met the standards of the
 406 agency to carry a firearm.

407 C. A retired or resigned law-enforcement officer, including a retired or resigned attorney for the
 408 Commonwealth or assistant attorney for the Commonwealth, who receives proof of consultation and review
 409 pursuant to this section may annually participate and meet the training and qualification standards to carry
 410 firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned
 411 law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer
 412 shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that
 413 the retired or resigned officer has met the standards of the Commonwealth to carry a firearm. A copy of the
 414 certification indicating that the retired or resigned officer has met the standards of the Commonwealth to
 415 carry a firearm shall be forwarded by the chief, Commission, Board, or attorney for the Commonwealth to the
 416 Department of State Police for entry into the Virginia Criminal Information Network.

417 D. For all purposes, including for the purpose of applying the reciprocity provisions of § 18.2-308.014,
 418 any person granted the privilege to carry a concealed handgun pursuant to this section, while carrying the
 419 proof of consultation and favorable review required, shall be deemed to have been issued a concealed
 420 handgun permit.

421 **§ 53.1-2. Appointment of members; qualifications; terms and vacancies.**

422 There shall be a State Board of Local and Regional Jails *within and under the supervision of the Office of*
 423 *the Department of Corrections Ombudsman established by § 53.1-17.2*, which shall consist of 11 residents of
 424 the Commonwealth appointed by the Governor and subject to confirmation by the General Assembly. In
 425 making appointments, the Governor shall endeavor to select appointees of such qualifications and experience
 426 that the membership of the Board shall include persons suitably qualified to consider and act upon the various
 427 matters under the Board's jurisdiction. Members of the Board shall be appointed as follows: (i) one former
 428 sheriff; (ii) one former superintendent of a regional jail facility; (iii) two individuals employed by a public
 429 mental health services agency with training in or clinical, managerial, or other relevant experience working
 430 with individuals subject to the criminal justice system who have mental illness; (iv) one individual with

431 experience overseeing a correctional facility's or mental health facility's compliance with applicable laws,
 432 rules, and regulations; (v) one physician licensed in the Commonwealth; (vi) one individual with experience
 433 in administering educational or vocational programs in state or local correctional facilities; (vii) one
 434 individual with experience in financial management or performing audit investigations; (viii) one citizen
 435 member who represents community interests; and (ix) two individuals with experience in conducting
 436 criminal, civil, or death investigations.

437 Members of the Board shall serve at the pleasure of the Governor and shall be appointed for terms of four
 438 years. A vacancy other than by expiration of a term shall be filled by the Governor for the unexpired term.

439 No person shall be eligible to serve more than two full consecutive four-year terms.

440 **§ 53.1-5. Powers and duties of Board.**

441 The Board shall have the following powers and duties:

442 1. To develop and establish operational and fiscal standards governing the operation of local, regional, and
 443 community correctional facilities;

444 2. To advise the Governor, *Department of Corrections Ombudsman*, and Director on matters relating to
 445 corrections;

446 3. To make, adopt and promulgate such rules and regulations as may be necessary to carry out the
 447 provisions of this title and other laws of the Commonwealth pertaining to local, regional, and community
 448 correctional facilities. The Board, when promulgating regulations and adopting any policy or guidance
 449 document related to the enforcement of any minimum standards applicable to local, regional, and community
 450 correctional facilities, shall expressly and specifically include such items in its published agenda for meetings
 451 of the Board or any of its subcommittees. No standard, policy, or guidance document may be promulgated,
 452 amended, or rescinded in entirety or in part without compliance with this article;

453 4. To ensure the development of programs to educate citizens and elicit public support for the activities of
 454 the ~~Department~~ Board;

455 5. To develop and implement policies and procedures for the review of the death of any inmate that the
 456 Board determines warrants review that occurs in any local, regional, or community correctional facility. Such
 457 policies and procedures shall incorporate the Board's authority under § 53.1-6 to ensure the production of
 458 evidence necessary to conduct a thorough review of any such death. Notwithstanding any other provision of
 459 law, the Board shall adhere to procedures of the Administrative Process Act (§ 2.2-4000 et seq.) in
 460 promulgating such policies and procedures;

461 6. To establish minimum standards for health care services, including medical, dental, pharmaceutical,
 462 and behavioral health services, in local, regional, and community correctional facilities and procedures for
 463 enforcing such minimum standards, with the advice of and guidance from the Commissioner of Behavioral
 464 Health and Developmental Services and State Health Commissioner or their designees. Notwithstanding any
 465 other provision of law, the Board shall adhere to procedures of the Administrative Process Act (§ 2.2-4000 et
 466 seq.) in promulgating such policies and procedures. Such minimum standards shall require that each local,
 467 regional, and community correctional facility submit a standardized quarterly continuous quality
 468 improvement report documenting the delivery of health care services, along with any improvements made to
 469 those services, to the Board. The Board shall make such reports available to the public on its website. The
 470 Board may determine that any local, regional, or community correctional facility that is accredited by the
 471 American Correctional Association or National Commission on Correctional Health Care meets such
 472 minimum standards solely on the basis of such facility's accreditation status; however, without exception, the
 473 requirement that each local, regional, and community correctional facility submit a standardized quarterly
 474 continuous quality improvement report to the Board shall be a mandatory minimum standard;

475 7. To develop and implement policies for the accommodation in local, regional, and community
 476 correctional facilities of inmate participation in telehealth appointments, which shall include policies on
 477 designating a private space for such telehealth appointments to occur; and

478 8. To report annually on or before December 1 to the General Assembly and the Governor on the results
 479 of the inspections and audits of local, regional, or community correctional facilities conducted pursuant to
 480 § 53.1-68. The report shall include (i) a summary of the results of such inspections and audits, including any
 481 trends identified by such inspections and audits and the frequency of violations of each standard established
 482 for local, regional, or community correctional facilities, and (ii) any recommendations for changes to the
 483 standards established for local, regional, or community correctional facilities to improve the operations,
 484 safety, and security of local, regional, or community correctional facilities.

485 **§ 53.1-10. Powers and duties of Director.**

486 The Director shall be the chief executive officer of the Department and shall have the following duties and
 487 powers:

488 1. To supervise and manage the Department and its system of state correctional facilities;

489 2. ~~To implement the standards and goals of the Board as formulated for local and community correctional~~
 490 ~~programs and facilities and lock-ups;~~

491 3. To employ such personnel and develop and implement such programs as may be necessary to carry out
 492 the provisions of this title, subject to Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, and within the limits of

493 appropriations made therefor by the General Assembly;

494 4. 3. To establish and maintain a general system of schools for persons committed to the institutions and

495 community-based programs for adults as set forth in § 53.1-67.9. Such system shall include, as applicable,

496 elementary, secondary, postsecondary, career and technical education, adult, and special education schools.

497 a. The Director shall employ a Superintendent who will oversee the operation of educational and

498 vocational programs in all institutions and community-based programs for adults as set forth in § 53.1-67.9

499 operated by the Department. The Department shall be designated as a local education agency (LEA) but shall

500 not be eligible to receive state funds appropriated for direct aid to public education.

501 b. When the Department employs a teacher licensed by the Board of Education to provide instruction in

502 the schools of the correctional centers, the Department of Human Resource Management shall establish

503 salary schedules for the teachers which endeavor to be competitive with those in effect for the school division

504 in which the correctional center is located.

505 c. The Superintendent shall develop a functional literacy program for inmates testing below a selected

506 grade level, which shall be at least at the twelfth grade level. The program shall include guidelines for

507 implementation and test administration, participation requirements, criteria for satisfactory completion, and a

508 strategic plan for encouraging enrollment at an institution of higher education or an accredited vocational

509 training program or other accredited continuing education program.

510 d. For the purposes of this section, the term "functional literacy" shall mean those educational skills

511 necessary to function independently in society, including, but not limited to, reading, writing, comprehension,

512 and arithmetic computation.

513 e. In evaluating a prisoner's educational needs and abilities pursuant to § 53.1-32.1, the Superintendent

514 shall create a system for identifying prisoners with learning disabilities.

515 ~~5. 4. a. To make and enter into all contracts and agreements necessary or incidental to the performance of~~

516 ~~the Department's duties and the execution of its powers under this title, including, but not limited to, contracts~~

517 ~~with the United States, other states, and agencies and governmental subdivisions of this the Commonwealth,~~

518 ~~and contracts with corporations, partnerships, or individuals which include, but are not limited to, the~~

519 ~~purchase of water or wastewater treatment services or both as necessary for the expansion or construction of~~

520 ~~correctional facilities;~~

521 b. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary

522 or incidental to the performance of the Department's duties and the execution of its powers under this title,

523 upon determining that it shall be desirable to contract with a public or private entity for the provision of

524 community-based residential services pursuant to Chapter 5 (§ 53.1-177 et seq.), the Director shall notify the

525 local governing body of the jurisdiction in which the facility is to be located of the proposal and of the

526 facility's proposed location and provide notice, where requested, to the chief law-enforcement officer for such

527 locality when an offender is placed in the facility at issue;

528 c. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary

529 or incidental to the performance of the Department's duties and the execution of its powers under this title,

530 upon determining that it is necessary to transport Virginia prisoners through or to another state and for other

531 states to transport their prisoners within the Commonwealth, the Director may execute reciprocal agreements

532 with other states' corrections agencies governing such transports that shall include provisions allowing each

533 state to retain authority over its prisoners while in the other state.

534 ~~6. 5. To accept, hold, and enjoy gifts, donations, and bequests on behalf of the Department from the~~

535 ~~United States government and agencies and instrumentalities thereof, and any other source, subject to the~~

536 ~~approval of the Governor. To these ends, the Director shall have the power to comply with such conditions~~

537 ~~and execute such agreements as may be necessary, convenient, or desirable;~~

538 ~~7. 6. To collect data pertaining to the demographic characteristics of adults, and juveniles who are~~

539 ~~adjudicated as adults, incarcerated in state correctional institutions, including, but not limited to, the race or~~

540 ~~ethnicity, age, and gender of such persons, whether they are a member of a criminal gang, and the types of~~

541 ~~and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such~~

542 ~~data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General~~

543 ~~Assembly at each regular session of the General Assembly thereafter. The report shall be submitted as~~

544 ~~provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative~~

545 ~~documents and reports;~~

546 ~~8. 7. To make application to the appropriate state and federal entities so as to provide any prisoner who is~~

547 ~~committed to the custody of the state a Department of Motor Vehicles approved identification card that~~

548 ~~would expire 90 days from issuance, a copy of his birth certificate if such person was born in the~~

549 ~~Commonwealth, and a social security card from the Social Security Administration;~~

550 ~~9. 8. To forward to the Commonwealth's Attorneys' Services Council, updated on a monthly basis, a list of~~

551 ~~all identified criminal gang members incarcerated in state correctional institutions. The list shall contain~~

552 ~~identifying information for each criminal gang member, as well as his criminal record;~~

553 ~~10. 9. To give notice, to the attorney for the Commonwealth prosecuting a defendant for an offense that~~

554 ~~occurred in a state correctional facility, of that defendant's known gang membership. The notice shall contain~~

555 identifying information for each criminal gang member as well as his criminal record;

556 ~~10.~~ 10. To designate employees of the Department with internal investigations authority to have the same
 557 power as a sheriff or a law-enforcement officer in the investigation of allegations of criminal behavior
 558 affecting the operations of the Department. Such employees shall be subject to any minimum training
 559 standards established by the Department of Criminal Justice Services under § 9.1-102 for law-enforcement
 560 officers prior to exercising any law-enforcement power granted under this subdivision. Nothing in this section
 561 shall be construed to grant the Department any authority over the operation and security of local jails not
 562 specified in any other provision of law. The Department shall investigate allegations of criminal behavior in
 563 accordance with a written agreement entered into with the Department of State Police. The Department shall
 564 not investigate any action falling within the authority vested in the Office of the State Inspector General
 565 pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2 unless specifically authorized by the Office of the
 566 State Inspector General;

567 ~~11.~~ 11. To prescribe and enforce rules prohibiting the possession of obscene materials, as defined in
 568 Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, by prisoners incarcerated in state correctional
 569 facilities;

570 ~~12.~~ 12. To develop and administer a survey of each correctional officer, as defined in § 53.1-1, who
 571 resigns, is terminated, or is transitioned to a position other than correctional officer for the purpose of
 572 evaluating employment conditions and factors that contribute to or impede the retention of correctional
 573 officers;

574 ~~13.~~ 13. To promulgate regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) to
 575 effectuate the provisions of Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 for human research, as defined in
 576 § 32.1-162.16, to be conducted or authorized by the Department. The regulations shall require the human
 577 research committee to submit to the Governor, the General Assembly, and the Director or his designee at
 578 least annually a report on the human research projects reviewed and approved by the committee and shall
 579 require the committee to report any significant deviations from the proposals as approved;

580 ~~14.~~ 14. To provide, pursuant to § 24.2-314, to the Division of Legislative Services, not later than July 1 of
 581 any year in which the decennial census is taken and in a format specified by the Division of Legislative
 582 Services, information regarding each person incarcerated in a state correctional facility on April 1 of that
 583 year. Such information shall include, for each person incarcerated, (i) a unique identifier, other than his name
 584 or offender identification number, assigned by the Director; (ii) his residential street address at the time of
 585 incarceration, or other legal residence, if known; (iii) his race, his ethnicity as identified by him, and whether
 586 he is 18 years of age or older; and (iv) the street address of the correctional facility in which he was
 587 incarcerated on April 1 of that year; and

588 ~~15.~~ 15. To develop and implement policies for the accommodation in state correctional facilities of inmate
 589 participation in telehealth appointments, which shall include policies on designating a private space for such
 590 telehealth appointments to occur.

591 **§ 53.1-17.2. Office of the Department of Corrections Ombudsman; powers and duties.**

592 A. There is created within the Office of the State Inspector General, an Office of the Department of
 593 Corrections Ombudsman (the Office). The Office shall have the following duties and powers:

594 1. To provide information, as appropriate, to inmates, family members, representatives of inmates,
 595 Department employees and contractors, and others regarding the rights of inmates;

596 2. To monitor conditions of confinement and assess compliance with applicable federal, state, and local
 597 rules, regulations, policies, and best practices as related to the health, safety, welfare, and rehabilitation of
 598 inmates;

599 3. To provide technical assistance to support inmate participation in self-advocacy;

600 4. *To supervise and manage the State Board of Local and Regional Jails;*

601 5. To provide technical assistance to local governments in the creation of correctional facility oversight
 602 bodies, as requested, to the extent resources are available to provide such assistance;

603 ~~5-~~ 6. To establish policies for a statewide uniform reporting system to collect and analyze data related to
 604 complaints received by the Department and that may include data related to (i) deaths, suicides, and suicide
 605 attempts in custody; (ii) physical and sexual assaults in custody; (iii) the number of inmates placed in
 606 restorative housing; (iv) the number of facility lockdowns lasting longer than 24 hours; (v) the number of
 607 staff vacancies at each facility; (vi) the inmate-to-staff ratios at each facility; (vii) staff tenure, turnover, and
 608 compensation; (viii) numbers of in-person visits to inmates that were made and denied at each facility; (ix)
 609 the number of inmate complaints or grievances submitted to the Department, the resolution of such
 610 complaints or grievances, and how long it took to resolve each complaint or grievance; and (x) any covered
 611 issue as defined in § 53.1-17.9;

612 ~~6-~~ 7. To establish procedures to gather stakeholder input into the Office's activities and priorities;

613 ~~7-~~ 8. To inspect each state correctional facility at least once every three years and at least once every year
 614 for any maximum security facility and any facility where the Office has found cause for more frequent
 615 inspection or monitoring;

616 ~~8-~~ 9. To issue publicly periodic facility inspection reports and an annual report on state correctional

617 facility conditions and a summary of data and recommendations arising from any complaints investigated and
 618 resolved pursuant to this article, and any other thematic reports covering any topic the Office finds relevant to
 619 maintaining a safe, secure, and humane Department;

620 9- 10. To monitor, document, review, and report on facility conditions in Department facilities; and

621 ~~10- 11.~~ To review, monitor, and report on the administrative remedy process of the Department, including
 622 the availability of any complaint and grievance forms at Department facilities, the accessibility of the remedy
 623 process to inmates and their representatives at each facility, and the timely, unbiased resolution of complaints
 624 or grievances by the Department.

625 B. The Office shall be directed by a Department of Corrections Ombudsman (the Ombudsman) who shall
 626 be selected by the State Inspector General. The co-chairmen of the Corrections Oversight Committee (the
 627 Committee), established pursuant to § 53.1-17.3, or their designees, shall be invited to participate on the
 628 interview panels for finalist candidates for the Ombudsman position. The Office of the State Inspector
 629 General shall notify the Committee of the job posting for the Ombudsman position when the employment
 630 opportunity is made available. The State Inspector General shall select an Ombudsman who has training or
 631 experience in criminal law, including any experience with local or state correctional law, and shall consider
 632 his history of judgment, independence, objectivity, and integrity. Neither the Ombudsman nor the
 633 Ombudsman's spouse or domestic partner, parents, grandparents, children, or siblings shall be a current or
 634 former employee or contractor of the Department. The Ombudsman shall have the authority to make
 635 recommendations to the State Inspector General to (i) hire staff, contractors, and unpaid volunteers; (ii)
 636 secure office space, equipment, and other services necessary to carry out the duties of the Office pursuant to
 637 this article; and (iii) contract with experts as necessary to assist in the monitoring and inspection of facilities,
 638 the assessment of data, and the review, investigation, or resolution of complaints. A staff member or
 639 volunteer hired to work in the Office shall have the same authority and duties of the Office as described in
 640 this article. A staff member or volunteer hired by the Ombudsman shall not be (a) a person with a family
 641 member who is a current inmate of the Department, (b) a person with a family member who is a current
 642 employee or contractor of the Department, (c) a current employee or contractor of the Department, or (d) a
 643 victim or a family member of a victim of a crime committed by an inmate currently in the custody of the
 644 Department.

645 C. The Ombudsman shall, subject to the provisions of § 53.1-17.5, (i) attend each hearing conducted by
 646 the Committee and provide any testimony, documents, data, or information requested by Committee
 647 members; (ii) meet at least twice each year with the co-chairmen of the Committee or their designees, the
 648 Governor, and the Director to report on the work and findings of the Office; and (iii) provide testimony
 649 before the relevant committees of the General Assembly upon request from any committee chairman or
 650 vice-chairman.

651 **§ 59.1-148.3. Purchase of handguns or other weapons of certain officers.**

652 A. The Department of State Police, the Department of Wildlife Resources, the Virginia Alcoholic
 653 Beverage Control Authority, the Virginia Lottery, the Marine Resources Commission, the Capitol Police, the
 654 Department of Conservation and Recreation, the Department of Forestry, any sheriff, any regional jail board
 655 or authority, and any local police department may allow any sworn law-enforcement officer, deputy, or
 656 regional jail officer, a local fire department may allow any full-time sworn fire marshal, the Department of
 657 Motor Vehicles may allow any law-enforcement officer, any institution of higher education named in
 658 § 23.1-1100 may allow any campus police officer appointed pursuant to Article 3 (§ 23.1-809 et seq.) of
 659 Chapter 8 of Title 23.1, retiring on or after July 1, 1991, and the Department of Corrections may allow any
 660 employee with internal investigations authority designated by the Department of Corrections pursuant to
 661 subdivision ~~4~~ 10 of § 53.1-10 who retires (i) after at least 10 years of service, (ii) at 70 years of age or older,
 662 or (iii) as a result of a service-incurred disability or who is receiving long-term disability payments for a
 663 service-incurred disability with no expectation of returning to the employment where he incurred the
 664 disability to purchase the service handgun issued or previously issued to him by the agency or institution at a
 665 price of \$1. If the previously issued weapon is no longer available, a weapon of like kind may be substituted
 666 for that weapon. This privilege shall also extend to any former Superintendent of State Police who leaves
 667 service after a minimum of five years. This privilege shall also extend to any person listed in this subsection
 668 who is eligible for retirement with at least 10 years of service who resigns on or after July 1, 1991, in good
 669 standing from one of the agencies listed in this section to accept a position covered by the Virginia
 670 Retirement System. Other weapons issued by the agencies listed in this subsection for personal duty use of an
 671 officer may, with approval of the agency head, be sold to the officer subject to the qualifications of this
 672 section at a fair market price determined as in subsection B, so long as the weapon is a type and configuration
 673 that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions
 674 other than the instant background check.

675 B. The agencies listed in subsection A may allow any sworn law-enforcement officer who retires with five
 676 or more years of service, but less than 10, to purchase the service handgun issued to him by the agency at a
 677 price equivalent to the weapon's fair market value on the date of the officer's retirement. Any sworn law-
 678 enforcement officer employed by any of the agencies listed in subsection A who is retired for disability as a

679 result of a nonservice-incurred disability may purchase the service handgun issued to him by the agency at a
680 price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of
681 fair market value may be made by reference to a recognized pricing guide.

682 C. The agencies listed in subsection A may allow the immediate survivor of any sworn law-enforcement
683 officer (i) who is killed in the line of duty or (ii) who dies in service and has at least 10 years of service to
684 purchase the service handgun issued to the officer by the agency at a price of \$1.

685 D. The governing board of any institution of higher learning named in § 23.1-1100 may allow any campus
686 police officer appointed pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 who retires on or
687 after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to the weapon's fair
688 market value on the date of the officer's retirement. Determinations of fair market value may be made by
689 reference to a recognized pricing guide.

690 E. Any officer who at the time of his retirement is a sworn law-enforcement officer with a state agency
691 listed in subsection A, when the agency allows purchases of service handguns, and who retires after 10 years
692 of state service, even if a portion of his service was with another state agency, may purchase the service
693 handgun issued to him by the agency from which he retires at a price of \$1.

694 F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a minimum of
695 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to him.

696 G. Any sheriff or local police department may allow any auxiliary law-enforcement officer with more
697 than 10 years of service to purchase the service handgun issued to him by the agency at a price that is
698 equivalent to or less than the weapon's fair market value on the date of purchase by the officer.

699 H. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer currently
700 employed by the agency to purchase his service handgun, with the approval of the chief law-enforcement
701 officer of the agency, at a fair market price. This subsection shall only apply when the agency has purchased
702 new service handguns for its officers, and the handgun subject to the sale is no longer used by the agency or
703 officer in the course of duty.

704 I. The Department of State Police may allow any law-enforcement officer formerly employed by the
705 Department who had at least 10 years of service with the Department and has been elected to a constitutional
706 office to purchase his service handgun, with the approval of the Superintendent of State Police, at a fair
707 market price.

708 **2. That this act shall not be construed to affect existing appointments to the State Board of Local and**
709 **Regional Jails for the terms that have not expired. However, all new appointments to the State Board**
710 **of Local and Regional Jails established pursuant to § 53.1-2 of the Code of Virginia, as amended by this**
711 **act, made on or after July 1, 2026, shall be made in accordance with the provisions of this act.**