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HOUSE BILL NO. 1219

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on _____)

(Patron Prior to Substitute—Delegate Sewell)

A BILL to amend and reenact §§ 9.1-102 and 19.2-60.1 of the Code of Virginia, relating to use of unmanned aircraft systems by law-enforcement officers; search warrants; model policy.

Be it enacted by the General Assembly of Virginia:**1. That §§ 9.1-102 and 19.2-60.1 of the Code of Virginia are amended and reenacted as follows:****§ 9.1-102. Powers and duties of the Board and the Department.**

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions and (ii) temporary or probationary status and establish the time required for completion of such training. Such compulsory minimum training standards shall include crisis intervention training in accordance with clause (i) of § 9.1-188;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

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

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

60 personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and
61 returning them to their caregivers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

118 30. Coordinate the activities and projects of the state departments, agencies, and boards of the
119 Commonwealth and of the units of general local government, or combination thereof, including planning
120 district commissions, relating to the preparation, adoption, administration, and implementation of

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

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

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

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

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

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

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

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

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

b. The identification of, communication with, and facilitation of the safe return of individuals diagnosed with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and returning them to their caregivers;

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

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

e. Communication of death notifications;

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

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

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

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

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

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

l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3,

183 that embody current best practices for using such items as a crowd control measure or during an arrest or
184 detention of another person; and

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

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

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

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

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

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

233 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11
234 (§ 9.1-185 et seq.);

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

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

239 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and
240 (iii) certification requirements for campus security officers. Such training standards shall include, but not be
241 limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and
242 personal liability issues, security awareness in the campus environment, and disaster and emergency
243 response. The Department shall provide technical support and assistance to campus police departments and
244 campus security departments on the establishment and implementation of policies and procedures, including

but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of those standards and provide for a decertification review process in accordance

307 with § 15.2-1708;

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

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

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

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

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

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

325 68. Establish compulsory minimum and in-service training standards for law-enforcement officers on
326 communicating with individuals with an intellectual disability or a developmental disability as defined in
327 § 37.2-100, such as autism spectrum disorder as defined in the most recent edition of the Diagnostic and
328 Statistical Manual of Mental Disorders of the American Psychiatric Association, which shall include (i) an
329 overview and behavioral recognition of autism spectrum disorder, (ii) best practices for crisis prevention and
330 de-escalation techniques, (iii) an objective review of any relevant tools and technology available to assist in
331 communication, and (iv) education on law-enforcement agency and community resources for the autism
332 community on future crisis prevention. Such training standards shall be established in consultation with at
333 least one individual with autism spectrum disorder, one family member of an individual with autism spectrum
334 disorder, one specialist who works with individuals with autism spectrum disorder, one representative from
335 the Department of Behavioral Health and Developmental Services, and one representative from a state or
336 local law-enforcement agency;

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

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

346 71. Establish a training curriculum for law-enforcement agencies, law-enforcement officers, and special
347 conservators of the peace on the discretion such officers can exercise regarding arrests as provided in Chapter
348 7 (§ 19.2-71 et seq.) of Title 19.2. Such training shall include (i) instruction on the scope and nature of
349 law-enforcement officer discretion in arrest decisions, with particular emphasis on encounters with
350 individuals experiencing a mental health crisis, including individuals currently subject to an emergency
351 custody order pursuant to § 37.2-808, a temporary detention order pursuant to § 37.2-809, or an involuntary
352 admission order pursuant to § 37.2-817, and (ii) instruction on the immediate and long-term effects of arrests
353 on individuals in need of mental health services due to a mental health crisis, including impacts on treatment
354 outcomes as identified in substantially accepted peer-reviewed research literature;

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

359 73. *Establish a model policy for the operation of unmanned aircraft systems, pursuant to § 19.2-60.1, by*
360 *any state or local law-enforcement agency or sheriff's office. Such model policy shall be made available on*
361 *the Department's website; and*

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

363 **§ 19.2-60.1. Use of unmanned aircraft systems by public bodies; search warrant required.**

364 A. As used in this section, unless the context requires a different meaning:

365 "Unmanned aircraft" means an aircraft that is operated without the possibility of human intervention from
366 within or on the aircraft.

367 "Unmanned aircraft system" means an unmanned aircraft and associated elements, including
368 communication links, sensing devices, and the components that control the unmanned aircraft.

B. No state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations, including ~~but not limited to~~ the Department of State Police, and no department of law enforcement as defined in § 15.2-836 of any county, city, or town shall utilize an unmanned aircraft system except during the execution of a search warrant issued pursuant to this chapter or an administrative or inspection warrant issued pursuant to law.

C. Notwithstanding the prohibition in this section, an unmanned aircraft system may be deployed without a warrant (i) when an Amber Alert is activated pursuant to § 52-34.3; (ii) when a Senior Alert is activated pursuant to § 52-34.6; (iii) when a Blue Alert is activated pursuant to § 52-34.9; (iv) where use of an unmanned aircraft system is determined to be necessary to alleviate an immediate danger to any person, *including to provide real-time aerial observation of law-enforcement incidents to increase on-scene safety and security, deliver essential supplies, and provide enhanced communication for emergency personnel in response to emergency calls*; (v) by a law-enforcement officer, an employee of the Department of State Police, or an employee of a local law-enforcement agency following an accident where a report is required pursuant to § 46.2-373, to survey the scene of such accident for the purpose of crash reconstruction and record the scene by photographic or video images; (vi) by the Department of Transportation when assisting a law-enforcement officer to prepare a report pursuant to § 46.2-373; (vii) *to capture digital documentation of a crime scene or response to a public safety call for service only when such crime scene or call for service is located on public property*; (viii) for training exercises related to such uses; ~~(viii)~~ (ix) if a person with legal authority consents to the warrantless search; ~~(ix)~~ (x) by a law-enforcement officer or an employee of a law-enforcement agency to (a) aerially survey a primary residence of the subject of the arrest warrant to formulate a plan to execute an existing arrest warrant or capias for a felony offense or (b) (1) locate a person sought for arrest when such person has fled from a law-enforcement officer and a law-enforcement officer remains in hot pursuit of such person or (2) *aerially survey public property incident to a call for service for purposes of locating and identifying any persons of interest while a law-enforcement officer is physically en route to such location*; or ~~(x)~~ (xi) by a law-enforcement officer investigating unmanned aircraft systems surrounding or over property of the federal or state government, public critical infrastructure as defined in § 44-146.28:2, or nongovernment-operated prison or jail facilities.

D. The warrant requirements of this section shall not apply when such systems are utilized to support the Commonwealth or any locality for purposes other than law enforcement, including damage assessment, traffic assessment, flood stage assessment, ~~and~~ wildfire assessment, *and fire or rescue operations*. Nothing herein shall prohibit use of unmanned aircraft systems for private, commercial, or recreational use or solely for research and development purposes by institutions of higher education and other research organizations or institutions.

E. Evidence obtained through the utilization of an unmanned aircraft system in violation of this section is not admissible in any criminal or civil proceeding.

F. In no case may a weaponized unmanned aircraft system be deployed in the Commonwealth or its use facilitated in the Commonwealth by a state or local government department, agency, or instrumentality or department of law enforcement in the Commonwealth except in operations at the Space Port and Naval/Aegis facilities at Wallops Island. No weaponized unmanned aircraft systems shall be construed to include such systems designed and used for the purpose of disabling another unmanned aircraft system.

G. Nothing herein shall apply to the Armed Forces of the United States or the Virginia National Guard while utilizing unmanned aircraft systems during training required to maintain readiness for its federal mission or when facilitating training for other U.S. Department of Defense units.

2. That the Department of Criminal Justice Services shall establish the model policy for the use of unmanned aircraft systems by any state or local law-enforcement agency or sheriff's department as required by § 9.1-102 of the Code of Virginia, as amended by this act, by December 1, 2026.

3. That the provisions of § 19.2-60.1 of the Code of Virginia, as amended by this act, shall not become effective unless reenacted by the 2027 Session of the General Assembly.