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SENATE BILL NO. 75
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Health and Human Services
on _____)
(Patron Prior to Substitute—Senator Lucas)

A BILL to amend and reenact § 16.1-340.2 and §§ 37.2-808 and 37.2-810, as they are currently effective and as they shall become effective, of the Code of Virginia, relating to emergency and temporary detention transportation.

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-340.2 and §§ 37.2-808 and 37.2-810, as they are currently effective and as they shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 16.1-340.2. Transportation of minor in the temporary detention process.

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the minor resides to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the minor resides is more than 50 miles from the nearest boundary of the jurisdiction in which the minor is located, the law-enforcement agency of the jurisdiction in which the minor is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall specify the law-enforcement agency to execute the order and provide transportation. However, the magistrate may authorize transportation by an alternative transportation provider, including a parent, family member, or friend of the minor who is the subject of the temporary detention order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the minor's treating physician, if any; or other persons who are available and have knowledge of the minor, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is (i) available to provide transportation, (ii) willing to provide transportation, and (iii) able to provide transportation in a safe manner.

32 *1. An alternative transportation provider shall be deemed to be available to provide transportation for the*
33 *purposes of this subsection if the alternative transportation provider states that it is available to take custody*
34 *of the individual from the law-enforcement agency within six hours of issuance of the temporary detention*
35 *order or an order changing the transportation provider pursuant to subsection E. An alternative*
36 *transportation provider shall be deemed to be able to provide transportation in a safe manner for the*
37 *purposes of this subsection if such alternative transportation provider is an employee of or person providing*
38 *services pursuant to a contract with the Department of Behavioral Health and Developmental Services, or an*
39 *employee of a private or state hospital within the Commonwealth.*

40 *2. When transportation is ordered to be provided by an alternative transportation provider, the magistrate*
41 *shall order the specified primary law-enforcement agency to execute the order, to take the minor into custody,*
42 *and to transfer custody of the minor to the alternative transportation provider identified in the order. Such*
43 *alternative transportation provider shall maintain custody of the minor from the time it obtains custody from*
44 *the primary law-enforcement agency until the minor is transferred to the temporary detention facility,*
45 *including (i) any time prior to the initiation of transportation of the minor from a facility to which he was*
46 *transported pursuant to § 16.1-340 and (ii) at all times while transportation is provided pursuant to this*
47 *section.*

48 *3. In ~~such cases~~ any case in which a magistrate authorizes transportation of a minor subject to a temporary*
49 *detention order by an alternative transportation provider, a copy of the temporary detention order shall*
50 *accompany the minor being transported pursuant to this section at all times and shall be delivered by the*
51 *alternative transportation provider to the temporary detention facility. The temporary detention facility shall*
52 *return a copy of the temporary detention order to the court designated by the magistrate as soon as is*
53 *practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return*
54 *of an order to the court may be accomplished electronically or by facsimile.*

55 *4. The temporary detention order may include transportation of the minor to such other medical facility as*
56 *may be necessary to obtain further medical evaluation or treatment prior to placement as required by a*
57 *physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement*
58 *officer or alternative transportation provider from obtaining emergency medical treatment or further medical*
59 *evaluation at any time for a minor in his custody as provided in this section. Such medical evaluation or*
60 *treatment shall be conducted immediately in accordance with state and federal law.*

61 *C. If an alternative transportation provider providing transportation of a minor who is the subject of a*
62 *temporary detention order becomes unable to continue providing transportation of the minor at any time after*

63 taking custody of the minor, the primary law-enforcement agency for the jurisdiction in which the alternative
64 transportation provider is located at the time he becomes unable to continue providing transportation shall
65 take custody of the minor and shall transport the minor to the facility of temporary detention. In such cases,
66 (i) a copy of the temporary detention order shall accompany the minor being transported and shall be
67 delivered to and returned by the temporary detention facility in accordance with the provisions of subsection
68 B and (ii) if the alternative transportation provider originally authorized to provide transportation is a person
69 other than the minor's parent, the alternative transportation provider shall notify the minor's parent (a) that the
70 primary law-enforcement agency for the jurisdiction in which he is located has taken custody of the minor
71 and is transporting the minor to the facility of temporary detention and (b) of the name of the law-
72 enforcement officer providing transportation of the minor.

73 D. In cases in which an alternative facility of temporary detention is identified and the law-enforcement
74 agency or alternative transportation provider identified to provide transportation in accordance with
75 subsection B continues to have custody of the minor, the local law-enforcement agency or alternative
76 transportation provider shall transport the minor to the alternative facility of temporary detention identified
77 by the employee or designee of the local community services board. In cases in which an alternative facility
78 of temporary detention is identified and custody of the minor has been transferred from the law-enforcement
79 agency or alternative transportation provider that provided transportation in accordance with subsection B to
80 the initial facility of temporary detention, the employee or designee of the local community services board
81 shall request, and a magistrate may enter an order specifying, an alternative transportation provider or, if no
82 alternative transportation provider is available, willing, and able to provide transportation in a safe manner,
83 the local law-enforcement agency for the jurisdiction in which the minor resides or, if the nearest boundary of
84 the jurisdiction in which the minor resides is more than 50 miles from the nearest boundary of the jurisdiction
85 in which the minor is located, the law-enforcement agency of the jurisdiction in which the minor is located, to
86 provide transportation.

87 E. The magistrate may change the transportation provider specified in a temporary detention order at any
88 time prior to the initiation of transportation of a minor who is the subject of a temporary detention order
89 pursuant to this section. If the designated transportation provider is changed by the magistrate at any time
90 after the temporary detention order has been executed but prior to the initiation of transportation, the
91 transportation provider having custody of the minor shall transfer custody of the minor to the transportation

92 provider subsequently specified to provide transportation. For the purposes of this subsection, "transportation
93 provider" includes both a law-enforcement agency and an alternative transportation provider.

94 *F. A law-enforcement agency or alternative transportation provider providing transportation pursuant to
95 this section may transfer custody of the minor to a facility or location where the minor is awaiting transport if
96 such facility or location (i) agrees to accept custody of the minor and (ii) is capable of providing the level of
97 security necessary to protect the minor and others from harm.*

98 *1. If transportation is provided pursuant to this section by a law-enforcement agency, such law-
99 enforcement agency may transfer custody of the minor to a facility or location pursuant to this subsection if,
100 in addition to the other requirements in this subsection, such facility or location has entered into an
101 agreement or memorandum of understanding with such law-enforcement agency setting forth the terms and
102 conditions under which it will accept a transfer of custody.*

103 *2. When a bed at the facility of temporary detention becomes available, the facility or location where the
104 minor is awaiting transport pursuant to this subsection shall notify the law-enforcement agency or alternative
105 transportation provider identified on the temporary detention order, and such law-enforcement agency or
106 alternative transportation provider shall transport the minor to the facility of temporary detention.*

107 *G. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city,
108 or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary
109 detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the
110 execution of temporary detention orders and provide transportation.*

111 ~~G.~~ *H. An employee or contractor of an entity providing alternative transportation services pursuant to a
112 contract with the Department of Behavioral Health and Developmental Services who has completed training
113 approved by the Department of Behavioral Health and Developmental Services in the proper and safe use of
114 restraint may use restraint if (i) such restraint is necessary to ensure the safety of the minor or others or to
115 maintain custody of the minor and (ii) less restrictive techniques have been determined to be ineffective to
116 ensure the safety of the minor or others or to maintain custody of the minor.*

117 *I. No person who provides alternative transportation pursuant to this section shall be liable to the person
118 being transported for any civil damages for ordinary negligence in acts or omissions that result from
119 providing such alternative transportation.*

120 **§ 37.2-808. (Expires July 1, 2026) Emergency custody; issuance and execution of order.**

121 *A. Any magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or
122 upon his own motion, or a court may issue pursuant to § 19.2-271.6, an emergency custody order when he*

123 has probable cause to believe that any person (i) has a mental illness and that there exists a substantial
124 likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm
125 to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other
126 relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from
127 harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is
128 unwilling to volunteer or incapable of volunteering for hospitalization or treatment. Any emergency custody
129 order entered pursuant to this section shall provide for the disclosure of medical records pursuant to
130 § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

131 When considering whether there is probable cause to issue an emergency custody order, the magistrate
132 may, in addition to the petition, or the court may pursuant to § 19.2-271.6, consider (1) the recommendations
133 of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions
134 of the person, (3) any past mental health treatment of the person, (4) any relevant hearsay evidence, (5) any
135 medical records available, (6) any affidavits submitted, if the witness is unavailable and it so states in the
136 affidavit, and (7) any other information available that the magistrate or the court considers relevant to the
137 determination of whether probable cause exists to issue an emergency custody order.

138 B. Any person for whom an emergency custody order is issued shall be taken into custody and transported
139 to a convenient location to be evaluated to determine whether the person meets the criteria for temporary
140 detention pursuant to § 37.2-809 and to assess the need for hospitalization or treatment. The evaluation shall
141 be made by a person designated by the community services board or a certified evaluator who is skilled in the
142 diagnosis and treatment of mental illness and who has completed a certification program approved by the
143 Department.

144 C. The magistrate or court issuing an emergency custody order shall specify the primary law-enforcement
145 agency and jurisdiction to execute the emergency custody order and provide transportation. However, the
146 magistrate or court shall authorize transportation by an alternative transportation provider in accordance with
147 this section, whenever an alternative transportation provider is identified to the magistrate or court, which
148 may be a person, facility, or agency, including a family member or friend of the person who is the subject of
149 the order, a representative of the community services board, or a certified evaluator, or other transportation
150 provider with personnel trained to provide transportation in a safe manner, upon determining, following
151 consideration of information provided by the petitioner; the community services board or its designee or a
152 certified evaluator; the local law-enforcement agency, if any; the person's treating physician, if any; or other

153 persons who are available and have knowledge of the person, and, when the magistrate or court deems
154 appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video
155 and audio or telephone communication system, that the proposed alternative transportation provider is
156 available to provide transportation, willing to provide transportation, and able to provide transportation in a
157 safe manner.

158 When transportation is ordered to be provided by an alternative transportation provider, the magistrate or
159 court shall order the specified primary law-enforcement agency to execute the order, to take the person into
160 custody, and to transfer custody of the person to the alternative transportation provider identified in the order.
161 In such cases, a copy of the emergency custody order shall accompany the person being transported pursuant
162 to this section at all times and shall be delivered by the alternative transportation provider to the community
163 services board or its designee or certified evaluator responsible for conducting the evaluation. The
164 community services board or its designee or certified evaluator conducting the evaluation shall return a copy
165 of the emergency custody order to the court designated by the magistrate or the court that issued the
166 emergency custody order as soon as is practicable. Delivery of an order to a law-enforcement officer or
167 alternative transportation provider and return of an order to the court may be accomplished electronically or
168 by facsimile.

169 Transportation under this section shall include transportation to a medical facility as may be necessary to
170 obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with
171 state and federal law. Transportation under this section shall include transportation to a medical facility for a
172 medical evaluation if a physician at the hospital in which the person subject to the emergency custody order
173 may be detained requires a medical evaluation prior to admission.

174 D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the
175 magistrate or court shall order the primary law-enforcement agency from the jurisdiction served by the
176 community services board or certified evaluator that designated the person to perform the evaluation required
177 in subsection B to execute the order and, in cases in which transportation is ordered to be provided by the
178 primary law-enforcement agency, provide transportation. If the community services board serves more than
179 one jurisdiction, the magistrate or court shall designate the primary law-enforcement agency from the
180 particular jurisdiction within the community services board's service area where the person who is the subject
181 of the emergency custody order was taken into custody or, if the person has not yet been taken into custody,

182 the primary law-enforcement agency from the jurisdiction where the person is presently located to execute
183 the order and provide transportation.

184 E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to
185 this section may transfer custody of the person to the facility or location to which the person is transported for
186 the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of
187 security necessary to protect both the person and others from harm, (ii) is actually capable of providing the
188 level of security necessary to protect the person and others from harm, and (iii) in cases in which
189 transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of
190 understanding with the law-enforcement agency setting forth the terms and conditions under which it will
191 accept a transfer of custody, provided, however, that the facility or location may not require the law-
192 enforcement agency to pay any fees or costs for the transfer of custody.

193 F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city,
194 or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency
195 custody order pursuant to this section.

196 G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has
197 probable cause to believe that a person meets the criteria for emergency custody as stated in this section may
198 take that person into custody and transport that person to an appropriate location to assess the need for
199 hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into
200 custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of
201 the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining
202 the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed eight
203 hours from the time the law-enforcement officer takes the person into custody.

204 H. A law-enforcement officer who is transporting a person who has voluntarily consented to be
205 transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of
206 the county, city, or town in which he serves may take such person into custody and transport him to an
207 appropriate location to assess the need for hospitalization or treatment without prior authorization when the
208 law-enforcement officer determines (i) that the person has revoked consent to be transported to a facility for
209 the purpose of assessment or evaluation, and (ii) based upon his observations, that probable cause exists to
210 believe that the person meets the criteria for emergency custody as stated in this section. The period of

211 custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

212 I. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from
213 obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody
214 as provided in this section.

215 J. A representative of the primary law-enforcement agency specified to execute an emergency custody
216 order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a
217 person into custody pursuant to subsection G or H shall notify the community services board or certified
218 evaluator responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable
219 after execution of the emergency custody order or after the person has been taken into custody pursuant to
220 subsection G or H.

221 K. The person shall remain in custody until (i) a temporary detention order is issued in accordance with
222 § 37.2-809, (ii) an order for temporary detention for observation, testing, or treatment is entered in
223 accordance with § 37.2-1104, ending law enforcement custody, (iii) the person is released, or (iv) the
224 emergency custody order expires. An emergency custody order shall be valid for a period not to exceed eight
225 hours from the time of execution. For any person who has received an evaluation or treatment while in
226 emergency custody and for whom no temporary detention order is issued, the evaluator or treating health care
227 professional shall consider, prior to the person's release or the expiration of the emergency custody order,
228 whether referral of the person to a community-based outpatient stabilization program for voluntary treatment
229 is appropriate.

230 L. Nothing in this section shall preclude the issuance of an order for temporary detention for testing,
231 observation, or treatment pursuant to § 37.2-1104 for a person who is also the subject of an emergency
232 custody order issued pursuant to this section. In any case in which an order for temporary detention for
233 testing, observation, or treatment is issued for a person who is also the subject of an emergency custody
234 order, the person may be detained by a hospital emergency room or other appropriate facility for testing,
235 observation, and treatment for a period not to exceed 24 hours, unless extended by the court as part of an
236 order pursuant to § 37.2-1101, in accordance with subsection C of § 37.2-1104. Upon completion of testing,
237 observation, or treatment pursuant to § 37.2-1104, the hospital emergency room or other appropriate facility
238 in which the person is detained shall notify the nearest community services board or certified evaluator, and
239 the designee of the community services board or certified evaluator shall, as soon as is practicable and prior
240 to the expiration of the order for temporary detention issued pursuant to § 37.2-1104, conduct an evaluation

241 of the person to determine if he meets the criteria for temporary detention pursuant to § 37.2-809. The (i)
242 certified evaluator conducting the evaluation pursuant to subsection B and § 37.2-809 or (ii) hospital
243 emergency department and treating physician or other health care provider designated by the physician shall
244 allow a family member or legal guardian of the individual subject to evaluation who is present, and who may
245 provide support and supportive decision-making, to be present with the individual unless the individual
246 objects or the evaluator or treating physician determines that the presence of any such person would create a
247 medical, clinical, or safety risk to the patient or health care provider or interferes with patient care. No
248 provision of this section shall delay the process of the patient receiving treatment.

249 M. Any person taken into emergency custody pursuant to this section shall be given a written summary of
250 the emergency custody procedures and the statutory protections associated with those procedures.

251 N. If an emergency custody order is not executed within eight hours of its issuance, the order shall be void
252 and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to
253 any magistrate serving the jurisdiction of the issuing court.

254 O. In addition to the eight-hour period of emergency custody set forth in subsection G, H, or K, if the
255 individual is detained in a state facility pursuant to subsection E of § 37.2-809, the state facility and an
256 employee or designee of the community services board as defined in § 37.2-809 or certified evaluator may,
257 for an additional four hours, continue to attempt to identify an alternative facility that is able and willing to
258 provide temporary detention and appropriate care to the individual.

259 P. Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening
260 and assessment services provided to persons with mental illnesses while in emergency custody.

261 Q. An employee or contractor of an entity providing alternative transportation services pursuant to a
262 contract with the Department who has completed training approved by the Department in the proper and safe
263 use of restraint may use restraint (i) if restraint is necessary to ensure the safety of the person or others or
264 prevent escape and (ii) if less restrictive techniques have been determined to be ineffective to protect the
265 person or others from harm or to prevent escape.

266 R. No person who provides alternative transportation pursuant to this section shall be liable to the person
267 being transported for any civil damages for ordinary negligence in acts or omissions that result from
268 providing such alternative transportation.

269 S. For purposes of this section:

270 "Certified evaluator" means the same as that term is defined in § 37.2-809.

271 "Law-enforcement agency" includes an auxiliary police force established pursuant to § 15.2-1731.

272 "Law-enforcement officer" includes (i) an auxiliary police officer appointed or provided for pursuant to
273 §§ 15.2-1731 and 15.2-1733 and (ii) a retired law-enforcement officer authorized by a local law-enforcement
274 agency, except for the purposes of subsection G.

275 "Retired law-enforcement officer" means an officer who within 10 years immediately prior to receiving
276 authorization by a local law-enforcement agency (i) was (a) an active law-enforcement officer as defined in
277 § 9.1-101 in the Commonwealth, (b) an auxiliary police officer appointed or provided for pursuant to
278 §§ 15.2-1731 and 15.2-1733, or (c) employed by a law-enforcement agency of the United States or any state
279 or political subdivision thereof and his duties were substantially similar to those of a law-enforcement officer
280 as defined in § 9.1-101 and (ii) retired or resigned from his position as a law-enforcement officer in good
281 standing.

282 **§ 37.2-808. (Effective July 1, 2026) Emergency custody; issuance and execution of order.**

283 A. Any magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or
284 upon his own motion, or a court may issue pursuant to § 19.2-271.6, an emergency custody order when he
285 has probable cause to believe that any person (i) has a mental illness and that there exists a substantial
286 likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm
287 to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other
288 relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from
289 harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is
290 unwilling to volunteer or incapable of volunteering for hospitalization or treatment. Any emergency custody
291 order entered pursuant to this section shall provide for the disclosure of medical records pursuant to
292 § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

293 When considering whether there is probable cause to issue an emergency custody order, the magistrate
294 may, in addition to the petition, or the court may pursuant to § 19.2-271.6, consider (1) the recommendations
295 of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions
296 of the person, (3) any past mental health treatment of the person, (4) any relevant hearsay evidence, (5) any
297 medical records available, (6) any affidavits submitted, if the witness is unavailable and it so states in the
298 affidavit, and (7) any other information available that the magistrate or the court considers relevant to the
299 determination of whether probable cause exists to issue an emergency custody order.

300 B. Any person for whom an emergency custody order is issued shall be taken into custody and transported
301 to a convenient location to be evaluated to determine whether the person meets the criteria for temporary

302 detention pursuant to § 37.2-809 and to assess the need for hospitalization or treatment. The evaluation shall
303 be made by a person designated by the community services board who is skilled in the diagnosis and
304 treatment of mental illness and who has completed a certification program approved by the Department.

305 C. The magistrate or court issuing an emergency custody order shall specify the primary law-enforcement
306 agency and jurisdiction to execute the emergency custody order and provide transportation. However, the
307 magistrate or court shall authorize transportation by an alternative transportation provider in accordance with
308 this section, whenever an alternative transportation provider is identified to the magistrate or court, which
309 may be a person, facility, or agency, including a family member or friend of the person who is the subject of
310 the order, a representative of the community services board, or other transportation provider with personnel
311 trained to provide transportation in a safe manner, upon determining, following consideration of information
312 provided by the petitioner; the community services board or its designee; the local law-enforcement agency,
313 if any; the person's treating physician, if any; or other persons who are available and have knowledge of the
314 person, and, when the magistrate or court deems appropriate, the proposed alternative transportation provider,
315 either in person or via two-way electronic video and audio or telephone communication system, that the
316 proposed alternative transportation provider is available to provide transportation, willing to provide
317 transportation, and able to provide transportation in a safe manner. *An alternative transportation provider*
318 *shall be deemed to be able to provide transportation in a safe manner if the alternative transportation*
319 *provider is an employee of, or the person providing services pursuant to a contract with, the Department or*
320 *is an employee of a private or state hospital within the confines of the Commonwealth.*

321 When transportation is ordered to be provided by an alternative transportation provider, the magistrate or
322 court shall order the specified primary law-enforcement agency to execute the order, to take the person into
323 custody, and to transfer custody of the person to the alternative transportation provider identified in the order.
324 In such cases, a copy of the emergency custody order shall accompany the person being transported pursuant
325 to this section at all times and shall be delivered by the alternative transportation provider to the community
326 services board or its designee responsible for conducting the evaluation. The community services board or its
327 designee conducting the evaluation shall return a copy of the emergency custody order to the court designated
328 by the magistrate or the court that issued the emergency custody order as soon as is practicable. Delivery of
329 an order to a law-enforcement officer or alternative transportation provider and return of an order to the court
330 may be accomplished electronically or by facsimile.

331 Transportation under this section shall include transportation to a medical facility as may be necessary to

332 obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with
333 state and federal law. Transportation under this section shall include transportation to a medical facility for a
334 medical evaluation if a physician at the hospital in which the person subject to the emergency custody order
335 may be detained requires a medical evaluation prior to admission.

336 D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the
337 magistrate or court shall order the primary law-enforcement agency from the jurisdiction served by the
338 community services board that designated the person to perform the evaluation required in subsection B to
339 execute the order and, in cases in which transportation is ordered to be provided by the primary law-
340 enforcement agency, provide transportation. If the community services board serves more than one
341 jurisdiction, the magistrate or court shall designate the primary law-enforcement agency from the particular
342 jurisdiction within the community services board's service area where the person who is the subject of the
343 emergency custody order was taken into custody or, if the person has not yet been taken into custody, the
344 primary law-enforcement agency from the jurisdiction where the person is presently located to execute the
345 order and provide transportation.

346 E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to
347 this section may transfer custody of the person to the facility or location to which the person is transported for
348 the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of
349 security necessary to protect both the person and others from harm, (ii) is actually capable of providing the
350 level of security necessary to protect the person and others from harm, and (iii) in cases in which
351 transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of
352 understanding with the law-enforcement agency setting forth the terms and conditions under which it will
353 accept a transfer of custody, provided, however, that the facility or location may not require the law-
354 enforcement agency to pay any fees or costs for the transfer of custody.

355 F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city,
356 or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency
357 custody order pursuant to this section.

358 G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has
359 probable cause to believe that a person meets the criteria for emergency custody as stated in this section may
360 take that person into custody and transport that person to an appropriate location to assess the need for

361 hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into
362 custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of
363 the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining
364 the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed eight
365 hours from the time the law-enforcement officer takes the person into custody.

366 H. A law-enforcement officer who is transporting a person who has voluntarily consented to be
367 transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of
368 the county, city, or town in which he serves may take such person into custody and transport him to an
369 appropriate location to assess the need for hospitalization or treatment without prior authorization when the
370 law-enforcement officer determines (i) that the person has revoked consent to be transported to a facility for
371 the purpose of assessment or evaluation, and (ii) based upon his observations, that probable cause exists to
372 believe that the person meets the criteria for emergency custody as stated in this section. The period of
373 custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

374 I. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from
375 obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody
376 as provided in this section.

377 J. A representative of the primary law-enforcement agency specified to execute an emergency custody
378 order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a
379 person into custody pursuant to subsection G or H shall notify the community services board responsible for
380 conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the
381 emergency custody order or after the person has been taken into custody pursuant to subsection G or H.

382 K. The person shall remain in custody until (i) a temporary detention order is issued in accordance with
383 § 37.2-809, (ii) an order for temporary detention for observation, testing, or treatment is entered in
384 accordance with § 37.2-1104, ending law enforcement custody, (iii) the person is released, or (iv) the
385 emergency custody order expires. An emergency custody order shall be valid for a period not to exceed eight
386 hours from the time of execution. For any person who has received an evaluation or treatment while in
387 emergency custody and for whom no temporary detention order is issued, the evaluator or treating health care
388 professional shall consider, prior to the person's release or the expiration of the emergency custody order,
389 whether referral of the person to a community-based outpatient stabilization program for voluntary treatment
390 is appropriate.

391 L. Nothing in this section shall preclude the issuance of an order for temporary detention for testing,
392 observation, or treatment pursuant to § 37.2-1104 for a person who is also the subject of an emergency
393 custody order issued pursuant to this section. In any case in which an order for temporary detention for
394 testing, observation, or treatment is issued for a person who is also the subject of an emergency custody
395 order, the person may be detained by a hospital emergency room or other appropriate facility for testing,
396 observation, and treatment for a period not to exceed 24 hours, unless extended by the court as part of an
397 order pursuant to § 37.2-1101, in accordance with subsection C of § 37.2-1104. Upon completion of testing,
398 observation, or treatment pursuant to § 37.2-1104, the hospital emergency room or other appropriate facility
399 in which the person is detained shall notify the nearest community services board, and the designee of the
400 community services board shall, as soon as is practicable and prior to the expiration of the order for
401 temporary detention issued pursuant to § 37.2-1104, conduct an evaluation of the person to determine if he
402 meets the criteria for temporary detention pursuant to § 37.2-809. The (i) evaluator conducting the evaluation
403 pursuant to subsection B and § 37.2-809 or (ii) hospital emergency department and treating physician or other
404 health care provider designated by the physician shall allow a family member or legal guardian of the
405 individual subject to evaluation who is present, and who may provide support and supportive
406 decision-making, to be present with the individual unless the individual objects or the evaluator or treating
407 physician determines that the presence of any such person would create a medical, clinical, or safety risk to
408 the patient or health care provider or interferes with patient care. No provision of this section shall delay the
409 process of the patient receiving treatment.

410 M. Any person taken into emergency custody pursuant to this section shall be given a written summary of
411 the emergency custody procedures and the statutory protections associated with those procedures.

412 N. If an emergency custody order is not executed within eight hours of its issuance, the order shall be void
413 and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to
414 any magistrate serving the jurisdiction of the issuing court.

415 O. In addition to the eight-hour period of emergency custody set forth in subsection G, H, or K, if the
416 individual is detained in a state facility pursuant to subsection E of § 37.2-809, the state facility and an
417 employee or designee of the community services board as defined in § 37.2-809 may, for an additional four
418 hours, continue to attempt to identify an alternative facility that is able and willing to provide temporary
419 detention and appropriate care to the individual.

420 P. Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening
421 and assessment services provided to persons with mental illnesses while in emergency custody.

422 Q. An employee or contractor of an entity providing alternative transportation services pursuant to a
423 contract with the Department who has completed training approved by the Department in the proper and safe
424 use of restraint may use restraint (i) if restraint is necessary to ensure the safety of the person or others or
425 prevent escape and (ii) if less restrictive techniques have been determined to be ineffective to protect the
426 person or others from harm or to prevent escape.

427 R. No person who provides alternative transportation pursuant to this section shall be liable to the person
428 being transported for any civil damages for ordinary negligence in acts or omissions that result from
429 providing such alternative transportation.

430 S. For purposes of this section:

431 "Law-enforcement agency" includes an auxiliary police force established pursuant to § 15.2-1731.

432 "Law-enforcement officer" includes (i) an auxiliary police officer appointed or provided for pursuant to
433 §§ 15.2-1731 and 15.2-1733 and (ii) a retired law-enforcement officer authorized by a local law-enforcement
434 agency, except for the purposes of subsection G.

435 "*Retired law-enforcement officer*" means an officer who within 10 years immediately prior to receiving
436 authorization by a local law-enforcement agency (i) was (a) an active law-enforcement officer as defined in
437 § 9.1-101 in the Commonwealth, (b) an auxiliary police officer appointed or provided for pursuant to
438 §§ 15.2-1731 and 15.2-1733, or (c) employed by a law-enforcement agency of the United States or any state
439 or political subdivision thereof and his duties were substantially similar to those of a law-enforcement officer
440 as defined in § 9.1-101 and (ii) retired or resigned from his position as a law-enforcement officer in good
441 standing.

442 **§ 37.2-810. (Expires July 1, 2026) Transportation of person in the temporary detention process.**

443 A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the
444 magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in
445 which the person resides, or any other willing law-enforcement agency that has agreed to provide
446 transportation, to execute the order and, in cases in which transportation is ordered to be provided by the
447 primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction
448 in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the
449 person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute
450 the order and provide transportation.

451 B. The magistrate issuing the temporary detention order shall (i) specify the law-enforcement agency to

452 execute the order and (ii) designate a transportation provider. In determining the transportation provider, the
453 magistrate shall authorize transportation by an alternative transportation provider in accordance with this
454 section, whenever an alternative transportation provider is identified to the magistrate, which may be a
455 person, facility, or agency, including a family member or friend of the person who is the subject of the
456 temporary detention order, a representative of the community services board, a certified evaluator, an
457 employee of or person providing services pursuant to a contract with the Department, or other transportation
458 provider with personnel trained to provide transportation in a safe manner. Upon determining, following
459 consideration of information provided by the petitioner; the community services board or its designee; the
460 certified evaluator; the local law-enforcement agency, if any; the person's treating physician, if any; or other
461 persons who are available and have knowledge of the person, and, when the magistrate deems appropriate,
462 the proposed alternative transportation provider, either in person or via two-way electronic video and audio or
463 telephone communication system, that an alternative transportation provider is available to provide
464 transportation, willing to provide transportation, and able to provide transportation in a safe manner, the
465 magistrate shall designate such alternative transportation provider to provide transportation of the person. An
466 alternative transportation provider shall be deemed to be available if the alternative transportation provider
467 states that it is available to take custody of the individual from law enforcement within six hours of issuance
468 of the temporary detention order or an order changing the transportation provider pursuant to subsection E.
469 *An alternative transportation provider shall be deemed to be able to provide transportation in a safe manner*
470 *if the alternative transportation provider is an employee of, or the person providing services pursuant to a*
471 *contract with, the Department or is an employee of a private or state hospital within the confines of the*
472 *Commonwealth.* If (a) no alternative transportation provider is available to provide transportation, willing to
473 provide transportation, and able to provide transportation in a safe manner or (b) the law-enforcement agency
474 elects to provide transportation, the magistrate shall designate the primary law-enforcement agency and
475 jurisdiction designated to execute the temporary detention order to provide transportation of the person.

476 When transportation is ordered to be provided by an alternative transportation provider, the magistrate
477 shall order the specified law-enforcement agency to execute the order, to take the person into custody, and to
478 transfer custody of the person to the alternative transportation provider identified in the order. The primary
479 law-enforcement agency may transfer custody of the person to the alternative transportation provider
480 immediately upon execution of the temporary detention order based on the availability of alternative
481 transportation providers. The alternative transportation provider shall maintain custody of the person from the
482 time custody is transferred to the alternative transportation provider by the primary law-enforcement agency

483 until such time as custody of the person is transferred to the temporary detention facility, including during
484 any period prior to the initiation of transportation of the person from the facility to which he was transported
485 pursuant to § 37.2-808 and while transportation is being provided pursuant to this section.

486 In such cases, a copy of the temporary detention order shall accompany the person being transported
487 pursuant to this section at all times and shall be delivered by the alternative transportation provider to the
488 temporary detention facility. The temporary detention facility shall return a copy of the temporary detention
489 order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-
490 enforcement officer or alternative transportation provider and return of an order to the court may be
491 accomplished electronically or by facsimile.

492 The order may include transportation of the person to such other medical facility as may be necessary to
493 obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting
494 temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative
495 transportation provider from obtaining emergency medical treatment or further medical evaluation at any
496 time for a person in his custody as provided in this section. Such medical evaluation or treatment shall be
497 conducted immediately in accordance with state and federal law.

498 C. If an alternative transportation provider providing transportation or maintaining custody of a person
499 who is the subject of a temporary detention order becomes unable to continue providing transportation or
500 maintaining custody of the person at any time after taking custody of the person, the primary law-
501 enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time
502 he becomes unable to continue providing transportation or maintaining custody shall take custody of the
503 person and shall transport the person to the facility of temporary detention. In such cases, a copy of the
504 temporary detention order shall accompany the person being transported and shall be delivered to and
505 returned by the temporary detention facility in accordance with the provisions of subsection B.

506 D. In cases in which an alternative facility of temporary detention is identified and the law-enforcement
507 agency or alternative transportation provider identified to provide transportation in accordance with
508 subsection B continues to have custody of the person, the local law-enforcement agency or alternative
509 transportation provider shall transport the person to the alternative facility of temporary detention identified
510 by the employee or designee of the community services board or certified evaluator. In cases in which an
511 alternative facility of temporary detention is identified and custody of the person has been transferred from

512 the law-enforcement agency or alternative transportation provider that provided transportation in accordance
513 with subsection B to the initial facility of temporary detention, the employee or designee of the community
514 services board or certified evaluator shall request, and a magistrate may enter an order specifying, an
515 alternative transportation provider or, if no alternative transportation provider is available, willing, and able to
516 provide transportation in a safe manner, the local law-enforcement agency for the jurisdiction in which the
517 person resides or, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles
518 from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of
519 the jurisdiction in which the person is located, to provide transportation.

520 E. The magistrate may change the transportation provider specified in a temporary detention order at any
521 time prior to the initiation of transportation of a person who is the subject of a temporary detention order
522 pursuant to this section. If the designated transportation provider is changed by the magistrate at any time
523 after the temporary detention order has been executed but prior to the initiation of transportation, the
524 transportation provider having custody of the person shall transfer custody of the person to the transportation
525 provider subsequently specified to provide transportation. For the purposes of this subsection, "transportation
526 provider" includes both a law-enforcement agency and an alternative transportation provider.

527 F. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county,
528 city, or town in which he serves to any point in the Commonwealth for the purpose of executing any
529 temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to
530 facilitate the execution of temporary detention orders and provide transportation.

531 G. An employee or contractor of an entity providing alternative transportation services pursuant to a
532 contract with the Department who has completed training approved by the Department in the proper and safe
533 use of restraint may use restraint (i) if restraint is necessary to ensure the safety of the person or others or
534 prevent escape and (ii) if less restrictive techniques have been determined to be ineffective to protect the
535 person or others from harm or to prevent escape.

536 H. No person who provides alternative transportation pursuant to this section shall be liable to the person
537 being transported for any civil damages for ordinary negligence in acts or omissions that result from
538 providing such alternative transportation.

539 I. For purposes of this section:

540 "Certified evaluator" means the same as that term is defined in § 37.2-809.

541 "Law-enforcement agency" includes an auxiliary police force established pursuant to § 15.2-1731.

542 "Law-enforcement officer" includes (i) an auxiliary police officer appointed or provided for pursuant to
543 §§ 15.2-1731 and 15.2-1733 and (ii) a retired law-enforcement officer authorized by a local law-enforcement
544 agency.

545 "Retired law-enforcement officer" means an officer who within 10 years immediately prior to receiving
546 authorization by a local law-enforcement agency (i) was (a) an active law-enforcement officer as defined in
547 § 9.1-101 in the Commonwealth, (b) an auxiliary police officer appointed or provided for pursuant to
548 §§ 15.2-1731 and 15.2-1733, or (c) employed by a law-enforcement agency of the United States or any state
549 or political subdivision thereof and his duties were substantially similar to those of a law-enforcement officer
550 as defined in § 9.1-101 and (ii) retired or resigned from his position as a law-enforcement officer in good
551 standing.

552 **§ 37.2-810. (Effective July 1, 2026) Transportation of person in the temporary detention process.**

553 A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the
554 magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in
555 which the person resides, or any other willing law-enforcement agency that has agreed to provide
556 transportation, to execute the order and, in cases in which transportation is ordered to be provided by the
557 primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction
558 in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the
559 person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute
560 the order and provide transportation.

561 B. The magistrate issuing the temporary detention order shall (i) specify the law-enforcement agency to
562 execute the order and (ii) designate a transportation provider. In determining the transportation provider, the
563 magistrate shall authorize transportation by an alternative transportation provider in accordance with this
564 section, whenever an alternative transportation provider is identified to the magistrate, which may be a
565 person, facility, or agency, including a family member or friend of the person who is the subject of the
566 temporary detention order, a representative of the community services board, an employee of or person
567 providing services pursuant to a contract with the Department, or other transportation provider with personnel
568 trained to provide transportation in a safe manner. Upon determining, following consideration of information
569 provided by the petitioner; the community services board or its designee; the local law-enforcement agency,
570 if any; the person's treating physician, if any; or other persons who are available and have knowledge of the
571 person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either

572 in person or via two-way electronic video and audio or telephone communication system, that an alternative
573 transportation provider is available to provide transportation, willing to provide transportation, and able to
574 provide transportation in a safe manner, the magistrate shall designate such alternative transportation provider
575 to provide transportation of the person. An alternative transportation provider shall be deemed to be available
576 if the alternative transportation provider states that it is available to take custody of the individual from law
577 enforcement within six hours of issuance of the temporary detention order or an order changing the
578 transportation provider pursuant to subsection E. *An alternative transportation provider shall be deemed to*
579 *be able to provide transportation in a safe manner if the alternative transportation provider is an employee*
580 *of, or the person providing services pursuant to a contract with, the Department or is an employee of a*
581 *private or state hospital within the confines of the Commonwealth.* If (a) no alternative transportation
582 provider is available to provide transportation, willing to provide transportation, and able to provide
583 transportation in a safe manner or (b) the law-enforcement agency elects to provide transportation, the
584 magistrate shall designate the primary law-enforcement agency and jurisdiction designated to execute the
585 temporary detention order to provide transportation of the person.

586 When transportation is ordered to be provided by an alternative transportation provider, the magistrate
587 shall order the specified law-enforcement agency to execute the order, to take the person into custody, and to
588 transfer custody of the person to the alternative transportation provider identified in the order. The primary
589 law-enforcement agency may transfer custody of the person to the alternative transportation provider
590 immediately upon execution of the temporary detention order based on the availability of alternative
591 transportation providers. The alternative transportation provider shall maintain custody of the person from the
592 time custody is transferred to the alternative transportation provider by the primary law-enforcement agency
593 until such time as custody of the person is transferred to the temporary detention facility, including during
594 any period prior to the initiation of transportation of the person from the facility to which he was transported
595 pursuant to § 37.2-808 and while transportation is being provided pursuant to this section.

596 In such cases, a copy of the temporary detention order shall accompany the person being transported
597 pursuant to this section at all times and shall be delivered by the alternative transportation provider to the
598 temporary detention facility. The temporary detention facility shall return a copy of the temporary detention
599 order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-
600 enforcement officer or alternative transportation provider and return of an order to the court may be
601 accomplished electronically or by facsimile.

602 The order may include transportation of the person to such other medical facility as may be necessary to
603 obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting
604 temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative
605 transportation provider from obtaining emergency medical treatment or further medical evaluation at any
606 time for a person in his custody as provided in this section. Such medical evaluation or treatment shall be
607 conducted immediately in accordance with state and federal law.

608 C. If an alternative transportation provider providing transportation or maintaining custody of a person
609 who is the subject of a temporary detention order becomes unable to continue providing transportation or
610 maintaining custody of the person at any time after taking custody of the person, the primary law-
611 enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time
612 he becomes unable to continue providing transportation or maintaining custody shall take custody of the
613 person and shall transport the person to the facility of temporary detention. In such cases, a copy of the
614 temporary detention order shall accompany the person being transported and shall be delivered to and
615 returned by the temporary detention facility in accordance with the provisions of subsection B.

616 D. In cases in which an alternative facility of temporary detention is identified and the law-enforcement
617 agency or alternative transportation provider identified to provide transportation in accordance with
618 subsection B continues to have custody of the person, the local law-enforcement agency or alternative
619 transportation provider shall transport the person to the alternative facility of temporary detention identified
620 by the employee or designee of the community services board. In cases in which an alternative facility of
621 temporary detention is identified and custody of the person has been transferred from the law-enforcement
622 agency or alternative transportation provider that provided transportation in accordance with subsection B to
623 the initial facility of temporary detention, the employee or designee of the community services board shall
624 request, and a magistrate may enter an order specifying, an alternative transportation provider or, if no
625 alternative transportation provider is available, willing, and able to provide transportation in a safe manner,
626 the local law-enforcement agency for the jurisdiction in which the person resides or, if the nearest boundary
627 of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the
628 jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person
629 is located, to provide transportation.

630 E. The magistrate may change the transportation provider specified in a temporary detention order at any

631 time prior to the initiation of transportation of a person who is the subject of a temporary detention order
632 pursuant to this section. If the designated transportation provider is changed by the magistrate at any time
633 after the temporary detention order has been executed but prior to the initiation of transportation, the
634 transportation provider having custody of the person shall transfer custody of the person to the transportation
635 provider subsequently specified to provide transportation. For the purposes of this subsection, "transportation
636 provider" includes both a law-enforcement agency and an alternative transportation provider.

637 F. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county,
638 city, or town in which he serves to any point in the Commonwealth for the purpose of executing any
639 temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to
640 facilitate the execution of temporary detention orders and provide transportation.

641 G. An employee or contractor of an entity providing alternative transportation services pursuant to a
642 contract with the Department who has completed training approved by the Department in the proper and safe
643 use of restraint may use restraint (i) if restraint is necessary to ensure the safety of the person or others or
644 prevent escape and (ii) if less restrictive techniques have been determined to be ineffective to protect the
645 person or others from harm or to prevent escape.

646 H. No person who provides alternative transportation pursuant to this section shall be liable to the person
647 being transported for any civil damages for ordinary negligence in acts or omissions that result from
648 providing such alternative transportation.

649 I. For purposes of this section:

650 "Law-enforcement agency" includes an auxiliary police force established pursuant to § 15.2-1731.

651 "Law-enforcement officer" includes (i) an auxiliary police officer appointed or provided for pursuant to
652 §§ 15.2-1731 and 15.2-1733 and (ii) a retired law-enforcement officer authorized by a local law-enforcement
653 agency.

654 "*Retired law-enforcement officer*" means an officer who within 10 years immediately prior to receiving
655 authorization by a local law-enforcement agency (i) was (a) an active law-enforcement officer as defined in
656 § 9.1-101 in the Commonwealth, (b) an auxiliary police officer appointed or provided for pursuant to
657 §§ 15.2-1731 and 15.2-1733, or (c) employed by a law-enforcement agency of the United States or any state
658 or political subdivision thereof and his duties were substantially similar to those of a law-enforcement officer
659 as defined in § 9.1-101 and (ii) retired or resigned from his position as a law-enforcement officer in good
660 standing.