

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 16.1-340.2 and §§ 37.2-808 and 37.2-810, as they are currently effective and*
 3 *as they shall become effective, of the Code of Virginia, relating to emergency and temporary detention*
 4 *transportation.*

5 [S 75]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

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

10 **§ 16.1-340.2. Transportation of minor in the temporary detention process.**

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

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

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

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

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

53 4. The temporary detention order may include transportation of the minor to such other medical facility as
 54 may be necessary to obtain further medical evaluation or treatment prior to placement as required by a
 55 physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement
 56 officer or alternative transportation provider from obtaining emergency medical treatment or further medical

57 evaluation at any time for a minor in his custody as provided in this section. Such medical evaluation or
58 treatment shall be conducted immediately in accordance with state and federal law.

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

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

85 E. The magistrate may change the transportation provider specified in a temporary detention order at any
86 time prior to the initiation of transportation of a minor who is the subject of a temporary detention order
87 pursuant to this section. If the designated transportation provider is changed by the magistrate at any time
88 after the temporary detention order has been executed but prior to the initiation of transportation, the
89 transportation provider having custody of the minor shall transfer custody of the minor to the transportation
90 provider subsequently specified to provide transportation. For the purposes of this subsection, "transportation
91 provider" includes both a law-enforcement agency and an alternative transportation provider.

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

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

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

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

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

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

118 **§ 37.2-808. (Expires July 1, 2026) Emergency custody; issuance and execution of order.**

119 A. Any magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or
120 upon his own motion, or a court may issue pursuant to § 19.2-271.6, an emergency custody order when he
121 has probable cause to believe that any person (i) has a mental illness and that there exists a substantial
122 likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm
123 to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other
124 relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from
125 harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is
126 unwilling to volunteer or incapable of volunteering for hospitalization or treatment. Any emergency custody
127 order entered pursuant to this section shall provide for the disclosure of medical records pursuant to
128 § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

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

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

142 C. The magistrate or court issuing an emergency custody order shall specify the primary law-enforcement
143 agency and jurisdiction to execute the emergency custody order and provide transportation. However, the
144 magistrate or court shall authorize transportation by an alternative transportation provider in accordance with
145 this section, whenever an alternative transportation provider is identified to the magistrate or court, which
146 may be a person, facility, or agency, including a family member or friend of the person who is the subject of
147 the order, a representative of the community services board, or a certified evaluator, or other transportation
148 provider with personnel trained to provide transportation in a safe manner, upon determining, following
149 consideration of information provided by the petitioner; the community services board or its designee or a
150 certified evaluator; the local law-enforcement agency, if any; the person's treating physician, if any; or other
151 persons who are available and have knowledge of the person, and, when the magistrate or court deems
152 appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video
153 and audio or telephone communication system, that the proposed alternative transportation provider is
154 available to provide transportation, willing to provide transportation, and able to provide transportation in a
155 safe manner.

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

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

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

181 the order and provide transportation.

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

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

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

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

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

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

219 K. The person shall remain in custody until (i) a temporary detention order is issued in accordance with
220 § 37.2-809, (ii) an order for temporary detention for observation, testing, or treatment is entered in
221 accordance with § 37.2-1104, ending law enforcement custody, (iii) the person is released, or (iv) the
222 emergency custody order expires. An emergency custody order shall be valid for a period not to exceed eight
223 hours from the time of execution. For any person who has received an evaluation or treatment while in
224 emergency custody and for whom no temporary detention order is issued, the evaluator or treating health care
225 professional shall consider, prior to the person's release or the expiration of the emergency custody order,
226 whether referral of the person to a community-based outpatient stabilization program for voluntary treatment
227 is appropriate.

228 L. Nothing in this section shall preclude the issuance of an order for temporary detention for testing,
229 observation, or treatment pursuant to § 37.2-1104 for a person who is also the subject of an emergency
230 custody order issued pursuant to this section. In any case in which an order for temporary detention for
231 testing, observation, or treatment is issued for a person who is also the subject of an emergency custody
232 order, the person may be detained by a hospital emergency room or other appropriate facility for testing,
233 observation, and treatment for a period not to exceed 24 hours, unless extended by the court as part of an
234 order pursuant to § 37.2-1101, in accordance with subsection C of § 37.2-1104. Upon completion of testing,
235 observation, or treatment pursuant to § 37.2-1104, the hospital emergency room or other appropriate facility
236 in which the person is detained shall notify the nearest community services board or certified evaluator, and
237 the designee of the community services board or certified evaluator shall, as soon as is practicable and prior
238 to the expiration of the order for temporary detention issued pursuant to § 37.2-1104, conduct an evaluation
239 of the person to determine if he meets the criteria for temporary detention pursuant to § 37.2-809. The (i)
240 certified evaluator conducting the evaluation pursuant to subsection B and § 37.2-809 or (ii) hospital
241 emergency department and treating physician or other health care provider designated by the physician shall
242 allow a family member or legal guardian of the individual subject to evaluation who is present, and who may

243 provide support and supportive decision-making, to be present with the individual unless the individual
 244 objects or the evaluator or treating physician determines that the presence of any such person would create a
 245 medical, clinical, or safety risk to the patient or health care provider or interferes with patient care. No
 246 provision of this section shall delay the process of the patient receiving treatment.

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

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

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

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

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

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

267 S. For purposes of this section:

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

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

270 "Law-enforcement officer" includes (i) an auxiliary police officer appointed or provided for pursuant to
 271 §§ 15.2-1731 and 15.2-1733 and (ii) a retired law-enforcement officer authorized by a local law-enforcement
 272 agency, except for the purposes of subsection G.

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

280 **§ 37.2-808. (Effective July 1, 2026) Emergency custody; issuance and execution of order.**

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

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

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

303 C. The magistrate or court issuing an emergency custody order shall specify the primary law-enforcement
 304 agency and jurisdiction to execute the emergency custody order and provide transportation. However, the

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

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

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

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

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

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

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

364 H. A law-enforcement officer who is transporting a person who has voluntarily consented to be
365 transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of
366 the county, city, or town in which he serves may take such person into custody and transport him to an

367 appropriate location to assess the need for hospitalization or treatment without prior authorization when the
 368 law-enforcement officer determines (i) that the person has revoked consent to be transported to a facility for
 369 the purpose of assessment or evaluation, and (ii) based upon his observations, that probable cause exists to
 370 believe that the person meets the criteria for emergency custody as stated in this section. The period of
 371 custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

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

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

380 K. The person shall remain in custody until (i) a temporary detention order is issued in accordance with
 381 § 37.2-809, (ii) an order for temporary detention for observation, testing, or treatment is entered in
 382 accordance with § 37.2-1104, ending law enforcement custody, (iii) the person is released, or (iv) the
 383 emergency custody order expires. An emergency custody order shall be valid for a period not to exceed eight
 384 hours from the time of execution. For any person who has received an evaluation or treatment while in
 385 emergency custody and for whom no temporary detention order is issued, the evaluator or treating health care
 386 professional shall consider, prior to the person's release or the expiration of the emergency custody order,
 387 whether referral of the person to a community-based outpatient stabilization program for voluntary treatment
 388 is appropriate.

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

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

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

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

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

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

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

428 S. For purposes of this section:

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

430 "Law-enforcement officer" includes (i) an auxiliary police officer appointed or provided for pursuant to
431 §§ 15.2-1731 and 15.2-1733 and (ii) a retired law-enforcement officer authorized by a local law-enforcement
432 agency, except for the purposes of subsection G.

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

440 **§ 37.2-810. (Expires July 1, 2026) Transportation of person in the temporary detention process.**

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

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

474 When transportation is ordered to be provided by an alternative transportation provider, the magistrate
475 shall order the specified law-enforcement agency to execute the order, to take the person into custody, and to
476 transfer custody of the person to the alternative transportation provider identified in the order. The primary
477 law-enforcement agency may transfer custody of the person to the alternative transportation provider
478 immediately upon execution of the temporary detention order based on the availability of alternative
479 transportation providers. The alternative transportation provider shall maintain custody of the person from the
480 time custody is transferred to the alternative transportation provider by the primary law-enforcement agency
481 until such time as custody of the person is transferred to the temporary detention facility, including during
482 any period prior to the initiation of transportation of the person from the facility to which he was transported
483 pursuant to § 37.2-808 and while transportation is being provided pursuant to this section.

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

490 The order may include transportation of the person to such other medical facility as may be necessary to

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

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

504 D. In cases in which an alternative facility of temporary detention is identified and the law-enforcement
 505 agency or alternative transportation provider identified to provide transportation in accordance with
 506 subsection B continues to have custody of the person, the local law-enforcement agency or alternative
 507 transportation provider shall transport the person to the alternative facility of temporary detention identified
 508 by the employee or designee of the community services board or certified evaluator. In cases in which an
 509 alternative facility of temporary detention is identified and custody of the person has been transferred from
 510 the law-enforcement agency or alternative transportation provider that provided transportation in accordance
 511 with subsection B to the initial facility of temporary detention, the employee or designee of the community
 512 services board or certified evaluator shall request, and a magistrate may enter an order specifying, an
 513 alternative transportation provider or, if no alternative transportation provider is available, willing, and able to
 514 provide transportation in a safe manner, the local law-enforcement agency for the jurisdiction in which the
 515 person resides or, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles
 516 from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of
 517 the jurisdiction in which the person is located, to provide transportation.

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

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

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

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

537 I. For purposes of this section:

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

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

540 "Law-enforcement officer" includes (i) an auxiliary police officer appointed or provided for pursuant to
 541 §§ 15.2-1731 and 15.2-1733 and (ii) a retired law-enforcement officer authorized by a local law-enforcement
 542 agency.

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

550 **§ 37.2-810. (Effective July 1, 2026) Transportation of person in the temporary detention process.**

551 A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the
 552 magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in

553 which the person resides, or any other willing law-enforcement agency that has agreed to provide
554 transportation, to execute the order and, in cases in which transportation is ordered to be provided by the
555 primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction
556 in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the
557 person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute
558 the order and provide transportation.

559 B. The magistrate issuing the temporary detention order shall (i) specify the law-enforcement agency to
560 execute the order and (ii) designate a transportation provider. In determining the transportation provider, the
561 magistrate shall authorize transportation by an alternative transportation provider in accordance with this
562 section, whenever an alternative transportation provider is identified to the magistrate, which may be a
563 person, facility, or agency, including a family member or friend of the person who is the subject of the
564 temporary detention order, a representative of the community services board, an employee of or person
565 providing services pursuant to a contract with the Department, or other transportation provider with personnel
566 trained to provide transportation in a safe manner. Upon determining, following consideration of information
567 provided by the petitioner; the community services board or its designee; the local law-enforcement agency,
568 if any; the person's treating physician, if any; or other persons who are available and have knowledge of the
569 person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either
570 in person or via two-way electronic video and audio or telephone communication system, that an alternative
571 transportation provider is available to provide transportation, willing to provide transportation, and able to
572 provide transportation in a safe manner, the magistrate shall designate such alternative transportation provider
573 to provide transportation of the person. An alternative transportation provider shall be deemed to be available
574 if the alternative transportation provider states that it is available to take custody of the individual from law
575 enforcement within six hours of issuance of the temporary detention order or an order changing the
576 transportation provider pursuant to subsection E. *An alternative transportation provider shall be deemed to*
577 *be able to provide transportation in a safe manner if the alternative transportation provider is an employee*
578 *of, or the person providing services pursuant to a contract with, the Department or is an employee of a*
579 *private or state hospital within the confines of the Commonwealth.* If (a) no alternative transportation
580 provider is available to provide transportation, willing to provide transportation, and able to provide
581 transportation in a safe manner or (b) the law-enforcement agency elects to provide transportation, the
582 magistrate shall designate the primary law-enforcement agency and jurisdiction designated to execute the
583 temporary detention order to provide transportation of the person.

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

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

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

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

614 D. In cases in which an alternative facility of temporary detention is identified and the law-enforcement

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

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

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

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

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

647 I. For purposes of this section:

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

649 "Law-enforcement officer" includes (i) an auxiliary police officer appointed or provided for pursuant to
 650 §§ 15.2-1731 and 15.2-1733 and (ii) a retired law-enforcement officer authorized by a local law-enforcement
 651 agency.

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