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SENATE BILL NO. 59
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the House Committee on Transportation
 on _____)

(Patrons Prior to Substitute—Senators Diggs and Craig [SB 150])

A BILL to amend and reenact §§ 9.1-102, 15.2-968.1, as it is currently effective and as it shall become effective, 19.2-13, and 46.2-882.1 of the Code of Virginia, relating to photo speed monitoring devices; photo-monitoring system for traffic signals; proof of violation; certain retired law-enforcement officials, registered conservators of the peace, and technicians; training.

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102, 15.2-968.1, as it is currently effective and as it shall become effective, 19.2-13, and 46.2-882.1 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

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

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

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

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

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

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

6. [Repealed];

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

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

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

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

caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and returning them to their caregivers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30. Coordinate the activities and projects of the state departments, agencies, and boards of the

Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

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

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

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

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

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

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

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

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

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

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

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

e. Communication of death notifications;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers

308 and certified jail officers and appropriate due process procedures for decertification based on serious
309 misconduct in violation of those standards and provide for a decertification review process in accordance
310 with § 15.2-1708;

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

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

316 64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local
317 law-enforcement cooperation, with the development and implementation of the Marcus alert system, as
318 defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in
319 the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and
320 37.2-311.1;

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

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

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

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

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

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

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

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

362 73. *Develop and approve a training certificate course for law-enforcement officers, retired sworn law-*
363 *enforcement officers, as that term is defined in § 46.2-882.1, registered special conservators of the peace,*
364 *and technicians for the review of sworn or affirmed certificates for the purposes of enforcement of violations*
365 *recorded by traffic light signal violation monitoring systems or traffic control device violation monitoring*
366 *systems pursuant to § 15.2-968.1 or photo speed monitoring devices pursuant to § 46.2-882.1; and*

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

368 **§ 15.2-968.1. (For contingent expiration date, see Acts 2023, c. 738, cl. 2) Use of violation monitoring**
369 **systems to enforce traffic light signals and certain traffic control devices.**

A. For purposes of this section:

"Owner" means the registered owner on record with the Department of Motor Vehicles.

"Traffic control device" has the same meaning as set forth in § 46.2-100.

"Traffic control device violation monitoring system" means equipment that produces one or more photographs, microphotographs, video, or other recorded images of vehicles used or operated in violation of signs or markings placed in accordance with § 46.2-830. Traffic control device violation monitoring systems shall not be used to enforce violations of traffic light signals or speed limits.

"Traffic light signal violation monitoring system" means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, video, or other recorded images of each vehicle at the time it is used or operated in violation of § 46.2-833, 46.2-835, or 46.2-836. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered the intersection.

B. 1. The governing body of any county, city, or town may provide by ordinance for the establishment of a traffic signal enforcement program imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic light signals in such locality in accordance with the provisions of this section. Each such locality may install and operate traffic light signal violation monitoring systems at no more than one intersection for every 10,000 residents within each county, city, or town at any one time, provided, however, that within planning District 8, each such locality may install and operate traffic light signal violation monitoring systems at no more than 10 intersections, or at no more than one intersection for every 10,000 residents within each county, city, or town, whichever is greater, at any one time.

2. In addition to the authority provided in subdivision 1, the governing body of any locality in Planning District 23 may provide by ordinance for the establishment of a traffic control device violation monitoring system imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic control devices in such locality in accordance with the provisions of this section. Such governing body may install and operate a traffic control device violation monitoring system at any intersection deemed by the governing body to be negatively impacted by traffic due to the Hampton Roads Bridge-Tunnel Express Lanes Hampton Segment (4C) Project (HREL-P).

C. The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, (i) as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within such locality or (ii) as evidenced by information obtained from a traffic control device violation monitoring system, to have failed to comply with a traffic control device within such locality. No operator shall be liable for a penalty pursuant to clause (i) and a penalty pursuant to clause (ii) arising out of the same act. No monetary penalty shall be imposed pursuant to this section for a first offense of failing to comply with a traffic control device, as evidenced by information obtained from a traffic control device violation monitoring system, and such operator shall be issued a written warning.

D. Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system or traffic control device violation monitoring system authorized pursuant to this section. A certificate, sworn to or affirmed by a law-enforcement officer, *retired sworn law-enforcement officer, as that term is defined in § 46.2-882.1, registered special conservator of the peace, or technician, who has completed a training course developed and approved pursuant to subdivision 73 of § 9.1-102*, employed by a locality authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system or traffic control device violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to an ordinance adopted pursuant to this section.

E. In the prosecution for a violation of any local ordinance adopted as provided in this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of such ordinance, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

F. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and

shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed under this section shall exceed \$50, nor shall it include court costs. Any finding in a district court that an operator has violated an ordinance adopted as provided in this section shall be appealable to the circuit court in a civil proceeding.

G. A summons for a violation of this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of the Department of Motor Vehicles; in the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection E and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for a violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a traffic light signal violation monitoring system or traffic control device violation monitoring system in connection with the violation.

H. Information collected by a traffic light signal violation monitoring system or traffic control device violation monitoring system installed and operated pursuant to subsection B shall be limited exclusively to that information that is necessary for the enforcement of traffic light or traffic control device violations. On behalf of a locality, a private entity that operates a traffic light signal violation monitoring system or traffic control device violation monitoring system may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that fail to comply with a traffic light signal or traffic control device. Information provided to the operator of a traffic light signal violation monitoring system or traffic control device violation monitoring system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system, and used only for enforcement against individuals who violate the provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a traffic light signal violation monitoring system or traffic control device violation monitoring system shall be used exclusively for enforcing traffic light or traffic control device violations and shall not (i) be open to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the enforcement of a traffic light or traffic control device violation or to a vehicle owner or operator as part of a challenge to the violation; or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of § 46.2-830, 46.2-833, 46.2-835, or 46.2-836 or requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. If a locality does not execute a summons for a violation of this section within 10 business days, all information collected pertaining to that suspected violation shall be purged within two business days. Any locality operating a traffic light signal violation monitoring system or traffic control device violation monitoring system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal information in violation of the provisions of this subsection shall be subject to a civil penalty of \$1,000 per disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination of the agreement between the Department of Motor Vehicles and the private entity.

I. A private entity may enter into an agreement with a locality to be compensated for providing the traffic light signal violation monitoring system or equipment or traffic control device violation monitoring system or equipment, and all related support services, to include consulting, operations and administration. However, only a law-enforcement officer, *retired sworn law-enforcement officer, as that term is defined in § 46.2-882.1, registered special conservator of the peace, or technician, who has completed a training course developed and approved pursuant to subdivision 73 of § 9.1-102*, employed by a locality may swear to or affirm the certificate required by subsection D. No locality shall enter into an agreement for compensation based on the number of violations or monetary penalties imposed.

J. When selecting potential intersections for a traffic light signal violation monitoring system, a locality shall consider factors such as (i) the accident rate for the intersection, (ii) the rate of red light violations occurring at the intersection (number of violations per number of vehicles), (iii) the difficulty experienced by law-enforcement officers in patrol cars or on foot in apprehending violators, and (iv) the ability of law-enforcement officers to apprehend violators safely within a reasonable distance from the violation. Localities

may consider the risk to pedestrians as a factor, if applicable.

K. 1. Before the implementation of a traffic light signal violation monitoring system at an intersection, the locality shall complete an engineering safety analysis that addresses signal timing and other location-specific safety features. The length of the yellow phase shall be established based on the recommended methodology of the Institute of Transportation Engineers. No traffic light signal violation monitoring system shall be implemented or utilized for a traffic signal having a yellow signal phase length of less than three seconds. All traffic light signal violation monitoring systems shall provide a minimum 0.5-second grace period between the time the signal turns red and the time the first violation is recorded. If recommended by the engineering safety analysis, the locality shall make reasonable location-specific safety improvements, including signs and pavement markings.

2. Before the implementation of a traffic control device violation monitoring system at an intersection, the governing body of the implementing locality shall complete an engineering safety analysis that addresses the impact of the HREL-P on congestion, accident rates, and driver disregard for traffic control devices. If recommended by the engineering safety analysis, the locality shall make reasonable location-specific safety improvements, including signs and pavement markings.

L. Any locality that uses a traffic light signal violation monitoring system or traffic control device violation monitoring system shall evaluate the system on a monthly basis to ensure all cameras and traffic signals are functioning properly. Evaluation results shall be made available to the public.

M. Any locality that uses a traffic light signal violation monitoring system to enforce traffic light signals shall place conspicuous signs within 500 feet of the intersection approach at which a traffic light signal violation monitoring system is used. There shall be a rebuttable presumption that such signs were in place at the time of the commission of the traffic light signal violation.

N. Prior to or coincident with the implementation or expansion of a traffic light signal violation monitoring system or traffic control device violation monitoring system, a locality shall conduct a public awareness program, advising the public that the locality is implementing or expanding a traffic light signal violation monitoring system or traffic control device violation monitoring system.

O. Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a traffic light signal violation monitoring system or traffic control device violation monitoring system is owned, leased, or rented by a county, city, or town, then the county, city, or town may access and use the recorded images and associated information for employee disciplinary purposes.

§ 15.2-968.1. (For contingent effective date, see Acts 2023, c. 738, cl. 2) Use of violation monitoring systems to enforce traffic light signals and certain traffic control devices.

A. The governing body of any county, city, or town may provide by ordinance for the establishment of a traffic signal enforcement program imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic light signals in such locality in accordance with the provisions of this section. Each such locality may install and operate traffic light signal photo-monitoring systems at no more than one intersection for every 10,000 residents within each county, city, or town at any one time, provided, however, that within planning District 8, each such locality may install and operate traffic light signal photo-monitoring systems at no more than 10 intersections, or at no more than one intersection for every 10,000 residents within each county, city, or town, whichever is greater, at any one time.

B. The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within such locality.

C. Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system authorized pursuant to this section. A certificate, sworn to or affirmed by a law-enforcement officer, *retired sworn law-enforcement officer, as that term is defined in § 46.2-882.1, registered special conservator of the peace, or technician, who has completed a training course developed and approved pursuant to subdivision 73 of § 9.1-102*, employed by a locality authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to an ordinance adopted pursuant to this section.

D. In the prosecution for a violation of any local ordinance adopted as provided in this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of such ordinance, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been

556 reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to
557 the return date established on the summons issued pursuant to this section, to the court adjudicating the
558 alleged violation.

559 E. For purposes of this section, "owner" means the registered owner of such vehicle on record with the
560 Department of Motor Vehicles. For purposes of this section, "traffic light signal violation monitoring system"
561 means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or
562 more photographs, two or more microphotographs, video, or other recorded images of each vehicle at the
563 time it is used or operated in violation of § 46.2-833, 46.2-835, or 46.2-836. For each such vehicle, at least
564 one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one
565 recorded image shall be of the same vehicle after it has illegally entered that intersection.

566 F. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and
567 shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it
568 be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty
569 imposed under this section shall exceed \$50, nor shall it include court costs. Any finding in a district court
570 that an operator has violated an ordinance adopted as provided in this section shall be appealable to the circuit
571 court in a civil proceeding.

572 G. A summons for a violation of this section may be executed pursuant to § 19.2-76.2. Notwithstanding
573 the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first
574 class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy
575 shall be mailed to the address contained in the records of the Department of Motor Vehicles; in the case of a
576 vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter.
577 Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to
578 rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the
579 filing of an affidavit as provided in subsection D and (ii) instructions for filing such affidavit, including the
580 address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set
581 out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in
582 § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for
583 failure to appear on the return date of the summons. Any summons executed for a violation of this section
584 shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect
585 information collected by a traffic light signal violation monitoring system in connection with the violation.

586 H. Information collected by a traffic light signal violation monitoring system installed and operated
587 pursuant to subsection A shall be limited exclusively to that information that is necessary for the enforcement
588 of traffic light violations. On behalf of a locality, a private entity that operates a traffic light signal violation
589 monitoring system may enter into an agreement with the Department of Motor Vehicles, in accordance with
590 the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the
591 registered owners of vehicles that fail to comply with a traffic light signal. Information provided to the
592 operator of a traffic light signal violation monitoring system shall be protected in a database with security
593 comparable to that of the Department of Motor Vehicles' system, and used only for enforcement against
594 individuals who violate the provisions of this section. Notwithstanding any other provision of law, all
595 photographs, microphotographs, electronic images, or other personal information collected by a traffic light
596 signal violation monitoring system shall be used exclusively for enforcing traffic light violations and shall not
597 (i) be open to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to
598 any other entity except as may be necessary for the enforcement of a traffic light violation or to a vehicle
599 owner or operator as part of a challenge to the violation; or (iv) be used in a court in a pending action or
600 proceeding unless the action or proceeding relates to a violation of § 46.2-833, 46.2-835, or 46.2-836 or
601 requested upon order from a court of competent jurisdiction. Information collected under this section
602 pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any
603 civil penalties. If a locality does not execute a summons for a violation of this section within 10 business
604 days, all information collected pertaining to that suspected violation shall be purged within two business
605 days. Any locality operating a traffic light signal violation monitoring system shall annually certify
606 compliance with this section and make all records pertaining to such system available for inspection and audit
607 by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his
608 designee. Any person who discloses personal information in violation of the provisions of this subsection
609 shall be subject to a civil penalty of \$1,000 per disclosure. Any unauthorized use or disclosure of such
610 personal information shall be grounds for termination of the agreement between the Department of Motor
611 Vehicles and the private entity.

612 I. A private entity may enter into an agreement with a locality to be compensated for providing the traffic
613 light signal violation monitoring system or equipment, and all related support services, to include consulting,
614 operations and administration. However, only a law-enforcement officer, *retired sworn law-enforcement*
615 *officer, as that term is defined in § 46.2-882.1, registered special conservator of the peace, or technician,*
616 *who has completed a training course developed and approved pursuant to subdivision 73 of § 9.1-102,*
617 employed by a locality may swear to or affirm the certificate required by subsection C. No locality shall enter

into an agreement for compensation based on the number of violations or monetary penalties imposed.

J. When selecting potential intersections for a traffic light signal violation monitoring system, a locality shall consider factors such as (i) the accident rate for the intersection, (ii) the rate of red light violations occurring at the intersection (number of violations per number of vehicles), (iii) the difficulty experienced by law-enforcement officers in patrol cars or on foot in apprehending violators, and (iv) the ability of law-enforcement officers to apprehend violators safely within a reasonable distance from the violation. Localities may consider the risk to pedestrians as a factor, if applicable.

K. Before the implementation of a traffic light signal violation monitoring system at an intersection, the locality shall complete an engineering safety analysis that addresses signal timing and other location-specific safety features. The length of the yellow phase shall be established based on the recommended methodology of the Institute of Transportation Engineers. No traffic light signal violation monitoring system shall be implemented or utilized for a traffic signal having a yellow signal phase length of less than three seconds. All traffic light signal violation monitoring systems shall provide a minimum 0.5-second grace period between the time the signal turns red and the time the first violation is recorded. If recommended by the engineering safety analysis, the locality shall make reasonable location-specific safety improvements, including signs and pavement markings.

L. Any locality that uses a traffic light signal violation monitoring system shall evaluate the system on a monthly basis to ensure all cameras and traffic signals are functioning properly. Evaluation results shall be made available to the public.

M. Any locality that uses a traffic light signal violation monitoring system to enforce traffic light signals shall place conspicuous signs within 500 feet of the intersection approach at which a traffic light signal violation monitoring system is used. There shall be a rebuttable presumption that such signs were in place at the time of the commission of the traffic light signal violation.

N. Prior to or coincident with the implementation or expansion of a traffic light signal violation monitoring system, a locality shall conduct a public awareness program, advising the public that the locality is implementing or expanding a traffic light signal violation monitoring system.

O. Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a traffic light signal photo-monitoring system is owned, leased, or rented by a county, city, or town, then the county, city, or town may access and use the recorded images and associated information for employee disciplinary purposes.

§ 19.2-13. Special conservators of the peace; authority; jurisdiction; registration; liability of employers; penalty; report.

A. Upon the submission of an application, which shall include the results of the background investigation conducted pursuant to subsection C, from (i) any sheriff or chief of police of any county, city, or town; (ii) any corporation authorized to do business in the Commonwealth; (iii) the owner, proprietor, or authorized custodian of any place within the Commonwealth; or (iv) any museum owned and managed by the Commonwealth, a circuit court judge of any county or city shall appoint special conservators of the peace who shall serve as such for such length of time as the court may designate, but not exceeding four years under any one appointment, during which time the court shall retain jurisdiction over the appointment order, upon a showing by the applicant of a necessity for the security of property or the peace and presentation of evidence that the person or persons to be appointed as a special conservator of the peace possess a valid registration issued by the Department of Criminal Justice Services in accordance with the provisions of subsection C. Upon an application made pursuant to clause (ii), (iii), or (iv), the court shall, prior to entering the order of appointment, transmit a copy of the application to the local attorney for the Commonwealth and the local sheriff or chief of police who may submit to the court a sworn, written statement indicating whether the order of appointment should be granted. However, a judge may deny the appointment for good cause, and shall state the specific reasons for the denial in writing in the order denying the appointment. A judge also may revoke the appointment order for good cause shown, upon the filing of a sworn petition by the attorney for the Commonwealth, sheriff, or chief of police for any locality in which the special conservator of the peace is authorized to serve or by the Department of Criminal Justice Services. Prior to revocation, a hearing shall be set and the special conservator of the peace shall be given notice and the opportunity to be heard. The judge may temporarily suspend the appointment pending the hearing for good cause shown. A hearing on the petition shall be heard by the court as soon as practicable. If the appointment order is suspended or revoked, the clerk of court shall notify the Department of Criminal Justice Services, the Department of State Police, the applicable local law-enforcement agencies in all cities and counties where the special conservator of the peace is authorized to serve, and the employer of the special conservator of the peace.

The order of appointment shall provide that a special conservator of the peace may perform only the duties for which he is qualified by training as established by the Criminal Justice Services Board. The order of appointment shall provide that such duties shall be exercised only within geographical limitations specified by the court, which shall be within the confines of the county, city or town that makes application or on the real property where the corporate applicant is located, or any real property contiguous to such real property, limited, except as provided in subsection F, to the city or county wherein application has been made, and only

when such special conservator of the peace is engaged in the performance of his duties as such; however, a court may, in its discretion, specify in the order of appointment additional jurisdictions in which a special conservator of the peace employed by the Shenandoah Valley Regional Airport Commission or the Richmond Metropolitan Transportation Authority may exercise his duties. The order may provide that the special conservator of the peace shall have the authority to make an arrest outside of such geographical limitations if the arrest results from a close pursuit that was initiated when the special conservator of the peace was within the confines of the area wherein he has been authorized to have the powers and authority of a special conservator of the peace; the order shall further delineate a geographical limitation or distance beyond which the special conservator of the peace may not effectuate such an arrest that follows from a close pursuit. The order shall require the special conservator of the peace to comply with the provisions of the United States Constitution and the Constitution of Virginia. The order shall not identify the special conservator of the peace as a law-enforcement officer pursuant to § 9.1-101. The order may provide, however, that the special conservator of the peace is a "law-enforcement officer" for the purposes of Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2 or Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, but such designation shall not qualify the special conservator of the peace as a "qualified law-enforcement officer" or "qualified retired law-enforcement officer" within the meaning of the federal Law Enforcement Officer Safety Act, 18 U.S.C. § 926(B) et seq., and the order of appointment shall specifically state this. The order may also provide that a special conservator of the peace who has completed the minimum training standards established by the Criminal Justice Services Board, has the authority to affect arrests, using up to the same amount of force as would be allowed to a law-enforcement officer employed by the Commonwealth or any of its political subdivisions when making a lawful arrest. The order shall prohibit blue flashing lights, but upon request and for good cause shown may provide that the special conservator of the peace may use flashing lights and sirens on any vehicle used by the special conservator of the peace when he is in the performance of his duties. Prior to granting an application for appointment, the circuit court shall ensure that the applicant has met the registration requirements established by the Criminal Justice Services Board.

B. All applications and orders for appointments of special conservators of the peace shall be submitted on forms developed by the Office of the Executive Secretary of the Supreme Court of Virginia in consultation with the Department of Criminal Justice Services and shall specify the duties for which the applicant is qualified. The applications and orders shall specify the geographic limitations consistent with subsection A.

C. No person shall seek appointment as a special conservator of the peace from a circuit court judge without possessing a valid registration issued by the Department of Criminal Justice Services, except as provided in this section. Applicants for registration may submit an application on or after January 1, 2004. A temporary registration may be issued in accordance with regulations established by the Criminal Justice Services Board while awaiting the results of a state and national fingerprint search. However, no person shall be issued a valid registration or temporary registration until he has (i) complied with, or been exempted from the compulsory minimum training standards as set forth in this section; (ii) submitted his fingerprints on a form provided by the Department to be used for the conduct of a national criminal records search and a Virginia criminal history records search; (iii) submitted the results of a background investigation, performed by any state or local law-enforcement agency, which may, at its discretion, charge a reasonable fee to the applicant and which shall include a review of the applicant's criminal history records and may include a review of the applicant's school records, employment records, or interviews with persons possessing general knowledge of the applicant's character and fitness for such appointment; and (iv) met all other requirements of this article and Board regulations. No person with a criminal conviction for a misdemeanor involving (a) moral turpitude, (b) assault and battery, (c) damage to real or personal property, (d) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (e) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (f) firearms, or any felony, or who is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or who is prohibited from possessing, transporting, or purchasing a firearm shall be eligible for registration or appointment as a special conservator of the peace. A special conservator of the peace shall report if he is arrested for, charged with, or convicted of any misdemeanor or felony offense or becomes ineligible for registration or appointment as a special conservator of the peace pursuant to this subsection to the Department of Criminal Justice Services and the chief law-enforcement officer of all localities in which he is authorized to serve within three days of such arrest or of becoming ineligible for registration or appointment as a special conservator of the peace. Any appointment for a special conservator of the peace shall be eligible for suspension and revocation after a hearing pursuant to subsection A if the special conservator of the peace is convicted of any offense listed in this subsection or becomes ineligible for registration or appointment as a special conservator of the peace pursuant to this subsection. All appointments for special conservators of the peace shall become void on September 15, 2004, unless they have obtained a valid registration issued by the Department of Criminal Justice Services.

D. Each person registered as or seeking registration as a special conservator of the peace shall be covered by evidence of a policy of (i) personal injury liability insurance, as defined in § 38.2-117; (ii) property

742 damage liability insurance, as defined in § 38.2-118; and (iii) miscellaneous casualty insurance, as defined in
 743 subsection B of § 38.2-111, which includes professional liability insurance that provides coverage for any
 744 activity within the scope of the duties of a special conservator of the peace as set forth in this section, in an
 745 amount and with coverage for each as fixed by the Board, or self-insurance in an amount and with coverage
 746 as fixed by the Board. Any person who is aggrieved by the misconduct of any person registered as a special
 747 conservator of the peace and recovers a judgment against the registrant, which is unsatisfied in whole or in
 748 part, may bring an action in his own name against the insurance policy of the registrant.

749 E. Effective July 1, 2015, all persons currently appointed or seeking appointment or reappointment as a
 750 special conservator of the peace are required to register with the Department of Criminal Justice Services,
 751 regardless of any other standing the person may have as a law-enforcement officer or other position requiring
 752 registration or licensure by the Department. The employer of any special conservator of the peace shall notify
 753 the circuit court, the Department of Criminal Justice Services, the Department of State Police, and the chief
 754 law-enforcement officer of all localities in which the special conservator of the peace is authorized to serve
 755 within 30 days after the date such individual has left employment and all powers of the special conservator of
 756 the peace shall be void. Failure to provide such notification shall be punishable by a fine of \$250 plus an
 757 additional \$50 per day for each day such notice is not provided.

758 F. When the application is made by any sheriff or chief of police, the circuit court shall specify in the
 759 order of appointment the name of the applicant authorized under subsection A and the geographic jurisdiction
 760 of the special conservator of the peace. Such appointments shall be limited to the city or county wherein
 761 application has been made. When the application is made by any corporation authorized to do business in the
 762 Commonwealth, any owner, proprietor, or authorized custodian of any place within the Commonwealth, or
 763 any museum owned and managed by the Commonwealth, the circuit court shall specify in the order of
 764 appointment the name of the applicant authorized under subsection A and the specific real property where the
 765 special conservator of the peace is authorized to serve. Such appointments shall be limited to the specific real
 766 property within the county, city, or town wherein application has been made. In the case of a corporation or
 767 other business, the court appointment may also include, for good cause shown, any real property owned or
 768 leased by the corporation or business, including any subsidiaries, in other specifically named cities and
 769 counties, but shall provide that the powers of the special conservator of the peace do not extend beyond the
 770 boundaries of such real property. The clerk of the appointing circuit court shall transmit to the Department of
 771 State Police, the clerk of the circuit court of each locality where the special conservator of the peace is
 772 authorized to serve, and the sheriff or chief of police of each such locality a copy of the order of appointment
 773 that shall specify the following information: the person's complete name, address, date of birth, social
 774 security number, gender, race, height, weight, color of hair, color of eyes, firearm authority or limitation as
 775 set forth in subsection G, date of the order, and other information as may be required by the Department of
 776 State Police. The Department of State Police shall enter the person's name and other information into the
 777 Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2
 778 (§ 52-12 et seq.) of Title 52. The Department of State Police may charge a fee not to exceed \$10 to cover its
 779 costs associated with processing these orders. Each special conservator of the peace so appointed on
 780 application shall present his credentials to the chief of police or sheriff or his designee of all jurisdictions
 781 where he has conservator powers. If his powers are limited to certain areas of real property owned or leased
 782 by a corporation or business, he shall also provide notice of the exact physical addresses of those areas. Each
 783 special conservator shall provide to the circuit court a temporary registration letter issued by the Department
 784 of Criminal Justice Services to include the results of the background check prior to seeking an appointment
 785 by the circuit court. Once the applicant receives the appointment from the circuit court the applicant shall file
 786 the appointment order and a copy of the application with the Department of Criminal Justice Services in order
 787 to receive his special conservator of the peace registration document. If the court appointment includes any
 788 real property owned or leased by the corporation or business in other specifically named cities and counties
 789 not within the city or county wherein application has been made, the clerk of the appointing court shall
 790 transmit a copy of the order of appointment to (i) the clerk of the circuit court for each jurisdiction where the
 791 special conservator of the peace is authorized to serve and (ii) the sheriff or chief of police of each
 792 jurisdiction where the special conservator of the peace is authorized to serve.

793 If any such special conservator of the peace is the employee, agent or servant of another, his appointment
 794 as special conservator of the peace shall not relieve his employer, principal or master from civil liability to
 795 another arising out of any wrongful action or conduct committed by such special conservator of the peace
 796 while within the scope of his employment.

797 Effective July 1, 2002, no person employed by a local school board as a school security officer, as defined
 798 in § 9.1-101, shall be eligible for appointment as a conservator for purposes of maintaining safety in a public
 799 school in the Commonwealth. All appointments of special conservators of the peace granted to school
 800 security officers as defined in § 9.1-101 prior to July 1, 2002 are void.

801 G. The court may limit or prohibit the carrying of weapons by any special conservator of the peace
 802 initially appointed on or after July 1, 1996, while the appointee is within the scope of his employment as
 803 such.

804 H. The governing body of any locality or the sheriff of a county where no police department has been
805 established may enter into mutual aid agreements with any entity employing special conservators of the peace
806 that is located in such locality for the use of their joint forces and their equipment and materials to maintain
807 peace and good order. Any law-enforcement officer or special conservator of the peace, while performing his
808 duty under any such agreement, shall have the same authority as lawfully conferred on him within his own
809 jurisdiction.

810 I. No special conservator of the peace shall display or use the word "police" on any uniform, badge,
811 credential, or vehicle in the performance of his duties as a special conservator of the peace. Other than special
812 conservators of the peace employed by a state agency, no special conservator of the peace shall use the seal of
813 the Commonwealth on any uniform, badge, credential, or vehicle in the performance of his duties. However,
814 upon request and for good cause shown, the order of appointment may provide that a special conservator of
815 the peace who (i) meets all requirements, including the minimum compulsory training requirements, for
816 law-enforcement officers set forth in Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 and (ii) is employed by the
817 Shenandoah Valley Regional Airport Commission or the Richmond Metropolitan Transportation Authority
818 may use the word "police" on any badge, uniform, or vehicle in the performance of his duties or the seal of
819 the Commonwealth on any badge or credential in the performance of his duties.

820 J. A special conservator of the peace may possess simultaneous registration with the Department of
821 Criminal Justice Services as an armed security officer pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of
822 Title 9.1 and shall maintain the rights, requirements, and restrictions contained therein.

823 K. *A special conservator of the peace who has completed a training course developed and approved by*
824 *the Department of Criminal Justice Services pursuant to subdivision 73 of § 9.1-102 may swear to or affirm a*
825 *certificate for the purposes of enforcement of violations recorded by traffic light signal violation monitoring*
826 *systems or traffic control device violation monitoring systems pursuant to § 15.2-968.1 or photo speed*
827 *monitoring devices pursuant to § 46.2-882.1.*

828 **§ 46.2-882.1. Use of photo speed monitoring devices in highway work zones, school crossing zones,**
829 **and high-risk intersection segments; civil penalty.**

830 A. For the purposes of this section:

831 "High-risk intersection segment" means any highway or portion thereof located not more than 1,000 feet
832 from the limits of the property of a school that is part of or adjacent to an intersection containing a marked
833 crosswalk that is identified in the manner provided in this section as one in which a traffic fatality has
834 occurred since January 1, 2014.

835 "Highway work zone" has the same meaning ascribed to it in § 46.2-878.1.

836 "Photo speed monitoring device" means equipment that uses radar or LIDAR-based speed detection and
837 produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles.

838 "Retired sworn law-enforcement officer" means any officer of the United States, or of a state or political
839 subdivision thereof, who was empowered by law to conduct investigations and make arrests and any attorney
840 authorized by law to prosecute or participate in the prosecution of such offenses, who at the time of
841 retirement kept an up-to-date certification and retired honorably in good standing. A retired sworn law-
842 enforcement officer shall not be required to keep an up-to-date certification after the date of his retirement.

843 "School crossing zone" has the same meaning ascribed to it in § 46.2-873.

844 "Vehicle speed violation" means a violation of this title resulting from the operation of a vehicle in excess
845 of the speed limit, including a violation of § 46.2-873 or 46.2-878.1.

846 B. A state or local law-enforcement agency may place and operate a photo speed monitoring device in
847 school crossing zones for the purposes of recording violations of § 46.2-873 and in highway work zones for
848 the purposes of recording violations of § 46.2-878.1.

849 A state or local law-enforcement agency may place and operate a photo speed monitoring device at a
850 high-risk intersection segment located within the locality for the purpose of recording vehicle speed
851 violations, provided that such law-enforcement agency certifies that a traffic fatality has occurred since
852 January 1, 2014, in such segment.

853 C. The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if
854 such vehicle is found, as evidenced by information obtained from a photo speed monitoring device, to be
855 traveling at speeds of at least 10 miles per hour above the posted speed limit in the zone monitored by the
856 photo speed monitoring device. Such civil penalty shall not exceed \$100, and any prosecution shall be
857 instituted and conducted in the same manner as prosecution for traffic infractions. Civil penalties collected
858 under this section resulting from a summons issued by a local law-enforcement officer or retired sworn
859 law-enforcement officer employed by a locality shall be paid to the locality in which such violation occurred.
860 Civil penalties collected under this section resulting from a summons issued by a law-enforcement officer or
861 retired sworn law-enforcement officer employed by the Department of State Police shall be paid into the
862 Literary Fund. However, all civil penalties collected under this section resulting from a summons issued
863 based on evidence obtained from a photo speed monitoring device placed and operated at a high-risk
864 intersection segment shall be paid to the Commonwealth Transportation Board to be used for the Virginia
865 Highway Safety Improvement Program established pursuant to § 33.2-373.

D. If a photo speed monitoring device is used, proof of a vehicle speed violation shall be evidenced by information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a law-enforcement officer ~~or a~~, retired sworn law-enforcement officer, *registered special conservator of the peace, or technician, who has completed a training course developed and approved pursuant to subdivision 73 of § 9.1-102, employed by a locality* based upon inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo speed monitoring device, shall be prima facie evidence of the facts contained therein. However, for any photo speed monitoring device placed in a school crossing zone, such sworn certificate or facsimile thereof shall not be prima facie evidence of the facts contained therein unless such photographs, microphotographs, videotapes, or other recorded images, or documentation, depict or confirm a portable sign or tilt-over sign that is in position or blinking sign that is activated, indicating the school crossing zone pursuant to § 46.2-873, at the time of such vehicle speed violation. Any photographs, microphotographs, videotapes, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such vehicle speed violation.

E. In the prosecution for a vehicle speed violation in which a summons was issued by mail, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in a manner constituting a vehicle speed violation, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged vehicle speed violation, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

F. Imposition of a penalty pursuant to this section by mailing a summons shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. However, if a law-enforcement officer uses a photo speed monitoring device to record a vehicle speed violation and personally issues a summons at the time of the violation, the conviction that results shall be made a part of such driver's driving record and used for insurance purposes in the provision of motor vehicle insurance coverage.

G. A summons for a vehicle speed violation issued by mail pursuant to this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons issued by mail pursuant to this section may be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of or accessible to the Department. In the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection E and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. If the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons will be eligible for all legal collections activities. Any summons executed for a vehicle speed violation issued pursuant to this section shall provide to the person summoned at least 30 days from the mailing of the summons to inspect information collected by a photo speed monitoring device in connection with the violation. If the law-enforcement agency that was operating the photo speed monitoring device does not execute a summons for a vehicle speed violation issued pursuant to this section within 30 days from the date of the violation, all information collected pertaining to that suspected violation shall be purged within 60 days from the date of the violation.

H. A private vendor may enter into an agreement with a law-enforcement agency to be compensated for providing a photo speed monitoring device and all related support services, including consulting, operations, and administration. However, only a law-enforcement officer ~~or~~, retired sworn law-enforcement officer, *registered special conservator of the peace, or technician, who has completed a training course developed and approved pursuant to subdivision 73 of § 9.1-102, employed by a locality* may swear to or affirm the certificate required by this section. Any such agreement for compensation shall be based on the value of the goods and services provided, not on the number of violations paid or monetary penalties imposed. Any

928 private vendor contracting with a law-enforcement agency pursuant to this section may enter into an
929 agreement with the Department, in accordance with the provisions of subdivision B 31 of § 46.2-208, to
930 obtain vehicle owner information regarding the registered owners of vehicles that committed a vehicle speed
931 violation. Any such information provided to such private vendor shall be protected in a database.

932 I. Information collected by a photo speed monitoring device operated pursuant to this section shall be
933 limited exclusively to that information that is necessary for the enforcement of vehicle speed violations.
934 Information provided to the operator of a photo speed monitoring device shall be protected in a database and
935 used only for enforcement of vehicle speed violations and enforcement against individuals who violate the
936 provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs,
937 videotapes, or other recorded images collected by a photo speed monitoring device shall be used exclusively
938 for enforcing vehicle speed violations and shall not be (i) open to the public; (ii) sold or used for sales,
939 solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the
940 enforcement of a vehicle speed violation or to a vehicle owner or operator as part of a challenge to the
941 violation; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a
942 vehicle speed violation or a violation of this section, or such information is requested upon order from a court
943 of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be
944 purged and not retained later than 60 days after the collection of any civil penalties. Any law-enforcement
945 agency using photo speed monitoring devices shall annually certify compliance with this section and make all
946 records pertaining to such system available for inspection and audit by the Commissioner of Highways or the
947 Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal
948 information in violation of the provisions of this subsection shall be subject to a civil penalty of \$1,000 per
949 disclosure.

950 J. A conspicuous sign shall be placed within 1,000 feet of any school crossing zone, highway work zone,
951 or high-risk intersection segment at which a photo speed monitoring device is used, indicating the use of the
952 device. There shall be a rebuttable presumption that such sign was in place at the time of the commission of
953 the speed limit violation.

954 K. Any state or local law-enforcement agency that places and operates a photo speed monitoring device
955 pursuant to the provisions of this section shall report to the Department of State Police, in a format to be
956 determined by the Department of State Police, by January 15 of each year on the number of traffic violations
957 prosecuted, the number of successful prosecutions, and the total amount of monetary civil penalties collected.
958 The Department of State Police shall aggregate such information and report it to the General Assembly by
959 February 15 of each year.

960 **2. That the provisions of the first enactment of this act shall become effective on July 1, 2027.**

961 **3. That the Department of Criminal Justice Services shall develop and approve the training course**
962 **required pursuant to subdivision 73 of § 9.1-102 of the Code of Virginia, as amended by this act, no**
963 **later than January 1, 2027, and shall promulgate any regulations necessary for the completion and**
964 **administration of the development and approval of such course.**