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HOUSE BILL NO. 684

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee

on March 14, 2026)

(Patron Prior to Substitute—Delegate Hayes)

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, 46.2-844, and 46.2-882.1 of the Code of Virginia, relating to photo speed monitoring devices; photo-monitoring system for traffic signals; school bus video-monitoring systems; 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, 46.2-844, 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

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60 individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting
61 caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an
62 emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's
63 disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement
64 personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and
65 returning them to their caregivers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

121 administration of criminal justice;

122 30. Coordinate the activities and projects of the state departments, agencies, and boards of the
123 Commonwealth and of the units of general local government, or combination thereof, including planning
124 district commissions, relating to the preparation, adoption, administration, and implementation of
125 comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

126 31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to
127 determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L.
128 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and
129 improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

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

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

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

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

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

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

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

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

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

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

173 e. Communication of death notifications;

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

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

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

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

183 duties;

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

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

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

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

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

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

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

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

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

237 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11
238 (§ 9.1-185 et seq.);

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

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

243 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and
244 (iii) certification requirements for campus security officers. Such training standards shall include, but not be

245 limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and
 246 personal liability issues, security awareness in the campus environment, and disaster and emergency
 247 response. The Department shall provide technical support and assistance to campus police departments and
 248 campus security departments on the establishment and implementation of policies and procedures, including
 249 but not limited to: the management of such departments, investigatory procedures, judicial referrals, the
 250 establishment and management of databases for campus safety and security information sharing, and
 251 development of uniform record keeping for disciplinary records and statistics, such as campus crime logs,
 252 judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of
 253 college administrators, college police chiefs, college security department chiefs, and local law-enforcement
 254 officials to assist in the development of the standards and certification requirements and training pursuant to
 255 this subdivision;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

307 Department when conducting training;

308 61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers
309 and certified jail officers and appropriate due process procedures for decertification based on serious
310 misconduct in violation of those standards and provide for a decertification review process in accordance
311 with § 15.2-1708;

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

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

317 64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local
318 law-enforcement cooperation, with the development and implementation of the Marcus alert system, as
319 defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in
320 the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and
321 37.2-311.1;

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

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

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

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

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

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

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

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

363 73. *Develop and approve a training certificate course, for law-enforcement officers, retired sworn law-*
364 *enforcement officers, as that term is defined in § 46.2-882.1, registered special conservators of the peace,*
365 *and technicians, employed by a locality, for the swearing to or affirming of certificates for the purposes of*
366 *enforcement of violations recorded by traffic light signal violation monitoring systems or traffic control*
367 *device violation monitoring systems pursuant to § 15.2-968.1, photo speed monitoring devices pursuant to §*
368 *46.2-882.1, or video-monitoring systems pursuant to § 46.2-844; and*

369 74. Perform such other acts as may be necessary or convenient for the effective performance of its duties.
 370 **§ 15.2-968.1. (For contingent expiration date, see Acts 2023, c. 738, cl. 2) Use of violation monitoring**
 371 **systems to enforce traffic light signals and certain traffic control devices.**

372 A. For purposes of this section:

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

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

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

379 "Traffic light signal violation monitoring system" means a vehicle sensor installed to work in conjunction
 380 with a traffic light that automatically produces two or more photographs, two or more microphotographs,
 381 video, or other recorded images of each vehicle at the time it is used or operated in violation of § 46.2-833,
 382 46.2-835, or 46.2-836. For each such vehicle, at least one recorded image shall be of the vehicle before it has
 383 illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has
 384 illegally entered the intersection.

385 B. 1. The governing body of any county, city, or town may provide by ordinance for the establishment of
 386 a traffic signal enforcement program imposing monetary liability on the operator of a motor vehicle for
 387 failure to comply with traffic light signals in such locality in accordance with the provisions of this section.
 388 Each such locality may install and operate traffic light signal violation monitoring systems at no more than
 389 one intersection for every 10,000 residents within each county, city, or town at any one time, provided,
 390 however, that within planning District 8, each such locality may install and operate traffic light signal
 391 violation monitoring systems at no more than 10 intersections, or at no more than one intersection for every
 392 10,000 residents within each county, city, or town, whichever is greater, at any one time.

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

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

409 D. Proof of a violation of this section shall be evidenced by information obtained from a traffic light
 410 signal violation monitoring system or traffic control device violation monitoring system authorized pursuant
 411 to this section. A certificate, sworn to or affirmed by a law-enforcement officer ~~employed by~~, *retired sworn*
 412 *law-enforcement officer, as that term is defined in § 46.2-882.1, registered special conservator of the peace,*
 413 *or technician, who (i) has completed a training course developed and approved pursuant to subdivision 73 of*
 414 *§ 9.1-102 and (ii) is an employee of a locality authorized to impose penalties pursuant to this section, or a*
 415 *facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded*
 416 *images produced by a traffic light signal violation monitoring system or traffic control device violation*
 417 *monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs,*
 418 *microphotographs, videotape, or other recorded images evidencing such a violation shall be available for*
 419 *inspection in any proceeding to adjudicate the liability for such violation pursuant to an ordinance adopted*
 420 *pursuant to this section.*

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

431 the return date established on the summons issued pursuant to this section, to the court adjudicating the
432 alleged violation.

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

439 G. A summons for a violation of this section may be executed pursuant to § 19.2-76.2. Notwithstanding
440 the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first
441 class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy
442 shall be mailed to the address contained in the records of the Department of Motor Vehicles; in the case of a
443 vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter.
444 Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to
445 rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the
446 filing of an affidavit as provided in subsection E and (ii) instructions for filing such affidavit, including the
447 address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set
448 out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in
449 § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for
450 failure to appear on the return date of the summons. Any summons executed for a violation of this section
451 shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect
452 information collected by a traffic light signal violation monitoring system or traffic control device violation
453 monitoring system in connection with the violation.

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

483 I. A private entity may enter into an agreement with a locality to be compensated for providing the traffic
484 light signal violation monitoring system or equipment or traffic control device violation monitoring system or
485 equipment, and all related support services, to include consulting, operations and administration. However,
486 only a law-enforcement officer ~~employed by~~, *retired sworn law-enforcement officer, as that term is defined in*
487 *§ 46.2-882.1, registered special conservator of the peace, or technician, who (i) has completed a training*
488 *course developed and approved pursuant to subdivision 73 of § 9.1-102 and (ii) is an employee of a locality*
489 may swear to or affirm the certificate required by subsection D. No locality shall enter into an agreement for
490 compensation based on the number of violations or monetary penalties imposed.

491 J. When selecting potential intersections for a traffic light signal violation monitoring system, a locality
492 shall consider factors such as (i) the accident rate for the intersection, (ii) the rate of red light violations

493 occurring at the intersection (number of violations per number of vehicles), (iii) the difficulty experienced by
494 law-enforcement officers in patrol cars or on foot in apprehending violators, and (iv) the ability of law-
495 enforcement officers to apprehend violators safely within a reasonable distance from the violation. Localities
496 may consider the risk to pedestrians as a factor, if applicable.

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

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

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

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

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

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

526 **§ 15.2-968.1. (For contingent effective date, see Acts 2023, c. 738, cl. 2) Use of violation monitoring**
527 **systems to enforce traffic light signals and certain traffic control devices.**

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

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

539 C. Proof of a violation of this section shall be evidenced by information obtained from a traffic light
540 signal violation monitoring system authorized pursuant to this section. A certificate, sworn to or affirmed by
541 a law-enforcement officer ~~employed by~~, *retired sworn law-enforcement officer, as that term is defined in*
542 *§ 46.2-882.1, registered special conservator of the peace, or technician, who (i) has completed a training*
543 *course developed and approved pursuant to subdivision 73 of § 9.1-102 and (ii) is an employee of a locality*
544 *authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of*
545 *photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal*
546 *violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs,*
547 *microphotographs, videotape, or other recorded images evidencing such a violation shall be available for*
548 *inspection in any proceeding to adjudicate the liability for such violation pursuant to an ordinance adopted*
549 *pursuant to this section.*

550 D. In the prosecution for a violation of any local ordinance adopted as provided in this section, prima facie
551 evidence that the vehicle described in the summons issued pursuant to this section was operated in violation
552 of such ordinance, together with proof that the defendant was at the time of such violation the owner, lessee,
553 or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or
554 renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the

555 owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district
556 court that he was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open
557 court under oath that he was not the operator of the vehicle at the time of the alleged violation. Such
558 presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been
559 reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to
560 the return date established on the summons issued pursuant to this section, to the court adjudicating the
561 alleged violation.

562 E. For purposes of this section, "owner" means the registered owner of such vehicle on record with the
563 Department of Motor Vehicles. For purposes of this section, "traffic light signal violation monitoring system"
564 means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or
565 more photographs, two or more microphotographs, video, or other recorded images of each vehicle at the
566 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
567 one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one
568 recorded image shall be of the same vehicle after it has illegally entered that intersection.

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

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

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

615 I. A private entity may enter into an agreement with a locality to be compensated for providing the traffic
616 light signal violation monitoring system or equipment, and all related support services, to include consulting,

617 operations and administration. However, only a law-enforcement officer ~~employed by~~, *retired sworn law-*
 618 *enforcement officer, as that term is defined in § 46.2-882.1, registered special conservator of the peace, or*
 619 *technician, who (i) has completed a training course developed and approved pursuant to subdivision 73 of*
 620 *§ 9.1-102 and (ii) is an employee of a locality may swear to or affirm the certificate required by subsection C.*
 621 No locality shall enter into an agreement for compensation based on the number of violations or monetary
 622 penalties imposed.

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

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

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

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

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

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

652 **§ 19.2-13. Special conservators of the peace; authority; jurisdiction; registration; liability of**
 653 **employers; penalty; report.**

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

678 The order of appointment shall provide that a special conservator of the peace may perform only the

679 duties for which he is qualified by training as established by the Criminal Justice Services Board. The order
680 of appointment shall provide that such duties shall be exercised only within geographical limitations specified
681 by the court, which shall be within the confines of the county, city or town that makes application or on the
682 real property where the corporate applicant is located, or any real property contiguous to such real property,
683 limited, except as provided in subsection F, to the city or county wherein application has been made, and only
684 when such special conservator of the peace is engaged in the performance of his duties as such; however, a
685 court may, in its discretion, specify in the order of appointment additional jurisdictions in which a special
686 conservator of the peace employed by the Shenandoah Valley Regional Airport Commission or the
687 Richmond Metropolitan Transportation Authority may exercise his duties. The order may provide that the
688 special conservator of the peace shall have the authority to make an arrest outside of such geographical
689 limitations if the arrest results from a close pursuit that was initiated when the special conservator of the
690 peace was within the confines of the area wherein he has been authorized to have the powers and authority of
691 a special conservator of the peace; the order shall further delineate a geographical limitation or distance
692 beyond which the special conservator of the peace may not effectuate such an arrest that follows from a close
693 pursuit. The order shall require the special conservator of the peace to comply with the provisions of the
694 United States Constitution and the Constitution of Virginia. The order shall not identify the special
695 conservator of the peace as a law-enforcement officer pursuant to § 9.1-101. The order may provide,
696 however, that the special conservator of the peace is a "law-enforcement officer" for the purposes of Article 4
697 (§ 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,
698 but such designation shall not qualify the special conservator of the peace as a "qualified law-enforcement
699 officer" or "qualified retired law-enforcement officer" within the meaning of the federal Law Enforcement
700 Officer Safety Act, 18 U.S.C. § 926(B) et seq., and the order of appointment shall specifically state this. The
701 order may also provide that a special conservator of the peace who has completed the minimum training
702 standards established by the Criminal Justice Services Board, has the authority to affect arrests, using up to
703 the same amount of force as would be allowed to a law-enforcement officer employed by the Commonwealth
704 or any of its political subdivisions when making a lawful arrest. The order shall prohibit blue flashing lights,
705 but upon request and for good cause shown may provide that the special conservator of the peace may use
706 flashing lights and sirens on any vehicle used by the special conservator of the peace when he is in the
707 performance of his duties. Prior to granting an application for appointment, the circuit court shall ensure that
708 the applicant has met the registration requirements established by the Criminal Justice Services Board.

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

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

741 pursuant to this subsection. All appointments for special conservators of the peace shall become void on
 742 September 15, 2004, unless they have obtained a valid registration issued by the Department of Criminal
 743 Justice Services.

744 D. Each person registered as or seeking registration as a special conservator of the peace shall be covered
 745 by evidence of a policy of (i) personal injury liability insurance, as defined in § 38.2-117; (ii) property
 746 damage liability insurance, as defined in § 38.2-118; and (iii) miscellaneous casualty insurance, as defined in
 747 subsection B of § 38.2-111, which includes professional liability insurance that provides coverage for any
 748 activity within the scope of the duties of a special conservator of the peace as set forth in this section, in an
 749 amount and with coverage for each as fixed by the Board, or self-insurance in an amount and with coverage
 750 as fixed by the Board. Any person who is aggrieved by the misconduct of any person registered as a special
 751 conservator of the peace and recovers a judgment against the registrant, which is unsatisfied in whole or in
 752 part, may bring an action in his own name against the insurance policy of the registrant.

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

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

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

801 Effective July 1, 2002, no person employed by a local school board as a school security officer, as defined
 802 in § 9.1-101, shall be eligible for appointment as a conservator for purposes of maintaining safety in a public

803 school in the Commonwealth. All appointments of special conservators of the peace granted to school
804 security officers as defined in § 9.1-101 prior to July 1, 2002 are void.

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

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

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

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

827 *K. A special conservator of the peace who has completed a training course developed and approved by*
828 *the Department of Criminal Justice Services pursuant to subdivision 73 of § 9.1-102 and is an employee of a*
829 *locality may swear to or affirm a certificate for the purposes of enforcement of violations recorded by traffic*
830 *light signal violation monitoring systems or traffic control device violation monitoring systems pursuant to*
831 *§ 15.2-968.1, photo speed monitoring devices pursuant to § 46.2-882.1, or video-monitoring systems*
832 *pursuant to § 46.2-844.*

833 **§ 46.2-844. Passing stopped school buses; prima facie evidence; penalty.**

834 A. The driver of a motor vehicle approaching from any direction a clearly marked school bus that is
835 stopped on any highway, private road, or school driveway for the purpose of taking on or discharging
836 children, elderly individuals, or individuals with mental or physical disabilities, who, in violation of
837 § 46.2-859, fails to stop and remain stopped until all such individuals are clear of the highway, private road,
838 or school driveway and the bus is put in motion is subject to a civil penalty of \$250, and any prosecution shall
839 be instituted and conducted in the same manner as prosecutions for traffic infractions.

840 A prosecution or proceeding under § 46.2-859 is a bar to a prosecution or proceeding under this section
841 for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding
842 under § 46.2-859 for the same act.

843 In any prosecution for which a summons charging a violation of this section was issued within 30
844 business days of the alleged violation, proof that the motor vehicle described in the summons was operated in
845 violation of this section, together with proof that the defendant was at the time of such violation the registered
846 owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) shall give rise to a rebuttable presumption
847 that the registered owner of the vehicle was the person who operated the vehicle at the place where, and for
848 the time during which, the violation occurred. Such presumption shall be rebutted if (i) the owner of the
849 vehicle files an affidavit by regular mail with the clerk of the general district court that he was not the
850 operator of the vehicle at the time of the alleged violation, (ii) the owner testifies in open court under oath
851 that he was not the operator of the vehicle at the time of the alleged violation, or (iii) a certified copy of a
852 police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged
853 violation of this section is presented prior to the return date established on the summons issued pursuant to
854 this section to the court adjudicating the alleged violation. Nothing herein shall limit the admission of
855 otherwise admissible evidence.

856 The testimony of the school bus driver, the supervisor of school buses, or a law-enforcement officer that
857 the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as
858 prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

859 *If a video-monitoring system is used, proof of a violation of this section shall be evidenced by information*
860 *obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a law-enforcement*
861 *officer, retired sworn law-enforcement officer, as that term is defined in § 46.2-882.1, registered special*
862 *conservator of the peace, or technician, who (i) has completed a training course developed and approved*
863 *pursuant to subdivision 73 of § 9.1-102 and (ii) is an employee of a locality, based upon inspection of*
864 *photographs, microphotographs, videotapes, or other recorded images produced by a video-monitoring*

865 system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs,
866 videotapes, or other recorded images evidencing a violation of this section shall be available for inspection
867 in any proceeding to adjudicate the liability for such violation.

868 Recorded images from a video-monitoring system that show the bus was stopped with at least one
869 warning device prescribed in § 46.2-1090 activated shall be considered prima facie evidence that the bus was
870 stopped for the purpose of taking on or discharging children, elderly individuals, or individuals with mental
871 or physical disabilities.

872 B. 1. For purposes of this section, "video-monitoring system" means a system with one or more camera
873 sensors and computers installed and operated on a school bus that produces live digital and recorded video of
874 motor vehicles being operated in violation of § 46.2-859. All such systems installed shall, at a minimum,
875 produce a recorded image of the license plate and shall record the activation status of at least one warning
876 device as prescribed in § 46.2-1090 and the time, date, and location of the vehicle when the image is
877 recorded.

878 2. A locality may, by ordinance, authorize the school division of the locality to install and operate a
879 video-monitoring system in or on the school buses operated by the division or to contract with a private
880 vendor to do so on behalf of the school division for the purpose of recording violations of subsection A. Such
881 ordinance may direct that any civil penalty levied for a violation of subsection A shall be payable to the local
882 school division. In any locality that has adopted such an ordinance, a summons for a violation of subsection
883 A may be executed as provided in § 19.2-76.2 and, notwithstanding the provisions of § 19.2-76, the summons
884 may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle
885 contained in the records of the Department. Every such mailing shall include, in addition to the summons, a
886 notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at
887 the time of the alleged violation through the filing of an affidavit as provided in subsection A and (ii)
888 instructions for filing such an affidavit, including the address to which the affidavit is to be sent. If the
889 summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section,
890 the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of
891 a person summoned by mailing shall be instituted for failure to appear on the return date of the summons.
892 Any summons executed for violation of this section shall provide to the person summoned at least 30
893 business days from the mailing of the summons to inspect information collected by a video-monitoring
894 system in connection with the violation.

895 3. Any private vendor contracting with a school division pursuant to this subsection may impose and
896 collect an administrative fee in addition to the civil penalty imposed for a violation of subsection A and
897 payable pursuant to this subsection, so as to recover the expenses of collecting any unpaid civil penalty when
898 such penalty remains due more than 30 days after the date of the mailing of the summons and notice. The
899 administrative fee shall be reasonably related to the actual cost of collecting the civil penalty and shall not
900 exceed \$100 per violation. The operator of the vehicle shall pay the unpaid civil penalty and any
901 administrative fee detailed in a notice or citation issued by the private vendor. If paid no later than 60 days
902 after the date of the mailing of the summons and notice, the administrative fee shall not exceed \$25. No
903 contract entered into pursuant to this subsection shall require a minimum quota of violations captured or
904 citations issued in order for the video-monitoring system to be deployed.

905 4. Any private vendor contracting with a school division pursuant to this subsection may enter into an
906 agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 30 of
907 § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that improperly
908 pass stopped school buses. *However, only a law-enforcement officer, retired sworn law-enforcement officer,*
909 *as that term is defined in § 46.2-882.1, registered special conservator of the peace, or technician, who (i) has*
910 *completed a training course developed and approved pursuant to subdivision 73 of § 9.1-102 and (ii) is an*
911 *employee of a locality may swear to or affirm the certificate required by this section. Information provided to*
912 *such private vendor shall be protected in a database with security comparable to that of the Department of*
913 *Motor Vehicles' system and used only for enforcement against individuals who violate the provisions of this*
914 *section. The school division shall annually certify compliance with this subdivision and make all records*
915 *pertaining to such system available for inspection and audit by the Commissioner of Highways or the*
916 *Commissioner of the Department of Motor Vehicles or their designee. Any person who discloses personal*
917 *information in violation of the provisions of this subdivision shall be subject to a civil penalty of \$1,000 per*
918 *disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination*
919 *of the agreement between the Department of Motor Vehicles and the private vendor.*

920 **§ 46.2-882.1. Use of photo speed monitoring devices in highway work zones, school crossing zones,**
921 **and high-risk intersection segments; civil penalty.**

922 A. For the purposes of this section:

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

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

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

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

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

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

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

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

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

958 D. If a photo speed monitoring device is used, proof of a vehicle speed violation shall be evidenced by
959 information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a
960 law-enforcement officer or a retired sworn law-enforcement officer, *as that term is defined in § 46.2-882.1,*
961 *registered special conservator of the peace, or technician, who (i) has completed a training course developed*
962 *and approved pursuant to subdivision 73 of § 9.1-102 and (ii) is an employee of a locality,* based upon
963 inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo
964 speed monitoring device, shall be prima facie evidence of the facts contained therein. However, for any photo
965 speed monitoring device placed in a school crossing zone, such sworn certificate or facsimile thereof shall not
966 be prima facie evidence of the facts contained therein unless such photographs, microphotographs,
967 videotapes, or other recorded images, or documentation, depict or confirm a portable sign or tilt-over sign
968 that is in position or blinking sign that is activated, indicating the school crossing zone pursuant to
969 § 46.2-873, at the time of such vehicle speed violation. Any photographs, microphotographs, videotapes, or
970 other recorded images evidencing such a violation shall be available for inspection in any proceeding to
971 adjudicate the liability for such vehicle speed violation.

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

986 F. Imposition of a penalty pursuant to this section by mailing a summons shall not be deemed a conviction
987 as an operator and shall not be made part of the operating record of the person upon whom such liability is
988 imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

989 However, if a law-enforcement officer uses a photo speed monitoring device to record a vehicle speed
 990 violation and personally issues a summons at the time of the violation, the conviction that results shall be
 991 made a part of such driver's driving record and used for insurance purposes in the provision of motor vehicle
 992 insurance coverage.

993 G. A summons for a vehicle speed violation issued by mail pursuant to this section may be executed
 994 pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons issued by mail pursuant to
 995 this section may be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of
 996 the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of
 997 or accessible to the Department. In the case of a vehicle lessee or renter, the copy shall be mailed to the
 998 address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the
 999 summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of
 1000 the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection E
 1001 and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the
 1002 summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section,
 1003 the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of
 1004 a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. If
 1005 the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the
 1006 Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant
 1007 to this section, the summons will be eligible for all legal collections activities. Any summons executed for a
 1008 vehicle speed violation issued pursuant to this section shall provide to the person summoned at least 30 days
 1009 from the mailing of the summons to inspect information collected by a photo speed monitoring device in
 1010 connection with the violation. If the law-enforcement agency that was operating the photo speed monitoring
 1011 device does not execute a summons for a vehicle speed violation issued pursuant to this section within 30
 1012 days from the date of the violation, all information collected pertaining to that suspected violation shall be
 1013 purged within 60 days from the date of the violation.

1014 H. A private vendor may enter into an agreement with a law-enforcement agency to be compensated for
 1015 providing a photo speed monitoring device and all related support services, including consulting, operations,
 1016 and administration. However, only a law-enforcement officer ~~or~~, retired sworn law-enforcement officer,
 1017 *retired sworn law-enforcement officer, as that term is defined in § 46.2-882.1, registered special conservator*
 1018 *of the peace, or technician, who (i) has completed a training course developed and approved pursuant to*
 1019 *subdivision 73 of § 9.1-102 and (ii) is an employee of a locality* may swear to or affirm the certificate
 1020 required by this section. Any such agreement for compensation shall be based on the value of the goods and
 1021 services provided, not on the number of violations paid or monetary penalties imposed. Any private vendor
 1022 contracting with a law-enforcement agency pursuant to this section may enter into an agreement with the
 1023 Department, in accordance with the provisions of subdivision B 31 of § 46.2-208, to obtain vehicle owner
 1024 information regarding the registered owners of vehicles that committed a vehicle speed violation. Any such
 1025 information provided to such private vendor shall be protected in a database.

1026 I. Information collected by a photo speed monitoring device operated pursuant to this section shall be
 1027 limited exclusively to that information that is necessary for the enforcement of vehicle speed violations.
 1028 Information provided to the operator of a photo speed monitoring device shall be protected in a database and
 1029 used only for enforcement of vehicle speed violations and enforcement against individuals who violate the
 1030 provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs,
 1031 videotapes, or other recorded images collected by a photo speed monitoring device shall be used exclusively
 1032 for enforcing vehicle speed violations and shall not be (i) open to the public; (ii) sold or used for sales,
 1033 solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the
 1034 enforcement of a vehicle speed violation or to a vehicle owner or operator as part of a challenge to the
 1035 violation; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a
 1036 vehicle speed violation or a violation of this section, or such information is requested upon order from a court
 1037 of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be
 1038 purged and not retained later than 60 days after the collection of any civil penalties. Any law-enforcement
 1039 agency using photo speed monitoring devices shall annually certify compliance with this section and make all
 1040 records pertaining to such system available for inspection and audit by the Commissioner of Highways or the
 1041 Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal
 1042 information in violation of the provisions of this subsection shall be subject to a civil penalty of \$1,000 per
 1043 disclosure.

1044 J. A conspicuous sign shall be placed within 1,000 feet of any school crossing zone, highway work zone,
 1045 or high-risk intersection segment at which a photo speed monitoring device is used, indicating the use of the
 1046 device. There shall be a rebuttable presumption that such sign was in place at the time of the commission of
 1047 the speed limit violation.

1048 K. Any state or local law-enforcement agency that places and operates a photo speed monitoring device
 1049 pursuant to the provisions of this section shall report to the Department of State Police, in a format to be
 1050 determined by the Department of State Police, by January 15 of each year on the number of traffic violations

1051 prosecuted, the number of successful prosecutions, and the total amount of monetary civil penalties collected.
1052 The Department of State Police shall aggregate such information and report it to the General Assembly by
1053 February 15 of each year.
1054 **2. That the provisions of the first enactment of this act shall become effective on July 1, 2027.**
1055 **3. That the Department of Criminal Justice Services shall develop and approve the training course**
1056 **required pursuant to subdivision 73 of § 9.1-102 of the Code of Virginia, as amended by this act, no**
1057 **later than January 1, 2027, and shall promulgate any regulations necessary for the completion and**
1058 **administration of the development and approval of such course.**