

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 9.1-102, 15.2-968.1, as it is currently effective and as it shall become*
 3 *effective, 19.2-13, 46.2-844, and 46.2-882.1 of the Code of Virginia, relating to photo speed monitoring*
 4 *devices; photo-monitoring system for traffic signals; school bus video-monitoring systems; proof of*
 5 *violation; certain retired law-enforcement officials, registered conservators of the peace, and technicians;*
 6 *training.*

7 [H 684]

8 Approved

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

10 **1. That §§ 9.1-102, 15.2-968.1, as it is currently effective and as it shall become effective, 19.2-13,**
 11 **46.2-844, and 46.2-882.1 of the Code of Virginia are amended and reenacted as follows:**

12 **§ 9.1-102. Powers and duties of the Board and the Department.**

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

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

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

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

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

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

35 6. [Repealed];

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

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

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

50 10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or
 51 state government agency, whose duties include the dispatching of law-enforcement personnel. Such training
 52 standards shall apply only to dispatchers hired on or after July 1, 1988. Such training shall include training in
 53 the identification of, communication with, and facilitation of the safe return of individuals diagnosed with
 54 Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective
 55 communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques
 56 for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to

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57 physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of
58 individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting
59 caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an
60 emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's
61 disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement
62 personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and
63 returning them to their caregivers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

117 29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or

118 alterations to such programs, projects, and activities for the purpose of improving law enforcement and the
119 administration of criminal justice;

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

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

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

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

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

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

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

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

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

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

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

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

171 e. Communication of death notifications;

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

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

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

179 i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human

180 trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol
181 duties;

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

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

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

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

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

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

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

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

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

235 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11
236 (§ 9.1-185 et seq.);

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

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

241 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

303 60. Develop a model curriculum and lesson plans for the compulsory minimum entry-level, in-service,

304 and advanced training standards to be employed by criminal justice training academies approved by the
305 Department when conducting training;

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

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

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

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

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

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

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

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

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

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

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

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

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

366 § 46.2-882.1, or video-monitoring systems pursuant to § 46.2-844; and

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

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

370 A. For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

489 J. When selecting potential intersections for a traffic light signal violation monitoring system, a locality

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

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

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

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

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

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

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

524 **§ 15.2-968.1. (For contingent effective date, see Acts 2023, c. 738, cl. 2) Use of violation monitoring**
 525 **systems to enforce traffic light signals and certain traffic control devices.**

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

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

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

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

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

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

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

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

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

613 I. A private entity may enter into an agreement with a locality to be compensated for providing the traffic

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

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

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

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

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

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

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

650 **§ 19.2-13. Special conservators of the peace; authority; jurisdiction; registration; liability of**
 651 **employers; penalty; report.**

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

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

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

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

738 this subsection or becomes ineligible for registration or appointment as a special conservator of the peace
 739 pursuant to this subsection. All appointments for special conservators of the peace shall become void on
 740 September 15, 2004, unless they have obtained a valid registration issued by the Department of Criminal
 741 Justice Services.

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

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

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

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

799 Effective July 1, 2002, no person employed by a local school board as a school security officer, as defined

800 in § 9.1-101, shall be eligible for appointment as a conservator for purposes of maintaining safety in a public
801 school in the Commonwealth. All appointments of special conservators of the peace granted to school
802 security officers as defined in § 9.1-101 prior to July 1, 2002 are void.

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

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

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

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

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

831 **§ 46.2-844. Passing stopped school buses; prima facie evidence; penalty.**

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

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

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

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

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

862 *photographs, microphotographs, videotapes, or other recorded images produced by a video-monitoring*
 863 *system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs,*
 864 *videotapes, or other recorded images evidencing a violation of this section shall be available for inspection*
 865 *in any proceeding to adjudicate the liability for such violation.*

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

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

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

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

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

918 **§ 46.2-882.1. Use of photo speed monitoring devices in highway work zones, school crossing zones,**
 919 **and high-risk intersection segments; civil penalty.**

920 A. For the purposes of this section:

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

924 occurred since January 1, 2014.

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

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

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

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

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

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

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

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

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

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

984 F. Imposition of a penalty pursuant to this section by mailing a summons shall not be deemed a conviction
985 as an operator and shall not be made part of the operating record of the person upon whom such liability is

986 imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.
 987 However, if a law-enforcement officer uses a photo speed monitoring device to record a vehicle speed
 988 violation and personally issues a summons at the time of the violation, the conviction that results shall be
 989 made a part of such driver's driving record and used for insurance purposes in the provision of motor vehicle
 990 insurance coverage.

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

1012 H. A private vendor may enter into an agreement with a law-enforcement agency to be compensated for
 1013 providing a photo speed monitoring device and all related support services, including consulting, operations,
 1014 and administration. However, only a law-enforcement officer ~~or~~, retired sworn law-enforcement officer,
 1015 *retired sworn law-enforcement officer, as that term is defined in § 46.2-882.1, registered special conservator*
 1016 *of the peace, or technician, who (i) has completed a training course developed and approved pursuant to*
 1017 *subdivision 73 of § 9.1-102 and (ii) is an employee of a locality* may swear to or affirm the certificate
 1018 required by this section. Any such agreement for compensation shall be based on the value of the goods and
 1019 services provided, not on the number of violations paid or monetary penalties imposed. Any private vendor
 1020 contracting with a law-enforcement agency pursuant to this section may enter into an agreement with the
 1021 Department, in accordance with the provisions of subdivision B 31 of § 46.2-208, to obtain vehicle owner
 1022 information regarding the registered owners of vehicles that committed a vehicle speed violation. Any such
 1023 information provided to such private vendor shall be protected in a database.

1024 I. Information collected by a photo speed monitoring device operated pursuant to this section shall be
 1025 limited exclusively to that information that is necessary for the enforcement of vehicle speed violations.
 1026 Information provided to the operator of a photo speed monitoring device shall be protected in a database and
 1027 used only for enforcement of vehicle speed violations and enforcement against individuals who violate the
 1028 provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs,
 1029 videotapes, or other recorded images collected by a photo speed monitoring device shall be used exclusively
 1030 for enforcing vehicle speed violations and shall not be (i) open to the public; (ii) sold or used for sales,
 1031 solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the
 1032 enforcement of a vehicle speed violation or to a vehicle owner or operator as part of a challenge to the
 1033 violation; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a
 1034 vehicle speed violation or a violation of this section, or such information is requested upon order from a court
 1035 of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be
 1036 purged and not retained later than 60 days after the collection of any civil penalties. Any law-enforcement
 1037 agency using photo speed monitoring devices shall annually certify compliance with this section and make all
 1038 records pertaining to such system available for inspection and audit by the Commissioner of Highways or the
 1039 Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal
 1040 information in violation of the provisions of this subsection shall be subject to a civil penalty of \$1,000 per
 1041 disclosure.

1042 J. A conspicuous sign shall be placed within 1,000 feet of any school crossing zone, highway work zone,
 1043 or high-risk intersection segment at which a photo speed monitoring device is used, indicating the use of the
 1044 device. There shall be a rebuttable presumption that such sign was in place at the time of the commission of
 1045 the speed limit violation.

1046 K. Any state or local law-enforcement agency that places and operates a photo speed monitoring device
 1047 pursuant to the provisions of this section shall report to the Department of State Police, in a format to be

1048 determined by the Department of State Police, by January 15 of each year on the number of traffic violations
1049 prosecuted, the number of successful prosecutions, and the total amount of monetary civil penalties collected.
1050 The Department of State Police shall aggregate such information and report it to the General Assembly by
1051 February 15 of each year.

1052 **2. That the provisions of the first enactment of this act shall become effective on July 1, 2027.**

1053 **3. That the Department of Criminal Justice Services shall develop and approve the training course**
1054 **required pursuant to subdivision 73 of § 9.1-102 of the Code of Virginia, as amended by this act, no**
1055 **later than January 1, 2027, and shall promulgate any regulations necessary for the completion and**
1056 **administration of the development and approval of such course.**