

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 9.1-102 and 18.2-422 of the Code of Virginia and to amend the Code of*
 3 *Virginia by adding a section numbered 19.2-83.6:1, relating to law-enforcement officers; restrictions on*
 4 *wearing of facial coverings; exceptions; penalty.*

5 [S 352]

6 Approved

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

8 **1. That §§ 9.1-102 and 18.2-422 of the Code of Virginia are amended and reenacted and that the Code**
 9 **of Virginia is amended by adding a section numbered 19.2-83.6:1 as follows:**

10 **§ 9.1-102. Powers and duties of the Board and the Department.**

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

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

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

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

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

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

33 6. [Repealed];

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

169 e. Communication of death notifications;

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

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

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

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

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

- 181 k. Missing children, missing adults, and search and rescue protocol;
182 1. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3,
183 that embody current best practices for using such items as a crowd control measure or during an arrest or
184 detention of another person; and
- 185 m. The use of naloxone or other opioid antagonists to prevent opioid overdose deaths, in coordination
186 with statewide naloxone training programs developed by the Department of Behavioral Health and
187 Developmental Services and the Virginia Department of Health.
- 188 38. Establish compulsory training standards for basic training and the recertification of law-enforcement
189 officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and
190 the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include
191 recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or
192 developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful
193 use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the
194 law-enforcement officer or another person;
- 195 39. Review and evaluate community-policing programs in the Commonwealth, and recommend where
196 necessary statewide operating procedures, guidelines, and standards that strengthen and improve such
197 programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the
198 potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include
199 recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or
200 developmental or cognitive disability;
- 201 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with
202 Virginia law-enforcement agencies, provide technical assistance and administrative support, including
203 staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may
204 provide accreditation assistance and training, resource material, and research into methods and procedures
205 that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;
- 206 41. Promote community policing philosophy and practice throughout the Commonwealth by providing
207 community policing training and technical assistance statewide to all law-enforcement agencies, community
208 groups, public and private organizations and citizens; developing and distributing innovative policing
209 curricula and training tools on general community policing philosophy and practice and contemporary critical
210 issues facing Virginia communities; serving as a consultant to Virginia organizations with specific
211 community policing needs; facilitating continued development and implementation of community policing
212 programs statewide through discussion forums for community policing leaders, development of law-
213 enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide
214 information source on the subject of community policing including, but not limited to periodic newsletters, a
215 website and an accessible lending library;
- 216 42. Establish, in consultation with the Department of Education and the Virginia State Crime
217 Commission, compulsory minimum standards for employment and job-entry and in-service training curricula
218 and certification requirements for school security officers, including school security officers described in
219 clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for
220 School and Campus Safety (VSCS) pursuant to § 9.1-184. Such training standards shall be specific to the
221 role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii)
222 school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and
223 conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster
224 and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit
225 bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past
226 traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development
227 and brain research. The Department shall establish an advisory committee consisting of local school board
228 representatives, principals, superintendents, and school security personnel to assist in the development of the
229 standards and certification requirements in this subdivision. The Department shall require any school security
230 officer who carries a firearm in the performance of his duties to provide proof that he has completed a
231 training course provided by a federal, state, or local law-enforcement agency that includes training in active
232 shooter emergency response, emergency evacuation procedure, and threat assessment;
- 233 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11
234 (§ 9.1-185 et seq.);
- 235 44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);
- 236 45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal
237 justice agencies regarding the investigation, registration, and dissemination of information requirements as
238 they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);
- 239 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and
240 (iii) certification requirements for campus security officers. Such training standards shall include, but not be
241 limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and
242 personal liability issues, security awareness in the campus environment, and disaster and emergency

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

359 73. *Establish a model policy for law-enforcement agencies on the wearing of facial coverings as defined*
 360 *in § 19.2-83.6:1 by law-enforcement officers while such officers are engaged in the performance of their*
 361 *official duties. Such model policy shall include a statement that (i) no law-enforcement officer shall and (ii)*
 362 *no supervising officer of a law-enforcement agency shall allow a subordinate law-enforcement officer to*
 363 *wear a facial covering as defined in § 19.2-83.6:1 while engaged in the performance of his official duties.*
 364 *Such model policy shall also include exemptions from the prohibition on wearing such facial coverings*
 365 *consistent with the provisions of subsection C of § 19.2-83.6:1; and*

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

367 **§ 18.2-422. Prohibition of wearing of masks in certain places; exceptions; penalty.**

368 ~~It shall be~~ *Except as otherwise provided in § 19.2-83.6:1, it is unlawful for any person over 16 years of*
 369 *age to, with the intent to conceal his identity, wear any mask, hood, or other device whereby a substantial*
 370 *portion of the face is hidden or covered so as to conceal the identity of the wearer, to be or appear in any*
 371 *public place, or upon any private property in this the Commonwealth without first having obtained from the*
 372 *owner or tenant thereof consent to do so in writing. However, the provisions of this section shall not apply to*
 373 *persons (i) wearing traditional holiday costumes; (ii) engaged in professions, trades, employment, or other*
 374 *activities and wearing protective masks which are deemed necessary for the physical safety of the wearer or*
 375 *other persons; (iii) engaged in any bona fide theatrical production or masquerade ball; or (iv) wearing a mask,*
 376 *hood, or other device for bona fide medical reasons upon (a) the advice of a licensed physician or osteopath*
 377 *and carrying on his person an affidavit from the physician or osteopath specifying the medical necessity for*
 378 *wearing the device and the date on which the wearing of the device will no longer be necessary and providing*
 379 *a brief description of the device, or (b) the declaration of a disaster or state of emergency by the Governor in*
 380 *response to a public health emergency where the emergency declaration expressly waives this section, defines*
 381 *the mask appropriate for the emergency, and provides for the duration of the waiver. The violation of any*
 382 *provisions of this section is a Class 6 felony.*

383 **§ 19.2-83.6:1. Prohibition on wearing of facial coverings; penalty.**

384 *A. For the purposes of this section:*

385 *"Facial covering" means any opaque mask, garment, helmet, headgear, or other item or device whereby a*
 386 *substantial portion of the face is hidden or covered to conceal the identity of the wearer, including a*
 387 *balaclava, tactical mask, gator, ski mask, or other similar face-shielding item or device. "Facial covering"*
 388 *does not include sunglasses or prescription eyewear, provided that such sunglasses or eyewear does not*
 389 *otherwise conceal a substantial portion of the wearer's face.*

390 *"Law-enforcement agency" means any agency or department responsible for the prevention and detection*
 391 *of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth.*

392 *"Law-enforcement officer" means (i) the same as that term is defined in § 9.1-101 and (ii) any full-time or*
 393 *part-time employee of a federal law-enforcement agency.*

394 *B. Except as provided in subsection C, no law-enforcement officer shall wear a facial covering that*
 395 *conceals, obscures, or otherwise covers his face while such law-enforcement officer is engaged in the*
 396 *performance of his official duties.*

397 *C. The provisions of this section shall not apply to the use of the following by a law-enforcement officer*
 398 *when engaged in the performance of his official duties:*

399 *1. A translucent face shield or clear mask, provided that such face shield or mask does not conceal the*
 400 *wearer's identity;*

401 *2. An N95 medical mask or surgical mask to protect against the transmission of disease or infection;*

402 *3. A mask, helmet, or other device necessary to protect against exposure to any toxin, gas, smoke, severe*
 403 *weather conditions that present a threat to health and safety, such as during the period for which a cold*
 404 *weather advisory has been issued for the area by the National Weather Service, or other hazardous or*
 405 *harmful environmental condition, including a respirator or self-contained breathing apparatus;*

406 *4. A mask, helmet, or other device necessary for underwater use;*

407 *5. A motorcycle helmet, or, when agency policy determines, other facial covering when a law-enforcement*
 408 *officer is utilizing a motorcycle or other vehicle that requires a helmet for safety, provided that the law-*
 409 *enforcement officer lowers or removes such facial covering to expose the law-enforcement officer's face*
 410 *before he engages with another person;*

411 *6. Protective eyewear necessary for protection against retinal weapons, including lasers;*

412 *7. A facial covering used by any law-enforcement officer assigned to a special weapons and tactics*
 413 *(SWAT) team or other specialized tactical team or unit while engaged in the performance of official SWAT*
 414 *team duties; or*

415 *8. A facial covering worn by a law-enforcement officer who is assigned to an undercover, drug, gang, or*
 416 *surveillance unit where the protection of such law-enforcement officer's identity is necessary as determined*
 417 *by the law-enforcement agency overseeing such unit or other responsible law-enforcement agency.*

418 *D. Except as otherwise provided by this section, a law-enforcement officer, while engaged in the*
 419 *performance of his official duties, shall visibly display (i) a badge or insignia bearing such law-enforcement*
 420 *officer's name or other individual identifier unique to that particular law-enforcement officer and (ii) the*
 421 *name of the law-enforcement agency that employs such law-enforcement officer.*

422 *E. A law-enforcement officer who violates the provisions of this section is guilty of a Class 1 misdemeanor*
 423 *unless the law-enforcement agency that employs such law-enforcement officer has adopted and established a*
 424 *written policy for the use of facial coverings, using as guidance the model policy established by the*
 425 *Department of Criminal Justice Services under § 9.1-102.*