

HOUSE BILL NO. 8

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

on January 19, 2022)

(Patron Prior to Substitute--Delegate Anderson)

A BILL to amend and reenact §§ 9.1-101, as it is currently effective and as it shall become effective, and 22.1-280.2:1 of the Code of Virginia, relating to school security officers; scope of employment; certain veterans permitted to carry firearm in the performance of duties.

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

**1. That §§ 9.1-101, as it is currently effective and as it shall become effective, and 22.1-280.2:1 of the Code of Virginia are amended and reenacted as follows:**

**§ 9.1-101. (For contingent expiration date, see Acts 2021, Sp. Sess. I, cc. 524 and 542)**

**Definitions.**

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

26 "Criminal history record information" means records and data collected by criminal justice  
27 agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions,  
28 indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall  
29 not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title  
30 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional  
31 status information.

32 "Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof  
33 which as its principal function performs the administration of criminal justice and any other agency or  
34 subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the  
35 purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within  
36 the context of its criminal justice activities, employs special conservators of the peace appointed under  
37 Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires  
38 its officers or special conservators to meet compulsory training standards established by the Criminal  
39 Justice Services Board and submits reports of compliance with the training standards and (b) the private  
40 corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent  
41 that the private corporation or agency so designated as a criminal justice agency performs criminal justice  
42 activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted  
43 under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually  
44 Violent Predators Act (§ 37.2-900 et seq.).

45 "Criminal justice agency" includes any program certified by the Commission on VASAP pursuant  
46 to § 18.2-271.2.

47 "Criminal justice agency" includes the Department of Criminal Justice Services.

48 "Criminal justice agency" includes the Virginia Criminal Sentencing Commission.

49 "Criminal justice agency" includes the Virginia State Crime Commission.

50 "Criminal justice information system" means a system including the equipment, facilities,  
51 procedures, agreements, and organizations thereof, for the collection, processing, preservation, or

52 dissemination of criminal history record information. The operations of the system may be performed  
53 manually or by using electronic computers or other automated data processing equipment.

54 "Department" means the Department of Criminal Justice Services.

55 "Dissemination" means any transfer of information, whether orally, in writing, or by electronic  
56 means. The term shall not include access to the information by officers or employees of a criminal justice  
57 agency maintaining the information who have both a need and right to know the information.

58 "Law-enforcement officer" means any full-time or part-time employee of a police department or  
59 sheriff's office which is a part of or administered by the Commonwealth or any political subdivision  
60 thereof, or any full-time or part-time employee of a private police department, and who is responsible for  
61 the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the  
62 Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control  
63 Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine  
64 Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of  
65 the Department of Wildlife Resources; (v) investigator who is a sworn member of the security division of  
66 the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation  
67 commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the  
68 Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer  
69 employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under Article 3 (§ 23.1-  
70 809 et seq.) of Chapter 8 of Title 23.1; (x) member of the investigations unit designated by the State  
71 Inspector General pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the  
72 operations of a state or nonstate agency; (xi) employee with internal investigations authority designated  
73 by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 or by the Department of Juvenile  
74 Justice pursuant to subdivision A 7 of § 66-3; or (xii) private police officer employed by a private police  
75 department. Part-time employees are those compensated officers who are not full-time employees as  
76 defined by the employing police department, sheriff's office, or private police department.

77 "Private police department" means any police department, other than a department that employs  
78 police agents under the provisions of § 56-353, that employs private police officers operated by an entity

79 authorized by statute or an act of assembly to establish a private police department or such entity's  
80 successor in interest, provided it complies with the requirements set forth herein. No entity is authorized  
81 to operate a private police department or represent that it is a private police department unless such entity  
82 has been authorized by statute or an act of assembly or such entity is the successor in interest of an entity  
83 that has been authorized pursuant to this section, provided it complies with the requirements set forth  
84 herein. The authority of a private police department shall be limited to real property owned, leased, or  
85 controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property;  
86 such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police  
87 department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or  
88 sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding  
89 with the private police department that addresses the duties and responsibilities of the private police  
90 department and the chief law-enforcement officer in the conduct of criminal investigations. Private police  
91 departments and private police officers shall be subject to and comply with the Constitution of the United  
92 States; the Constitution of Virginia; the laws governing municipal police departments, including the  
93 provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, 15.2-1721.1, and 15.2-  
94 1722; and any regulations adopted by the Board that the Department designates as applicable to private  
95 police departments. Any person employed as a private police officer pursuant to this section shall meet all  
96 requirements, including the minimum compulsory training requirements, for law-enforcement officers  
97 pursuant to this chapter. A private police officer is not entitled to benefits under the Line of Duty Act (§  
98 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law enforcement officer" or  
99 "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement Officers  
100 Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or any  
101 locality. An authorized private police department may use the word "police" to describe its sworn officers  
102 and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of  
103 Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not  
104 otherwise established by statute or an act of assembly and whose status as a private police department was  
105 recognized by the Department at that time is hereby validated and may continue to operate as a private

106 police department as may such entity's successor in interest, provided it complies with the requirements  
107 set forth herein.

108 "School resource officer" means a certified law-enforcement officer hired by the local law-  
109 enforcement agency to provide law-enforcement and security services to Virginia public elementary and  
110 secondary schools.

111 "School security officer" means an individual who is employed by the local school board or a  
112 private or religious school for the ~~singular~~ purpose of maintaining order and discipline, preventing crime,  
113 investigating violations of the policies of the school board or the private or religious school, and detaining  
114 students violating the law or the policies of the school board or the private or religious school on school  
115 property, school buses, or at school-sponsored events and who is responsible ~~solely~~ for ensuring the safety,  
116 security, and welfare of all students, faculty, staff, and visitors in the assigned school and carrying out any  
117 other duty assigned to him by the local school board, excluding enforcement of discipline reserved solely  
118 and exclusively to school administrators.

119 "Unapplied criminal history record information" means information pertaining to criminal  
120 offenses submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history  
121 record of an arrested or convicted person (i) because such information is not supported by fingerprints or  
122 other accepted means of positive identification or (ii) due to an inconsistency, error, or omission within  
123 the content of the submitted information.

124 § 9.1-101. (For contingent effective date, see Acts 2021, Sp. Sess. I, cc. 524 and 542)

125 **Definitions.**

126 As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context  
127 requires a different meaning:

128 "Administration of criminal justice" means performance of any activity directly involving the  
129 detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication,  
130 correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection,  
131 storage, and dissemination of criminal history record information.

132 "Board" means the Criminal Justice Services Board.

133 "Conviction data" means information in the custody of any criminal justice agency relating to a  
134 judgment of conviction, and the consequences arising therefrom, in any court.

135 "Correctional status information" means records and data concerning each condition of a convicted  
136 person's custodial status, including probation, confinement, work release, study release, escape, or  
137 termination of custody through expiration of sentence, parole, pardon, or court decision.

138 "Criminal history record information" means records and data collected by criminal justice  
139 agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions,  
140 indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall  
141 not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title  
142 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional  
143 status information.

144 "Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof  
145 which as its principal function performs the administration of criminal justice and any other agency or  
146 subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the  
147 purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within  
148 the context of its criminal justice activities, employs special conservators of the peace appointed under  
149 Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires  
150 its officers or special conservators to meet compulsory training standards established by the Criminal  
151 Justice Services Board and submits reports of compliance with the training standards and (b) the private  
152 corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent  
153 that the private corporation or agency so designated as a criminal justice agency performs criminal justice  
154 activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted  
155 under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually  
156 Violent Predators Act (§ 37.2-900 et seq.).

157 "Criminal justice agency" includes any program certified by the Commission on VASAP pursuant  
158 to § 18.2-271.2.

159 "Criminal justice agency" includes the Department of Criminal Justice Services.

160 "Criminal justice agency" includes the Virginia Criminal Sentencing Commission.

161 "Criminal justice agency" includes the Virginia State Crime Commission.

162 "Criminal justice information system" means a system including the equipment, facilities,  
163 procedures, agreements, and organizations thereof, for the collection, processing, preservation, or  
164 dissemination of criminal history record information. The operations of the system may be performed  
165 manually or by using electronic computers or other automated data processing equipment.

166 "Department" means the Department of Criminal Justice Services.

167 "Dissemination" means any transfer of information, whether orally, in writing, or by electronic  
168 means. The term shall not include access to the information by officers or employees of a criminal justice  
169 agency maintaining the information who have both a need and right to know the information.

170 "Law-enforcement officer" means any full-time or part-time employee of a police department or  
171 sheriff's office which is a part of or administered by the Commonwealth or any political subdivision  
172 thereof, or any full-time or part-time employee of a private police department, and who is responsible for  
173 the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the  
174 Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control  
175 Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine  
176 Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of  
177 the Department of Wildlife Resources; (v) investigator who is a sworn member of the security division of  
178 the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation  
179 commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the  
180 Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer  
181 employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under Article 3 (§ 23.1-  
182 809 et seq.) of Chapter 8 of Title 23.1; (x) member of the investigations unit designated by the State  
183 Inspector General pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the  
184 operations of a state or nonstate agency; (xi) employee with internal investigations authority designated  
185 by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 or by the Department of Juvenile  
186 Justice pursuant to subdivision A 7 of § 66-3; or (xii) private police officer employed by a private police

187 department. Part-time employees are those compensated officers who are not full-time employees as  
188 defined by the employing police department, sheriff's office, or private police department.

189 "Private police department" means any police department, other than a department that employs  
190 police agents under the provisions of § 56-353, that employs private police officers operated by an entity  
191 authorized by statute or an act of assembly to establish a private police department or such entity's  
192 successor in interest, provided it complies with the requirements set forth herein. No entity is authorized  
193 to operate a private police department or represent that it is a private police department unless such entity  
194 has been authorized by statute or an act of assembly or such entity is the successor in interest of an entity  
195 that has been authorized pursuant to this section, provided it complies with the requirements set forth  
196 herein. The authority of a private police department shall be limited to real property owned, leased, or  
197 controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property;  
198 such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police  
199 department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or  
200 sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding  
201 with the private police department that addresses the duties and responsibilities of the private police  
202 department and the chief law-enforcement officer in the conduct of criminal investigations. Private police  
203 departments and private police officers shall be subject to and comply with the Constitution of the United  
204 States; the Constitution of Virginia; the laws governing municipal police departments, including the  
205 provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, 15.2-1721.1, and 15.2-  
206 1722; and any regulations adopted by the Board that the Department designates as applicable to private  
207 police departments. Any person employed as a private police officer pursuant to this section shall meet all  
208 requirements, including the minimum compulsory training requirements, for law-enforcement officers  
209 pursuant to this chapter. A private police officer is not entitled to benefits under the Line of Duty Act (§  
210 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law enforcement officer" or  
211 "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement Officers  
212 Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or any  
213 locality. An authorized private police department may use the word "police" to describe its sworn officers



214 and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of  
215 Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not  
216 otherwise established by statute or an act of assembly and whose status as a private police department was  
217 recognized by the Department at that time is hereby validated and may continue to operate as a private  
218 police department as may such entity's successor in interest, provided it complies with the requirements  
219 set forth herein.

220 "School resource officer" means a certified law-enforcement officer hired by the local law-  
221 enforcement agency to provide law-enforcement and security services to Virginia public elementary and  
222 secondary schools.

223 "School security officer" means an individual who is employed by the local school board or a  
224 private or religious school for the ~~singular~~ purpose of maintaining order and discipline, preventing crime,  
225 investigating violations of the policies of the school board or the private or religious school, and detaining  
226 students violating the law or the policies of the school board or the private or religious school on school  
227 property, school buses, or at school-sponsored events and who is responsible ~~solely~~ for ensuring the safety,  
228 security, and welfare of all students, faculty, staff, and visitors in the assigned school and carrying out any  
229 other duty assigned to him by the local school board, excluding enforcement of discipline reserved solely  
230 and exclusively to school administrators.

231 "Sealing" means (i) restricting dissemination of criminal history record information contained in  
232 the Central Criminal Records Exchange, including any records relating to an arrest, charge, or conviction,  
233 in accordance with the purposes set forth in § 19.2-392.13 and pursuant to the rules and regulations  
234 adopted pursuant to § 9.1-128 and the procedures adopted pursuant to § 9.1-134 and (ii) prohibiting  
235 dissemination of court records related to an arrest, charge, or conviction, unless such dissemination is  
236 authorized by a court order for one or more of the purposes set forth in § 19.2-392.13.

237 "Unapplied criminal history record information" means information pertaining to criminal  
238 offenses submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history  
239 record of an arrested or convicted person (i) because such information is not supported by fingerprints or

240 other accepted means of positive identification or (ii) due to an inconsistency, error, or omission within  
241 the content of the submitted information.

242 § 22.1-280.2:1. **Employment of school security officers.**

243 Local school boards and private or religious schools may employ school security officers, as  
244 defined in § 9.1-101, for the purposes set forth therein. Such school security officer may carry a firearm  
245 in the performance of his duties if (i) within 10 years immediately prior to being hired by the local school  
246 board or private or religious school he (a) was an active law-enforcement officer as defined in § 9.1-101  
247 in the Commonwealth ~~or~~ and retired or resigned from his position as a law-enforcement officer in good  
248 standing; (b) was employed by a law-enforcement agency of the United States or any state or political  
249 subdivision thereof ~~and his, had duties that~~ were substantially similar to those of a law-enforcement officer  
250 as defined in § 9.1-101, and retired or resigned from his position as a law-enforcement officer in good  
251 standing; or (c) was an active duty member in the Armed Forces of the United States who served on active  
252 duty for at least 10 years and received an honorable discharge from such service; (ii) ~~he retired or resigned~~  
253 ~~from his position as a law-enforcement officer in good standing;~~ (iii) in the case of a retired law-  
254 enforcement officer, he meets the training and qualifications described in subsection C of § 18.2-308.016;  
255 ~~(iv)~~ (iii) he has provided proof of completion of a training course that includes training in active shooter  
256 emergency response, emergency evacuation procedure, and threat assessment to the Department of  
257 Criminal Justice Services pursuant to subdivision 42 of § 9.1-102, provided that if he received such  
258 training from a local law-enforcement agency he received the training in the locality in which he is  
259 employed; ~~(v)~~ (iv) the local school board or private or religious school solicits input from the chief law-  
260 enforcement officer of the locality regarding the qualifications of the school security officer and receives  
261 verification from such chief law-enforcement officer that the school security officer is not prohibited by  
262 state or federal law from possessing, purchasing, or transporting a firearm; and ~~(vi)~~ (v) the local school  
263 board or private or religious school grants him the authority to carry a firearm in the performance of his  
264 duties.

265 #