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SENATE BILL NO. 59

Offered January 12, 2022

Prefiled January 3, 2022

A *BILL to amend and reenact § 15.2-1722 of the Code of Virginia, relating to local law enforcement records.*

Patron—Hackworth

Referred to Committee on Local Government**Be it enacted by the General Assembly of Virginia:****1. That § 15.2-1722 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-1722. Certain records to be kept by sheriffs and chiefs of police.**

A. It shall be the duty of the sheriff or chief of police of every locality to insure, in addition to other records required by law, the maintenance of adequate personnel, arrest, investigative, reportable incidents, and noncriminal incidents records necessary for the efficient operation of a law-enforcement agency. *In the event that a local police department ceases to exist, it shall be the duty of the chief of police of the former local police department to relinquish such records to the sheriff for that locality.* Failure of a sheriff or a chief of police to maintain such records or failure to relinquish such records to his successor in office *or, if the police department ceases to exist, the sheriff for that locality* shall constitute a misdemeanor. Former sheriffs or chiefs of police shall be allowed access to such files for preparation of a defense in any suit or action arising from the performance of their official duties as sheriff or chief of police. The enforcement of this section shall be the duty of the attorney for the Commonwealth of the county or city wherein the violation occurs.

B. For purposes of this section, the following definitions shall apply:

"Arrest records" means a compilation of information, centrally maintained in law-enforcement custody, of any arrest or temporary detention of an individual, including the identity of the person arrested or detained, the nature of the arrest or detention, and the charge, if any.

"Investigative records" means the reports of any systematic inquiries or examinations into criminal or suspected criminal acts which have been committed, are being committed, or are about to be committed.

"Noncriminal incidents records" means compilations of noncriminal occurrences of general interest to law-enforcement agencies, such as missing persons, lost and found property, suicides and accidental deaths.

"Personnel records" means those records maintained on each and every individual employed by a law-enforcement agency which reflect personal data concerning the employee's age, length of service, amount of training, education, compensation level, and other pertinent personal information.

"Reportable incidents records" means a compilation of complaints received by a law-enforcement agency and action taken by the agency in response thereto.

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