



NATIONAL CONFERENCE OF STATE LEGISLATURES

## Significant Recently Enacted Policing Legislation

Nov. 14, 2020

This unpublished reference document includes abbreviated summaries of significant legislation enacted in states between May 25, 2020 and Nov. 14, 2020. For the full text of each enactment please visit in NCSL's [Policing Legislation Database](#).

### **Use of Force**

#### **Oversight and Study:**

CT HB 6004 – Authorizes towns to establish police civilian review boards.

DE SB 260 – Creates the Law Enforcement Accountability Task Force to study and make recommendations to the governor and legislature on use of force and imminent danger, workforce development, community policing and engagement and transparency and accountability.

GA SR 1007 – Creates the Senate Law Enforcement Study Reform Committee.

LA SCR 7 – Establishes the Police Training, Screening and De-escalation Task Force.

MN HF 1 – Creates the Ensuring Police Excellence and Improving Community Relations Advisory Council under POST.

OR HB 4201 – Establishes the joint legislative committee on transparent policing and use of force reform.

RI SB 2867 – Creates a special legislative study task force to study and provide recommendations on the law enforcement officers' bill of rights.

#### **Data Collection:**

CO SB 217 – Requires reporting on use of force, weapon unholstering and other police contact data. Requires public database.

CT HB 6004 – Requires reporting on efforts to recruit and retain minority police officers. Updates reporting on critical incidents and creates new reporting requirements.

MN HF 1 – Requires reporting use of force incidents to the FBI and the bureau of criminal apprehension. Requires the creation of a publicly accessible database for peace officer data already being reported.

NY AB 10608 – Requires reporting after an officer discharges their weapon under circumstances where a person could be struck by a bullet.

NY AB 10609 – Requires reporting on arrested-related deaths with annual reports to the legislature and the governor.

NV AB 3 – Requires each law enforcement agency in the state to report certain traffic stop data by Nov. 1, 2020.

VT SB 219 – Conditions state grant funding for departments on compliance with existing reporting requirements for demographic information on police stops.

**Restrictions and Standards:**

CA AB 1196 – Prohibits the use of choke holds and carotid restraints.

CA AB 1506 – Creates a division within the Department of Justice to review agency use of force policies and make recommendations upon the request of an agency. Starting in July of 2023 requires the attorney general to operate a police practices division to review use of deadly force policies and make recommendations upon request by a local agency.

CO SB 217 – Modernizes the use of force standard to reflect case law, requires use of nonviolent means when possible before using force, limits when physical force may be used, requires that force be consistent with minimization of injury, and prohibits use of chokeholds. Requires identification and warning prior to use of deadly force and restricts when deadly force may be used. Restricts when and how chemical agents and projectiles may be used in response to protests.

CT HB 6004 – Requires that alternatives to deadly force be exhausted first, requires reasonable belief that deadly force creates no substantial risk of injury to third parties and requires that the officer reasonably believes deadly force to be necessary. Creates factors for evaluating reasonableness. Restricts the use of chokeholds to when deadly force would otherwise be authorized.

DE HB 350 – Criminalizes law enforcement use of a chokehold that is knowing or intentional and not required under the deadly force standard.

HI HB 285 – Empowers the law enforcement standards board to establish statewide standards for law enforcement and the use of force.

IA HB 2647 – Restricts the use of chokeholds to when deadly force would otherwise be authorized.

MN HF 1 – Restricts the use of chokeholds, tying a person's limbs together behind their back to render them immobile or securing a person in a way that results in transporting them face down at a vehicle unless deadly force would be authorized. Provide legislative guidance on the use of deadly force reasonability standard generally.

NH HB 1645 – Restricts the use of chokeholds except in certain codified circumstances.

NY AB 6144 – Establishes the crime of strangulation in the first degree specific to officers who disregard procedures banned by their employment related to chokeholds.

NV AB 3 – Restricts officer use of force to the amount of reasonable force necessary to effect an arrest. Prohibits the use of chokeholds and putting individuals in a position that would compromise their airway.

OR HB 4203 – Provides that officers may not use force that limits the ability to breath.

OR HB 4208 - Prohibits law enforcement agencies from using tear gas or from using long range acoustic devices or sound cannons for the purposes of crowd control, except in circumstances constituting a riot.

OR HB 4301 – Creates a standard of objective reasonableness and changes the circumstances under which an officer is justified in using physical or deadly force. Requires a peace officer to consider verbal

de-escalation or using other techniques before using physical or deadly force. Requires officers to give verbal warning, and reasonable opportunity to comply, before using physical force or deadly force.

UT HB 5007 – Prohibits officers from using chokeholds or restraints that may cause unconsciousness.

VA HB 5029 – Defines excessive force. Creates an affirmative statutory duty for law enforcement officers to intervene when they witness excessive force or attempted excessive force. Creates a duty to render aid to any person injured as a result of excessive force should circumstances objectively permit. Limits retaliation, threats of retaliation, or threats of disciplinary action against an officer who intervenes as required by law. Creates a duty to report instances of excessive force. Violations of these duties subject an officer to disciplinary action, including dismissal, demotion, suspension, transfer or decertification.

VA HB 5069 - Prohibits a law enforcement officer from using a neck restraint in the performance of his official duties and provides for disciplinary sanctions on an officer who uses a neck restraint. The bill provides an exception from the prohibition if a neck restraint is immediately necessary to protect the officer or another person.

VA SB 5030 – Provides that a law enforcement officer shall not use deadly force against a person unless (a) the law enforcement officer reasonably believes that deadly force is immediately necessary to protect the law enforcement officer or another person, other than the subject of the use of deadly force, from the threat of serious bodily injury or death; (b) the law enforcement officer has provided a warning before using such deadly force; (c) the law enforcement officer's actions are reasonable, given the totality of the circumstances; and (d) all other options have been exhausted or do not reasonably lend themselves to the circumstances. The bill also prohibits the use of neck restraints by law enforcement officers unless the use of a neck restraint is immediately necessary to protect the law enforcement officer or another person. The bill bans law enforcement officers from willfully discharging a firearm into or at a moving vehicle.

VT SB 219 – Restrict the use of restrain maneuvers including chokeholds. Criminalizes the use of a prohibited restraint when it results in serious bodily injury or death. Repeals justifiable homicide provision in 2021 to prompt the legislature to address the language.

VT SB 119 – Codifies definitions and provides statutory standards for law enforcement use of force and use of deadly force. Requires the Department of Public Safety and the Executive Director of Racial Equity to report to the legislature regarding the development of a uniform statewide model policy on use of force for all law enforcement agencies and officers as directed by executive order 03-20.

### **Legal Duty and Liability:**

CO SB 217 – Requires officers to render aid to any injured or affected person as soon as practicable. Creates a duty to intervene to prevent or stop physical force that exceeds permitted force. Requires an officer to report an intervention to their supervisor. Creates protections for intervening officers and criminal penalties and discipline, including termination for failing to intervene. Creates a civil action for deprivation of rights by local law enforcement officers, including personal liability of up to \$25,000 or 5% of the judgment. Authorizes the state attorney general to file a civil action alleging pattern or practice of conduct in violation of a persons' rights.

CT HB 6004 – Creates a duty to intervene and a duty to report. Specifies penalties for failure to comply with duties and restricts retaliation. Eliminates qualified immunity and creates a civil action for deprivation of rights.

GA HB 838 – Creates a civil cause of action for officers to raise when a person knowingly files a false complaint against an officer. Modernizes the justifiable homicide statute to reflect changes to use of force standards.

MN HF 1 – Requires creation of a state model use of force policy that includes duty to intervene, duty to report, and a duty to use deadly force within the new statutory guidance. Enables the board to inspect state and local use of force policies to ensure compliance. Creates a statutory duty to intercede.

NH HB 1645 – Defines misconduct and creates a duty to report officer misconduct to the chief and subsequently to the police standards and training council.

NM SB 8 – Specifies that state immunity does not apply for offenses and violations involving officers acting within the scope of their duties.

NY SB 6601 – Creates a duty to provide attention to the medical and mental health needs of a person under arrest or otherwise in the custody of an officer. Requires obtaining assistance and treatment that is reasonable and provided in good faith.

NV AB 3 – Requires officers to monitor individuals in their custody for signs of distress and placed them in the recovery position if they appear to be in stress or indicate that they cannot breathe. Requires officers to ensure that medical aid is rendered to any person who is injured by the use of physical force. Creates a duty to intervene and also a specific duty for supervisors to issue a direct order to stop the use of unlawful physical force. Prohibits any retaliation by departments after an officer intervenes and requires law enforcement agencies to train their officers on the duty to intervene.

NV SB 2 – Eliminates the prohibition on the use of a peace officer's compelled statement in a civil case against the peace officer without his or her consent.

OR HB 4205 – Requires the Department of Public Safety Standards and Training to adopt rules requiring officers to intervene to stop another police officer from engaging in conduct that is unethical or that violates law, rules, or policy, defines misconduct.

VA SB 5030 – Creates a duty to intervene in use of excessive force and requires the officer to render aid, as circumstances reasonably permit, to any person injured as a result of excessive force. Requires any officer who intervenes to report the incident in accordance with the officer's employing agency's policies and procedures for reporting misconduct. Prohibits retaliation and threats of retaliation by employing agencies. Violations of this section shall subject an officer to disciplinary action including dismissal, demotion, suspension, transfer or decertification.

VT SB 119 – Creates a statutory duty to intervene when an officer observes another officer using a prohibited restraint on another person.

### **Investigation and Prosecution of Misconduct and Excessive Force**

CA AB 1506 – Requires a state prosecutor, the attorney general unless specified otherwise, to investigate incidents of an officer-involved shooting resulting in the death of an unarmed civilian. Authorizes the state prosecutor to prepare a written report and would require public release of any reports.

CT HB 6004 – Creates an office of the inspector general and appropriates funds to investigate all instances of deadly force and where physical force results in death.

IA HB 2647 – Authorizes the attorney general to prosecute a criminal offense committed by a law enforcement officer arising from a law enforcement-involved death.

MN HF 1 – Requires creation of an independent use of force investigations unit within the bureau of criminal apprehension. Requires reporting to the legislature and public disclosure.

NY SB 2574 - Establishes the Office of Special Investigation within the Department of Law to investigate and prosecute any alleged criminal offense or offenses committed by a police officer, or peace officer, concerning the death of any person as a result of any encounter with such police or peace officer.

NY SB 3595 – Establishes the independent Law Enforcement Misconduct Investigative Office within the Department of Law to review, study, audit and make recommendations to police agencies in the state with the goal of enhancing the effectiveness of law enforcement, increasing public safety, protecting civil liberties and civil rights, ensuring compliance with constitutional protections and local, state and federal laws, and increasing the public's confidence in law enforcement. The office will also handle misconduct complaints statewide about local law enforcement agencies. Extends the jurisdiction of the State Inspector General and the MTA Inspector General and the Port Authority Inspector General to include receiving complaints of state law enforcement misconduct. Requires reporting to the legislature.

NV AB 3 – Requires investigation after a complaint to commence within a reasonable time period after the filing of the complaint or allegation. Eliminates prohibition on reopening an investigation unless new material is discovered and prohibits a law enforcement agency from investigating if the complaint is filed more than five years after the activities occurred. Revises specified investigation procedures.

NV AB 2 – Requires that an investigation be commenced by a law enforcement agency within a reasonable period of time after the date of the filing of a complaint or allegation with the agency. Eliminates prohibition on reopening an investigation unless new material evidence is discovered. Extends from 1 to 5 years the time limitation between the incident and the complaint being filed for investigation of misconduct. Eliminates prohibition on reassigning an officer temporarily or permanently without their consent during an investigation. Eliminates the ability of an officer and their representatives to inspect evidence during an investigation into misconduct. Authorizes inspection instead, at the conclusion of the investigation if the agency intends to recommend punitive action be imposed. Requires notice to the officer and give the officer and their representative a reasonable opportunity to inspect evidence and submit a response. Authorizes access for the officer and their representative to review and copy the entire internal investigation file if punitive action is recommended and the officer appeals. Eliminates requirement for dismissal with prejudice for an administrative proceeding or civil action when an arbitrator or court determines that evidence was obtained during an investigation of a peace officer in violation of the officer's rights. Instead, requires the court or arbitrator to exclude such evidence that may be prejudicial and dismiss the proceeding with prejudice if the evidence was obtained by a law enforcement agency in bad faith.

VA SB 5024 - Authorizes the Attorney General to file a civil suit or inquire into or seek to conciliate, through the Division of Human Rights, any unlawful pattern and practice against the Commonwealth or a locality whenever the Attorney General has reasonable cause to believe that law enforcement officers of any agency of the Commonwealth or any locality are engaging in a pattern or practice that deprives persons of rights, privileges, or immunities secured or protected by the laws of the United States and the Commonwealth. The bill also empowers the Attorney General to issue a civil investigative demand if the Attorney General has reasonable cause to believe that an unlawful pattern and practice violation has occurred. The bill authorizes the Attorney General to enter into a conciliation agreement with a locality to

resolve an unlawful pattern and practice, and provides that such agreement may include a court-enforceable deprivation of certain local funds if the locality fails to abide by the agreement.

VA SB 5030 - Requires every chief law enforcement officer to provide the attorney for the Commonwealth access to all records relating to wrongful arrest or use of force complaints, or other complaints that a person has been deprived of the rights, privileges, or immunities secured or protected by the laws of the United States and the Commonwealth made against a law enforcement officer that is employed by the chief law enforcement officer's agency when such law enforcement officer has a matter before the court.

### **Training**

CA AB 3099 – Requires the Department of Justice, subject to appropriation, to provide technical assistance to local law enforcement agencies and tribal governments on tribal issues, including providing guidance for law enforcement education and training on policing and criminal investigations on Indian lands, providing guidance on improving crime reporting, crime statistics, criminal procedures, and investigative tools, and facilitating and supporting improved communication between local law enforcement and tribal governments. Requires study and reporting subject to appropriation.

CO SB 217 – Requires that officers be trained on new use of force provisions.

CT HB 6004 – Requires POST to develop regulations regarding crowd control management and that training programs include these regulations. Requires police training to include implicit bias training.

IA HB 2647 – Requires annual training on de-escalation techniques and prevention of bias. Provides guidance on training.

MN HF 1 – Prohibits warrior-style training.

MN HF 2 – Requires six hours of crisis intervention and mental illness crisis training and four hours focused on ensuring safer interactions between peace officers and people with autism. Requires mandated training to be provided by an approved entity. Modifies method of funding for training requirements to permit the hiring of staff.

NE L 924 – Adds anti-bias and implicit bias training and testing designed to minimize apparent or actual racial profiling to the racial profiling prevention policy. Requires at least two hours of anti-bias and implicit bias training designed to minimize apparent or actual racial profiling annually.

OR HB 4205 – Directs the Board of Public Safety Standards and Training to adopt rules prohibiting the training of officers to use physical force that impedes normal breathing or circulation of blood by applying pressure on the throat or neck.

UT HB 5007 – Bans training on the use of chokeholds and restraints that may cause unconsciousness.

VA SB 5014 - Requires all law enforcement officers involved in a crisis intervention team program to complete a comprehensive advanced training course developed by the Department of Criminal Justice Services. The bill also directs the Department to develop modules of principles-based training to be included as part of compulsory minimum training standards subsequent to employment as a law enforcement officer and as part of basic training and the recertification of law enforcement officers. The bill also requires the Department to establish training standards for law enforcement personnel concerning sensitivity and awareness of systemic and individual racism and the potential for bias-based profiling.

VA HB 5109 – Requires the Department of Criminal Justice Services to develop a uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the Department when conducting training. Requires the department to include the recognition of implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability in its (i) training standards and model policies; (ii) compulsory training standards for basic training and recertification of law enforcement officers; and (iii) operating procedures, guidelines, and standards for community policing. Requires training in de-escalation techniques and training in the lawful use of force, including the use of force only when necessary to protect the law enforcement officer or another person in the compulsory training standards for basic training and recertification. Requires the Department to establish compulsory in-service training standards for law enforcement officers in the following subjects: (a) relevant state and federal laws; (b) awareness of cultural diversity and the potential for bias-based profiling; (c) de-escalation techniques; (d) working with individuals with disabilities, mental health needs, or substance use disorders; and (e) the lawful use of force, including the use of deadly force only when necessary to protect the law enforcement officer or another person. Requires academies to employ the uniform curriculum and lesson plans and requires annual evaluations of each academy’s compliance. See also SB 5030, which in addition to addressing training requirements, expands the membership of the committee on training.

VT SB 119 – Restricts approval of any training on the use of prohibited restraints, except training on how to identify and prevent the use of these restraints.

### **Certification, Decertification and Discipline**

CA AB 846 – Expands an existing required evaluation for physical, emotional or mental conditions that might adversely affect the exercise the powers of a peace officer to include bias against race, ethnicity, gender, nationality, religion, disability or sexual orientation. Requires agencies to review job descriptions used in recruitment to deemphasize the paramilitary aspects of the job and place more emphasis on community interaction and collaborative problem solving.

CO SB 217 – Require the Police Officer Standards and Training Board to revoke officer certification for inappropriate use of force or failure to intervene. Restricts the POST Board from reinstating certification or granting new certification unless the officer is exonerated by a court. POST Board is required to record decertification in a database.

CT HB 6004 – Requires all state police officers to obtain POST certification. Requires POST to create a statewide policy providing for behavioral health evaluations for officers and requires that officers be evaluated every 5 years or for good cause. Requires urinalysis testing in certain circumstances. Expands statutory grounds for decertification to include being found by a department to be engaging in conduct that undermines public confidence in law enforcement such as profiling and discrimination and using physical force that is excessive or not justifiable after investigation. Authorizes censure and suspension of license when conduct does not warrant cancellation. Authorizes POST to issue guidance to local agencies on suspension, cancellation or decertification. Specifies that no collective bargaining agreement can prevent disclosure of disciplinary action. Requires law enforcement agencies to obtain and maintain accreditation.

HI HB 285 – Requires the chief of police of each county police department to disclose to the legislature the identify of a police officer upon suspension or discharge of the officer. Amends existing law to allow for the disclosure of information related to the suspension or discharge of a police officer. Explicitly

allows the law enforcement standards board to revoke the certification of law enforcement officers for misconduct or failure to meet qualifying standards.

IA HB 2647 – Establishes circumstances under which the Iowa Law Enforcement Academy Council is required to revoke officer certification, may suspend or revoke certification or may deny an application for certification.

NJ AB 744 – Requires that law enforcement agencies provide internal affairs and personnel files to other agencies under certain circumstances.

NY SB 8496 – Removes confidentiality provision related to officer disciplinary records.

NM SB 8 – Requires permanent revocation of certification for a conviction involving unlawful use or threatened use of force or a crime involving failure to intervene.

OR HB 4205 – Authorizes suspension or revocation of certification for failure to intervene or report.

OR HB 4207– Requires denial of application, suspension or revocation of certification upon a finding of certain criminal convictions, status as a sex offender, and discharge for cause related to certain circumstances. Requires a database of decertification.

OR SB 1604 - Requires disciplinary action ordered as a result of arbitration involving misconduct by a sworn law enforcement officer of law enforcement agency, as defined in ORS 131.930, to match the disciplinary action imposed by the agency, if the arbitrator makes a finding of misconduct consistent with the law enforcement agency's finding of misconduct and the disciplinary action was imposed pursuant to a discipline guide or matrix. Makes disciplinary guide or matrix subject of collective bargaining. Defines discipline guide and discipline matrix. Applies to collective bargaining agreements entered into on or after effective date of Act.

VA HB 5051 - Directs the Department of Criminal Justice Services to adopt standards of conduct applicable to law enforcement and jail officers and due process procedures for decertification based on serious misconduct in violation of those standards. The bill requires any sheriff, chief of police, or agency administrator to notify the Criminal Justice Services Board in writing within 48 hours of becoming aware that any certified law enforcement or jail officer currently employed by his agency has been terminated for engaging in misconduct, as set forth in the bill. The bill authorizes the Board to initiate decertification proceedings against any current or former law enforcement or jail officer who has engaged in such activities. See also SB 5030.

VA HB 5104 - Provides that any sheriff or chief of police, the director or chief executive of any agency or department employing deputy sheriffs or law enforcement officers, and the Director of the Department of Criminal Justice Services shall disclose to a prospective law enforcement or jail employer any information (i) related to an arrest or prosecution of a former police officer, deputy sheriff, or jail officer, including expunged information; (ii) related to a civil suit regarding a former police officer's, deputy sheriff's, or jail officer's employment or performance of his duties; (iii) obtained during the course of any internal investigation related to a former police officer's, deputy sheriff's, or jail officer's alleged criminal conduct, use of excessive force, or other official misconduct in violation of the state professional standards of conduct; and (iv) related to a former police officer, deputy sheriff, or jail officer's job performance that led to dismissal, demotion, suspension, or transfer. The bill further provides that no police officer, deputy sheriff, or jail officer may be employed by another law enforcement agency or jail until the requested information is received from all prior employing agencies in the Commonwealth. The bill authorizes a hiring law enforcement agency or jail to require a candidate for employment to undergo a



psychological examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed psychiatrist or a licensed clinical psychologist. The bill requires the Department of Criminal Justice Services to establish guidelines for such examinations.

VA HB 5109 – Adds to the minimum qualifications to become a law enforcement officer or a jail officer the requirement that such person undergo a psychological examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed psychologist or other licensed mental health professional. Requires the adoption of guidelines on the new requirements.

VT SB 124 – Renames the Vermont Criminal Justice Training Council the Vermont Criminal Justice Council and adds duties by requiring the council to maintain statewide standards of law enforcement officer professional conduct by accepting and tracking complaints alleging officer unprofessional conduct, adjudicating charges of unprofessional conduct, and imposing sanctions on the certification of an officer who the council finds has committed unprofessional conduct. Amends membership of the council to include a broader membership. Requires the council to adopt rules to identify and implement alternative routes to certification aside from the training at the Vermont Police Academy. Requires the council to provide different training options for officers, including the requirement to provide for a transition from a Level II to Level III certification. Requires verbal updates from the executive director of the council to the legislature on progress under this legislation and requires a report on resources needed to fully operate the council as prescribed by law. Requires agencies to execute a written waiver that authorizes the agency to disclose its analysis of the officer's performance at that agency prior to hiring, prohibits hiring officers who refuse to sign the waiver. Requires that the contents of a disclosure under this section be kept confidential. Specifies that a collective bargaining agreement shall not prohibit the exchange of information between the employing agency and another agency about an officer's performance. Creates an exception for agency's duty to disclose if there was a binding nondisclosure agreement executed previous to the effective date of the law and enforces the collective bargaining restrictions at the expiration of current agreements.

### **Technology**

CO SB 217 – Requires broad adoption of body-worn cameras and establishes regulation for use of body-worn cameras.

CT HB 6004 – Requires state, municipal and tribal law enforcement to use body cameras and dashboard cameras by July 1, 2022. Authorizes \$4 million in grants for equipment and storage costs.

DC B 825 – Emergency/temporary legislation that requires the faster release of body-worn camera footage after any officer-involved death or serious use of force, requires release of footage from past shootings, and bans officers from reviewing it prior to drafting crime reports. Provides for notice of next of kin prior to release and an opportunity for them to review the footage first.

LA HR 9 – Encourages the Jefferson Parish Sheriff's Office to adopt certain policies related to body-worn cameras and requests a status report on the adoption of these policies be provided to the legislature by Jan. 2021.

MI SJR 7 – Joint resolution proposing an amendment to the state constitution by amending Article I §11 to require warrants to access a person's electronic data or electronic communication.

NM SB 8 – Requires certain law enforcement officers to use body-worn cameras and requires agency adoption of policies and procedures.

NY SB 8493 - Establishes the State Police Body Worn Cameras Program, requires the Division of State Police to provide body-worn cameras to be worn by all officers.

NY SB 3253 - Provides that a person not under arrest or in the custody of a law enforcement official has the right to record police activity, and to maintain custody and control of that recording and of any property or instruments used by that person to record police activities; provides that a person in custody or under arrest does not, by that status alone, forfeit such right to record. Creates a civil action for violation of this right by officers and provides for defenses.

VT SB 219 – Requires the Department of Public Safety to equip law enforcement officers with body cameras.

VT SB 124 – Requires agencies using body cameras to adopt, follow and enforce a model body camera policy established by the Council on Criminal Justice. In the interim each agency shall follow the Model Body Worn Camera Policy established by the Law Enforcement Advisory Board. Creates a moratorium for use of facial recognition technology until specifically authorized by enactment of the General Assembly.

### **Alternative Responses & Officer Wellness**

CT HB 6004 – Requires each municipal department to evaluate the benefits of using social workers during emergency response situations and report back to POST.

MN HF 1 – Authorizes and regulates the use of peer counseling for officers and critical incident stress management teams. Specifies that officers should exercise special care when interacting with individuals with known physical, mental, developmental or intellectual disabilities. Creates new training requirements on crisis intervention and interactions with individuals with autism.

VA HB 5043 – Requires the Department of Criminal Justice Services and the Department of Behavioral Health and Developmental Services to develop and establish a mental health awareness response and community understanding services (Marcus) alert system. Requires behavioral health department to establish five Marcus alert programs and community care or mobile crisis teams in each of the five regions by the end of 2021. Requires five more by mid-2023 and statewide implementation by 2026. Requires every locality to establish a voluntary database to be made available to the 9-1-1 alert system and the Marcus alert system to provide mental health information and emergency contact information for response to an emergency or crisis. Requires localities to establish protocols for diversion of certain 9-1-1 calls to crisis call centers and the participation of law enforcement in the Marcus alert system. See also VA SB 5038.

VA SB 5014 - Requires all law enforcement officers involved in a crisis intervention team program to complete a comprehensive advanced training course developed by the Department of Criminal Justice Services.

### **Oversight**

CA AB 1185 – Authorizes counties to establish a sheriff oversight board to assist the board of supervisors with responsibilities to supervise the official conduct of the sheriff either by action of the board or through a vote of the county residents. Authorizes counties by action of the board of supervisors or by a vote of residents to establish an office of the inspector general to assist the board with duties related to the sheriff. Authorizes the chair of the oversight board and the inspector general to issue subpoenas when deemed necessary to investigate a matter within their jurisdiction.

VA HB 5055 - Authorizes a locality to establish a law enforcement civilian oversight body that may (i) receive, investigate, and issue findings on complaints from civilians regarding conduct of law enforcement officers and civilian employees; (ii) investigate and issue findings on incidents, including the use of force by a law enforcement officer, death or serious injury to any person held in custody, serious abuse of authority or misconduct, allegedly discriminatory stops, and other incidents regarding the conduct of law enforcement officers or civilian employees; (iii) make binding disciplinary determinations in cases that involve serious breaches of departmental and professional standards; (iv) investigate policies, practices, and procedures of law enforcement agencies and make recommendations regarding changes to such policies, practices, and procedures; (v) review all investigations conducted internally by law enforcement agencies and issue findings regarding the accuracy, completeness, and impartiality of such investigations and the sufficiency of any discipline resulting from such investigations; (vi) request reports of the annual expenditures of law enforcement agencies and make budgetary recommendations; (vii) make public reports on the activities of the law enforcement civilian oversight body; and (viii) undertake any other duties as reasonably necessary for the law enforcement civilian oversight body to effectuate its lawful purpose to effectively oversee the law enforcement agencies as authorized by the locality. Such oversight bodies are not authorized to oversee sheriff's departments. The bill provides that a law enforcement officer who is subject to a binding disciplinary determination may file a grievance requesting a final hearing pursuant to the locality's local grievance procedures. The bill also provides that a retired law enforcement officer may serve on such law enforcement civilian oversight body as an advisory, nonvoting ex officio member. See also SB 5035.

VT SB 124 – Adds to the membership of the Law Enforcement Advisory Board and requires the board to recommend ways for towns to increase access to law enforcement services.

### **Other Data**

NE L 924 –Makes state patrol, sheriffs and police departments ineligible for Nebraska Commission on Law Enforcement and Criminal Justice loans, grants, funds or donations when departments fail to retain or record required information on motor vehicle stop information, including demographic information.

VA SB 5030 - Expands the required law enforcement data collection for motor vehicle stops to include all investigatory motor vehicle stops, all stop-and-frisks based on reasonable suspicion, and all investigatory detentions that do not result in an arrest or summons.

VT SB 124 – Conditions participation in the Police Academy and using the services of the Criminal Justice Council on law enforcement agency's compliance with requirements for collecting roadside stop data, the requirements to report death or serious bodily injuries or the requirement to adopt, follow or enforce any policy under the relevant section. Conditions state grants on compliance with death or serious bodily injury reporting requirements. Requires the Vermont Crime Information Center in consultation with the Vermont Crime Research Group, statewide racial justice groups, and statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability to establish and provide training on a uniform list of definitions to be used in entering date into a law enforcement agency's system of records. Requires officer use of new definitions.

### **Other**

CA SB 480 – Prohibits, with certain exceptions, a law enforcement agency from authorizing or allowing its employees to wear a uniform that is made from a camouflage printed or patterned material or a uniform that is substantially similar, as described, to a uniform of the United States Armed Forces or state active militia.

MO HB 46 - Provides that the St. Louis Metropolitan Police Department cannot impose a residency requirement on law enforcement officers more stringent than a one-hour response time.

TN SB 2458 - Clarifies that the current prohibition against traffic offense citation quotas is applicable to public officials or public employees; creates a Class B misdemeanor offense, subject to fine only, for officials and employees violating that prohibition.

UT SB 6003 – Reinstates Public Safety Officer Career Advancement Reimbursement Program to provide tuition reimbursement for law enforcement officers as specified.

VA HB 5099 - Prohibits any law enforcement officer from seeking, executing, or participating in the execution of a no-knock search warrant. The bill provides that, for all authorized search warrants, the law enforcement officer be recognizable and identifiable as a uniformed law enforcement officer and that he provide audible notice of his authority and purpose reasonably expected to be heard by occupants of such place to be searched prior to the execution of such search warrant. It also requires that after entering and securing the place to be searched and prior to undertaking any search or seizure pursuant to the search warrant, the executing officer shall read and give a copy of the search warrant to the person to be searched or the owner of the place to be searched or, if the owner is not present, to any occupant of the place to be searched. If the place to be searched is unoccupied, the executing law enforcement officer shall leave a copy of the search warrant suitably affixed to the place to be searched. The bill requires search warrants to be executed only in the daytime unless (i) a judge or magistrate, if a judge is not available, authorizes the execution of such search warrant at another time for good cause shown or (ii) the search warrant is for the withdrawal of blood. See also SB 1030.

VA SB 1030 – Prohibits and creates penalties for carnal knowledge of a person in law enforcement custody. Prohibits acquisition of specified military equipment.

VT SB 124 – Requires the Criminal Justice Council in consultation with specified organizations to report to the legislature on progress and recommendations for legislative action related to law enforcement officer qualifications, training, models of civilian oversight, reporting allegations of officer misconduct, access to complaint information, body cameras, military equipment and facial recognition technology.