

HOUSE BILL NO. NEW_DRAFT

Offered January xx, XXXX

Prefilled: Andrew Zhang

Last Edited March 30, 2020

A BILL to amend the Code of Virginia by adding a section numbered § 15.2-1706.1. relating to Mental Health First Aid training Certification for all law-enforcement officers; Penalties; Definitions; Waivers.

Patron -- TBD

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered **15.2-1706.1**. as follows:

§ **15.2-1706.1**. Mandatory Mental Health First Aid Training for all Law Enforcement Officers in the State of Virginia.

A. For purposes of this section:

“Law enforcement agency” means: all state agencies, special district agencies, county agencies, city sheriff’s, city agencies, town agencies, county & state jails, institutional (university/college campus police) agencies, private police agencies, school boards or other organizations responsible for the enforcement of laws or primary function is the administration of criminal justice.

“Reserve law enforcement officers” means: 1) Any auxiliary or reserve police 2) auxiliary or reserve deputy sheriffs 3) law enforcement officers who volunteer for no monetary compensation.

“Satisfactory completion” means: Must successfully complete the Department of Criminal Justice Services [Mental Health First Aid for Public Safety](#) 8 hour interactive course or comparable program from a certified trainer as defined in § [37.2-312.2](#). Virginia Department of Criminal Justice Services, Division of Law Enforcement shall be responsible for overseeing and determining successful completion of the required mental health first aid training.

B. Each law enforcement agency must implement policies that require satisfactory completion of mental health first aid training for all current law-enforcement officers, school security or resource officers, as defined in § [9.1-101](#). and all jail officers as outlined in § [53.1-1](#). by January 1, 2024, and all new hire officers upon 180 days after their official start date. All certified criminal justice training academies as defined in § [6VAC20-90-10](#). are required to insure satisfactory completion of mental health first aid training for recruits prior to their graduation by July 1, 2023.

Each law enforcement agency and training academy will provide the required personnel and necessary resources to ensure satisfactory completion of mental health first aid training before the prescribed deadlines. This law does not pertain to reserve law enforcement officers.

Re-training must reoccur every four years for all current law-enforcement officers, school security, and resource officers, as defined in § [9.1-101](#). and all jail officers as outlined in § [53.1-1](#).

C. Grandfathered training:

Individuals who have already completed the Department of Criminal Justice Services "Mental Health First Aid for Public Safety" eight-hour interactive course or comparable program from a certified trainer as defined in § 37.2-312.2. after January 1, 2016 are not required to retake said required training until January 1st, 2026.

D. [Funding TBD] Increase Virginia's Department of Criminal Justice Services by at least 1% per fiscal year until January 1st of 2023 to account for the added cost of training for all current law-enforcement officers, school security or resource officers, as defined in § 9.1-101., all jail officers as outlined in § 53.1-1., and all recruits for certified criminal justice training academies as defined in § 6VAC20-90-10.

E. Penalties:

Failure for law enforcement officers to satisfactorily complete mental health first aid training by the appropriate deadlines will result in unpaid suspension until successful completion of the course. If any law enforcement officer does not finish Mental Health First Aid Training within 90 days of suspension, it will result in the immediate termination of their employment. Terminated officers and suspended officers will be allowed to maintain all retirement and health related benefits.

Failure of recruits to successfully complete said training prior to graduation will result in termination for appointment or employment.

F. Deadline Waivers:

If any law enforcement officer is unable to complete the required Mental Health First Aid training by the required deadlines, they will be eligible for up to a nine-month grace period. Waivers must be approved by their supervisor who must be either a sheriff or chief of police, or current Virginia Governor, or the director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101. or jail officers as defined in § 53.1-1. Waivers can only be granted for the following reasons: 1): health concerns & injuries (to include Mental Health, Pregnancy, and Maternal/Paternal leave), 2): undue Financial Burdens, 3): Military Service.

If the above standards are met, the Department of Criminal Justice Services is hereby authorized to grant up to a ninth month waiver for Mental Health First Aid training. No penalties will be incurred on said individuals if waiver is approved.

Law enforcement officers in the Military: Active, Reserves & National Guard – to include (Army, Air Force, Navy, Marines, Space Force, and Coast Guard) with active orders of over 90 days (to include Title 10 or Title 32 orders) which inhibits them from successfully completing Mental Health First Aid Training by the required deadlines will be allowed nine additional months to finish said training after their activation period is completed. No penalties will be incurred on said individuals unless training is not completed after the grace period terminates.

Last Edited: Andrew S. Zhang, March 30 2020