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HOUSE BILL NO. 285

House Amendments in [] —February 14, 2000

A *BILL to amend and reenact §§ 52-1 and 52-4.3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 52-8.1:1, relating to a division for drug law enforcement and investigation within the State Police.*

Patrons—Weatherholtz, Byron and Louderback; Senator: Miller, K.G.

Referred to Committee on Militia and Police

Be it enacted by the General Assembly of Virginia:

1. That §§ 52-1 and 52-4.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 52-8.1:1 as follows:

§ 52-1. Establishment of Department headed by Superintendent; Bureau of Criminal Investigation and division of drug law enforcement and investigation within Department.

There is hereby established as a separate department, a Department of State Police headed by the Superintendent of State Police. There shall be established within the Department of State Police, in addition to any other divisions or bureaus that may be established by statute or otherwise, a Bureau of Criminal Investigation *and a division for drug law enforcement and investigation.*

§ 52-4.3. Drug Investigation Special Trust Account.

A. There is hereby created in the Department of the Treasury a special nonreverting fund to be known as the Drug Investigation Special Trust Account, consisting of such funds as may be appropriated by the General Assembly from time to time and all interest, dividends and appreciation, including payments to the fund from the federal government by virtue of a grant, gift, forfeiture or other disposition, which may accrue to such fund, for the purpose of providing a timely supplemental source of money to the Department of State Police for use in the detection, investigation and apprehension of persons for the violation of the laws pertaining to the manufacture, sale or distribution of illegal drugs.

B. Funds from the Drug Investigation Special Trust Account shall be used to supplement general appropriations for the Department of State Police Bureau of Criminal Investigations and *a division for drug law enforcement and investigation* for nonpersonal service expenditures related to illegal drug investigations. They shall be used only for the purposes stated in subsection A and in strict conformity with the rules and regulations promulgated by the Superintendent of State Police to carry out the intent and purposes of this section.

C. No expenditures shall be made from the Drug Investigation Trust Account except in strict compliance with procedures established by the Superintendent of State Police and approved by the State Comptroller. The accounting for all such expenditures shall also be in strict compliance with such procedures.

D. The Drug Investigation Special Trust Account shall be established on the books of the Comptroller so as to segregate the amounts appropriated to the account and the amounts earned or accumulated by such special trust account. No portion of such special trust account shall be used for a purpose other than for drug investigations. Funds remaining in the Drug Investigation Special Trust Account at the end of a biennium shall not revert to the general fund but shall remain in the special trust account, to be used for the purposes set forth in subsections A through C and shall accumulate interest and dividends throughout the existence of the special trust account. Any funds, however, remaining in the special trust account at the end of a biennium in excess of \$1,500,000 shall revert to the general fund.

§ 52-8.1:1. *Powers and duties of a drug law enforcement and investigation division.*

A. *In addition to any other powers and duties which may be provided by statute or otherwise, it shall be the duty of a division for drug law enforcement and investigation to enforce the laws of the Commonwealth and conduct investigations related to [the manufacturing, selling, giving, or distributing of controlled substances or imitation controlled substances or marijuana, or transporting controlled substances or marijuana into the Commonwealth violations of Articles 1 (§ 18.2-247 et seq.) and 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 or when requested pursuant to the provisions of § 52-8.1.]*

B. *The Superintendent may request and receive, from any federal, state or local agency, cooperation and assistance to aid such division in the performance of its duties, including temporary assignment of personnel which may be necessary to carry out the performance of its functions [; provided that the agency consents to the assignment. Consent may not be unreasonably withheld] . Any assistance or appropriation given to such division shall be used for the primary purpose of enforcing laws and*

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60 conducting investigations related to [~~the manufacturing, selling, giving, or distributing of controlled~~
61 ~~substances or imitation controlled substances or marijuana, or transporting controlled substances or~~
62 ~~marijuana into the Commonwealth~~ violations of Articles 1 (§ 18.2-247 et seq.) and 1.1 (§ 18.2-265.1 et
63 seq.) of Chapter 7 of Title 18.2] . Such division shall be a party to any anti-crime partnership
64 agreement established pursuant to § 2.1-51.6:3 and may assist any locality declared an Intensified Drug
65 Enforcement Jurisdiction pursuant to § 15.2-1715.

66 C. Such division may enter into agreements with other states pertaining to the enforcement of [~~laws~~
67 ~~and the violation of such laws related to the manufacturing, selling, giving or distributing of controlled~~
68 ~~substances or imitation controlled substances or marijuana, or transporting controlled substances or~~
69 ~~marijuana~~ Articles 1 (§ 18.2-247 et seq.) and 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2]
70 across state boundaries. Such division may share information with law enforcement agencies in other
71 states as is necessary to carry out its work.