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HOUSE BILL NO. 399

Offered January 9, 2002

Prefiled January 8, 2002

A BILL to amend the Code of Virginia by adding in Chapter 1 of Title 9.1 an article numbered 11, consisting of sections numbered 9.1-185 through 9.1-188, relating to creating the Law Enforcement Electronic Command and Control Improvement Program; communication system improvement grant.

Patrons—Lingamfelter, Cosgrove, Gear, Reese and Rust

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 9.1 an article numbered 11, consisting of sections numbered 9.1-185 through 9.1-188 as follows:

*Article 11.***LAW ENFORCEMENT COMMAND AND CONTROL IMPROVEMENT.****§ 9.1-185. Definitions.**

As used in this article, unless the context requires otherwise:

"Communication System" means communication facilitated by use of telephonic or electronic means, wire, computer, radio or similar means for the purpose of prompt collection and distribution of information by and among police departments.

"Department" means the Department of Criminal Justice Services.

"Fund" means the Law Enforcement Electronic Command and Control Improvement Fund established pursuant to this article.

"Police Department" shall have the meaning as set forth in § 9.1-165.

"Program" means the Law Enforcement Electronic Command and Control Improvement Program established pursuant to this article.

§ 9.1-186. Law Enforcement Electronic Command and Control Improvement Program established.

A. The Department shall establish and operate the Law Enforcement Electronic Command and Control Improvement Program. The purpose of the Program shall be to provide matching funds to any police department that has expended funds to improve and modernize its communication system. In administering the Program, it shall be the responsibility of the Department to administer disbursements from the Fund.

B. Beginning July 1, 2003, any police department shall be eligible to receive a matching communication system improvement grant not to exceed \$10,000. The grants under this article shall be paid from the Fund, as provided in this article, to the police department during the fiscal year immediately following the fiscal year in which the police department expended funds to improve and modernize its communication system. The total amount of grants to be paid under this chapter for any fiscal year shall not exceed the amount available in the Fund for payment to police departments for such year.

C. Only one grant shall be allowed annually for each police department.

§ 9.1-187. Law Enforcement Electronic Command and Control Improvement Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Law Enforcement Electronic Command and Control Improvement Fund. Moneys in the Fund shall be used to provide matching funds for police departments seeking to improve and modernize their communication systems.

B. The Fund shall be established on the books of the Comptroller. The Fund shall consist of:

1. Donations and contributions to the Fund; and

2. Such moneys as shall be appropriated by the General Assembly.

C. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set forth in this article. The State Treasurer shall make expenditures and disbursements from the Fund on warrants issued by the Comptroller upon written request signed by the Director of the Department. Up to twelve percent of the Fund may be used to pay the Department's administrative expenses.

§ 9.1-188 Grant application process; administration.

A. Grant applications shall be submitted by police departments to the Department between August 1 and September 1 of the fiscal year following the fiscal year in which funds to improve and modernize its

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HB399

59 communication system were expended.

60 B. Applications for grants shall include (i) proof of the police department's expenditure of funds to
61 improve and modernize its communication system; (ii) certification of such expenditure by the locality
62 served by the police department; and (iii) such other relevant information as the Department may
63 reasonably require. As a condition of receipt of a grant, a police department shall agree to make
64 available to the Department for inspection, upon request, all relevant and applicable documents to
65 determine whether the police department meets the requirements for the receipt of grants as set forth in
66 this chapter, and to consent to the use by the Department of all relevant information relating to
67 eligibility for the requested grant.

68 C. The Department shall review applications for grants and determine the amount of the grant to be
69 allocated to each police department. The Department shall allocate moneys in the following order of
70 priority: (i) to police departments possessing communication systems approaching obsolescence, (ii) to
71 police departments that have not received a grant under this Program, (iii) to police departments that
72 have received a grant under this Program in a less recent fiscal year, and (iv) to other eligible
73 applicants. If the moneys in the Fund are less than the amount of grants to which applicants in any
74 class of priority are eligible, the moneys in the Fund shall be apportioned among eligible applicants in
75 such class pro rata, based upon the amount of the grant for which an applicant is eligible and the
76 amount of money in the Fund available for allocation to such class.

77 D. The grant amount for which a police department is eligible shall be the lesser of (i) the total
78 amount for which the police department applied, or (ii) \$10,000.

79 E. The Department shall certify to the Comptroller the amount of grant to be allocated to eligible
80 police department applicants. Payments shall be made by check issued by the State Treasurer on
81 warrant of the Comptroller. The Comptroller shall not draw any warrants to issue checks for this
82 Program without a specific legislative appropriation as specified in conditions and restrictions on
83 expenditures in the appropriation act.

84 F. The Department shall establish additional guidelines as may be required to administer this
85 Program. Such guidelines shall not be inconsistent with the purpose of the Program.

86 G. Actions of the Department relating to the review, allocation and awarding of grants shall be
87 exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) pursuant to
88 subdivision B. 4. of § 2.2-4002. Decisions of the Department shall be final and not subject to review or
89 appeal.