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SENATE BILL NO. 179

Offered January 9, 2002

Prefiled January 8, 2002

A BILL to amend and reenact §§ 19.2-12 and 54.1-306 of the Code of Virginia, relating to conferral of conservators of the peace; Department of Professional and Occupational Regulation.

 Patron—Trumbo

 Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That §§ 19.2-12 and 54.1-306 of the Code of Virginia are amended and reenacted as follows:**

§ 19.2-12. Who are conservators of the peace.

Every judge throughout the Commonwealth and every magistrate within the geographical area for which he is appointed or elected, shall be a conservator of the peace. In addition, every commissioner in chancery, while sitting as such commissioner; any special agent or law-enforcement officer of the United States Department of Justice, National Marine Fisheries Service of the United States Department of Commerce, Department of Treasury, Department of Agriculture, Department of Defense, Department of State, and Department of Interior; any inspector, law-enforcement official or police personnel of the United States Postal Inspection Service; any United States marshal or deputy United States marshal whose duties involve the enforcement of the criminal laws of the United States; any officer of the Virginia Marine Patrol; *any criminal investigator of the Department of Professional and Occupational Regulation*; any criminal investigator of the United States Department of Labor; and any special agent of the United States Naval Criminal Investigative Service, shall be a conservator of the peace, while engaged in the performance of their official duties.

§ 54.1-306. Enforcement of laws by Director or investigators; authority of investigators appointed by Director.

The Director or investigators appointed by him shall be sworn to enforce the statutes and regulations pertaining to the Department, the regulatory boards within Subtitle II (§ 54.1-200 et seq.) of this title, and any of the programs which may be in another title of this Code for which any regulatory board within Subtitle II has enforcement responsibility. The Director or investigators appointed by him shall have the authority to investigate violations of the statutes and regulations that the Director is required to enforce. The Director or investigators appointed by him shall also have the authority to issue summonses for violations of the statutes and regulations governing the unlicensed practice of professions regulated by the Department. In the event a person issued such a summons fails or refuses to discontinue the unlawful acts or refuses to give a written promise to appear at the time and place specified in the summons, the investigator may appear before a magistrate or other issuing authority having jurisdiction to obtain a criminal warrant pursuant to § 19.2-72. *In addition, sworn criminal investigators of the Department's Criminal Investigations section shall be statewide conservators of the peace while engaged in the performance of their official duties.*

All investigators appointed by the Director are vested with the authority to administer oaths or affirmations for the purpose of receiving complaints and conducting investigations of violations of this subtitle, or any regulation promulgated pursuant to authority given by this subtitle or in connection with any investigation conducted on behalf of any regulatory board within this subtitle or a program which may be located in another title in this Code. Such investigators are vested with the authority to obtain, serve and execute any warrant, paper or process issued by any court or magistrate or any regulatory board under the authority of the Director and request and receive criminal history information under the provisions of § 19.2-389.

INTRODUCED

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