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**HOUSE BILL NO. 23**

Offered January 14, 2004

Prefiled November 19, 2003

*A BILL to amend and reenact §§ 9.1-101 and 9.1-400 of the Code of Virginia, relating to appointment of certain agents, inspectors or investigators by the State Corporation Commission for the enforcement of motor vehicle carrier laws.*

Patrons—Landes and Howell, W.J.; Senators: Edwards and Mims

Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:****1. That §§ 9.1-101 and 9.1-400 of the Code of Virginia are amended and reenacted as follows:****§ 9.1-101. Definitions.**

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so and (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities employs officers appointed under § 15.2-1737, or special conservators of the peace or special policemen appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers, special conservators or special policemen to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.) of this chapter, but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities. "Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the

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59 Department of Alcoholic Beverage Control; (ii) police agent appointed under the provisions of § 56-353;  
60 (iii) officer of the Virginia Marine Police; (iv) game warden who is a full-time sworn member of the  
61 enforcement division of the Department of Game and Inland Fisheries; (v) ~~agent, investigator, or~~  
62 ~~inspector appointed under § 56-334;~~ (vi) investigator who is a full-time sworn member of the security  
63 division of the State Lottery Department; or ~~(vii)~~ (vi) conservation officer of the Department of  
64 Conservation and Recreation commissioned pursuant to § 10.1-115. Part-time employees are those  
65 compensated officers who are not full-time employees as defined by the employing police department or  
66 sheriff's office. Full-time sworn members of the enforcement division of the Department of Motor  
67 Vehicles meeting the Department of Criminal Justice Services qualifications shall be deemed to be  
68 "law-enforcement officers" when fulfilling their duties pursuant to § 46.2-217.

69 "School resource officer" means a certified law-enforcement officer hired by the local  
70 law-enforcement agency to provide law-enforcement and security services to Virginia public elementary  
71 and secondary schools.

72 "School security officer" means an individual who is employed by the local school board for the  
73 singular purpose of maintaining order and discipline, preventing crime, investigating violations of school  
74 board policies, and detaining students violating the law or school board policies on school property or at  
75 school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of  
76 all students, faculty, staff, and visitors in the assigned school.

77 § 9.1-400. Title of chapter; definitions.

78 A. This chapter shall be known and designated as the Line of Duty Act.

79 B. As used in this chapter, unless the context requires a different meaning:

80 "Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under  
81 the will of a deceased person if testate, or as his heirs at law if intestate.

82 "Deceased person" means any individual whose death occurs on or after April 8, 1972, as the direct  
83 or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1,  
84 27-40.2, 51.1-813, and 65.2-402, as a law-enforcement officer of the Commonwealth or any of its  
85 political subdivisions; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail  
86 farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of  
87 Richmond; a police chaplain; a member of any fire company or department or rescue squad that has  
88 been recognized by an ordinance or a resolution of the governing body of any county, city or town of  
89 the Commonwealth as an integral part of the official safety program of such county, city or town; a  
90 member of the Virginia National Guard or the Virginia State Defense Force while such member is  
91 serving in the Virginia National Guard or the Virginia State Defense Force on official state duty or  
92 federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic  
93 Beverage Control Board; ~~any agent, investigator, or inspector vested with the power to arrest pursuant to~~  
94 ~~§ 56-334;~~ any regular or special game warden who receives compensation from a county, city or town  
95 or from the Commonwealth appointed pursuant to the provisions of § 29.1-200; any commissioned forest  
96 warden appointed under the provisions of § 10.1-1135; any member or employee of the Virginia Marine  
97 Resources Commission granted the power of arrest pursuant to § 28.2-900; any Department of  
98 Emergency Management hazardous materials officer; any other employee of the Department of  
99 Emergency Management who is performing official duties of the agency, when those duties are related  
100 to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist  
101 under the authority of the Governor in accordance with § 44-146.28; any employee of any county, city,  
102 or town performing official emergency management or emergency services duties in cooperation with  
103 the Department of Emergency Management, when those duties are related to a major disaster or  
104 emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of  
105 the Governor in accordance with § 44-146.28 or a local emergency, as defined in subdivision 6 of  
106 § 44-146.16, declared by a local governing body; any nonfirefighter regional hazardous materials  
107 emergency response team member; or any conservation officer of the Department of Conservation and  
108 Recreation commissioned pursuant to § 10.1-115.

109 "Disabled person" means any individual who, as the direct or proximate result of the performance of  
110 his duty in any position listed in the definition of deceased person in this section, has become mentally  
111 or physically incapacitated so as to prevent the further performance of duty where such incapacity is  
112 likely to be permanent.

113 "Line of duty" means any action the deceased or disabled person was obligated or authorized to  
114 perform by rule, regulation, condition of employment or service, or law.

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