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HOUSE BILL NO. 1517

Offered January 20, 2006

A *BILL to amend and reenact §§ 19.2-12 and 19.2-215.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-511.1, relating to creation of an Attorney General law-enforcement assistance unit.*

Patrons—Albo; Senator: O'Brien

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-12 and 19.2-215.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-511.1 as follows:

§ 2.2-511.1. Attorney General Gang and Terrorism Law-enforcement Assistance Unit.

There is hereby created in the Office of the Attorney General a Gang and Terrorism Law-enforcement Assistance Unit. The functions of this unit shall include:

1. Providing legal guidance and direct assistance to state and local police for the investigation and prosecution of gang crimes, terrorism crimes, and gang- or terrorism-related money laundering and Racketeer Influenced and Corrupt Organization Act violations. Such legal guidance and direct assistance may include, but is not limited to, undercover investigation activities, surveillance, recruitment of cooperative witnesses, and, at the request of the local attorneys for the Commonwealth, criminal trial assistance.

2. Conducting injunction proceedings against gangs in accordance with Chapter 2 (§ 48-7 et seq.) of Title 48.

3. Assisting and serving as special counsel on multijurisdictional grand juries formed to investigate gang crimes, terrorism crimes, and gang- or terrorism-related money laundering and Racketeer Influenced and Corrupt Organization Act violations.

4. Providing testimony and assistance in trials of individuals as requested by the local attorneys for the Commonwealth in prosecution of gang crimes, terrorism crimes, and gang- or terrorism-related money laundering and Racketeer Influenced and Corrupt Organization Act violations.

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

Every judge and attorney for the Commonwealth 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, Office of the Inspector General of the Department of Transportation, Department of Homeland Security, 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 Police; any criminal investigator of the Department of Professional and Occupational Regulation, who meets the minimum law-enforcement training requirements established by the Department of Criminal Justice Services for in-service training; any criminal investigator assigned to the Attorney General Gang and Terrorism Law-enforcement Assistance Unit created under § 2.2-511.1; 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.

§ 19.2-215.1. Functions of a multijurisdiction grand jury.

The functions of a multijurisdiction grand jury are:

1. To investigate any condition that involves or tends to promote criminal violations of:

a. Title 10.1 for which punishment as a felony is authorized;

b. § 13.1-520;

c. §§ 18.2-47 and 18.2-48;

d. §§ 18.2-111 and 18.2-112;

e. Article 6 (§ 18.2-59 et seq.) of Chapter 4 of Title 18.2;

f. Article 7.1 (§ 18.2-152.1 et seq.) of Chapter 5 of Title 18.2;

g. Article 1 (§ 18.2-247 et seq.) and Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2;

h. Article 1 (§ 18.2-325 et seq.) and Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2,

Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 or any other provision prohibiting, limiting, regulating, or

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59 otherwise affecting gaming or gambling activity;
60 i. § 18.2-434, when violations occur before a multijurisdiction grand jury;
61 j. Article 2 (§ 18.2-438 et seq.) and Article 3 (§ 18.2-446 et seq.) of Chapter 10 of Title 18.2;
62 k. § 18.2-460 for which punishment as a felony is authorized;
63 l. Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12 of Title 18.2;
64 m. Article 1 (§ 32.1-310 et seq.) of Chapter 9 of Title 32.1;
65 n. Chapter 4.2 (§ 59.1-68.6 et seq.) of Title 59.1;
66 o. Article 6 (§ 3.1-796.122 et seq.) of Chapter 27.4 of Title 3.1;
67 p. Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
68 q. Article 2.1 (§ 18.2-46.1 et seq.) and Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4 of Title 18.2;
69 r. *The Virginia Racketeer Influenced and Corrupt Organization Act* (§ 18.2-512 et seq.); and
70 rs. Any other provision of law when such condition is discovered in the course of an investigation
71 that a multijurisdiction grand jury is otherwise authorized to undertake and to investigate any condition
72 that involves or tends to promote any attempt, solicitation or conspiracy to violate the laws enumerated
73 in this section.
74 2. To report evidence of any criminal offense enumerated in subdivision 1 to the attorney for the
75 Commonwealth or United States attorney of any jurisdiction where such offense could be prosecuted or
76 investigated and, when appropriate, to the Attorney General.
77 3. To consider bills of indictment prepared by a special counsel to determine whether there is
78 sufficient probable cause to return each such indictment as a "true bill." Only bills of indictment which
79 allege an offense enumerated in subdivision 1 may be submitted to a multijurisdiction grand jury.
80 4. The provisions of this section shall not abrogate the authority of an attorney for the
81 Commonwealth in a particular jurisdiction to determine the course of a prosecution in that jurisdiction.