

2006 SESSION

INTRODUCED

060257304

HOUSE BILL NO. 899

Offered January 11, 2006

Prefiled January 10, 2006

A BILL to amend and reenact § 37.2-810 of the Code of Virginia, relating to temporary detention process; transportation by sheriffs.

Patron—Gear

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-810 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-810. Transportation of person in the temporary detention process.

A. The magistrate issuing the temporary detention order shall specify the law-enforcement agency and jurisdiction that shall execute the temporary detention order and provide transportation. The magistrate shall specify in the temporary detention order *that the law-enforcement agency sheriff* of the jurisdiction in which the person resides ~~to~~ *shall* execute the order and provide transportation. However, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the ~~law-enforcement agency~~ *sheriff* of the jurisdiction in which the person is located shall execute the order and provide transportation. *The magistrate may request the assistance of other law-enforcement agencies to execute the order and provide transportation if the sheriff of the specified jurisdiction is unable to execute the order and provide transportation.* The order may include transportation of the person to such other medical facility as may be necessary to obtain emergency medical evaluation or treatment prior to placement. Nothing herein shall preclude a law-enforcement officer from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section. Such evaluation or treatment shall be conducted immediately in accordance with state and federal law.

B. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.

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