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SENATE BILL NO. 1121

Offered January 10, 2007

Prefiled January 9, 2007

A BILL to amend and reenact §§ 15.2-1704 and 15.2-1727 of the Code of Virginia, relating to powers and duties of police.

Patron—Cuccinelli

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1704 and 15.2-1727 of the Code of Virginia are amended and reenacted as follows:
§ 15.2-1704. Powers and duties of police force.

A. The police force of a locality is hereby invested with all the power and authority which formerly belonged to the office of constable at common law and is responsible for the prevention and detection of crime, the apprehension of criminals, the safeguard of life and property, the preservation of peace and the enforcement of state and local laws, regulations, and ordinances.

B. A police officer has no authority in civil matters, except (i) to execute and serve temporary detention and emergency custody orders and any other powers granted to law-enforcement officers in § 37.2-808 or § 37.2-809, (ii) to serve an order of protection pursuant to §§ 16.1-253.1, 16.1-253.4 and 16.1-279.1, ~~or~~ (iii) to execute all warrants or summons as may be placed in his hands by any magistrate for the locality and to make due return thereof, *and (iv) to deliver, serve, execute, and enforce orders of isolation and quarantine issued pursuant to §§ 32.1-48.09, 32.1-48.012, and 32.1-48.014 and to deliver, serve, execute, and enforce an emergency custody order issued pursuant to § 32.1-48.02.* A town police officer, after receiving training under subdivision 8 of § 9.1-102, may, with the concurrence of the local sheriff, also serve civil papers, and make return thereof, only when the town is the plaintiff and the defendant can be found within the corporate limits of the town.

§ 15.2-1727. Reciprocal agreements with localities outside the Commonwealth.

A locality or a state-supported or private institution of higher learning may, in its discretion, enter into reciprocal agreements for such periods as it deems advisable with any locality outside the Commonwealth, including the District of Columbia, in order to establish and carry into effect a plan to provide mutual aid through the furnishing of its police and other employees and agents, together with all necessary equipment, in the event of such need or emergency as provided herein. ~~No locality or state-supported or private institution of higher learning shall enter into such agreement unless the agreement provides that each of the parties to such agreement shall: (i) waive any and all claims against all the other parties thereto which may arise out of their activities outside their respective jurisdictions under such agreement and (ii) indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury which may arise out of the activities of the other parties to such agreement outside their respective jurisdictions under such agreement~~ *Parties responding to a reciprocal agreement for mutual aid shall be liable to third parties only to the extent permitted under and in accordance with the laws of the state of the party rendering aid.*

The principal law-enforcement officer in any locality or of a state-supported or private institution of higher learning having a reciprocal agreement with a jurisdiction outside the Commonwealth for police mutual aid under the provisions hereof shall be responsible for directing the activities of all police officers and other officers and agents coming into his jurisdiction under the reciprocal agreement. While operating under the terms of the reciprocal agreement, the principal law-enforcement officer is empowered to authorize all police officers and other officers and agents from outside the Commonwealth to enforce the laws of the Commonwealth of Virginia to the same extent as if they were duly authorized law-enforcement officers of the locality or a state-supported or private institution of higher learning in Virginia.

The governing body of any locality or a state-supported or private institution of higher learning in the Commonwealth is authorized to procure or extend the necessary public liability insurance to cover claims arising out of mutual aid agreements executed with other localities outside the Commonwealth.

The police officers, and other officers, agents and employees of a locality or a state-supported or private institution of higher learning serving in a jurisdiction outside the Commonwealth under a reciprocal agreement entered into pursuant hereto are authorized to carry out the duties and functions provided for in the agreement under the command and supervision of the chief law-enforcement officer of the jurisdiction outside the Commonwealth.

In counties where no police department has been established and the sheriff is the chief

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59 law-enforcement officer, the sheriff may enter into mutual aid agreements and furnish and receive such
60 assistance as provided by this section. Sheriffs and their deputies providing assistance pursuant to such a
61 mutual aid agreement shall enjoy all of the authority, immunities and benefits as provided herein for
62 police officers, including full police powers.