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**HOUSE BILL NO. 840**

Offered January 9, 2008

Prefiled January 8, 2008

A *BILL to amend and reenact §§ 15.2-1724, 15.2-1726, 15.2-1728, and 30-34.2:1 of the Code of Virginia, relating to the powers and duties of the Division of Capitol Police.*

Patrons—Sherwood; Senator: Houck

Referred to Committee on Militia, Police and Public Safety

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-1724, 15.2-1726, 15.2-1728, and 30-34.2:1 of the Code of Virginia are amended and reenacted as follows:**

§ 15.2-1724. Police and other officers may be sent beyond territorial limits.

Whenever the necessity arises (i) for the enforcement of laws designed to control or prohibit the use or sale of controlled drugs as defined in § 54.1-3401 or laws contained in Article 3 (§ 18.2-344 et seq.) of Chapter 8 of Title 18.2, (ii) in response to any law-enforcement emergency involving any immediate threat to life or public safety, (iii) during the execution of the provisions of Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2 relating to orders for temporary detention or emergency custody for mental health evaluation or (iv) during any emergency resulting from the existence of a state of war, internal disorder, or fire, flood, epidemic or other public disaster, the police officers and other officers, agents and employees of any locality, *the police officers of the Division of Capitol Police*, and the police of any state-supported institution of higher learning appointed pursuant to § 23-233 may, together with all necessary equipment, lawfully go or be sent beyond the territorial limits of such locality, *such agency*, or such state-supported institution of higher learning to any point within or without the Commonwealth to assist in meeting such emergency or need, or while enroute to a part of the jurisdiction which is only accessible by roads outside the jurisdiction. However, the police of any state-supported institution of higher learning may be sent only to a locality within the Commonwealth, or locality outside the Commonwealth, whose boundaries are contiguous with the locality in which such institution is located. No member of a police force of any state-supported institution of higher learning shall be sent beyond the territorial limits of the locality in which such institution is located unless such member has met the requirements established by the Department of Criminal Justice Services as provided in subdivision 2 (i) of § 9.1-102.

In such event the acts performed for such purpose by such police officers or other officers, agents or employees and the expenditures made for such purpose by such locality, *such agency*, or a state-supported institution of higher learning shall be deemed conclusively to be for a public and governmental purpose, and all of the immunities from liability enjoyed by a locality, *agency*, or a state-supported institution of higher learning when acting through its police officers or other officers, agents or employees for a public or governmental purpose within its territorial limits shall be enjoyed by it to the same extent when such locality, *agency*, or a state-supported institution of higher learning within the Commonwealth is so acting, under this section or under other lawful authority, beyond its territorial limits.

The police officers and other officers, agents and employees of any locality, *agency*, or a state-supported institution of higher learning when acting hereunder or under other lawful authority beyond the territorial limits of such locality, *agency*, or such state-supported institution of higher learning shall have all of the immunities from liability and exemptions from laws, ordinances and regulations and shall have all of the pension, relief, disability, workers' compensation and other benefits enjoyed by them while performing their respective duties within the territorial limits of such locality, *agency*, or such state-supported institution of higher learning.

§ 15.2-1726. Agreements for consolidation of police departments or for cooperation in furnishing police services.

Any locality may, in its discretion, enter into a reciprocal agreement with any other locality, any agency of the federal government exercising police powers, police of any state-supported institution of higher learning appointed pursuant to § 23-233, *Division of Capitol Police*, or with any combination of the foregoing, for such periods and under such conditions as the contracting parties deem advisable, for cooperation in the furnishing of police services. Such localities also may enter into an agreement for the cooperation in the furnishing of police services with the Department of State Police. The governing body of any locality also may, in its discretion, enter into a reciprocal agreement with any other locality, or combination thereof, for the consolidation of police departments or divisions or departments thereof.

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59 Subject to the conditions of the agreement, all police officers, officers, agents and other employees of  
60 such consolidated or cooperating police departments shall have the same powers, rights, benefits,  
61 privileges and immunities in every jurisdiction subscribing to such agreement, including the authority to  
62 make arrests in every such jurisdiction subscribing to the agreement; however, no police officer of any  
63 locality shall have authority to enforce federal laws unless specifically empowered to do so by statute,  
64 and no federal law-enforcement officer shall have authority to enforce the laws of the Commonwealth  
65 unless specifically empowered to do so by statute.

66 The governing body of a county also may enter into a tripartite contract with the governing body of  
67 any town, one or more, in such county and the sheriff for such county for the purpose of having the  
68 sheriff furnish law-enforcement services in the town. The contract shall be structured as a service  
69 contract and may have such other terms and conditions as the contracting parties deem advisable. The  
70 sheriff and any deputy sheriff serving as a town law-enforcement officer shall have authority to enforce  
71 such town's ordinances. Likewise, subject to the conditions of the contract, the sheriff and deputy  
72 sheriffs while serving as a town's law-enforcement officers shall have the same powers, rights, benefits,  
73 privileges and immunities as those of regular town police officers. The sheriff under any such contract  
74 shall be the town's chief of police.

75 § 15.2-1728. Mutual aid agreements between police departments and federal authorities.

76 In any case where exclusive jurisdiction over any property or territory has been granted by the  
77 Commonwealth to the United States government, or to a department or agency thereof, the governing  
78 body of any contiguous locality *or the Division of Capitol Police* may enter into a mutual aid agreement  
79 with the appropriate federal authorities to authorize police cooperation and assistance within such  
80 property or territory. Subject to the conditions of any such agreement, all police officers and agents of  
81 the contracting governing body *or agency* shall have the same powers, rights, benefits, privileges and  
82 immunities while acting in the performance of their duties on the property or territory under federal  
83 authority as are lawfully conferred upon them within their own jurisdictions.

84 § 30-34.2:1. Powers, duties and functions of Capitol Police.

85 The Capitol Police may exercise within the limits of the Capitol Square ~~and~~, when assigned to any  
86 other property owned, leased, or controlled by the Commonwealth or any agency, department, institution  
87 or commission thereof, *and pursuant to the provisions of §§ 15.2-1724, 15.2-1726, and 15.2-1728*, all  
88 the powers, duties and functions which are exercised by the police of the city, or the police or sheriff of  
89 the county within which said property is located. The jurisdiction of the Capitol Police shall further  
90 extend 300 feet beyond the boundary of any property they are required to protect, such jurisdiction to be  
91 concurrent with that of other law-enforcement officers of the locality in which such property is located.  
92 Additionally, the Capitol Police shall have concurrent jurisdiction with law-enforcement officers of the  
93 City of Richmond and of any county contiguous thereto in any case involving the theft or  
94 misappropriation of the personal property of any member or employee of the General Assembly.  
95 Members of the Capitol Police, when assigned to accompany the Governor, members of the Governor's  
96 family, the Lieutenant Governor, the Attorney General, members of the General Assembly, or members  
97 of the Virginia Supreme Court, or when directed to serve a summons issued by the Clerk of the Senate  
98 or the Clerk of the House of Delegates, a joint committee or commission thereof or any committee of  
99 either house shall be vested with all the powers and authority of a law-enforcement officer of any city  
100 or county in which they are required to be. All members of the Capitol Police shall be subject to the  
101 provisions of Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 and to the provisions of Chapter 10 (§ 2.2-1000  
102 et seq.) of Title 2.2.

103 The assignment of jurisdiction to any property pursuant to this section shall be approved by the  
104 Legislative Support Commission.

105 *The Division of Capitol Police shall have the authority to enter into contracts or agreements*  
106 *necessary or incidental to the performance of its duties.*