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HOUSE BILL NO. 2398

Offered January 14, 2009

Prefiled January 14, 2009

A BILL to amend the Code of Virginia by adding a section numbered 44-146.20:1, relating to the establishment of the Commonwealth Law-Enforcement Mutual Aid Agreement.

Patron—Bell

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 44-146.20:1 as follows:

§ 44-146.20:1. Commonwealth Law-Enforcement Mutual Aid Agreement.

A. For purposes of this section:

"Affected law-enforcement agency" means a law-enforcement agency that has not elected to withdraw from the agreement and that has primary jurisdiction over the site of the emergency, but that due to insufficient resources, equipment, or personnel is unable to provide an adequate response to the emergency without the assistance of additional law-enforcement agencies.

"Agreement" means the Commonwealth Law-Enforcement Mutual Aid Agreement.

"Emergency" means a natural or manmade situation that threatens or causes loss of life or property.

"Participating law-enforcement agency" means a law-enforcement agency that provides resources, equipment, or personnel to an affected law-enforcement agency during a disaster or emergency.

B. Notwithstanding any provision to the contrary, and in addition to any mutual aid arrangement made pursuant to § 44-146.20, there is hereby established the Commonwealth Law-Enforcement Mutual Aid Agreement. The purpose of the agreement shall be to safeguard the lives and property of citizens of the Commonwealth during an emergency by enabling law-enforcement agencies to provide additional resources, equipment, or personnel, as needed.

C. Every law-enforcement agency of a political subdivision in the Commonwealth shall be a member of the agreement. The sheriff or chief of police of a political subdivision may elect to not participate in the agreement, and shall provide 90 days' written notice to the Virginia Department of Emergency Management of the intent to withdraw from the agreement.

D. The senior law-enforcement officer present at an emergency may request the assistance of participating law-enforcement agencies if he deems that the emergency is of such magnitude and consequence that additional assistance is required. The senior law-enforcement officer may contact other participating law-enforcement agencies directly to request assistance.

E. Upon receipt of a request for assistance, the senior officer on duty for a participating law-enforcement agency shall be authorized to determine if the requested resources, equipment, or personnel are available, and to dispatch such resources, equipment, or personnel to the affected law-enforcement agency. Any participating law-enforcement agency that receives a request for assistance reserves the right to refuse to render service or to recall any or all rendered assistance whenever it believes that such refusal or recall is necessary to ensure protection of its own jurisdiction.

F. The senior law-enforcement officer of the affected law-enforcement agency present at the site of the emergency shall assume command at the scene, and law-enforcement officers from participating law-enforcement agencies shall work under the direction and supervision of the senior officer of the affected law-enforcement agency.

G. All services rendered under this agreement shall be without reimbursement. Each participating law-enforcement agency shall assume sole responsibility for indemnifying and compensating its employees, including the provision of any benefits for injury or death. Each participating agency shall also be responsible, regardless of fault, for repairing or replacing any damage to its vehicles or equipment that might occur while rendering assistance.

H. The chief law-enforcement officer of each participating law-enforcement agency shall establish a board to establish an operational plan for participation in the agreement. Such plan shall be reviewed and updated regularly.

INTRODUCED

HB2398