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HOUSE BILL NO. 1561

Offered January 9, 2013

Prefiled January 4, 2013

A *BILL to amend and reenact §§ 15.2-1724 and 15.2-1726 of the Code of Virginia, relating to agreements for consolidation or cooperation of police departments; private police departments.*

Patron—Garrett

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. **That §§ 15.2-1724 and 15.2-1726 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 or § 16.1-340 or 16.1-340.1 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, and any private corporation designated as a criminal justice agency as defined in § 9.1-101 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~~ *en route* to a part of the jurisdiction which ~~thatis~~ 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, the police of any state-supported institution of higher learning appointed pursuant to § 23-233, the Division of Capitol Police, any private corporation designated as a criminal justice agency as defined in § 9.1-101, 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

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

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