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HOUSE BILL NO. 1670

Offered January 14, 2015

Prefiled January 9, 2015

A *BILL to amend and reenact §§ 15.2-1609, 15.2-1701, 15.2-1727, and 15.2-1730.1 of the Code of Virginia, relating to sheriffs; chief law-enforcement officer of locality.*

 Patron—Berg

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1609, 15.2-1701, 15.2-1727, and 15.2-1730.1 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1609. Sheriff.

The voters in every county and city shall elect a sheriff unless otherwise provided by general law or special act. The sheriff shall exercise all the powers conferred and perform all the duties imposed upon sheriffs by general law *and shall be the chief law-enforcement officer of such county or city.* He shall enforce the law or see that it is enforced in the locality from which he is elected; assist in the judicial process as provided by general law; and be charged with the custody, feeding and care of all prisoners confined in the county or city jail. He may perform such other duties, not inconsistent with his office, as may be requested of him by the governing body. The sheriff shall be elected as provided by general law for a term of four years.

Notwithstanding any other provision of law, funding for the sheriff's office shall be in an amount as provided in the general appropriation act.

§ 15.2-1701. Organization of police forces.

Any locality may, by ordinance, provide for the organization of its authorized police forces. Such forces shall include a chief of police, and such officers and other personnel as appropriate.

~~When a~~ *Regardless of whether a locality provides for a police department, the chief sheriff of police the locality shall be the chief law-enforcement officer of that locality. However, in towns, the chief law-enforcement officer may be called the town sergeant.*

§ 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 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 between localities 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

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59 provided for in the agreement under the command and supervision of the chief law-enforcement officer
60 of the jurisdiction outside the Commonwealth.

61 In counties where no police department has been established and the sheriff is the chief
62 law-enforcement officer, the sheriff may enter into mutual aid agreements and furnish and receive such
63 assistance as provided by this section. Sheriffs and their deputies providing assistance pursuant to such a
64 mutual aid agreement shall enjoy all of the authority, immunities and benefits as provided herein for
65 police officers, including full police powers.

66 **§ 15.2-1730.1. Authority and immunity of sheriffs and deputies.**

67 In counties where no police department has been established and the sheriff is the chief
68 law-enforcement officer, ~~the~~ The sheriff may enter into agreements with any other governmental entity
69 providing law-enforcement services in the Commonwealth, and may furnish and receive
70 interjurisdictional law-enforcement assistance for all law-enforcement purposes, including those described
71 in this chapter, and for purposes of Chapter 3.2 (§ 44-146.13 et seq.) of Title 44. Sheriffs and their
72 deputies, providing or receiving such assistance, shall have all the authority, benefits, immunity from
73 liability and exemptions from laws, ordinances and regulations as officers acting within their own
74 jurisdictions.