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HOUSE BILL NO. 1785

Offered January 14, 2015

Prefiled January 13, 2015

A *BILL to amend and reenact § 23-234 of the Code of Virginia, relating to campus police departments; sexual assaults; reporting to local attorney for the Commonwealth.*

Patrons—Massie, Filler-Corn, Albo, Bell, Robert B., Campbell, DeSteph, Greason, Herring, Hester, Hugo, Jones, Keam, Kory, Landes, Leftwich, LeMunyon, Lingamfelter, Marshall, R.G., McClellan, Minchew, O'Bannon, O'Quinn, Peace, Rasoul, Robinson, Rush, Rust, Stolle, Tyler, Ward, Webert and Wilt

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 23-234 of the Code of Virginia is amended and reenacted as follows:

§ 23-234. Powers and duties; jurisdiction.

A. A campus police officer appointed as provided in § 23-233 or appointed and activated pursuant to § 23-233.1 may exercise the powers and duties conferred by law upon police officers of cities, towns, or counties, and shall be so deemed, including but not limited to the provisions of Chapters 5 (§ 19.2-52 et seq.), 7 (§ 19.2-71 et seq.), and 23 (§ 19.2-387 et seq.) of Title 19.2, (i) upon any property owned or controlled by the relevant public or private institution of higher education, or, upon request, any property owned or controlled by another public or private institution of higher education and upon the streets, sidewalks, and highways, immediately adjacent thereto, (ii) pursuant to a mutual aid agreement provided for in § 15.2-1727 between the governing board of a public or private institution and such other institution of higher education, public or private, in the Commonwealth or adjacent political subdivisions, (iii) in close pursuit of a person as provided in § 19.2-77, and (iv) upon approval by the appropriate circuit court of a petition by the local governing body for concurrent jurisdiction in designated areas with the police officers of the county, city, or town in which the institution, its satellite campuses, or other properties are located. The local governing body may petition the circuit court pursuant only to a request by the local law-enforcement agency for concurrent jurisdiction.

B. All public or private institutions of higher education that have campus police forces established in accordance with the provisions of this chapter shall enter in and become a party to mutual aid agreements with one or more of the following: (i) an adjacent local law-enforcement agency or (ii) the Department of State Police, for the use of their joint forces, both regular and auxiliary, equipment, and materials when needed in the investigation of any felony criminal sexual assault or medically unattended death occurring on property owned or controlled by the institution of higher education or any death resulting from an incident occurring on such property. *Such mutual aid agreements shall include provisions requiring either the campus police force or an agency with which it has established a mutual aid agreement pursuant to this subsection to notify the local attorney for the Commonwealth of any investigation involving a felony criminal sexual assault set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 occurring on property owned or controlled by the institution of higher education within 48 hours of beginning such investigation.* The provisions of this section shall not prohibit a campus police force from requesting assistance from any appropriate law-enforcement agency of the Commonwealth, even though a mutual aid agreement has not been executed with that agency.

INTRODUCED

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