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HOUSE BILL NO. 1785

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education
on February 4, 2015)

(Patron Prior to Substitute—Delegate Massie)

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.

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; mutual aid agreements; memoranda of understanding.**

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 the agency with which it has established a mutual aid agreement pursuant to this subsection, in the event that such police force or agency conducts an investigation that (i) involves a felony criminal sexual assault set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 occurring on campus, a noncampus building or property, or public property, as those terms are defined in subdivision (6) of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092(f) (Clery Act) and (ii) is victim-initiated or requires the institution to make a timely report to the campus community pursuant to subdivision (3) of the Clery Act, to notify the local attorney for the Commonwealth of such investigation 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.

C. All public or private institutions of higher education that (i) do not have campus police forces established in accordance with the provisions of this chapter and (ii) have security departments; rely on municipal, county, or state police forces; or contract for security services from private parties pursuant to § 23-238 shall enter in and become a party to memoranda of understanding with an adjacent local law-enforcement agency or the Department of State Police (the Department) to require either such local law-enforcement agency or the Department, in the event that such agency or the Department conducts an investigation that (a) involves a felony criminal sexual assault set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 occurring on campus, a noncampus building or property, or public property, as those terms are defined in subdivision (6) of the Clery Act and (b) is victim-initiated or requires the institution to make a timely report to the campus community pursuant to subdivision (3) of the Clery Act, to notify the local attorney for the Commonwealth of such investigation within 48 hours of beginning such investigation.