

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 9.1-101, as it is currently effective and as it shall become effective, of*
 3 *the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-836.1,*
 4 *relating to urban county executive form of government; animal protection police officer.*

5 [H 118]
 6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That § 9.1-101, as it is currently effective and as it shall become effective, of the Code of**
 9 **Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section**
 10 **numbered 15.2-836.1 as follows:**

11 **§ 9.1-101. (Effective until July 1, 2018) Definitions.**

12 As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires
 13 a different meaning:

14 "Administration of criminal justice" means performance of any activity directly involving the
 15 detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication,
 16 correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection,
 17 storage, and dissemination of criminal history record information.

18 "Board" means the Criminal Justice Services Board.

19 "Conviction data" means information in the custody of any criminal justice agency relating to a
 20 judgment of conviction, and the consequences arising therefrom, in any court.

21 "Correctional status information" means records and data concerning each condition of a convicted
 22 person's custodial status, including probation, confinement, work release, study release, escape, or
 23 termination of custody through expiration of sentence, parole, pardon, or court decision.

24 "Criminal history record information" means records and data collected by criminal justice agencies
 25 on adult individuals consisting of identifiable descriptions and notations of arrests, detentions,
 26 indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall
 27 not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title
 28 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional
 29 status information.

30 "Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof
 31 which as its principal function performs the administration of criminal justice and any other agency or
 32 subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for
 33 the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which,
 34 within the context of its criminal justice activities, employs special conservators of the peace appointed
 35 under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency
 36 requires its officers or special conservators to meet compulsory training standards established by the
 37 Criminal Justice Services Board and submits reports of compliance with the training standards and (b)
 38 the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only
 39 to the extent that the private corporation or agency so designated as a criminal justice agency performs
 40 criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities
 41 otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil
 42 Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

43 "Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to
 44 § 18.2-271.2.

45 "Criminal justice agency" includes the Department of Criminal Justice Services.

46 "Criminal justice agency" includes the Virginia State Crime Commission.

47 "Criminal justice information system" means a system including the equipment, facilities, procedures,
 48 agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of
 49 criminal history record information. The operations of the system may be performed manually or by
 50 using electronic computers or other automated data processing equipment.

51 "Department" means the Department of Criminal Justice Services.

52 "Dissemination" means any transfer of information, whether orally, in writing, or by electronic
 53 means. The term shall not include access to the information by officers or employees of a criminal
 54 justice agency maintaining the information who have both a need and right to know the information.

55 "Law-enforcement officer" means any full-time or part-time employee of a police department or
 56 sheriff's office which is a part of or administered by the Commonwealth or any political subdivision

57 thereof, or any full-time or part-time employee of a private police department, and who is responsible
58 for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of
59 the Commonwealth, and shall include any (i) special agent of the Department of Alcoholic Beverage
60 Control; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine
61 Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of
62 the Department of Game and Inland Fisheries; (v) investigator who is a full-time sworn member of the
63 security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and
64 Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement
65 division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection
66 police officer employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under
67 Chapter 17 (§ 23-232 et seq.) of Title 23; or (x) private police officer employed by a private police
68 department. Part-time employees are those compensated officers who are not full-time employees as
69 defined by the employing police department, sheriff's office, or private police department.

70 "Private police department" means any police department, other than a department that employs
71 police agents under the provisions of § 56-353, that employs private police officers operated by an entity
72 authorized by statute or an act of assembly to establish a private police department. No entity is
73 authorized to operate a private police department or represent that it is a private police department
74 unless such entity has been authorized by statute or an act of assembly. The authority of a private police
75 department shall be limited to real property owned, leased, or controlled by the entity and, if approved
76 by the local chief of police or sheriff, any contiguous property; such authority shall not supersede the
77 authority, duties, or jurisdiction vested by law with the local police department or sheriff's office
78 including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief
79 local law-enforcement officer shall enter into a memorandum of understanding with the private police
80 department that addresses the duties and responsibilities of the private police department and the chief
81 law-enforcement officer in the conduct of criminal investigations. Private police departments and private
82 police officers shall be subject to and comply with the Constitution of the United States; the
83 Constitution of Virginia; the laws governing municipal police departments, including the provisions of the
84 §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, and 15.2-1722; and any regulations
85 adopted by the Board that the Department designates as applicable to private police departments. Any
86 person employed as a private police officer pursuant to this section shall meet all requirements,
87 including the minimum compulsory training requirements, for law-enforcement officers pursuant to this
88 chapter. A private police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.)
89 or under the Virginia Retirement System, is not a "qualified law enforcement officer" or "qualified
90 retired law enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act,
91 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or any locality.
92 An authorized private police department may use the word "police" to describe its sworn officers and
93 may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of
94 Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not
95 otherwise established by statute or an act of assembly and whose status as a private police department
96 was recognized by the Department at that time is hereby validated and may continue to operate as a
97 private police department, provided it complies with the requirements set forth herein.

98 "School resource officer" means a certified law-enforcement officer hired by the local
99 law-enforcement agency to provide law-enforcement and security services to Virginia public elementary
100 and secondary schools.

101 "School security officer" means an individual who is employed by the local school board for the
102 singular purpose of maintaining order and discipline, preventing crime, investigating violations of school
103 board policies, and detaining students violating the law or school board policies on school property or at
104 school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of
105 all students, faculty, staff, and visitors in the assigned school.

106 **§ 9.1-101. (Effective July 1, 2018) Definitions.**

107 As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires
108 a different meaning:

109 "Administration of criminal justice" means performance of any activity directly involving the
110 detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication,
111 correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection,
112 storage, and dissemination of criminal history record information.

113 "Board" means the Criminal Justice Services Board.

114 "Conviction data" means information in the custody of any criminal justice agency relating to a
115 judgment of conviction, and the consequences arising therefrom, in any court.

116 "Correctional status information" means records and data concerning each condition of a convicted
117 person's custodial status, including probation, confinement, work release, study release, escape, or

118 termination of custody through expiration of sentence, parole, pardon, or court decision.

119 "Criminal history record information" means records and data collected by criminal justice agencies
 120 on adult individuals consisting of identifiable descriptions and notations of arrests, detentions,
 121 indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall
 122 not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title
 123 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional
 124 status information.

125 "Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof
 126 which as its principal function performs the administration of criminal justice and any other agency or
 127 subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for
 128 the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which,
 129 within the context of its criminal justice activities, employs special conservators of the peace appointed
 130 under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency
 131 requires its officers or special conservators to meet compulsory training standards established by the
 132 Criminal Justice Services Board and submits reports of compliance with the training standards and (b)
 133 the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only
 134 to the extent that the private corporation or agency so designated as a criminal justice agency performs
 135 criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities
 136 otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil
 137 Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

138 "Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to
 139 § 18.2-271.2.

140 "Criminal justice agency" includes the Department of Criminal Justice Services.

141 "Criminal justice agency" includes the Virginia State Crime Commission.

142 "Criminal justice information system" means a system including the equipment, facilities, procedures,
 143 agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of
 144 criminal history record information. The operations of the system may be performed manually or by
 145 using electronic computers or other automated data processing equipment.

146 "Department" means the Department of Criminal Justice Services.

147 "Dissemination" means any transfer of information, whether orally, in writing, or by electronic
 148 means. The term shall not include access to the information by officers or employees of a criminal
 149 justice agency maintaining the information who have both a need and right to know the information.

150 "Law-enforcement officer" means any full-time or part-time employee of a police department or
 151 sheriff's office which is a part of or administered by the Commonwealth or any political subdivision
 152 thereof, or any full-time or part-time employee of a private police department, and who is responsible
 153 for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of
 154 the Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control
 155 Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia
 156 Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement
 157 division of the Department of Game and Inland Fisheries; (v) investigator who is a full-time sworn
 158 member of the security division of the Virginia Lottery; (vi) conservation officer of the Department of
 159 Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the
 160 enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii)
 161 animal protection police officer employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer
 162 appointed under Chapter 17 (§ 23-232 et seq.) of Title 23; or (x) private police officer employed by a
 163 private police department. Part-time employees are those compensated officers who are not full-time
 164 employees as defined by the employing police department, sheriff's office, or private police department.

165 "Private police department" means any police department, other than a department that employs
 166 police agents under the provisions of § 56-353, that employs private police officers operated by an entity
 167 authorized by statute or an act of assembly to establish a private police department. No entity is
 168 authorized to operate a private police department or represent that it is a private police department
 169 unless such entity has been authorized by statute or an act of assembly. The authority of a private police
 170 department shall be limited to real property owned, leased, or controlled by the entity and, if approved
 171 by the local chief of police or sheriff, any contiguous property; such authority shall not supersede the
 172 authority, duties, or jurisdiction vested by law with the local police department or sheriff's office
 173 including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief
 174 local law-enforcement officer shall enter into a memorandum of understanding with the private police
 175 department that addresses the duties and responsibilities of the private police department and the chief
 176 law-enforcement officer in the conduct of criminal investigations. Private police departments and private
 177 police officers shall be subject to and comply with the Constitution of the United States; the
 178 Constitution of Virginia; the laws governing municipal police departments, including the provisions of

179 §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, and 15.2-1722; and any regulations
180 adopted by the Board that the Department designates as applicable to private police departments. Any
181 person employed as a private police officer pursuant to this section shall meet all requirements,
182 including the minimum compulsory training requirements, for law-enforcement officers pursuant to this
183 chapter. A private police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.)
184 or under the Virginia Retirement System, is not a "qualified law enforcement officer" or "qualified
185 retired law enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act,
186 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or any locality.
187 An authorized private police department may use the word "police" to describe its sworn officers and
188 may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of
189 Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not
190 otherwise established by statute or an act of assembly and whose status as a private police department
191 was recognized by the Department at that time is hereby validated and may continue to operate as a
192 private police department, provided it complies with the requirements set forth herein.

193 "School resource officer" means a certified law-enforcement officer hired by the local
194 law-enforcement agency to provide law-enforcement and security services to Virginia public elementary
195 and secondary schools.

196 "School security officer" means an individual who is employed by the local school board for the
197 singular purpose of maintaining order and discipline, preventing crime, investigating violations of school
198 board policies, and detaining students violating the law or school board policies on school property or at
199 school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of
200 all students, faculty, staff, and visitors in the assigned school.

201 **§ 15.2-836.1. Animal protection police officer.**

202 *The department of police, if established in accordance with Chapter 17 (§ 15.2-1700 et seq.), may*
203 *include an animal protection police officer who shall have all of the powers of an animal control*
204 *officer, as defined in §3.2-6500, conferred by general law and one or more deputy animal protection*
205 *police officers to assist the animal protection police officer in the performance of his duties. An animal*
206 *protection officer and his deputies also shall have all of the powers vested in law-enforcement officers,*
207 *as defined in § 9.1-101, if they meet the minimum qualifications and have been certified under*
208 *§§ 15.2-1705 and 15.2-1706.*