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HOUSE BILL NO. 517

Offered January 13, 2016

Prefiled January 9, 2016

A BILL to amend and reenact § 19.2-81, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to warrantless arrest; conservation police officers and conservation officers.

Patron—Landes

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-81, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 19.2-81. (Effective until July 1, 2018) Arrest without warrant authorized in certain cases.

A. The following officers shall have the powers of arrest as provided in this section:

1. Members of the State Police force of the Commonwealth;
2. Sheriffs of the various counties and cities, and their deputies;
3. Members of any county police force or any duly constituted police force of any city or town of the Commonwealth;
4. The Commissioner, members and employees of the Marine Resources Commission granted the power of arrest pursuant to § 28.2-900;
5. Regular conservation police officers appointed pursuant to § 29.1-200;
6. United States Coast Guard and United States Coast Guard Reserve commissioned, warrant, and petty officers authorized under § 29.1-205 to make arrests;
7. Conservation officers appointed pursuant to § 10.1-115;
8. Full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217;
9. Special agents of the Department of Alcoholic Beverage Control; and
10. Campus police officers appointed under Chapter 17 (§ 23-232 et seq.) of Title 23.

B. Such officers may arrest without a warrant any person who commits any crime in the presence of the officer and any person whom he has reasonable grounds or probable cause to suspect of having committed a felony not in his presence.

Such officers may arrest without a warrant any person whom the officer has probable cause to suspect of operating any watercraft or motorboat while (i) intoxicated in violation of subsection B of § 29.1-738 or a substantially similar ordinance of any county, city, or town in the Commonwealth or (ii) in violation of an order issued pursuant to § 29.1-738.4 and may thereafter transfer custody of the person arrested to another officer, who may obtain a warrant based upon statements made to him by the arresting officer.

C. Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined in § 29.1-733.2 or motorboat, or at any hospital or medical facility to which any person involved in such accident has been transported, or in the apprehension of any person charged with the theft of any motor vehicle, on any of the highways or waters of the Commonwealth, upon reasonable grounds to believe, based upon personal investigation, including information obtained from eyewitnesses, that a crime has been committed by any person then and there present, apprehend such person without a warrant of arrest. For purposes of this section, "the scene of any accident" shall include a reasonable location where a vehicle or person involved in an accident has been moved at the direction of a law-enforcement officer to facilitate the clearing of the highway or to ensure the safety of the motoring public.

D. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to suspect of driving or operating a motor vehicle, watercraft or motorboat while intoxicated in violation of § 18.2-266, 18.2-266.1, 46.2-341.24, or subsection B of § 29.1-738; or a substantially similar ordinance of any county, city, or town in the Commonwealth, whether or not the offense was committed in such officer's presence. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to suspect of operating a watercraft or motorboat in violation of an order issued pursuant to § 29.1-738.4, whether or not the offense was committed in such officer's presence.

E. Such officers may arrest, without a warrant or a capias, persons duly charged with a crime in another jurisdiction upon receipt of a photocopy of a warrant or a capias, telegram, computer printout,

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59 facsimile printout, a radio, telephone or teletype message, in which photocopy of a warrant, telegram,
60 computer printout, facsimile printout, radio, telephone or teletype message shall be given the name or a
61 reasonably accurate description of such person wanted and the crime alleged.

62 F. Such officers may arrest, without a warrant or a capias, for an alleged misdemeanor not
63 committed in his presence when the officer receives a radio message from his department or other
64 law-enforcement agency within the Commonwealth that a warrant or capias for such offense is on file.

65 G. Such officers may also arrest without a warrant for an alleged misdemeanor not committed in
66 their presence involving (i) shoplifting in violation of § 18.2-96 or 18.2-103 or a similar local ordinance,
67 (ii) carrying a weapon on school property in violation of § 18.2-308.1, (iii) assault and battery, (iv)
68 brandishing a firearm in violation of § 18.2-282, or (v) destruction of property in violation of
69 § 18.2-137, when such property is located on premises used for business or commercial purposes, or a
70 similar local ordinance, when any such arrest is based on probable cause upon reasonable complaint of
71 the person who observed the alleged offense. The arresting officer may issue a summons to any person
72 arrested under this section for a misdemeanor violation involving shoplifting.

73 *H. Regular conservation police officers and conservation officers may also arrest without a warrant*
74 *for an alleged misdemeanor not committed in their presence involving hunting, trapping, inland fish,*
75 *and boating laws, when any such arrest is based on probable cause upon personal investigation,*
76 *including information obtained from eyewitnesses.*

77 **§ 19.2-81. (Effective July 1, 2018) Arrest without warrant authorized in certain cases.**

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- 79 1. Members of the State Police force of the Commonwealth;
- 80 2. Sheriffs of the various counties and cities, and their deputies;
- 81 3. Members of any county police force or any duly constituted police force of any city or town of
82 the Commonwealth;
- 83 4. The Commissioner, members and employees of the Marine Resources Commission granted the
84 power of arrest pursuant to § 28.2-900;
- 85 5. Regular conservation police officers appointed pursuant to § 29.1-200;
- 86 6. United States Coast Guard and United States Coast Guard Reserve commissioned, warrant, and
87 petty officers authorized under § 29.1-205 to make arrests;
- 88 7. Conservation officers appointed pursuant to § 10.1-115;
- 89 8. Full-time sworn members of the enforcement division of the Department of Motor Vehicles
90 appointed pursuant to § 46.2-217;
- 91 9. Special agents of the Virginia Alcoholic Beverage Control Authority; and
- 92 10. Campus police officers appointed under Chapter 17 (§ 23-232 et seq.) of Title 23.

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94 the officer and any person whom he has reasonable grounds or probable cause to suspect of having
95 committed a felony not in his presence.

96 Such officers may arrest without a warrant any person whom the officer has probable cause to
97 suspect of operating any watercraft or motorboat while (i) intoxicated in violation of subsection B of
98 § 29.1-738 or a substantially similar ordinance of any county, city, or town in the Commonwealth or (ii)
99 in violation of an order issued pursuant to § 29.1-738.4 and may thereafter transfer custody of the
100 person arrested to another officer, who may obtain a warrant based upon statements made to him by the
101 arresting officer.

102 C. Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as
103 defined in § 29.1-733.2 or motorboat, or at any hospital or medical facility to which any person
104 involved in such accident has been transported, or in the apprehension of any person charged with the
105 theft of any motor vehicle, on any of the highways or waters of the Commonwealth, upon reasonable
106 grounds to believe, based upon personal investigation, including information obtained from eyewitnesses,
107 that a crime has been committed by any person then and there present, apprehend such person without a
108 warrant of arrest. For purposes of this section, "the scene of any accident" shall include a reasonable
109 location where a vehicle or person involved in an accident has been moved at the direction of a
110 law-enforcement officer to facilitate the clearing of the highway or to ensure the safety of the motoring
111 public.

112 D. Such officers may, within three hours of the alleged offense, arrest without a warrant at any
113 location any person whom the officer has probable cause to suspect of driving or operating a motor
114 vehicle, watercraft or motorboat while intoxicated in violation of § 18.2-266, 18.2-266.1, 46.2-341.24, or
115 subsection B of § 29.1-738; or a substantially similar ordinance of any county, city, or town in the
116 Commonwealth, whether or not the offense was committed in such officer's presence. Such officers may,
117 within three hours of the alleged offense, arrest without a warrant at any location any person whom the
118 officer has probable cause to suspect of operating a watercraft or motorboat in violation of an order
119 issued pursuant to § 29.1-738.4, whether or not the offense was committed in such officer's presence.

120 E. Such officers may arrest, without a warrant or a capias, persons duly charged with a crime in

another jurisdiction upon receipt of a photocopy of a warrant or a capias, telegram, computer printout, facsimile printout, a radio, telephone or teletype message, in which photocopy of a warrant, telegram, computer printout, facsimile printout, radio, telephone or teletype message shall be given the name or a reasonably accurate description of such person wanted and the crime alleged.

F. Such officers may arrest, without a warrant or a capias, for an alleged misdemeanor not committed in his presence when the officer receives a radio message from his department or other law-enforcement agency within the Commonwealth that a warrant or capias for such offense is on file.

G. Such officers may also arrest without a warrant for an alleged misdemeanor not committed in their presence involving (i) shoplifting in violation of § 18.2-96 or 18.2-103 or a similar local ordinance, (ii) carrying a weapon on school property in violation of § 18.2-308.1, (iii) assault and battery, (iv) brandishing a firearm in violation of § 18.2-282, or (v) destruction of property in violation of § 18.2-137, when such property is located on premises used for business or commercial purposes, or a similar local ordinance, when any such arrest is based on probable cause upon reasonable complaint of the person who observed the alleged offense. The arresting officer may issue a summons to any person arrested under this section for a misdemeanor violation involving shoplifting.

H. Regular conservation police officers and conservation officers may also arrest without a warrant for an alleged misdemeanor not committed in their presence involving hunting, trapping, inland fish, and boating laws, when any such arrest is based on probable cause upon personal investigation, including information obtained from eyewitnesses.