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**HOUSE BILL NO. 570**

Offered January 13, 2016

Prefiled January 11, 2016

A *BILL to amend and reenact § 15.2-1702 of the Code of Virginia, relating to election of county police chief.*

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Patron—Albo

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Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:****1. That § 15.2-1702 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-1702. Referendum required prior to establishment of county police force.**

A. A county shall not establish a police force unless (i) such action is first approved by the voters of the county in accordance with the provisions of this section and (ii) the General Assembly enacts appropriate authorizing legislation.

B. The governing body of any county shall petition the court, by resolution, asking that a referendum be held on the question, "Shall a police force *with an elected chief of police* be established in the county and the sheriff's office be relieved of primary law-enforcement responsibilities?" The court, by order entered of record in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2, shall require the regular election officials of the county to open the polls and take the sense of the voters on the question as herein provided.

The clerk of the circuit court for the county shall publish notice of the election in a newspaper of general circulation in the county once a week for three consecutive weeks prior to the election. The notice shall contain the ballot question and a statement of not more than 500 words on the proposed question. The explanation shall be presented in plain English, shall be limited to a neutral explanation, and shall not present arguments by either proponents or opponents of the proposal. The attorney for the county or city or, if there is no county or city attorney, the attorney for the Commonwealth shall prepare the explanation. "Plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession.

C. The county may expend public funds to produce and distribute neutral information concerning the referendum; provided, however, public funds may not be used to promote a particular position on the question, either in the notice called for in subsection B, or in any other distribution of information to the public.

D. The regular election officers of the county shall open the polls on the date specified in such order and conduct the election in the manner provided by law. The election shall be by ballot which shall be prepared by the electoral board of the county and on which shall be printed the following:

"Shall a police force *with an elected chief of police* be established in the county and the sheriff's office be relieved of primary law-enforcement responsibilities?"

[ ] Yes

[ ] No"

The ballots shall be counted, returns made and canvassed as in other elections, and the results certified by the electoral board to the court ordering the election. If a majority of the voters voting in the election vote "Yes," the court shall enter an order proclaiming the results of the election and a duly certified copy of such order shall be transmitted to the governing body of the county. The governing body shall proceed to establish a police force following the enactment of authorizing legislation by the General Assembly. *The authorizing legislation shall set the time for election of the county police chief, to be held in the same manner as the election of the county's constitutional officers as set out in § 24.2-217. The county police chief shall be subject to the residency, qualification for office, bonding, dual-office-holding requirements, and prohibitions provided for in Chapter 15 (§ 15.2-1500 et seq.) and shall serve for a term of four years.*

E. After a referendum has been conducted pursuant to this section, no subsequent referendum shall be conducted pursuant to this section in the same county for a period of four years from the date of the prior referendum.

**2. That any county that has established a police force pursuant to this section, or any other provision of law, prior to the effective date of this act shall establish an elected chief of police in accordance with this act no later than January 1, 2018.**

**3. That the provisions of this act shall take override any contrary provision of law, general or**

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