

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-81 of the Code of Virginia, relating to arrest without warrant.*

3 [H 2284]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 19.2-81 of the Code of Virginia is amended and reenacted as follows:**

7 § 19.2-81. Arrest without warrant authorized in certain cases.

8 Members of the State Police force of the Commonwealth, the sheriffs of the various counties and
9 cities, and their deputies, the members of any county police force, the members of any duly constituted
10 police force of any city or town of the Commonwealth, the Commissioner, members and employees of
11 the Marine Resources Commission granted the power of arrest pursuant to § 28.1-185, regular game
12 wardens appointed pursuant to § 29.1-200, United States Coast Guard and United States Coast Guard
13 Reserve commissioned, warrant, and petty officers authorized under § 29.1-205 to make arrests, and the
14 special policemen of the counties as provided by § 15.1-144, provided such officers are in uniform, or
15 displaying a badge of office, may arrest, without a warrant, any person who commits any crime in the
16 presence of such officer and any person whom he has reasonable grounds or probable cause to suspect
17 of having committed a felony not in his presence. Any such officer may arrest without a warrant any
18 person whom the officer has probable cause to suspect of operating a watercraft or motor boat while
19 intoxicated in violation of § 29.1-738 B, in his presence, and such officer may thereafter transfer custody
20 of the person suspected of the violation to another officer, who may obtain a warrant based upon
21 statements made to him by the arresting officer.

22 Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined
23 in § 29.1-712 or motorboat, or at any hospital or medical facility to which any person involved in such
24 accident has been transported, or in the apprehension of any person charged with the theft of any motor
25 vehicle, on any of the highways or waters of the Commonwealth, upon reasonable grounds to believe,
26 based upon personal investigation, including information obtained from eyewitnesses, that a crime has
27 been committed by any person then and there present, apprehend such person without a warrant of
28 arrest.

29 Such officers may arrest, without a warrant, persons duly charged with a crime in another jurisdiction
30 upon receipt of a photocopy of a warrant, telegram, computer printout, facsimile printout, a radio,
31 telephone or teletype message, in which photocopy of a warrant, telegram, computer printout, facsimile
32 printout, radio, telephone or teletype message shall be given the name or a reasonably accurate
33 description of such person wanted and the crime alleged.

34 Such officers may arrest, without a warrant, for an alleged misdemeanor not committed in his
35 presence when the officer receives a radio message from his department or other law-enforcement
36 agency within the Commonwealth that a warrant for such offense is on file. Such officers may also
37 arrest without a warrant for an alleged misdemeanor not committed in their presence involving (i)
38 shoplifting in violation of § 18.2-96 or § 18.2-103 *or a similar local ordinance*, (ii) carrying a weapon
39 on school property in violation of § 18.2-308.1, (iii) assault and battery or (iv) destruction of property in
40 violation of § 18.2-137, when such property is located on premises used for business or commercial
41 purposes, *or a similar local ordinance*, when any such arrest is based on probable cause upon
42 reasonable complaint of the person who observed the alleged offense. The arresting officer may issue a
43 summons to any person arrested under this section for a misdemeanor violation involving shoplifting.

ENROLLED

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