

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 668

An Act to amend and reenact § 15.1-131 of the Code of Virginia, relating to law-enforcement mutual aid agreements.

[H 2818]

Approved March 21, 1997

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-131 of the Code of Virginia is amended and reenacted as follows:

§ 15.1-131. Police, etc., may be sent beyond territorial limits; reciprocal agreements between counties, cities or towns and certain private police forces for mutual aid.

Whenever the necessity arises for the enforcement of laws designed to control or prohibit the use or sale of controlled drugs as defined in § 54.1-3401 or laws contained in Article 3 (§ 18.2-344 et seq.) of Chapter 8 of Title 18.2, or in response to any law-enforcement emergency involving any immediate threat to life or public safety, or during the execution of the provisions of § 37.1-67.01 or § 37.1-67.1 relating to orders for temporary detention or emergency custody for mental health evaluation or during any emergency resulting from the existence of a state of war, internal disorder, or fire, flood, epidemic or other public disaster, the policemen and other officers, agents and employees of any county, city or town and the police of any state-supported institution of higher learning appointed pursuant to § 23-233 may, together with all necessary equipment, lawfully go or be sent beyond the territorial limits of such county, city or town or such state-supported institution of higher learning to any point within or without the Commonwealth to assist in meeting such emergency or need, or while enroute to a part of the jurisdiction which is only accessible by roads outside the jurisdiction. However, the police of any state-supported institution of higher learning may be sent only to a county, city or town within the Commonwealth, or locality outside the Commonwealth, whose boundaries are contiguous with the county or city in which such institution is located. No member of a police force of any state-supported institution of higher learning shall be sent beyond the territorial limits of the county or city in which such institution is located unless such member has met the requirements established by the Department of Criminal Justice Services as provided in subdivision 2 (i) of § 9-170.

In such event the acts performed for such purpose by such policemen or other officers, agents or employees and the expenditures made for such purpose by such county, city or town or a state-supported institution of higher learning shall be deemed conclusively to be for a public and governmental purpose, and all of the immunities from liability enjoyed by a county, city or town or a state-supported institution of higher learning when acting through its policemen or other officers, agents or employees for a public or governmental purpose within its territorial limits shall be enjoyed by it to the same extent when such county, city or town or a state-supported institution of higher learning within the Commonwealth is so acting, under this section or under other lawful authority, beyond its territorial limits.

The policemen and other officers, agents and employees of any county, city or town or a state-supported institution of higher learning when acting hereunder or under other lawful authority beyond the territorial limits of such county, city or town or such state-supported institution of higher learning shall have all of the immunities from liability and exemptions from laws, ordinances and regulations and shall have all of the pension, relief, disability, workers' compensation and other benefits enjoyed by them while performing their respective duties within the territorial limits of such county, city or town or such state-supported institution of higher learning.

Subject to the approval of the Congress of the United States, the governing body of any county, city or town or a state-supported institution of higher learning, may in its discretion, enter into reciprocal agreements for such periods as it deems advisable with any county, city or town, within or without the Commonwealth, including the District of Columbia, in order to establish and carry into effect a plan to provide mutual aid through the furnishing of its police and other employees and agents together with all necessary equipment in the event of such need or emergency as provided herein. No county, city or town or state-supported institution of higher learning, shall enter into such agreement unless the agreement provides that each of the parties to such agreement shall: (i) waive any and all claims against all the other parties thereto which may arise out of their activities outside their respective jurisdictions under such agreement and (ii) indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury which may arise out of the activities of the other parties to such agreement outside their respective jurisdictions under such agreement.

The principal law-enforcement officer, in any city, county or town or of a state-supported institution of higher learning having a reciprocal agreement with a jurisdiction outside the Commonwealth for police mutual aid under the provisions hereof, shall be responsible for directing the activities of all

policemen and other officers and agents coming into his jurisdiction under the reciprocal agreement, and while operating under the terms of the reciprocal agreement, the principal law-enforcement officer is empowered to authorize all policemen and other officers and agents from outside the Commonwealth to enforce the laws of the Commonwealth of Virginia to the same extent as if they were duly authorized law-enforcement officers of any city, county or town or a state-supported institution of higher learning in Virginia.

The governing body of any city, county or town or a state-supported institution of higher learning in the Commonwealth is authorized to procure or extend the necessary public liability insurance to cover claims arising out of mutual aid agreements executed with other cities, counties or towns outside the Commonwealth.

The policemen, and other officers, agents and employees of a county, city or town or a state-supported institution of higher learning serving in a jurisdiction outside the Commonwealth under a reciprocal agreement entered into pursuant hereto are authorized to carry out the duties and functions provided for in the agreement under the command and supervision of the chief law-enforcement officer of the jurisdiction outside the Commonwealth.

In counties where no police department has been established and the sheriff is the chief law-enforcement officer, the sheriff may enter into mutual aid agreements and furnish and receive such assistance as provided by this section. Sheriffs and their deputies providing assistance pursuant to such a mutual aid agreement shall enjoy all of the authority, immunities and benefits as provided herein for police officers, including full police powers.