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HOUSE BILL NO. 711

Offered January 22, 1996

A BILL to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 39, consisting of sections numbered 59.1-467 through 59.1-470, relating to the Virginia Convenience Store Safety Act; civil penalty.

Patrons—Grayson and Hamilton

Referred to Committee on Corporations, Insurance and Banking

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 39, consisting of sections numbered 59.1-467 through 59.1-470, as follows:

CHAPTER 39.

VIRGINIA CONVENIENCE STORE SAFETY ACT.

§ 59.1-467. Definition; at-risk business.

As used in this chapter, "at-risk business" means any place of business that (i) is a convenience store or grocery store which is affiliated with or otherwise part of a chain of at least five such stores, (ii) is primarily engaged in the retail sale of groceries, including beer, or groceries and gasoline, (iii) has less than 5,000 square feet devoted to the display and sale of merchandise and (iv) is open to members of the general public at any time between the hours of 10:00 p.m. and 5:00 a.m. The term shall not include any business establishment that is operated primarily as a restaurant.

§ 59.1-468. Requirements for at-risk businesses.

Every person owning or operating an at-risk business shall provide the following at such business for the protection of its employees and customers:

1. Cash register locations within the business that are fully visible from its exterior, except that no retrofit shall be required to comply with this subdivision;

2. Window signage and merchandise displays that allow a clear and unobstructed line-of-sight view of the cash register and sales transaction area from outside the building;

3. A policy of maintaining no more than fifty dollars in each cash register on the premises at any time, and notices posted conspicuously inside and outside the premises stating this policy;

4. A drop-safe or time-release safe, and notices posted conspicuously inside and outside the premises stating the presence of such safe;

5. Markers at the entrance of the business which display height measures;

6. A requirement that all employees complete two hours of employer-provided robbery deterrence and safety training, which may follow the training model established by the Department of Criminal Justice Services pursuant to § 9-170;

7. Security lighting for the exterior of the business and in all adjacent parking areas under the control of the employer, with an illumination intensity to be minimally maintained at two foot-candles per square foot at thirty-six inches above the surface;

8. A security camera system capable of recording and retrieving an image to assist in offender identification and apprehension; and

9. Two or more employees on the premises at all times while the business is open between the hours of 10:00 p.m. and 5:00 a.m.

§ 59.1-469. Additional requirements.

The owner or operator of any at-risk business at which have occurred a homicide, a criminal sexual assault, an abduction or, within a twenty-four-month period, two or more robberies or attempted robberies shall close the business at all times between the hours of 10:00 p.m. and 5:00 a.m., or:

1. Install a silent alarm system monitored at a central alarm facility or local law-enforcement agency; and

2. Have a secured safety enclosure of transparent polycarbonate or other material that meets the minimum standard of the Underwriters Laboratory for medium power small arms (level one), bullet-resisting equipment that meets the minimum standard of the American Society for Testing and Materials for such material having a thickness of at least 0.375 inches and an impact strength of at least 200 foot pounds, or a security guard on the premises at all times after 10:00 p.m. and before 5:00 a.m.

§ 59.1-470. Civil penalty for violation.

Any person who violates the provisions of this chapter shall be subject to a civil penalty not to exceed \$200. Any attorney for the Commonwealth of the county or city in which an alleged violation

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HB711

60 *occurred may bring an action to recover the civil penalty, which shall be paid to the state treasury. Any*
61 *law-enforcement officer may issue a summons for a violation of this section.*