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## HOUSE BILL NO. 2289

Offered January 21, 1999

*A BILL to amend and reenact §§ 9-183.14, 9-183.15, 9-183.16 and 9-183.17 of the Code of Virginia and to repeal § 9-183.18 of the Code of Virginia, relating to law-enforcement expenditures.*

Patron—Hall

Referred to Committee on Counties, Cities and Towns

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 9-183.14, 9-183.15, 9-183.16 and 9-183.17 of the Code of Virginia are amended and reenacted as follows:**

§ 9-183.14. Definitions.

For the purposes of this article, the following definitions shall be applicable:

"Adjusted crime index" means the ~~potential~~ *average* crime rate for a locality multiplied by the base year population of the locality as estimated by the Center for Public Service.

"Average crime rate" for a ~~city or eligible county~~ *locality* means the annual average number of violent and property index crimes per 100,000 persons, as reported by the Superintendent of State Police, for the base year and the fiscal year immediately preceding, and the fiscal year immediately following, the base year. If the data are not available for the fiscal year immediately following the base year, the average shall be based on the base year and the two immediately preceding fiscal years: *the three most recent years for which statistics are available.*

"Base year" means the most recent fiscal year for which comparable data are available for: (i) population estimates by the Center for Public Service or the United States Bureau of the Census, adjusted for annexation as determined by the Department; (ii) actual state expenditures for salaries and expenses of sheriffs as reported by the Compensation Board; (iii) number of persons eligible for Temporary Assistance to Needy Families as defined in § 63.1-86.1; (iv) number of persons in foster care, as defined in § 63.1-195, and (v) the number of persons receiving maintenance payments in a general relief program as defined in § 63.1-87.

"Distribution formula" means that linear equation derived biennially by the Department, using standard statistical procedures, which best predicts average crime rates in all cities and eligible counties in the Commonwealth on the basis of the following factors in their simplest form:

1. The total base year number of (i) persons enrolled in Temporary Assistance to Needy Families; (ii) persons in foster care; and (iii) persons receiving maintenance payments in a general relief program; per 100,000 base year population; and

2. The local population density, based on the base year population estimates of the Center for Public Service, adjusted for annexation as determined by the Department; and the land area in square miles of the city or eligible county as reported by the United States Census Bureau, adjusted for annexation as determined by the Department.

"Eligible county" means any county which operates a police department.

"Police department" means that organization established by the local governing body of a ~~county, city, or town~~ *locality*, by ordinance, which is responsible for the prevention and detection of crime, the apprehension of criminals, the safeguard of life and property, the preservation of peace and the enforcement of state and local laws, regulations, and ordinances. Such department shall have a chief of police, which in the case of counties may be the sheriff, and such officers, privates, and other personnel as may be provided for in the ordinance, one sworn member of which shall be a full-time employee. All law-enforcement officers serving as members of such police department, whether full-time or part-time, and whether permanently or temporarily employed, shall meet the minimum training standards established pursuant to §§ 9-170 and 9-180, unless such personnel are exempt from the minimum training standards as provided in §§ 9-173 and 9-179. Any police department established subsequent to July 1, 1981, shall also have, at a minimum, one officer on duty at all times for the purposes set forth above. However, notwithstanding any contrary provision of this definition, any locality receiving funds under this article during the 1980-82 biennium shall be considered to have a valid police department eligible for funds as long as such police department continues in operation.

~~Provided further, notwithstanding~~ *Notwithstanding* any contrary provision of this definition, any town receiving funds under this article during the 1986-1988 biennium shall be considered to have a valid police department eligible for funds even though police services for such town may thereafter be provided by the sheriff of the county in which the town is located by agreement made pursuant to § 15.2-1726. Eligibility for funds under this provision shall last as long as such agreement remains in

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60 effect. Police services for the town furnished by the sheriff shall be equal to or greater than the police  
61 services last furnished by the town's police department.

62 *"Population" means population estimates for the most recent year that are available from the Center*  
63 *for Public Service or the United States Bureau of the Census, adjusted for annexation as determined by*  
64 *the Department.*

65 *"Population served by police departments" means the total base year population of the*  
66 *Commonwealth less the population served by sheriffs only.*

67 *"Population served by sheriffs only" means the total base year population of those counties without a*  
68 *police department, less the latest available estimate from the United States Bureau of the Census of the*  
69 *total population of towns, or portions of towns, having police departments, located in such counties.*

70 *"Potential crime rate" means the number of crimes per 100,000 persons in the base year population*  
71 *for each city or eligible county, as derived from the distribution formula.*

72 *"State aid to localities with police" means that amount which bears the same relationship to the*  
73 *population served by police departments as state aid to sheriff-only localities bears to the population*  
74 *served by sheriffs only.*

75 *"State aid to sheriff-only localities" means the estimated total amount for salaries and expenses to be*  
76 *paid by the Commonwealth, pursuant to Article 3 (§ 15.2-1609 et seq.) of Chapter 16 of Title 15.2, to*  
77 *sheriffs' offices in those counties without a police department, based on the actual percentage of total*  
78 *state expenditures in the base year distributed to those counties without police departments.*

79 *"The Department" means the Department of Criminal Justice Services.*

80 § 9-183.15. Calculation of adjusted crime index; use.

81 By January 1 of each ~~even-numbered~~ year, the Department, using the ~~relevant base year data most~~  
82 ~~recent average crime rate and population information available, adjusted for annexation as determined~~  
83 ~~by the Department~~, shall calculate the adjusted crime index for each ~~city and each eligible county~~  
84 ~~locality. Such calculation shall be used for the succeeding fiscal biennium adjusted for annexation as~~  
85 ~~determined by the Department.~~

86 § 9-183.16. Total amount and method of distribution of funds to counties and cities.

87 A. The total amount of funds to be distributed as determined by the Department shall be equal to the  
88 amount of state aid to localities with police, as defined in § 9-183.14, minus ~~(i)~~ the salaries and  
89 expenses of sheriffs' offices in such cities and counties as estimated pursuant to Article 3 (§ 15.2-1609 et  
90 seq.) of Chapter 16 of Title 15.2 and ~~(ii) five percent of the remainder, which shall be placed in a~~  
91 ~~discretionary fund to be administered as specified in § 9-183.18.~~ However, beginning July 1, 1982, the  
92 percentage change in the total amount of funds to be distributed for any fiscal year from the preceding  
93 fiscal year shall be equal to the anticipated percentage change in total general fund revenue collections  
94 for the same time period as stated in the appropriation act.

95 B. Each city and eligible county shall receive a percentage of such total amount to be distributed  
96 equal to the percentage of the total adjusted crime index attributable to such city or county. Payments to  
97 the cities and eligible counties shall be made in equal quarterly installments by the State Treasurer on  
98 warrants issued by the Comptroller. Notwithstanding the foregoing provisions, the General Assembly,  
99 through the general appropriation act, may appropriate specific dollar amounts to provide financial  
100 assistance to localities with police departments.

101 § 9-183.17. Distribution of funds to towns.

102 A. ~~Towns located in eligible counties and which have police departments shall receive a percentage~~  
103 ~~of the funds distributed to the county in accordance with § 9-183.16, such percentage to be equal to the~~  
104 ~~ratio of the town's population as determined by the Department to the total population of the county.~~

105 B. ~~Towns located in noneligible counties that report no crime shall be assigned an adjusted crime~~  
106 ~~index based on their population and the average of the three lowest predicted crime rates for cities for~~  
107 ~~the fifty towns with the lowest crime rates.~~ Such towns shall receive funds based on such adjusted crime  
108 index in the same manner as cities and eligible counties as provided in § 9-183.16. ~~Any eligible locality~~  
109 ~~with a reported number of crimes lower than the average for the fifty towns with the lowest crime rate~~  
110 ~~shall be assigned that average as the crime rate.~~

111 **2. That § 9-183.18 of the Code of Virginia is repealed.**