

VIRGINIA ACTS OF ASSEMBLY -- 2011 SESSION

CHAPTER 669

An Act to amend the Code of Virginia by adding in Title 52 a chapter numbered 7.3, consisting of sections numbered 52-34.7, 52-34.8, and 52-34.9, relating to establishment of the Virginia Blue Alert Program.

[S 870]

Approved March 26, 2011

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 52 a chapter numbered 7.3, consisting of sections numbered 52-34.7, 52-34.8, and 52-34.9, as follows:

CHAPTER 7.3.

VIRGINIA BLUE ALERT PROGRAM.

§ 52-34.7. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Law-enforcement agency" means a law-enforcement agency with jurisdiction over the search for a suspect in a case involving the death or serious injury of a law-enforcement officer or an agency employing a law-enforcement officer who is missing in the line of duty.

"Law-enforcement officer" means any full-time or part-time employee of the Department of State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth.

§ 52-34.8. Establishment of the Virginia Blue Alert Program.

The Department of State Police shall establish a Blue Alert Program in the Commonwealth and develop policies for its implementation. The Blue Alert Program may be activated when a suspect for a crime involving the death or serious injury of a law-enforcement officer has not been apprehended and may be a serious threat to the public or when a law-enforcement officer is missing while in the line of duty under circumstances warranting concern for the law-enforcement officer's safety. The Department of State Police shall (i) establish procedures and standards by which a local law-enforcement agency may assess whether the conditions for a Blue Alert have been met and report such information to the Department of State Police, (ii) inform local law-enforcement officials of the policies and procedures for the Blue Alert Program set by the Department, and (iii) assist in determining the geographic scope of a particular Blue Alert.

§ 52-34.9. Activation of Blue Alert Program.

A. Upon notification by a law-enforcement agency that a suspect in a case involving the death or serious injury of a law-enforcement officer has not been apprehended and may be a serious threat to the public, the Department of State Police shall confirm that (i) a suspect has not been apprehended, (ii) the suspect may be a serious threat to the public, and (iii) sufficient information is available to disseminate to the public that could assist in locating the suspect.

B. Upon notification by a law-enforcement agency that a law-enforcement officer is missing while in the line of duty under circumstances warranting concern for such law-enforcement officer's safety, the Department of State Police shall confirm this information and determine whether sufficient information is available to disseminate to the public that could assist in locating the missing law-enforcement officer.

C. Upon verification that conditions set forth in subsection A or B have been met, the Department of State Police shall activate the Blue Alert Program.

D. The area of the alert may be less than statewide if the Department of State Police determines that the nature of the event makes it probable that the suspect did not leave a certain geographic location or if the nature of the event makes it probable that the missing law-enforcement officer is within a certain geographic location. The Department of State Police shall assess the appropriate boundaries for the alert based on the nature of the suspect, the circumstances surrounding the crime or the last known location of the missing law-enforcement officer.

E. The Blue Alert shall include such information as the Department of State Police deems appropriate that will assist in the apprehension of the suspect or the locating of the missing law-enforcement officer.

F. A law-enforcement agency shall notify the Department of State Police immediately when the suspect is located or the law-enforcement officer is found or the incident is otherwise resolved.

G. The Department of State Police shall terminate any activation of the Blue Alert Program with respect to a particular incident if (i) the suspect or law-enforcement officer is located or the incident is otherwise resolved or (ii) the Department of State Police determines that the Blue Alert Program is no

longer an effective tool for locating the suspect or law-enforcement officer.