

12105350D

HOUSE BILL NO. 1165

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Militia, Police and Public Safety
on February 10, 2012)

(Patron Prior to Substitute—Delegate McClellan)

*A BILL to amend and reenact § 15.2-7017 of the Code of Virginia, relating to Richmond Metropolitan Authority; police.***Be it enacted by the General Assembly of Virginia:****1. That § 15.2-7017 of the Code of Virginia is amended and reenacted as follows:**

§ 15.2-7017. Miscellaneous.

A. Any money set aside for the payment of the principal of or interest on any bonds issued by the Authority not claimed within two years from the day the principal of such bonds is due by maturity or by call for redemption shall be paid into the treasury of the Commonwealth. No interest shall accrue on such principal or interest from the day the same is due as aforesaid. The Comptroller of the Commonwealth shall keep an account of all money thus paid into the treasury, and it shall be paid to the individual copartnership, association, or corporation entitled thereto upon satisfactory proof that such individual, copartnership, association, or corporation is so entitled to such money. If the claim so presented is rejected by the Comptroller, the claimant may proceed against the Comptroller for recovery in the Circuit Court of the City of Richmond. An appeal from the judgment of the circuit court shall lie to the Supreme Court of Virginia as in actions at law, and all laws and rules relating to practice and procedure in actions at law shall apply to proceedings authorized hereunder. No such proceedings shall be filed after 10 years from the day the principal of or interest on such bonds is due as aforesaid; however, if the individual having such claim is an infant or insane person or is imprisoned at such due date, such proceedings may be filed within five years after the removal of such disability, notwithstanding the fact that such 10-year period has expired.

B. 1. The Authority may contract with the City of Richmond, the Counties of Henrico and Chesterfield, and the Department of State Police for the policing of any or all Authority facilities, and the City of Richmond, the Counties of Henrico and Chesterfield, and the Department of State Police are hereby authorized to enter into contracts with the Authority for such purpose. Police officers providing police services pursuant to such contracts shall be under the exclusive control and direction of the authority providing such officers, and shall be responsible to that authority exclusively for the performance of their duties and the exercise of their powers. The Authority shall reimburse the City of Richmond, the County of Henrico or Chesterfield, or the Commonwealth, as the case may be, in such amounts and at such time or times as shall be mutually agreed upon, for providing police service. Such officers shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the Commonwealth and all rules and regulations of the Authority made in accordance herewith, and such officers shall have all the rights and duties of police officers as provided by the general laws of the Commonwealth. The violation of any such rule or regulation shall be punishable as follows: if such a violation would have been a violation of law if committed on any public road, street, or highway in the City of Richmond or the County of Henrico or Chesterfield, it shall be punishable in the same manner as if it had been committed on such public road, street, or highway; otherwise it shall be punishable as a Class 1 misdemeanor. All other police officers of the Commonwealth and of the City of Richmond and the Counties of Henrico and Chesterfield shall have the same powers and jurisdiction within the areas of operations agreed upon by the parties that they have beyond such limits and shall have access to all such areas at any and all times without interference for the purpose of exercising such powers and jurisdiction. For the purpose of enforcing such laws, rules, and regulations the court or courts having jurisdiction for the trial of criminal offenses committed in the City of Richmond or in the Counties of Henrico and Chesterfield within whose boundaries any crime is committed shall have jurisdiction to try any person charged with the violation of any such laws, rules, and regulations within such boundaries. A copy of the rules and regulations of the Authority, attested by the Secretary or Secretary-Treasurer of the Authority, may be admitted as evidence in lieu of the original. Any such copy purporting to be sealed and signed by such Secretary or Secretary-Treasurer may be admitted as evidence without any proof of the seal or signature, or of the official character of the person whose name is signed to it.

2. The Authority may also exercise full law-enforcement powers upon all property owned, operated, managed, leased, or maintained by or under the control of the Authority; establish and maintain a police department; and appoint and employ police officers to enforce the laws of the Commonwealth, the ordinances of the City of Richmond or the County of Henrico or Chesterfield, whichever may be applicable, and all rules and regulations of the Authority made in accordance herewith. The Authority,

HOUSE SUBSTITUTE

HB1165H1

60 *its police force, and its police officers shall have all the powers vested in localities, police forces, and*
61 *police officers under Chapter 17 (§ 15.2-1700 et seq.), Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, and*
62 *Titles 18.2, 19.2, and 46.2. The Authority's police department and police officers shall have jurisdiction*
63 *to enforce the applicable laws upon all property owned, operated, managed, leased, or maintained by or*
64 *under the control of the Authority. By agreement with any of the City of Richmond or the County of*
65 *Henrico or Chesterfield, as may be applicable, and upon order entered of record by the circuit court for*
66 *the respective locality, the Authority's police department and police officers may have concurrent*
67 *jurisdiction and authority that extends outside the geographic boundaries of property owned, operated,*
68 *managed, leased, or maintained by or under the control of the Authority. Such police officers appointed*
69 *by the Authority may issue summons to appear, or arrest on view or on information without warrant as*
70 *permitted by law, within the jurisdiction of the Commonwealth, and conduct before the courts of*
71 *competent jurisdiction of the City of Richmond or the County of Henrico or Chesterfield any person*
72 *violating, within or upon any Authority facility or other property under the control of the Authority, any*
73 *law of the Commonwealth, any ordinance of the City of Richmond or the County of Henrico or*
74 *Chesterfield, or any rule or regulation of the Authority. Any person appointed and employed as an*
75 *Authority police officer pursuant to this section must meet the training requirements established by the*
76 *Department of Criminal Justice Services under § 9.1-102 and the requirements of § 9.1-114. The*
77 *requirement for the successful completion of the law-enforcement certification examination may be*
78 *waived by the Department of Criminal Justice Services based upon previous law-enforcement experience*
79 *and training. To be eligible for a waiver, a person must have applied for and been granted an*
80 *exemption or partial exemption in accordance with § 9.1-116.*

81 *For the purposes of enforcing such laws and ordinances, the court or courts having jurisdiction for*
82 *the trial of criminal offenses in the City of Richmond or the Counties of Chesterfield or Henrico wherein*
83 *the offense was committed shall have jurisdiction to try a person charged with violating any such law,*
84 *whether statute or ordinance, and any fine imposed for violation of an ordinance shall be paid into the*
85 *general fund of the City of Richmond or the Counties of Chesterfield or Henrico, depending on which*
86 *jurisdiction shall have jurisdiction over the offense committed.*

87 C. All actions at law and suits in equity and other proceedings, actions, and suits against the
88 Authority, or any other person, firm, or corporation, growing out of the construction, maintenance,
89 repair, operation, and use of any Authority facility, or growing out of any other circumstances, events,
90 or causes in connection therewith, unless otherwise provided herein, shall be brought and conducted in
91 the court or courts having jurisdiction of such actions, suits, and proceedings in the City of Richmond or
92 the County of Henrico or Chesterfield within whose boundaries the causes of such actions, suits, and
93 proceedings arise, and jurisdiction is hereby conferred on such court or courts for that purpose. All such
94 actions, suits, and proceedings on behalf of the Authority shall be brought and conducted in the Circuit
95 Court of the City of Richmond, except as herein otherwise provided, and exclusive jurisdiction is hereby
96 conferred on such court for the purpose. Eminent domain proceedings instituted and conducted by the
97 Authority shall be brought and conducted in the court or courts having jurisdiction of such proceedings
98 in the City of Richmond or the Counties of Henrico and Chesterfield within whose boundaries the land
99 or other property to be so acquired or the major portion thereof is situated, and jurisdiction is hereby
100 conferred on such courts for such purpose.

101 D. On or before the ~~30th~~ *thirtieth* day of September in each year, the Authority shall prepare a report
102 of its activities for the 12-month period ending the preceding July 1 of such year and shall file a copy
103 thereof with the Commonwealth Transportation Board, the City of Richmond, and the Counties of
104 Henrico and Chesterfield. Each such report shall set forth an operating and financial statement covering
105 the Authority's operations during the ~~12-months~~ *12-month* period covered by such report. The Authority
106 shall cause an audit of its books and accounts to be made at least once in each year by certified public
107 accountants to be selected by the Authority, and the cost thereof shall be treated as a part of the cost of
108 construction and operation of the project.

109 E. The records, books, and accounts of the Authority shall be subject to examination and inspection
110 by duly authorized representatives of the Commonwealth Transportation Board, the governing bodies of
111 the City of Richmond and the Counties of Henrico and Chesterfield, and any bondholder or bondholders
112 at any reasonable time, provided the business of the Authority is not unduly interrupted or interfered
113 with thereby.

114 F. Any member, agent, or employee of the Authority who contracts with the Authority or is
115 interested, either directly or indirectly, in any contract with the Authority or in the sale of any property,
116 either real or personal, to the Authority shall be guilty of a misdemeanor and shall be subject to a fine
117 of not more than \$1,000 or imprisonment in jail for not more than one year, either or both. Exclusive
118 jurisdiction for the trial of such misdemeanors is hereby conferred upon the Circuit Court of the City of
119 Richmond; provided that the term "contract," as used herein, shall not be held to include the depositing
120 of funds in, or the borrowing of funds from or the serving as agent or trustee by, any bank in which
121 any member, agent, or employee of the Authority may be a director, officer, or employee or have a

122 security interest; nor shall such term include contracts or agreements with the Commonwealth
123 Transportation Board or the purchase of services from, or other transactions in the ordinary course of
124 business with, public service corporations.
125 **2. That the provisions of this act shall not become effective unless reenacted by the 2013 Session**
126 **of the General Assembly.**