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HOUSE BILL NO. 1785

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 4, 2015)

(Patron Prior to Substitute—Delegate Massie)

A BILL to amend and reenact § 23-234 of the Code of Virginia, relating to campus police departments; sexual assaults; reporting to local attorney for the Commonwealth.

Be it enacted by the General Assembly of Virginia:

1. That § 23-234 of the Code of Virginia is amended and reenacted as follows:

§ 23-234. Powers and duties; jurisdiction; mutual aid agreements; memoranda of understanding.

A. A campus police officer appointed as provided in § 23-233 or appointed and activated pursuant to § 23-233.1 may exercise the powers and duties conferred by law upon police officers of cities, towns, or counties, and shall be so deemed, including but not limited to the provisions of Chapters 5 (§ 19.2-52 et seq.), 7 (§ 19.2-71 et seq.), and 23 (§ 19.2-387 et seq.) of Title 19.2, (i) upon any property owned or controlled by the relevant public or private institution of higher education, or, upon request, any property owned or controlled by another public or private institution of higher education and upon the streets, sidewalks, and highways, immediately adjacent thereto, (ii) pursuant to a mutual aid agreement provided for in § 15.2-1727 between the governing board of a public or private institution and such other institution of higher education, public or private, in the Commonwealth or adjacent political subdivisions, (iii) in close pursuit of a person as provided in § 19.2-77, and (iv) upon approval by the appropriate circuit court of a petition by the local governing body for concurrent jurisdiction in designated areas with the police officers of the county, city, or town in which the institution, its satellite campuses, or other properties are located. The local governing body may petition the circuit court pursuant only to a request by the local law-enforcement agency for concurrent jurisdiction.

B. All public or private institutions of higher education that have campus police forces established in accordance with the provisions of this chapter shall enter in and become a party to mutual aid agreements with one or more of the following: (i) an adjacent local law-enforcement agency or (ii) the Department of State Police, for the use of their joint forces, both regular and auxiliary, equipment, and materials when needed in the investigation of any felony criminal sexual assault or medically unattended death occurring on property owned or controlled by the institution of higher education or any death resulting from an incident occurring on such property. *Such mutual aid agreements shall include provisions requiring either the campus police force or the agency with which it has established a mutual aid agreement pursuant to this subsection, in the event that such police force or agency conducts an investigation that (i) involves a felony criminal sexual assault set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 occurring on campus, a noncampus building or property, or public property and (ii) is victim-initiated or requires the institution to make a timely report to the campus community of a crime considered to be a threat to other students and employees, to notify the local attorney for the Commonwealth of such investigation within 48 hours of beginning such investigation.* The provisions of this section shall not prohibit a campus police force from requesting assistance from any appropriate law-enforcement agency of the Commonwealth, even though a mutual aid agreement has not been executed with that agency.

C. All public or private institutions of higher education that (i) do not have campus police forces established in accordance with the provisions of this chapter and (ii) have security departments, rely on municipal, county, or state police forces, or contract for security services from private parties pursuant to § 23-238 shall enter in and become a party to memoranda of understanding with an adjacent local law-enforcement agency or the Department of State Police (the Department) to require either such local law-enforcement agency or the Department, in the event that such agency or the Department conducts an investigation that (a) involves a felony criminal sexual assault set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 occurring on campus, a noncampus building or property, or public property and (b) is victim-initiated or requires the institution to make a timely report to the campus community of a crime considered to be a threat to other students and employees, to notify the local attorney for the Commonwealth of such investigation within 48 hours of beginning such investigation.

D. For purposes of this section:

"Campus" means (i) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls, and (ii) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and

60 *supports institutional purposes, such as food or other retail vendor.*

61 *"Crime considered to be a threat to other students and employees" includes (i) murder, (ii) sex*
62 *offenses, forcible or nonforcible, (iii) robbery, (iv) aggravated assault, (v) burglary, (vi) motor vehicle*
63 *theft, (vii) manslaughter, (viii) arson, (ix) arrests or persons referred for campus disciplinary action for*
64 *liquor law violations, drug-related violations, and weapons possession.*

65 *"Noncampus building or property" means (i) any building or property owned or controlled by a*
66 *student organization recognized by the institution and (ii) any building or property, other than a branch*
67 *campus, owned or controlled by an institution of higher education that is used in direct support of, or in*
68 *relation to, the institution's educational purposes, is used by students, and is not within the same*
69 *reasonably contiguous geographic area of the institution.*

70 *"Public property" means all public property that is within the same reasonably contiguous*
71 *geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility,*
72 *and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution*
73 *in direct support of, or in a manner related to, the institution's educational purposes.*