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HOUSE BILL NO. 900

House Amendments in [] — February 14, 1994

A *BILL to amend the Code of Virginia by adding in Chapter 27 of Title 9 an article numbered 1.6, consisting of sections numbered 9-173.16 through 9-173.22, relating to reducing violent crime through expanded neighborhood policing and the creation of the Virginia Neighborhood Policing Fund; appropriation.*

Patrons—Hall, Armstrong, Ball, Behm, Christian, Copeland, Council, Crittenden, Crouch, Cunningham, DeBoer, Diamonstein, Forbes, Hamilton, Heilig, Hull, Jones, D.C., Moore, Nelms, Orrock, Spruill and Thomas; Senators: Benedetti, Calhoun, Earley, Houck, Lambert, Maxwell, Potts and Quayle

Referred to Committee on Militia and Police

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 27 of Title 9 an article numbered 1.6, consisting of sections numbered 9-173.16 through 9-173.22, as follows:

*Article 1.6.**Virginia Neighborhood Policing Act.**§ 9-173.16. Statement of legislative findings and intent.*

A. *The General Assembly finds that (i) most of the violent crime in Virginia occurs in twenty localities and that such violent crime is destroying the societal fabric of specific neighborhoods in those localities and (ii) policing methods which address the problems that contribute to crime at the neighborhood level are the most effective in preventing violent crime, restoring peace and order, and improving the quality of life in those neighborhoods.*

B. *By this act, the General Assembly intends to ensure that the Commonwealth's resources are used to encourage neighborhood policing by (i) increasing citizen involvement in policing efforts; (ii) fostering cooperative interactions between citizens, law enforcement, and related agencies; and (iii) providing financial resources for additional police officers and technical assistance to develop cooperative state and local programs that target violent crime in specific neighborhoods in these twenty localities.*

§ 9-173.17. Definitions.

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

"Average violent crime rate" means the annual average number of violent index crimes per 100,000 persons for each city and county, as reported by the Superintendent of State Police, for the three most recent years for which data is available.

"Department" means the Department of Criminal Justice Services.

"Eligible localities" means those twenty cities or counties with the highest average violent crime rate.

"Fund" means the Virginia Neighborhood Policing Fund.

"Incidence of violent crimes" means the number of murders, rapes, robberies and aggravated assaults in eligible localities as reported by the Superintendent of State Police.

"Sworn law-enforcement officers" means the number of full-time employees of a police department, or a sheriff's office in those counties without a police department, whose primary duties are the preservation of peace, the maintenance of order, the prevention and detection of crime, the safeguard of life and property, and the apprehension of criminals.

"Sworn law-enforcement officers per capita" means the number of sworn law-enforcement officers per 100,000 persons in eligible localities.

§ 9-173.18. Fund established.

There is hereby established a special [; ~~permanent, nonreverting~~] fund in the state treasury to be known as the Virginia Neighborhood Policing Fund. The Fund shall be administered by the Department and shall consist of such sums as may be (i) directed or appropriated by the General Assembly from time to time; (ii) granted by the United States government or its agencies or instrumentalities; (iii) donated or devised by individuals, associations, corporations, or partnerships; and (iv) accrued as interest, dividends, and appreciation. [~~Any unexpended balance in the Fund at the end of the biennium shall not be transferred to the general fund of the state treasury.~~]

§ 9-173.19. Use of funds.

Funds received by eligible localities pursuant to this article shall be used exclusively to hire and equip additional police officers to implement or expand community policing efforts in neighborhoods with a high incidence of violent crime. Such efforts shall be directed at preventing violent crime, restoring peace and order, and improving the quality of life in those neighborhoods through increased

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60 citizen involvement and cooperative interaction between citizens, law enforcement, and related agencies
61 at the local and state level.

62 § 9-173.20. Total amount and method of distribution of funds.

63 A. The total amount available for distribution shall be equal to the total amount in the Fund.

64 B. On or before January 1 of each year, the Department, using the most recent data available, shall
65 determine the eligible localities and the amounts to be distributed from the Fund. Eligible localities
66 shall receive a portion of the total amount in the Fund as calculated by the following:

67 1. Sworn law-enforcement officers per capita shall be arranged into three groups with each group
68 given a ranking of one, two or three, highest to lowest. Each ranked score shall then be divided by the
69 total number of ranked scores to determine a proportion for each eligible locality. The resulting
70 proportion shall then be multiplied by twenty-five percent of the available funds.

71 2. The incidence of violent crimes for all eligible localities shall be divided by the incidence of
72 violent crime for each eligible locality to determine a proportion. The resulting proportion shall then be
73 multiplied by seventy-five percent of the available funds.

74 3. The amounts resulting from the calculations in subdivisions 1 and 2 shall be added together to
75 determine the amount to be distributed to each eligible locality.

76 C. Payments to eligible localities shall be made in equal quarterly installments by the State
77 Treasurer on warrants issued by the Comptroller.

78 § 9-173.21. Maintenance of effort; nonsupplanting certification.

79 The General Assembly intends that, to the extent possible, sums from the Fund shall be used in
80 conjunction with funds from the Anti-Crime Partnership program established pursuant to § 2.1-51.6:3
81 and the Intensified Drug Enforcement Jurisdiction Fund established pursuant to § 14.1-133.3. As such,
82 eligible localities shall certify to the Department that such sums have not and will not be used to
83 supplant other funds available to the locality for law-enforcement services from any other source.

84 § 9-173.22. Evaluation of programs; report to Governor and General Assembly.

85 The Department shall biennially evaluate the Fund and its uses in selected eligible localities and
86 include in its report the impact that neighborhood policing had on the maintenance of peace and order
87 in neighborhoods with a high incidence of violent crime. Eligible localities shall cooperate with the
88 Department in conducting such evaluations. A report containing the Department's findings and
89 recommendations, if any, shall be provided to the Governor and General Assembly by December 1 of
90 each odd-numbered year.

91 [~~2. That the sum of ten million dollars in fiscal year 1994-95 and ten million dollars in fiscal year~~
92 ~~1995-96 is hereby appropriated from the general fund of the state treasury to the Virginia~~
93 ~~Neighborhood Policing Fund.~~

94 ~~3. That the appropriation specified in the second enactment of this act shall become effective upon~~
95 ~~delayed enactment or repeal of § 58.1-609.7, subdivision 15 (Chapter 310, 1993 Acts of Assembly).~~
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