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HOUSE BILL NO. 342

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend and reenact §§ 52-12 through 52-20 of the Code of Virginia, relating to the Virginia State Police communication system.

Patron—Simon

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That §§ 52-12 through 52-20 of the Code of Virginia are amended and reenacted as follows:

CHAPTER 2.

BASIC STATE POLICE COMMUNICATION SYSTEM.

§ 52-12. Establishment of State Police communication system.

There shall be established in the Department of State Police, a ~~basic coordinating~~ fully integrated police communication system of ~~private line typewriter communication~~, operating through sending and receiving stations or receiving stations only, and such associated equipment as may be necessary, at the headquarters of the Superintendent of State Police and at such substations or detached posts as shall be designated by the Superintendent; for the purpose of prompt collection and distribution of information throughout the Commonwealth as the police problems of the Commonwealth may require. Authority is hereby granted to connect such ~~basic communication~~ system directly or indirectly with similar systems in this or adjoining states.

§ 52-13. Installation, operation, and maintenance of system; personnel.

The Superintendent of State Police is authorized to install, operate, and maintain the ~~basic communication~~ system and to employ the necessary personnel for its installation, operation, and maintenance. The persons so employed may be members of the State Police, or other ~~State state~~ employees, particularly qualified for the duty they are to perform.

§ 52-14. Availability of system.

The ~~basic communication~~ system ~~herein~~ provided for ~~in this chapter~~ may be made available for use by any department or division of the ~~State state~~ government and by any county, city, town, railroad, or other special police department lawfully maintained by any corporation in ~~this the~~ Commonwealth as well as agencies of the federal government, subject to the following terms and conditions:

1. Application for permission to connect with the ~~basic communication~~ system shall be made to the Superintendent of State Police on forms to be provided by him;

2. Such application may be approved by the Superintendent if, as, and when in his discretion such connection is requisite and necessary for the best interests of the entire system;

3. Upon approval of such application and before the applicant shall be connected with the ~~basic communication~~ system, such applicant must agree to assume and pay all rentals for sending and receiving stations, or receiving stations only, as may be authorized by the Superintendent for installation within the jurisdiction of the applicant, and any and all costs of installation and operation of such stations; and

4. a. The Commonwealth shall pay all rental for necessary wire or circuit mileage required to connect such stations operated by criminal justice agencies of the Commonwealth and its political subdivisions, or the Federal Bureau of Investigation, with the ~~basic communication~~ system; and

b. All other agencies shall agree, as a condition of connection or continued service, to assume and pay all rental for necessary wire or circuit mileage required to connect such stations with the ~~basic communication~~ system.

§ 52-15. Control of system; orders, rules, or regulations.

~~Such basic~~ The communication system shall remain at all times under the physical and operational control of the Superintendent of State Police, and such control may be exercised by him through such member of ~~his department~~ the Department of State Police as he shall designate for such purpose.

The Superintendent may make and issue such orders, rules, or regulations for the use of the system as ~~in his discretion~~ are necessary for efficient operation.

§ 52-16. Governor may establish and maintain joint communication system to aid police.

The Governor may ~~in his discretion~~ establish, purchase, lease, or otherwise acquire all necessary property, real and personal, for ~~such the~~ purpose of establishing and maintaining a joint state and local police communication system; and cause to be constructed, equipped, maintained, and operated, at such place or places as he may determine, a ~~radio or teletype~~ communication system or any combination of

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59 the two for transmitting and receiving messages *and data*, in connection with the work of the police
60 departments of, and officers exercising police powers in, the cities, towns, and counties of ~~Virginia the~~
61 *Commonwealth* and the work of the police officers of the Department of State Police, relating to the
62 detection of crime ~~and~~, the apprehension of criminals, *emergency management and response, information*
63 *relating to criminal activity*, and other necessary police activities.

64 **§ 52-17. Contracts with counties, cities, and towns.**

65 In order to make the *communication* system effective and of greatest benefit to the people of the
66 Commonwealth, the Governor may ~~in his discretion~~ enter into negotiations with and make contracts and
67 agreements with the ~~cities~~, counties, *cities*, and towns of the Commonwealth whereby portions of the
68 cost of establishing, purchasing, constructing, maintaining, and operating such system will be borne by
69 such localities.

70 In making agreements with the several localities, due consideration shall be given to the population
71 thereof and to any expense incurred, or which may be incurred, by such localities in purchasing,
72 constructing, maintaining, and operating local systems for similar purposes.

73 **§ 52-18. Districts.**

74 The Governor may ~~in his discretion~~ divide the Commonwealth into two or more ~~radio or teletype~~
75 *communication system* districts ~~or combination of the two~~, and, in the event of the proper proportionate
76 monetary cooperation upon the part of localities within any one or more of such districts, may arrange
77 for the establishment, purchase, installation, maintenance, and operation of such ~~radio or teletype~~
78 *communication system* equipment ~~or both~~ within such district or districts.

79 **§ 52-19. Rules and regulations.**

80 The Governor may ~~cause to be made and issued such~~ *make and issue* reasonable rules and
81 regulations as he may deem necessary for the proper use of such *communication* system.

82 **§ 52-20. Arrests without warrants in certain cases.**

83 A. For the purposes of this section, "*electronic communication*" means the use of technology having
84 electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or
85 receive information.

86 B. Members of the State Police force of the Commonwealth, provided such officers are in uniform,
87 or displaying a badge of office, may, at the scene of any motor vehicle accident; or in the apprehension
88 of any person charged with the theft of any motor vehicle; on any of the highways of the
89 Commonwealth, upon reasonable grounds to believe, based upon personal investigation, including
90 information obtained from eyewitnesses, that a crime has been committed by any person then and there
91 present; apprehend such person without a warrant of arrest; ~~and such~~. *Such* officers may arrest; without a
92 warrant; persons duly charged with crime in another jurisdiction upon receipt of a telegram; a radio or
93 teletype message; in which telegram, radio or teletype message shall be given an *electronic*
94 *communication* containing the name or a reasonably accurate description of such person wanted; and the
95 crime alleged ~~and an allegation that such person is likely to flee the jurisdiction of the Commonwealth.~~