

**TOWARD THE CONTROL AND REDUCTION OF CRIME**

**REPORT OF THE  
VIRGINIA STATE CRIME COMMISSION**

**To**

**THE GOVERNOR**

**And**

**THE GENERAL ASSEMBLY OF VIRGINIA**



**COMMONWEALTH OF VIRGINIA**  
*Department of Purchases and Supply*  
Richmond  
1967



MEMBERS OF THE COMMISSION

---

STANLEY C. WALKER, *Chairman*

WILLIAM H. HODGES, *Vice-Chairman*

GEORGE S. ALDHIZER, II

W. C. (DAN) DANIEL

JAMES W. DAVIS

GUY O. FARLEY, JR.

WILLIAM N. PAXTON, JR.

JOE RICHMAN

ERWIN S. SOLOMON

STAFF

G. M. LAPSLEY

WILDMAN S. KINCHELOE, JR.

ROBERT L. MASDEN

FRANK R. DUNHAM

MARY R. SPAIN

DANIEL E. BRAY, JR.



## TOWARD THE CONTROL AND REDUCTION OF CRIME

Report of the  
Virginia State Crime Commission

Richmond, Virginia, December 4, 1967

To:

HONORABLE MILLS E. GODWIN, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

Crime is as old as mankind—but fortunately, until recent years crime was generally confined to a relatively small portion of society and except in rare instances was not a matter of great concern to the general public. This is no longer true. Crime now involves and impinges upon all levels of our society, and is of great concern to all thinking people.

Because of the apparent increase in lawlessness, and the contemptuous attitude toward the law and the widespread disregard for duly constituted authority on the part of too many persons, the 1966 Session of the General Assembly of Virginia expressed its concern by adopting a resolution directing a study of crime in the Commonwealth. This resolution was as follows:

### HOUSE JOINT RESOLUTION NO. 113

*Creating a Commission to study matters relating to crime and its prevention.*

Whereas, the safety of the citizens of Virginia is of the utmost concern to the General Assembly of Virginia; and

Whereas, the prevalence of crime and the fear thereof has begun to erode the quality and character of the lives of many of our citizens; and

Whereas, many citizens have expressed their concern about the increase in vandalism and in the number of crimes, both violent and nonviolent; and

Whereas, in many areas of the Commonwealth it is unsafe for women to be unaccompanied at night; and

Whereas, the problem of juvenile crime is increasing and is likely to continue to increase in the coming years with the increase in population in this age group; and

Whereas, certain criminal elements are becoming increasingly bold in daylight attacks; and

Whereas, the traffic in dope is dangerous to the public health and welfare and more effective ways are needed to combat its furtherance; and

Whereas, the police authorities in many areas are not accorded the proper respect by citizens and are not assisted by them in upholding the peace and safety of the community; and

Whereas, there have been reports of citizens in various sections of the country refusing to aid their fellow man in time of danger; and

Whereas, the most effective crime deterrent is law enforcement; and

Whereas, the police, the courts and the penal system are all links in the chain of law enforcement; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That a Commission, to be known as the Virginia State Crime Commission, is hereby created to make a study and report on all areas of public safety and protection. The Commission shall endeavor to ascertain the causes of crime and recommend ways to reduce and prevent it; explore and recommend methods of possible rehabilitation of convicted criminals; and study other related matters, including apprehension, trial and punishment of criminal offenders. The Commission shall make such recommendations as it deems appropriate to the safety and welfare of the citizens of Virginia.

The Commission, shall be composed of nine members, three of whom shall be appointed by the President of the Senate from the membership thereof; three of whom shall be appointed by the Speaker of the House of Delegates from the membership thereof; and three of whom shall be appointed by the Governor from the State at large. The members of the Commission shall receive no compensation for their services but shall be paid their necessary expenses, for which and for such secretarial and other assistance as the Commission may require, there is hereby appropriated from the contingent fund of the General Assembly a sum sufficient not to exceed five thousand dollars.

The Commission shall conclude its study and make its report to the Governor and the General Assembly not later than October one, nineteen hundred sixty-seven. All agencies of the State shall assist the Commission in its study when requested.

Pursuant to this resolution, the Speaker of the House of Delegates appointed the following members of the House as members of the Commission: Stanley C. Walker, Norfolk; W. C. Daniel, Danville; Guy O. Farley, Jr., Fairfax. The President of the Senate appointed the following members of the Senate to the Commission: William H. Hodges, Chesapeake; George S. Aldhizer, II, Broadway; and James W. Davis, Agricola. The Governor appointed: William N. Paxton, Jr., Richmond; Joe Richman, Newport News; and Erwin S. Solomon, Hot Springs, as members of the Commission.

The Commission organized by electing Mr. Walker as Chairman and Senator Hodges as Vice-Chairman. G. M. Lapsley and Daniel E. Bray, Jr., served as Secretary and Recording Secretary, respectively to the Commission.

The Commission met on numerous occasions and conducted a series of public hearings throughout the State—in Norfolk, Roanoke, Fairfax and Richmond. These hearings were well attended and those who addressed the Commission expressed their concern with the many problems in this field confronting the Commonwealth.

In addition, the Commission had the benefit of counsel with experienced and responsible persons from law enforcement agencies, experts in the field of corrections and parole, leaders in the area of public education,

and concerned judges and criminologists. The Commission acknowledges its indebtedness to all those who assisted it during the course of its study.

Because of the broad generality of its directive and limitations of time and funds, the Commission elected to concentrate its inquiry initially into these principal areas :

- (1) Riots and public lawlessness ;
- (2) Improvements in police methods and procedures ;
- (3) Programs and facilities in the field of probation, parole and rehabilitation of convicted offenders ; and
- (4) Juvenile delinquency.

Based on the data before it, and after mature consideration, the Commission has reached the conclusions and makes the recommendations summarized below :

### *Summary of Recommendations*

#### **I. RIOTS AND PUBLIC LAWLESSNESS.**

1. We recommend the revision of Article 1 of Chapter 5 of Title 18.1, relating to Riots and Disorderly Conduct in order to update the law to meet current conditions.

We have a strong law regarding riot control, but it was enacted when our governmental structure was far different. We propose repealing the current riot law and enacting a new article containing §§ 18.1-254.1 through 18.1-254.16. It is the opinion of the Commission that our present law leaves much to be desired in order to up-date the present law to current problems. The language of the new article speaks for itself.

2. We recommend the enactment of enabling legislation to permit the governing body of any locality to authorize the declaring of a curfew in emergency situations when riot or civil commotion is threatened.

A curfew would greatly help the situation by removing potential rioters from the scene before a riot could arise. There is currently no specific provision in the law of Virginia for curfew, except in reference to juveniles.

3. To augment the first recommendation above, we recommend that the law enforcement personnel of all localities train in riot control and procedures and that the larger localities especially make sure that they have the proper equipment necessary to quell a riot.

This recommendation is self-explanatory.

#### **II. IMPROVEMENTS IN POLICE METHODS AND PROCEDURES.**

1. We recommend the establishment of a Central Crime Laboratory by providing, under the direction of the Chief Medical Examiner, a highly trained police scientist who could work in collaboration with the Department of State Police to improve the quality of scientific investigation available to all law enforcement officers. No enabling legislation is necessary to accomplish this but additional funds would have to be provided to the Office of the Chief Medical Examiner for the police science expert and extensive additional equipment for the laboratory. We also recommend that we move toward a sufficient number of portable crime laboratories for State-wide use as determined by the case load.

The Commission is of the opinion that at this time the Commonwealth should recognize the need for a Central Crime Laboratory. It is true that the national crime laboratory through the Federal Bureau of Investigation offers complete, modern and adequate laboratory services to the police departments throughout the State, but there is considerable delay between the submission of the evidentiary matter to the federal laboratory and the return of an analysis. Locally this can create many problems particularly with respect to suspects or potential suspects of the crime. For example, it is possible for a ballistic report to take up to six weeks before the information is returned. As a consequence a potential suspect may have fled from the area before any information concerning the weapon is forthcoming. It is the hope of the Commission that a beginning can be made, at least with a screening type of laboratory. The ultimate hope is that Virginia can have a complete and adequate crime laboratory to handle the Commonwealth's problems. It may not be possible to equip and staff a laboratory comparable to that of the F.B.I. immediately. However, the Commission does believe that the Office of the Chief Medical Examiner, since it is doing some criminal work now, could, given a highly trained police science expert, augment its present role and with close liaison between the Department of State Police and the Office of the Chief Medical Examiner, furnish investigative services of great value in many emergency situations.

2. We recommend that the Central Criminal Records Exchange, which was set up under the authority of the Attorney General's Office, be transferred to the Virginia State Police.

Absolutely no criticism is intended of the current Director of the Exchange or the manner of its operation. However, we feel that the Exchange could function more efficiently as an integral part of the State Police Agency, and that, as it develops to the point where use of computerized data processing is feasible, control of such equipment by a police agency will be required, if certain national criminal records are to be available.

In this connection, it is significant to note the following excerpt from a Report of the Committee on Uniform Crime Records of the International Association of Chiefs of Police:

"The Committee, in conjunction with its NCIC Advisory Group, took cognizance of a growing policy issue in the development of computerized information systems. Committee members discussed the growth of share-time computer systems wherein law enforcement data was being stored in computerized systems under the control of other state and local civilian government agencies. The concern was not with present file applications, but future development of computerized law enforcement files of a much more sensitive nature. It was recognized that the initial growth of information systems would require certain share-time activity; however, the security of law enforcement information ultimately requires law enforcement control over both hardware and software. In this regard, the Committee formulated the following Resolution for adoption by the International Association of Chiefs of Police in full conference at the September 9-14, 1967, meeting in Kansas City, Missouri.

"Whereas, the development and implementation of computerized police information systems and the establishment of the National Crime Information Center has greatly increased the availability, quantity and quality of police information to the law enforcement community, and,



“Whereas, the nature of police information requires, secure handling and a limited right to access based on an agency’s legitimate jurisdictional interest,

“Therefore, be it resolved that the controls governing access to police computerized information remain, as they have been historically placed, with the law enforcement agencies.”

3. We recommend, in lieu of the establishment of an independent criminal investigation agency, that the investigative force of the Department of State Police be strengthened, and that the statutes relating to powers and duties of the Department of State Police be clarified to emphasize the joint responsibility of State and local police officials in law enforcement.

Recommendations were made to the Commission for the establishment of a Central State Bureau of Criminal Investigation which would be charged with the responsibility of making, on its own initiative, investigations of serious crimes throughout the State. We do not consider that the establishment of such a “little F.B.I.” is essential to the prosecution of the war on crime in Virginia at this time. We recommend making available throughout the State the services of a strong investigation team. Since the Department of State Police already has a small group of highly trained investigators, it is feasible that this group can be expanded to form the investigative agency within the Department of State police.

We have heretofore recommended that a beginning be made on the provision of the services of a crime laboratory by utilizing the facilities of the Office of the Chief Medical Examiner with additional staff trained in this special field, and we further propose the centralization of the keeping of criminal records under the Department of State Police, with the hope and expectation that this will improve the keeping of such records and the dissemination of this information to law enforcement officers in all parts of the State.

The Department currently has a force of 31 investigators, most of whom are assigned to and work out of the several Division offices. In its current budget request it is our understanding that the Department has requested funds for salaries for 31 additional investigators. These men will have accessible all the facilities which have been built up through the years by the Department to aid in investigation of crime and the apprehension of criminals, both those who commit offenses against the motor vehicle laws and those who are guilty of other offenses. The enlargement of the present investigative force should not only make available in all localities the highly technical and scientific “know-how” which is essential for dealing with crimes of the most sophisticated types but it should also be rewarding to the persons presently employed by the State Police for the investigative duties in the offering of possibilities for advancement and broader utilization of their training and experience.

This group with the establishment of the Crime Laboratory and the transfer of the Central Criminal Records Exchange to the State Police, would form a much needed identification and investigation group that would serve all enforcement departments throughout the State.

If the Department of State Police will expand its facilities as outlined above, there is no need to establish a separate State Bureau of Investigation.

While the Department of State Police had its genesis as a highway patrol, the Superintendent of State Police, his several assistants and police

officers appointed by him "are vested with the powers of a sheriff for the purpose of enforcing all the criminal laws of this State." This presently means that there are, in addition to the several local police departments and sheriffs' offices, 897 law enforcement officers invested with the general power of arrest. The Department is presently organized with six divisions strategically located throughout the State and with an excellent communications system within the State and with tie-ins to the national networks which are so essential in combating and detecting modern crime.

We do not mean to minimize the role of the local police department or the sheriff's office in law enforcement. But we believe that the State has an over-riding interest in the preservation of law and order. We recommend that the statutes which confer police power on the Department of State Police and its officers be clarified to emphasize that they have a basic responsibility for the enforcement of all laws which is shared by local law enforcement officers and that cooperation of the State Police with local officials, and *vice versa*, is imperative. We believe that law enforcement officials at all levels should have the same aim and should cooperate fully in the battle against crime and criminals. To support this view we cite the excellent results which have been achieved in cases under the so-called "Lindbergh Law" in which federal, State and local officials have worked together harmoniously in the solution of crime.

4. We recommend that the Department of State Police expand the State Police training facilities to be able to handle promptly the training of new officers for counties and municipalities. This is directed to the problems of the training of police officers in modern techniques in criminal law and the whole spectrum of law enforcement.

We recommend that the State Police training facilities be expanded to an extent which will enable them to meet fully the demands which will result if the hope of the Commission is realized that counties and municipalities will avail themselves to a greater extent of the State's training facilities.

5. In addition to the authorization of § 23-9.2:2, for Tuition Grants, we recommend that the State Department of Education investigate the possibility of working with local police departments to offer, on a regional basis, training to police officers involved actively in the enforcement of criminal laws of the State; and that the Department of Community Colleges explore the possibility of using their facilities for the same purpose.

The Commission recognizes that it may be extremely difficult for a three-man sheriff's department to be able to spare a deputy while he trains at a 12-week school, but we firmly believe that additional training is essential to the proper enforcement of the criminal law of Virginia.

We have suggested above that there may be a need to expand the centrally located facilities of the State Police Training School. We note with approval that the Virginia Sheriffs' and City Sergeants' Association sought and obtained funds to conduct training there under their own auspices, and believe that support for this program should be continued. However, we believe that other approaches may have certain advantages and we suggest that they be explored.

The Department of Education now conducts, through its Vocational Education Division, training for volunteer as well as paid firemen throughout the State. This program has worked very well and we think it might well be emulated for police training. It might be possible to obtain federal funds in support of such efforts. In any event, we think that the Department would do well to investigate the possibility.

Virginia has embarked on an ambitious program of community colleges in an effort to bring higher education closer to students throughout the State. In addition to training in the arts and sciences, it is our understanding that these institutions offer technical and vocational courses also. It would appear that the development of courses which would be advantageous to law enforcement officers would offer a very excellent possibility of making such training available to many who could not be spared to attend at a centrally located facility.

6. We recommend that the State Compensation Board take into account the cost of training of officers or deputies as an expense item of the respective sheriffs' offices; State aid also might be provided, on a scholarship or matching basis, toward the payment of such expenses.

The cost, to the locality and to the individual, of the training we envisage could be a determining factor. Accordingly, the Commission recommends that to assist the sheriffs' office in training their deputies the State Compensation Board might treat the cost of such training as an expense item of the respective sheriff's office. As an alternative, it might be possible to broaden the present scholarship program, so that the individual officer or deputy could be aided by the payment of other expenses incurred in securing training to better qualify him to perform his duties.

7. We recommend the adoption of legislation which would create a Law Enforcement Officers Training Standards Commission which will have authority to set mandatory training standards for all law enforcement officers subsequent to their employment and to fix the minimum time allowed for completion of such training.

The Commission would be composed of the following nine representatives: one member from the Virginia Sheriffs' and City Sergeants' Association and one member from the Chiefs of Police Association, to be designated by the Presidents of the respective Associations; one member of the Senate of Virginia, appointed by the President of the Senate; two members of the House of Delegates, appointed by the Speaker of the House; and the following to be appointed by the Governor: one Commonwealth's Attorney, one member of the judiciary of the State and two members from the public-at-large.

The detection and prosecution of perpetrators of crime is becoming increasingly more sophisticated both because of the "tools" available to criminals today and because of the increasing restrictions placed upon enforcement officials by court decisions. It requires greater and greater technical knowledge and scientific methodology. The Commission realizes that it is Utopian and unrealistic to think that salaries in many areas of the State will ever be such as to permit the hiring of college graduates as starting patrolmen. However, we believe that the interest and dedication of law enforcement officers generally and of most current recruits, although in many cases lacking in formal education, makes them quite able to upgrade their capabilities through training.

We are aware of the existence of current training efforts of the various individual groups composing law enforcement. However, total participation throughout the State is imperative if law enforcement is to keep pace with the times.

The State Police School is excellent for both basic and some advanced training. However, it is located far from many areas of the State, and its facilities are of necessity limited. It is the belief of the Commission that training on an in-service basis, universally required, is the only way in which the competence of all the law enforcement officers of all the localities

can be improved. We think that the larger localities can greatly assist with in-service programs to put such training on a regional basis, and that a program of this nature should be begun.

If minimum educational standards for all police and deputy sheriffs, subsequent to employment, are required, we feel that the above result would be attained. We think the creation of a Commission as recommended above, with power to set training standards, would be the means of starting a State-wide training program. The members would be aware of the limitations of staff and funds which confront localities, as well as the benefits which would accrue from the improvements we envisage. Working closely with State and local law enforcement agencies, they could devise means of utilizing existing personnel and facilities, much as is now done in the training programs now being conducted for local, generally volunteer, fire fighting personnel.

Such a program cannot, of course, be developed overnight. Nor is it realistic to expect that all persons now serving as law enforcement officers would need or could be expected to take such training immediately. The program would have to be flexible and adapted to what can reasonably be expected to be realized.

For these reasons, we recommend the establishment of the Law Enforcement Officers Training Standards Commission, with the membership indicated, and giving it broad power both to set required standards for training and to fix times during which training must be acquired, with the end in view that eventually a more efficient system of law enforcement must ensue.

8. We realize that many localities recognize the need for additional police officers, increased pay, uniformity of training on a State-wide basis, and improved police public relations. The Commission urges that all localities appraise their respective situations and strive to improve their programs in these areas, and further, that the localities develop financial aid programs to assist and to reward officers engaging in the educational programs.

All of our recommendations in the field of police training have had as one of their aims the up-grading of the performance of their duties by law enforcement officers and the consequent improvement in their "public image". Respect for law and order is based on respect for those whose duty it is to maintain it. The day of the friendly "cop on the beat" has vanished in all too many places.

The Commission commends the action programs which have been undertaken in many places, and specifically, in Virginia, in the cities of Norfolk and Richmond, under grants from the federal Commission on Law Enforcement and Administration of Justice. We urge the several localities throughout the State, the governing bodies and general public as well, to take a long, hard look at their law enforcement agencies, and to cooperate fully and support all programs looking to their improvement.

Concerning all of its recommendations, the Commission would like to make it plain that no criticism or denigration of State or local police agencies is intended. The members of these forces are the persons on the firing line in the war on crime, and if they were not dedicated individuals they would not so serve. The improvements we suggest are offered in an effort to enable the law enforcement officers of the Commonwealth to improve the performance of their duties and we believe that the programs which we have discussed are a start in that direction.

9. We recommend an amendment to § 18.1-65 (the maiming statute) to provide that malicious intent be presumed as prima facie evidence where such action is perpetrated against a police officer.

The Commission is of the opinion that physical attacks upon law enforcement officers are not to be tolerated. For such to be permitted, greatly lessens the effectiveness of law enforcement. The corollary is true also, that the police should not be permitted to take advantage of their positions of authority. Fortunately there is very little, if any, of such misuse of authority. The Departments promptly self-police themselves.

### III. PROGRAMS AND FACILITIES IN THE FIELD OF PROBATION, PAROLE AND REHABILITATION OF CONVICTED OFFENDERS.

1. Local jails in many areas of the Commonwealth are not proper places for the detention of persons awaiting trial or who have been convicted; we recommend utilization, whenever feasible, of the regional jail farms now permitted by statute.

Our recommendation as to the utilization of jail farms rather than jails is self-explanatory. The effect of confinement in idleness upon the prisoner, as compared with useful employment, is obvious, and we commend the actions of those localities which, unable to provide adequate institutions themselves, have joined with others in the providing of such facilities.

2. Much dissatisfaction has been expressed with the system of sentencing of those convicted of serious crimes in Virginia. We believe that justice would be better served by developing a procedure for presenting the background and any prior convictions of the defendant in sentencing.

The literature in the field of judge vs. jury sentencing is voluminous, and we do not wish to go extensively into the arguments on both sides. Nor do we desire to impinge upon the prerogatives of another study group. We do feel, however, that in view of the effect of disparities in sentences upon those convicted, we should go on record as favoring the proposal that sentencing be by judges, as it is in federal courts and in many states. As an alternative to this, we would prefer that juries be given, after guilt has been determined, information such as is available in a pre-sentencing report.

3. We strongly recommend that the Departments of Mental Hygiene, Welfare and Institutions, and Health work together to set up an effective rehabilitation program for alcoholics.

The Commission believes that alcoholism in itself should not be a criminal offense, and therefore the Commission recommends that the Departments of Mental Hygiene, Welfare and Institutions, and Health approach the problem together and establish an effective rehabilitation program for the treatment of the alcoholic. The Commission is not recommending that any criminal conduct which is involved with drunkenness should not be punished. However, it is cognizant of the fact that alcoholism is in itself a separate problem, a civil one, and not criminal. Each of these Departments receives a significant share of alcoholics into its jurisdiction. The mental institutions and the two State medical hospitals have programs for treatment. Unfortunately when an inmate is committed to the State as an alcoholic under the indeterminate sentencing law, and is incarcerated for not less than three months nor more than three years at the State Farm, the inmate is involved only in a work program. No effective alcoholic rehabilitation program has been developed. It has been estimated that over 70% of the inmates of the Bland Correctional Farm either are alcoholics or have a drinking problem in their histories.

4. We recommend that the Department of Probation and Parole be given more funds to expand its program as to probation. We believe that the current case-load of the probation officer coupled with his extra duty of preparing pre-sentencing reports is too high. Accordingly we recommend that there be provided additional probation officers in order that true rehabilitation might be effectuated. It seems illogical to expect that any program can be successful if the contact with the probationer is greatly limited by a shortage of time due to an excessive case-load.

We believe the rehabilitation can only come through extensive and continued personal contact, not for the purpose of surveillance but to provide guidance and sympathetic understanding during what is frequently a difficult period of adjustment.

We recognize that there is keen competition for the services of competent probation officers and accordingly there is a need to up-grade salaries to attract such personnel. This is the basis of our recommendation.

We are not in a position of assigning priorities as between the several proposed improvements and new programs which are being sought by the Department of Welfare and Institutions. From the construction of a diagnostic and reception center apart from the penitentiary, through improved educational and training facilities, to the provision of a "half-way house" or pre-release center, we believe that much can be done toward the goal of rehabilitation of those who must be incarcerated, and we commend the efforts of the correctional authorities in this direction. With rare exceptions, every person who enters a correctional institution is at some time returned to society; we think it plainly apparent that whatever is done for such persons is desirable, if only for the protection of society itself.

#### IV. JUVENILE DELINQUENCY.

1. The Commission recommends, where feasible, the utilization of advisory juvenile juries in cases involving juvenile offenders. This has proved of considerable value in courts where it has been tried.

It is true that this jury has no legal status, but it brings youthful offenders before their peers and, as a consequence, the offender learns a more lasting lesson. As an adjunct to their utilization, it is also felt that it is educational to those selected for service on the jury, serving as an introduction to our legal system and an encouragement to the youth to assume responsibility in public affairs.

2. We recommend a study of our whole juvenile court law in the light of the recent decision in the case of *In re Gault*.

This is self-explanatory. It is too early to express or know the full impact of the referred to case, *In re Gault*, because until the next ruling it is not known how far this philosophy of the Supreme Court of the United States will be carried. However, it is most probable that subsequent cases will be forthcoming during the next biennium and as a consequence the Commission is of the opinion that a special study should look into problems that may arise in our juvenile code because of the referred to decision and any extensions thereof. Accordingly, the Commission recommends the adoption of its resolution calling for the study.

3. We recommend the enactment of amendments to §§ 8-654.1 and 8-654.1:1 to increase from \$200 to \$500 the limit of parental responsibility in cases of vandalism and malicious mischief by minors. Also in cases where a juvenile is a "repeater", that the court require both parents to be present for the hearing.

These sections deal with parental responsibility in cases of vandalism and malicious mischief by their children. The Commission recommends that the limit of responsibility be increased from \$200 to \$500 in the hope that a higher cost of punishment might tend to make more of an impression upon the parents.

The Commission believes that the first duty of parents is to train their children. If they fail in this then the courts must involve the parents. Thus, we recommend the placing of greater responsibility on the parents for the conduct of their children. Evidence submitted to us strongly suggests that juvenile delinquency stems in most instances from adult delinquency.

4. We recommend to the Department of Education a program of greater emphasis on citizenship, starting early in the school training and continuing throughout the course of study; that there be developed a course in ethics and citizenship; and that stricter rules and regulations concerning drinking at dances and sporting events be enforced.

The recommendation in this phase of the study, is in no way meant as a criticism of the Department of Education or the schools. Nor is it in any way an attempt to shift the burden of parental and church teaching and responsibility to the public school system. However, it is felt by the Commission, that more emphasis on citizenship can be started earlier in the school training program and continued throughout the years of a child's tenure.

The ultimate hope of society, as has always been the case, rests with the youth. This is as true today as it was 2,000 years ago and will be 2,000 years from now. Citizenship, morality and dedication of purpose are the mortar that holds together the bricks of our civilization, and just like real mortar, if improperly mixed, will ultimately cause the crumbling of the structure.

5. We recommend that there be made available to the Juvenile Courts more probation officers.

Our rationale for this recommendation is the same as for the adult as set forth in recommendation No. 4 of Part III.

6. We recommend that there be an expansion of the regional juvenile detention homes.

The confinement of juvenile offenders with adult criminals in jail, thereby exposing them to further corrupting influences and placing on them the stigma of being "jailbirds" should be eliminated as rapidly as more desirable facilities can be made available. To this end, the development and expansion of regional detention facilities in addition to the eight now in existence is desirable.

7. The Department of Labor and Industry is suggesting changes in the Code to broaden the Child Labor Laws.

These recommendations are designed to permit greater latitude for providing opportunities of employment to youth. We think these changes are worthy of serious consideration and accordingly commend them to the General Assembly.

## V. MISCELLANEOUS.

1. The Commission recommends the enactment of a new statute creating as a crime the possession of apparatus for administration of drugs with intent to violate the Uniform Narcotic Drug Act.

It has come to the attention of the Commission that the enforcement of the Uniform Narcotic Drug Act sometimes may be very difficult in its application to the addict. The precedent for this statute is found in the crime of possession of burglary tools. This had been tested by our Supreme Court and found to be constitutional.

2. We recommend a study of the feasibility of providing for full-time services by Commonwealth's Attorneys and judges of courts not of record.

The Commission does not wish to indicate that it is criticizing the dedicated people who serve in these capacities. However, as is often the case when one is called upon to serve two masters, a situation can arise where the workload of both private practice and the public role as Commonwealth's Attorney can create a problem.

3. We recommend the enactment of a new Code section, § 18.1-235.1, to provide for stronger punishment for those persons convicted of violating the Article on obscenity; and suggest that the localities update their ordinances in the light of recent amendments to the Code of Virginia and Supreme Court decisions.

The Commission believes that the current law relating to pornography and obscenity is adequate with the exception that it is recommending stronger punishment. The crux of any obscenity statute is that the offensive literature and the like appeal to prurient interest. Accordingly, this becomes a problem of extensive and dedicated investigation and also dedicated prosecution. To this end the Commission brings to the attention of those bodies involved with the enforcement of law, recent convictions in Cincinnati, Ohio, of purveyors of filth which were brought about by the conscientious investigation by the local police and the subsequent prosecution. In this vein, it is recommended that localities up-date their ordinance by couching it in the current language of the Code of Virginia.

4. The Commission recommends the enactment of §§ 18.1-268.1 through 18.1-268.10 of the Code of Virginia which will require the registration and regulation of "sawed-off" shotguns comparable to the provisions of the Uniform Machine Gun Act.

The possession of machine guns has been regulated in Virginia, and the use of such a weapon in a crime of violence is a capital offense. We believe that a "sawed-off" shotgun is also the type of weapon that should be included among those firearms required to be registered, and as to whose possession and use for aggressive purposes severe penalties should be applicable. The Commission is not naive enough to think it likely that criminal elements would ever voluntarily register any such weapons. However, we do believe that the proposed statute will give the police in the Commonwealth another weapon with which to combat crime both in the procedural elements of the statute, where unlawful possession is made an offense, and in the substantive penalty imposed for use in committing or attempting a crime of violence. The legislation should not be opposed by the average citizen who may be a gun fancier or collector, but who could have no legitimate need for so dangerous a weapon.

#### CONCLUSION

The Virginia State Crime Commission is fully cognizant of the fact that morality cannot be obtained completely by legislative edict. It therefore suggests that some of the solutions of the problems must come from the church, society at large, and individuals showing concern and manifest by considered action. It does not suffice merely to preach that such and such action is wrong or to read the newspaper and simply shake one's head in disgust and remark that such and such an account is terrible.



If a statement is true that was made to the Commission, "That society generally tends to tolerate the level of law that it chooses," then our everyday newspapers iterate a sad commentary on society today.

The suggested amendments to current law and the offered programs in the field of corrections express the hope of the Commission to lessen the burden to society of criminal activity.

Because of the magnitude of the task assigned to the Commission and the limitations of time and funds which have confronted it, we feel that we have been able to accomplish only a beginning of the investigation which should be made of crime, crime prevention, and detection and prosecution of offenders in Virginia. We feel that further study is necessary both to delve into ramifications of the subject which this Commission was not able to consider, and to assess the effects of recommendations which we are making and of ameliorative programs which are now under way and which are proposed.

There is now pending in the Congress of the United States a measure which, if enacted, would provide for the creation, in the Executive Department, of a group to study and make plans for programs in this field. If the federal bill is passed, it would appear that a continuation of a legislative study commission might be a duplication of effort. We accordingly make no such recommendation at this time but we are emphatically of the opinion that constant and continuing review by such a planning group or by continuation of a legislative study of the efforts being made in the State both to combat crime and to improve our efforts to rehabilitate those who have broken the law and been punished for it, is essentially for society to protect itself from those who offend against it.

Respectfully submitted,

Stanley C. Walker, *Chairman*

William H. Hodges, *Vice-Chairman*

George S. Aldhizer, II

W. C. Daniel

James W. Davis

Guy O. Farley, Jr.

William N. Paxton, Jr.

Joe Richman

Erwin S. Solomon

COMPARISON STATISTICAL DATA  
1964-1965

Area	Year	Popula- tion	Total offenses		Murder and nonnegligent manslaughter		Forcible rape		Robbery		Aggravated assault		Burglary		Larceny \$50 and over		Auto theft	
			Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000
Virginia.....	1964	4,378,000	49,356	1,127.3	297	6.8	456	10.4	1,462	33.4	6,533	149.2	20,746	473.9	13,300	303.3	6,562	149.9
	1965	4,457,000	51,635	1,158.6	296	6.6	483	10.8	1,715	38.5	5,968	133.9	21,540	483.3	14,366	322.3	7,267	163.1
Table 1.—Index of Crime by States, 1964-65 (Number and rate per 100,000 inhabitants;)																		
Table 2.—Index of Crime by State, 1965																		
Virginia																		
Standard Metropolitan Statistical Area.....		2,391,000																
Area actually reporting.....		100.0%	39,529		148		313		1,433		3,721		16,836		11,199		5,879	
Other Cities.....		489,000																
Area actually reporting.....		92.2%	5,015		36		45		151		717		2,110		1,480		476	
Estimated total.....		100.0%	5,441		39		49		164		778		2,289		1,606		516	
Rural.....		1,577,000																
Area actually reporting.....		99.6%	6,641		109		121		118		1,463		2,406		1,555		860	
Estimated total.....		100.0%	6,665		109		121		118		1,469		2,415		1,561		872	
State Total.....		4,457,000	51,635		296		483		1,715		5,968		21,540		14,366		7,267	
Rate per 100,000 inhabitants.....			1,158.6		6.6		10.8		38.5		133.9		483.3		322.3		163.1	

COMPARISON STATISTICAL DATA  
1964-1965

Area	Year	Popula- tion	Total offenses		Murder and nonnegligent manslaughter		Forcible rape		Robbery		Aggravated assault		Burglary		Larceny \$50 and over		Auto theft	
			Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000
Table 3.—Index of Crime, 1965, Standard Metropolitan Statistical Areas (Rate per 100,000 inhabitants)																		
Lynchburg, Va.----- (Includes Lynchburg City and Amherst and Campbell Counties.)		123,000	1,119	907.6	6	4.9	16	13.0	20	16.2	172	139.5	648	525.6	152	123.3	105	85.2
Newport News-Hampton, Va.----- (Includes Newport News and Hampton Cities and York County.)		268,000	4,142	1,545.5	23	8.6	33	12.3	218	81.3	337	125.7	1,012	713.4	1,169	436.2	450	167.9
Norfolk-Portsmouth, Va.----- (Includes Norfolk, Chesapeake, Portsmouth and Virginia Beach Cities and Norfolk and Princess Anne Counties.)		650,000	13,204	2,029.8	42	6.5	106	16.3	575	88.4	1,442	221.7	5,512	847.4	3,529	542.5	1,998	307.2
Richmond, Va.----- (Includes Richmond City and Chesterfield, Henrico and Hanover Counties.)		493,000	9,498	1,928.4	50	10.2	70	14.2	303	61.5	867	176.0	4,195	851.7	2,296	466.2	1,717	348.6
Roanoke, Va.----- (Includes Roanoke City and Roanoke County.)		181,000	2,259	1,248.8	8	4.4	12	6.6	76	42.0	214	118.3	933	515.8	621	343.3	395	218.4
Washington, D. C. - Md. - Va.----- (Includes District of Columbia; Montgomery and Prince Georges Counties, Md.; Alex- andria, Fairfax and Falls Church Cities and Arlington and Fairfax Counties, Va.)		2,392,000	51,947	2,171.3	197	8.2	339	14.2	3,665	153.2	5,087	212.6	21,323	891.3	11,869	496.1	9,467	395.7

COMPARISON STATISTICAL DATA  
1965-1966

Area	Year	Popula- tion	Total offenses		Murder and nonnegligent manslaughter		Forcible rape		Robbery		Aggravated assault		Burglary		Larceny \$50 and over		Auto theft	
			Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000
Virginia-----	1965	4,457,000	51,635	1,158.6	296	6.6	483	10.8	1,715	38.5	5,968	133.9	21,540	483.3	14,366	322.3	7,267	163.1
	1966	4,507,000	56,301	1,249.2	295	6.5	486	10.8	1,933	42.9	5,988	132.9	24,635	546.6	14,199	315.0	8,765	194.5
Table 1-A.—Index of Crime by States, 1965-66 (Number and rate per 100,000 inhabitants)																		
Table 2-A.—Index of Crime by State, 1966																		
Virginia																		
Standard Metropolitan Statistical Area-----		2,426,000																
Area actually reporting-----		100.0%	44,173		159		327		1,643		3,766		19,940		11,418		6,920	
Other Cities-----		502,000																
Area actually reporting-----		90.2%	5,033		30		40		152		747		2,151		1,278		640	
Estimated total-----		100.0%	5,586		33		44		169		828		2,385		1,417		710	
Rural-----		1,579,000																
Area actually reporting-----		100.0%	6,542		103		115		121		1,394		2,310		1,364		1,135	
State Total-----		4,507,000	56,301		295		486		1,933		5,988		24,635		14,199		8,765	
Rate per 100,000 inhabitants-----			1,249.2		6.5		10.8		42.9		132.9		546.6		315.0		194.5	

COMPARISON STATISTICAL DATA  
1965-1966

21

	Year	Popula- tion	Total offenses		Murder and nonnegligent manslaughter		Forcible rape		Robbery		Aggravated assault		Burglary		Larceny \$50 and over		Auto theft	
			Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000	Num- ber	Rate per 100,000
Table 3-A.—Index of Crime, 1966, Standard Metropolitan Statistical Areas (Rate per 100,000 inhabitants)																		
Lynchburg, Va.----- (Includes Lynchburg City and Amherst and Campbell Counties.)		123,000	945	769.6	14	11.4	4	3.3	15	12.2	217	176.7	505	411.3	111	90.4	79	64.3
Newport News-Hampton, Va.----- (Includes Newport News and Hampton Cities and York County.)		273,000	3,973	1,457.3	21	7.7	35	12.8	178	65.3	341	125.1	1,820	667.6	1,201	440.5	377	138.3
Norfolk-Portsmouth, Va.----- (Includes Norfolk, Chesapeake, Portsmouth and Virginia Beach Cities and Norfolk and Princess Anne Counties.)		667,000	15,167	2,272.8	50	7.5	100	15.0	761	114.0	1,301	195.0	6,348	951.3	4,180	626.4	2,427	363.7
Richmond, Va.----- (Includes Richmond City and Chesterfield, Henrico and Hanover Counties.)		502,000	10,793	2,148.3	47	9.4	90	17.9	349	69.5	814	162.0	5,350	1,064.9	2,220	441.9	1,923	382.8
Roanoke, Va.----- (Includes Roanoke City and Roanoke County.)		181,000	2,289	1,265.4	8	4.4	15	8.3	59	32.6	240	132.7	1,051	581.0	508	280.8	408	225.5
Washington, D. C. - Md. - Va.----- (Includes District of Columbia, Montgomery and Prince Georges Counties, Md.; Alex- andria, Fairfax and Falls Church Cities and Arlington and Fairfax Counties, Va.)		2,481,000	59,555	2,412.2	189	7.7	333	13.5	4,673	189.4	4,889	198.5	21,374	985.8	13,080	530.2	12,017	487.1

Table 4.—Number of Offenses Known to the Police, 1965, Cities and Towns 25,000 and Over in Population

22

City	Index total	Criminal homicide		Forcible rape	Robbery	Aggravated assault	Burglary— breaking or entering	Larceny— theft		Auto theft
		Murder and nonnegligent manslaughter	Manslaughter by negligence					\$50 and over	Under \$50	
Cities over 250,000 in population										
Norfolk, Va.-----	7,128	24	28	50	314	911	2,882	1,748	5,196	1,199
Cities 100,000 to 250,000 in population										
Alexandria, Va.-----	2,210	4	3	21	109	311	850	626	1,720	289
Arlington, Va. (Co.)-----	2,819	5	6	18	54	161	1,007	1,208	2,301	366
Hampton, Va.-----	1,529	11	7	7	36	52	688	575	1,098	160
Newport News, Va.-----	2,389	11	6	19	179	254	1,101	550	1,788	275
Richmond, Va.-----	6,511	42	30	41	277	537	2,742	1,450	4,366	1,422
Roanoke, Va.-----	1,872	7	11	9	61	136	797	514	1,317	348
Virginia Beach, Va.-----	2,028	6	10	15	36	208	837	723	1,676	203
Cities 50,000 to 100,000 in population										
Chesapeake, Va.-----	1,147	5	11	31	35	146	525	305	521	100
Lynchburg, Va.-----	722	6	2	6	18	42	452	119	861	79
Cities 25,000 to 50,000 in population										
Charlottesville, Va.-----	347	3	2	4	5	29	116	157	483	33
Danville, Va.-----	661	8	5	9	5	102	239	246	649	52
Petersburg, Va.-----	847	4	—	11	49	129	420	131	641	103

Source: Crime in United States  
Uniform Crime Report  
FBI

Table 4-A.—Number of Offenses Known to the Police, 1966, Cities and Towns 25,000 and Over in Population

City	Index total	Criminal homicide		Forcible rape	Robbery	Aggravated assault	Burglary—breaking or entering	Larceny—theft		Auto theft
		Murder and nonnegligent manslaughter	Manslaughter by negligence					\$50 and over	Under \$50	
Cities over 250,000 in population										
Norfolk, Va.....	8,657	20	36	48	453	849	3,409	2,340	4,605	1,538
Cities 100,000 to 250,000 in population										
Alexandria, Va.....	2,427	3	3	23	146	378	901	591	2,288	385
Arlington, Va. (Co.).....	3,300	7	4	24	70	209	1,208	1,282	2,362	500
Hampton, Va.....	1,684	9	5	14	40	60	827	608	1,239	126
Newport News, Va.....	2,056	11	5	14	136	253	846	551	1,848	245
Richmond, Va.....	6,908	39	20	67	283	429	3,237	1,282	4,683	1,571
Roanoke, Va.....	1,968	6	5	11	53	209	912	408	1,427	369
Virginia Beach, Va.....	2,178	5	11	19	47	192	778	906	1,937	231
Cities 50,000 to 100,000 in population										
Chesapeake, Va.....	1,163	9	8	21	36	113	595	237	856	152
Lynchburg, Va.....	518	8	1	2	11	40	324	87	750	46
Cities 25,000 to 50,000 in population										
Charlottesville, Va.....	385	—	—	4	12	39	154	128	518	48
Danville, Va.....	684	3	1	4	4	86	304	211	538	72
Petersburg, Va.....	885	4	—	8	56	134	384	152	716	147
Source: Crime in United States Uniform Crime Report FBI										

*A BILL to amend the Code of Virginia by adding in Chapter 5 of Title 18.1 an article numbered 1.1 containing sections numbered 18.1-254.1 through 18.1-254.16, to define riots, routs and unlawful assemblies; to prescribe penalties for participating therein and for certain activities relating thereto including failure to disperse upon command; to require persons to assist law enforcement officers on command and prescribe penalties for failure to do so; to prohibit interference with execution of legal process; to authorize the Governor to order certain agencies to assist in preserving the peace; to prohibit disorderly conduct on public conveyances and in public places and authorize local ordinances concerning such conduct; and to repeal Article 1 of Chapter 5 of Title 18.1, containing §§ 18.1-247 through 18.1-254, of the Code of Virginia relating generally to the same matters.*

Be it enacted by the General Assembly of Virginia :

1. That the Code of Virginia be amended by adding in Chapter 5 of Title 18.1, an article numbered 1.1, containing §§ 18.1-254.1 through 18.1-254.16, as follows :

Article 1.1

Riots, etc. Disorderly Conduct

§ 18.1-254.1. As used in this article :

(a) Any use of force or violence, or any threat to use force or violence, if accompanied by immediate power of execution, by six or more persons acting together and without authority of law, is riot.

(b) Whenever three or more persons acting together make any attempt to do any act which would be riot if actually committed, such assembly is a rout.

(c) Whenever three or more persons assemble with intent or with means and preparations to do an unlawful act which would be riot if actually committed, but do not act toward the commission thereof, or whenever such persons assemble without authority of law and in such a manner as is adopted to disturb the public peace or excite public alarm, such assembly is an unlawful assembly.

§ 18.1-254.2. Every person convicted of participating in any riot shall be punished as follows :

a. If any grand larceny, murder, maiming, robbery, rape, or arson was committed in the course of such riot, in the same manner as a principal in such crime ;

b. If the purpose of the riotous assembly was to resist the execution of any statute of this State or of the United States, or to obstruct any public officer of this State or of the United States, in the performance of any legal duty, or in serving or executing any legal process, by imprisonment in the penitentiary for not less than two years nor more than ten years ;

c. If such person carried, at the time of such riot, any species of firearms or other deadly or dangerous weapon, or was disguised, by imprisonment in the penitentiary for not less than two years nor more than ten years ;

d. If such person directed, advised, encouraged, incited, or solicited other persons who participated in the riot to acts of force or violence, by



imprisonment in the penitentiary for not less than two nor more than ten years;

e. In all other cases, in the same manner as for a misdemeanor.

§ 18.1-254.3. Every person who participates in any rout or unlawful assembly shall be guilty of a misdemeanor.

§ 18.1-254.4. Every person, except public officers and persons assisting them, remaining present at the place of any riot, rout, or unlawful assembly after having been lawfully warned to disperse, shall be guilty of a misdemeanor.

§ 18.1-254.5. When three or more persons assemble for a lawful purpose and afterwards proceed to commit or attempt or threaten to commit an act which would amount to rout or riot if it had been the original purpose of the meeting, every person, except public officers and persons assisting them, who does not retire when the change of purpose is made known, shall be guilty of a misdemeanor.

§ 18.1-254.6. Every person present at any riot and lawfully commanded to aid the officers in arresting any rioter who neglects or refuses to obey such command shall be deemed one of the rioters and shall be punished accordingly.

§ 18.1-254.7. Every person who resists or enters into a combination with any other person to resist the execution of any legal process, under circumstances not amounting to a riot, shall be punished by imprisonment in jail for not more than one year, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.

§ 18.1-254.8. When a sheriff or other officer authorized to execute process finds or has reason to apprehend that resistance will be made to the execution of the process, he may command as many male inhabitants of his jurisdiction as he may think proper to assist him in overcoming the resistance, and if necessary, in seizing, arresting, and confining the resisters and their aiders and abettors for punishment according to law. Every person commanded by such officer to assist him in the execution of process, as provided herein, who, without lawful cause, refuses or neglects to obey the command, shall be guilty of a misdemeanor.

§ 18.1-254.9. If it appears to the Governor that the power of the locality is not sufficient to enable the sheriff or other officer to execute process delivered to him or to suppress riots and to preserve the peace, he may order such a force from any other locality or State agency as is necessary to execute such process and to preserve the peace. All persons so ordered or summoned by the Governor are required to attend and act. Any person who, without lawful cause, refuses or neglects to obey the command, shall be guilty of a misdemeanor.

§ 18.1-254.10. When any number of persons, whether armed or not, unlawfully or riotously are assembled, the sheriff of the county and his deputies, the police officials of the city or town, or any of them, must go among the persons assembled or as near to them as possible and command them in the name of the State immediately to disperse. If upon command the persons unlawfully assembled do not disperse immediately, the sheriff or officer must arrest them or cause them to be arrested. For that purpose,

he may command the aid of all persons present or within the locality. If persons unlawfully and riotously assembled do not disperse immediately when commanded so to do, any sheriff or officer mentioned herein may command the aid of a sufficient number of persons, and may proceed in such manner as in his judgment is necessary to disperse the assembly and arrest the offenders.

§ 18.1-254.11. If a person commanded to aid the sheriff or officers to arrest persons unlawfully assembled neglects to do so, he shall be deemed one of the unlawfully assembled and shall be punished accordingly.

§ 18.1-254.12. Every endeavor must be used, both by the sheriff or other officers and by the officer commanding any other force, which can be made consistently with the preservation of life, to induce or force the rioters to disperse before an attack is made upon them by which their lives may be endangered. If any of the persons so riotously or unlawfully assembled shall be killed, maimed or otherwise injured, in consequence of resisting the sheriff or others in dispersing and apprehending them, or in attempting to disperse and apprehend them, such sheriffs and other officers and others acting by their authority, or the authority of any of them, shall be held guiltless; provided, such killing, maiming or injury shall take place in consequence of the use of necessary and proper means to disperse or apprehend any such persons so riotously or unlawfully assembled.

§ 18.1-254.13. Any person, who after the publication of a proclamation by the Governor, or who after lawful notice to disperse and retire, resists or aids in resisting the execution of process in a county, city or town declared to be in a state of riot or insurrection, or who aids or attempts the rescue or escape of another from lawful custody or confinement, or who resists or aids in resisting a force ordered out by the Governor or any sheriff or other officer to quell or suppress an insurrection or riot, shall be guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than two years nor more than ten years.

§ 18.1-254.14. If any rioter, or person unlawfully assembled pull down or destroy, in whole or in part, any dwelling house, or assist therein, or shall in the nighttime stone the same in a manner calculated to terrorize the inmates, or assist therein, or perpetrate any premeditated injury on the person of another, not being a felony, he shall be confined in the penitentiary not less than two nor more than five years; and though no such house be so injured or stoned, every rioter, and every person unlawfully assembled, shall be deemed guilty of a misdemeanor.

§ 18.1-254.15. If any person, whether a passenger or not, shall, while in or on any public conveyance behaves in a disorderly manner, he shall be guilty of a misdemeanor. The agent or employees in charge of such public conveyance may require such person to discontinue his disorderly conduct, and if he refuses to do so may eject him, with the aid, if necessary, of any other persons who may be called upon for the purpose.

§ 18.1-254.16. If any person behaves in a disorderly manner in any street, highway, public building, or any other public place other than those mentioned in the preceding section, or causes any unnecessary disturbance in or on any public conveyance, by running through it, climbing through windows or upon the seats, failing to move to another seat when lawfully requested to so move by the operator, or otherwise annoying passengers or employees therein, he shall be guilty of a misdemeanor.

Cities, towns and counties are hereby authorized and empowered to adopt ordinances or resolutions prohibiting and punishing the above acts, or any of them, when committed in such cities, towns or counties, and such ordinances or resolutions shall provide the same punishment for a violation thereof as is provided by this section, anything in the charters of such cities or towns to the contrary notwithstanding. All fines imposed for the violation of such ordinances or resolutions shall be paid to and retained by such cities, towns and counties, and the Commonwealth shall not be chargeable with any costs in connection with any prosecution for the violation of any such ordinances or resolutions.

2. Article 1 of Title 18.1 containing §§ 18.1-247 through 18.1-254 is repealed.

*A BILL to amend and reenact § 44-78, as amended, of the Code of Virginia, relating to the calling out of the troops in time of danger, to provide that the authority for ordering out of troops is limited to the Governor.*

Be it enacted by the General Assembly of Virginia :

1. That § 44-78, as amended, of the Code of Virginia be amended and reenacted as follows :

§ 44-78. How troops called out in time of danger.—In case of any breach of the peace, tumult, riot, or resistance of law, or imminent danger thereof, or in case of any disaster wherein the lives or property of citizens are imperiled, it shall be lawful for the \* *chief law enforcement officer or governing body* of any county or \* city, to call upon the Governor for aid, and, \* *upon being ordered by the Governor*, it shall be the duty of the commanding officer, \* *to whom such \* order is \* directed*, to order out, in aid of the civil authorities, the military force or any part thereof under his command.\*\*

\*\*\*

\* *The request to the Governor* shall be signed and properly attested as the act of such \* *chief law enforcement officer or governing body* and may be varied to suit the circumstances of the case; and a copy of the same shall be immediately forwarded to the \* *Governor*. The officer to whom the order of the \*\*\* *Governor* is directed shall forthwith order the troops therein called for, to assemble at the time and place appointed. \* Such troops shall appear at the time and place appointed, armed and equipped with ammunition, and shall obey and execute such orders as they may then and there receive according to law.

*A BILL to amend the Code of Virginia by adding thereto a section numbered 15.1-514.1 to enable the governing bodies of counties, cities and towns, to authorize the regulation, restriction, or prohibition of the assembling of persons or movement of persons or vehicles under certain circumstances.*

Be it enacted by the General Assembly of Virginia :

1. That the Code of Virginia be amended by adding thereto a section numbered 15.1-514.1 as follows :

§ 15.1-514.1. The governing body of any county, city or town is authorized to empower the chief law enforcement officer to regulate, restrict or prohibit any assembly of persons or the movement therein of persons or vehicles during the hours of darkness, when there exists or might exist any civil commotion, disturbance or riot in such county, city or town or any part thereof.

*A BILL to amend and reenact §§ 19.1-19.1 and 19.1-19.3 of the Code of Virginia relating to the Central Criminal Records Exchange.*

Be it enacted by the General Assembly of Virginia :

1. That §§ 19.1-19.1 and 19.1-19.3 of the Code of Virginia be amended and reenacted as follows :

§ 19.1-19.1.\*\*\* (a) *On and after July 1, 1968 the Division within the office of the Attorney General of Virginia known as the Central Criminal Records Exchange, heretofore created and existing, is hereby transferred to and shall hereafter operate as a Division within the Department of State Police under the supervision of the superintendent thereof. All the powers and duties heretofore vested in and imposed upon said Division in the Attorney General's Office are hereby transferred to and vested in and imposed upon the Department of State Police.*

(b) *The Superintendent of State Police is hereby authorized to employ such personnel, establish such offices and acquire such equipment as shall be necessary to carry out the purposes of this chapter and is also authorized to enter into agreements with other State agencies for services to be performed for it by employees of such other agencies.*

(c) *All right, title and interest in and to any real estate, or any tangible personal property, vested in the Central Criminal Records Exchange as a division of the Office of the Attorney General of Virginia at the time this section becomes effective are transferred to the Department of State Police. All unexpended funds appropriated for the operation of such Division in the Office of the Attorney General shall be transferred to the Department of State Police for its operation therein.*

§ 19.1-19.3. Reports to be made by local law enforcement officers, conservators of the peace and clerks of court.—(a) On and after January one, nineteen hundred sixty-eight, every State official or agency having the power to arrest, the sheriffs of counties, the police officials of cities and towns, and any other local law-enforcement officer or conservator of the peace having the power to arrest for a felony shall make a report to the Central Criminal Records Exchange, on forms provided by it, of any arrest on a charge of treason or of any felony or of any of the following offenses punishable as misdemeanors: Bribery; petit larceny; obtaining money or property under false pretenses; indecent exposure; vagrancy; or any violation of the laws relating to the manufacture, possession or sale of narcotics, prostitution, the keeping of bawdy places, child abuse, or obscenity. Such reports shall contain such information as shall be required by the Exchange and shall be accompanied by fingerprints of the individual arrested and information as to whether a photograph of the individual is available.

(b) On and after January one, nineteen hundred sixty-seven, the clerk of each court of record and court not of record shall make a report to the Central Criminal Records Exchange of any dismissal, nolle prosequi, acquittal, or conviction of, or failure of a grand jury to return a true bill as to, any person charged with an offense listed in subsection (a) of this section. No such report of conviction shall be made by the clerk of a court not of record unless the period allowed for an appeal has elapsed and no appeal has been perfected. In the event that the records in the office of any clerk show that any conviction has been nullified in any manner, he shall also make a report of that fact. For each such report made by a clerk of a court of record, he shall be allowed a fee of fifty cents, to be paid from the appropriation for criminal charges.

(c) If the Attorney General \* *has certified* to the Governor, prior to January one, nineteen hundred sixty-eight, that it has not been possible to establish and equip their files to receive, store, retrieve and disseminate the information required by this section to be reported to the Central Exchange, or any part thereof, then reports of such information shall not be required until the Governor, after receiving information that such files are so established and equipped, proclaims such reports to be required.

*A BILL to amend and reenact §§ 52-4 and 52-8 of the Code of Virginia, pertaining to the functions of the State Police and its powers and duties to enforce criminal laws; the amendments clarifying the powers and duties of the Department.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 52-4 and 52-8 of the Code of Virginia be amended and reenacted as follows:

§ 52-4. Functions of Department.—The highway patrol, or State Police patrol as it is sometimes called, the police school, the State Police radio or communication system, the supervision of inspection stations and of inspectors of motor vehicles, the promotion of highway safety, the adoption of standards for motor vehicle appliances, accessories and safety devices and the registration of machine guns, *the investigation of crimes and the enforcement of the criminal laws shall be \* the responsibility of the Department of State Police.*

§ 52-8. Powers and duties to enforce criminal laws.—(a) The superintendent of State Police, his several assistants and police officers appointed by him are vested with the powers of a sheriff for the purpose of enforcing all the criminal laws of this State, and it shall be the duty of the Superintendent, his several assistants and police officers appointed by him to use their best efforts to enforce the same.

(b) Nothing in \* section (a) hereof shall be construed as relieving any sheriff or sergeant, commissioner of the revenue, police officer, or any other official now or hereafter invested with police powers and duties, State or local, from the duty of aiding and assisting in the enforcement of such laws within the scope of his authority and duty.

(c) *It shall be the duty of the Superintendent, his several assistants and appointees to assist the authorities as set forth in paragraph (b) above in the investigation of crimes and the enforcement of criminal laws within their respective jurisdictions.*



*A BILL to amend the Code of Virginia by adding in Title 9 thereof a chapter numbered 16 containing sections numbered 9-107 through 9-111 so as to establish a Law Enforcement Officers Training Standards Commission, and authorize it to recommend minimum compulsory standards for the training of law enforcement officers.*

Be it enacted by the General Assembly of Virginia :

1. That the Code of Virginia be amended by adding in Title 9 thereof, a chapter numbered 16, containing sections numbered 9-107 through 9-111, as follows :

#### CHAPTER 16

§ 9-107. (a) There is hereby established a Law Enforcement Officers Training Standards Commission, hereinafter called "the Commission", in the Executive Department. The Commission shall be composed of nine members, as follows: (a) one member from the Senate of Virginia appointed by the President of the Senate for a term of four years; two members from the House of Delegates appointed by the Speaker of the House for terms of two years; the following appointments by the Governor: one representative of the Virginia State Sheriffs' and City Sergeants' Association from among names submitted by the Association; one representative of the Chiefs of Police Association from among names submitted by the Association; one member of the State judiciary; one Commonwealth's Attorney; and two members from the public at large.

(b) The members of the Commission appointed by the Governor shall serve for terms of four years; provided that no member shall serve beyond the time when he holds the office or employment by reason of which he was initially eligible for appointment. Notwithstanding anything in this chapter to the contrary, the terms of members initially appointed to the Commission by the Governor upon its establishment shall be: three for three years, and three for four years. The Governor, at the time of appointment shall designate which of the terms are respectively for three and four years. Any vacancy on the Commission shall be filled in the same manner as the original appointment, but for the unexpired term.

(c) The Governor annually shall designate the Chairman of the Commission, and the Commission annually shall select its Vice-Chairman. The Chairman and Vice-Chairman shall be designated and selected from among the members of the Commission.

(d) Notwithstanding any provision of any statute, ordinance, local law, or charter provision to the contrary, membership on the Commission shall not disqualify any member from holding any other public office or employment, or cause the forfeiture thereof.

(e) Members of the Commission shall serve without compensation, but shall be entitled to receive reimbursement for any actual expenses incurred as a necessary incident to such service.

(f) The Commission shall hold no less than four regular meetings a year. Subject to the requirements of this subsection, the Chairman shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Commission.

(g) The Commission shall report biennially to the Governor and General Assembly on its activities, and may make such other reports as it deems desirable.

§ 9-108. As used in this chapter, the term "law enforcement officer" means any full-time employee of a police department or sheriff's office which is a part of or administered by the State or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of this State.

§ 9-109. In addition to powers conferred upon the Commission elsewhere in this chapter, the Commission shall have power to :

(1) Promulgate rules and regulations, pursuant to Chapter 1.1 of Title 9 of the Code of Virginia, for the administration of this chapter including the authority to require the submission of reports and information by police officers within this State.

(2) Establish compulsory minimum educational and training standards subsequent to employment as a law enforcement officer, (a) in permanent positions, and (b) in temporary or probationary status, and establish the time required for completion of such training.

(3) Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools operated by or for the State or any political subdivisions thereof for the specific purpose of training law enforcement officers.

(4) Consult and cooperate with counties, municipalities, agencies of this State, other governmental agencies, and with universities, colleges, junior colleges, and other institutions concerning the development of police training schools and programs or courses of instruction.

(5) Approve institutions and facilities for school operation by or for the State or any political subdivision thereof for the specific purpose of training law enforcement officers; but this shall not prevent the holding of any such school whether approved or not.

(6) Make or encourage studies of any aspect of law enforcement administration.

(7) Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement.

(8) Make recommendations concerning any matter within its purview pursuant to this chapter.

(9) Employ and fix the salaries of such personnel as may be necessary in the performance of its functions. The salaries of such personnel shall be fixed in accordance with the standards of classification of Chapter 10 of Title 2.1.

(10) Adopt and amend rules and regulations, consistent with law, for its internal management and control.

(11) Enter into contracts or do such things as may be necessary and incidental to the administration of its authority pursuant to this chapter:

§ 9-110. The Commission shall establish and maintain police training programs through such agencies and institutions as the Commission may deem appropriate.

§ 9-111. The Commission may accept for any of its purposes and functions under this chapter any and all donations, both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this subsection shall be detailed in the annual report of the Commission. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any monies received by the Commission pursuant to this section shall be deposited in the State treasury to the account of the Commission.

2. The provisions of this chapter shall be severable and if any phrase, clause, sentence or provision of this chapter is declared to be contrary to the Constitution or laws of this State or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this chapter and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby.

3. This act shall be in force on and after July one, nineteen hundred sixty-eight.

*A BILL to amend and reenact § 18.1-65 of the Code of Virginia, relating to maliciously shooting, stabbing and the like with intent to maim, kill, or the like; to provide prima facie evidence when such an act is committed against law enforcement officer.*

Be it enacted by the General Assembly of Virginia :

1. That § 18.1-65 of the Code of Virginia be amended and reenacted as follows:

§ 18.1-65. Shooting, stabbing, etc., with intent to maim, kill, etc.—If any person maliciously shoot, stab, cut, or wound any person or by any means cause him bodily injury, with the intent to maim, disfigure, disable, or kill, he shall, except where it is otherwise provided, be confined in the penitentiary not less than three nor more than twenty years. If such act be done unlawfully but not maliciously, with the intent aforesaid, the offender shall, at the discretion of the jury, be confined in the penitentiary not less than one nor more than five years or be confined in jail not exceeding twelve months, and fined not exceeding five hundred dollars.

*Any of the acts described above, if committed upon any duly authorized law enforcement officer while in the performance of any official duty, shall be prima facie evidence that the intent to maim, disfigure, disable, or kill such officer was malicious.*

HOUSE JOINT RESOLUTION NO. ....

*Creating a Commission to study the statutes relating to juvenile courts in Virginia.*

Whereas, decisions by the Supreme Court of the United States have been recently handed down concerning rights of juvenile offenders; and

Whereas, such decisions may have far reaching impact on criminal cases involving juvenile offenders; and

Whereas, the laws relating to juvenile courts in Virginia need careful review in light of these decisions and others which may be rendered in the future;

Resolved by the House of Delegates of Virginia, the Senate concurring, That a Commission, to be known as the Virginia Juvenile Statutes Commission is hereby created to make a study and report on all areas concerning the laws relating to the trial, disposition and rehabilitation of juvenile offenders and the effect of any court decisions which have been or may be rendered in this area. The Commission shall be composed of nine members, two of whom shall be appointed by the President of the Senate from the membership thereof; two of whom shall be appointed by the Speaker of the House of Delegates from the membership thereof; and five of whom shall be appointed by the Governor, two of whom shall be Judges of Courts with jurisdiction over juvenile offenders, and three of whom shall be from the State at large. The members of the Commission shall receive no compensation for their services but shall be paid their necessary expenses, for which, and for such secretarial and other assistance as the Commission may require, there is hereby appropriated from the Contingent Fund of the General Assembly a sum sufficient not to exceed five thousand dollars.

The Commission shall conclude its study and make a report containing its findings and recommendations to the Governor and the General Assembly not later than November one, nineteen hundred and sixty-nine. All agencies of the State shall assist the Commission in its study upon request.

*A BILL to amend and reenact §§ 8-654.1 and 8-654.1:1 of the Code of Virginia, to provide for civil action against parent for damage to public and private property by minor.*

Be it enacted by the General Assembly of Virginia :

1. That §§ 8-654.1 and 8-654.1:1 of the Code of Virginia be amended and reenacted as follows :

§ 8-654.1. Action against parent for damage to public property by minor.—The State, acting through the officers having charge of the public property involved, or the governing body of a county, city, town, or other political subdivision, or a school board may institute an action and recover from the parents or either of them of any minor under the age of eighteen years, living with such parents or either of them for damages suffered by reason of the willful or malicious destruction of, or damage to, public property by such minor, provided that not exceeding \* *five* hundred dollars may be recovered from such parents or either of them as a result of any incident or occurrence on which such action is based.

§ 8-654.1:1. Action against parent for damage to private property by minor.—The owner of any property may institute an action and recover from the parents, or either of them, of any minor under the age of eighteen years living with such parents, or either of them, for damages suffered by reason of the willful or malicious destruction of, or damage to, such property by such minor, provided that not exceeding \* *five* hundred dollars may be recovered from such parents, or either of them, as a result of any incident or occurrence on which such action is based. Any such recovery from the parent or parents of such minor shall not preclude full recovery from such minor except to the amount of the recovery from such parent or parents. The provisions of this statute shall be in addition to, and not in lieu of, any other law imposing upon a parent liability for the acts of his minor child.

*A BILL to amend the Code of Virginia by adding a section numbered 54-516.1 to make it a crime to possess apparatus for administering certain drugs with intent to violate the Uniform Narcotic Drug Act; punishment; prima facie evidence.*

Be it enacted by the General Assembly of Virginia :

1. That the Code of Virginia be amended by adding a section numbered 54-516.1 as follows :

§ 54-516.1. If any person have in his possession any apparatus, implements or equipment which is capable of being used for the preparation and administration of drugs, with intent to violate Article 11 of Chapter 15 of Title 54 of the Code of Virginia, he shall be guilty of a misdemeanor upon conviction of the first offense; upon conviction of any subsequent offense of this statute he shall be guilty of a felony and shall be confined in the penitentiary not less than one nor more than three years. The possession of such apparatus, implements or equipment by any person other than a duly licensed practitioner of the healing arts, or a person using such apparatus, implement or equipment under his direction or supervision, shall be prima facie evidence of an intent to violate this article.

HOUSE JOINT RESOLUTION NO. ....:

*Creating a Commission to study the staffing of the offices of Commonwealth's Attorneys and Judges of Courts Not of Record in Virginia.*

Whereas, the apparent increase in both petty and serious crimes in Virginia is placing an increasingly heavy burden upon the Commonwealth's Attorneys throughout the State, while in many localities the compensation available to these officers necessitates their engaging in the private practice of law in order to maintain an adequate standard of living; and

Whereas, the only contact which the vast majority of those who come into conflict with the law have with the judicial system of Virginia is in the Courts Not of Record throughout the State but in this case also, in many areas, the compensation of Judges of such Courts is not sufficient to permit them to devote full time to the duties of their offices as such; and

Whereas, there is strong feeling on the part of many persons that both the ends of justice and the protection of the rights of persons charged with offenses would be better served if it were possible to have full-time officials serving as Commonwealth's Attorneys and Judges of Courts Not of Record; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, that a Commission is hereby created to study the staffing of the offices of Commonwealth's Attorneys and Judges of Courts Not of Record. The Commission shall give particular attention to the case load now being handled by the respective officials in these positions and the desirability and possibility of requiring that such officials devote their full time to the performance of their duties as such and receive adequate compensation for such services.

The Commission shall be composed of nine members, two of whom shall be appointed by the President of the Senate from the membership thereof, two of whom shall be appointed by the Speaker of the House of Delegates from the membership thereof, and five of whom shall be appointed by the Governor from the State at large. The Governor shall appoint the Chairman. Members of the Commission shall receive no compensation for their services but shall be reimbursed for their actual and necessary expenses for which, and for the other expenses including secretarial help, there is hereby appropriated from the Contingent Fund of the General Assembly a sum not to exceed five thousand dollars. All agencies of the State shall assist the Commission in its study. The Commission shall complete its study and make a report containing its findings and recommendations to the Governor and the General Assembly not later than November one, nineteen hundred sixty-nine.



*A BILL to amend the Code of Virginia by adding a section numbered 18.1-235.1 in Article 3, Chapter 4 of Title 18.1, to provide for a specific punishment upon an initial conviction of certain sections therein; violation of such sections now constituting a misdemeanor; and to amend and reenact § 18.1-236.1 of the Code of Virginia to provide for additional offenses to be included under the felony provision when subsequently convicted of offenses enumerated; both sections pertaining to obscenity.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 18.1-235.1 in Article 3, Chapter 4 of Title 18.1 and that § 18.1-236.1 of the Code of Virginia be amended and reenacted as follows:

*§ 18.1-235.1. Any person, convicted for the first time of an offense under §§ 18.1-228, 18.1-230, 18.1-231, 18.1-232, 18.1-233, 18.1-234, or 18.1-235, shall be punished by confinement in jail for not less than one nor more than six months, and in addition may be fined not less than five hundred dollars nor more than two thousand dollars, or both.*

§ 18.1-236.1. Subsequent offenses.—Any person, firm, association or corporation convicted of a second or other subsequent offense under §§ 18.1-228, 18.1-230, 18.1-231, 18.1-233, 18.1-234, or 18.1-235 shall be guilty of a felony and shall be punished by confinement in the penitentiary not less than one nor more than two years, or by confinement in jail not exceeding twelve months, or by a fine of not less than five hundred dollars nor more than \* five thousand dollars.

*A BILL to amend the Code of Virginia by adding in Chapter 5 of Title 18.1, an article 3.1, containing sections numbered 18.1-268.1 through 18.1-268.10 to regulate the possession and use of "sawed-off" shotguns; to create certain presumptions; to require registration of such weapons; to provide for issuance of search warrants for such weapons in certain cases; and to fix penalties.*

Be it enacted by the General Assembly of Virginia :

1. That the Code of Virginia be amended by adding in Chapter 5 of Title 18.1 an article 3.1, containing sections numbered 18.1-268.1 through 18.1-268.10 as follows:

### ARTICLE 3.1

#### "Sawed-off" Shotgun Act.

§ 18.1-268.1. Definition.—When used in this article:

(1) "Sawed-off" shotgun applies to any weapon, loaded or unloaded, originally designed as a shoulder weapon, utilizing a self-contained cartridge from which a number of ball shot pellets or projectiles may be fired simultaneously from a smooth or rifled bore by a single function of the firing device and which has a barrel length of less than eighteen inches.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, housebreaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

§ 18.1-268.2. Use of "sawed-off" shotgun for crime.—Possession or use of a "sawed-off" shotgun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a crime punishable by death or by imprisonment in the State penitentiary for a term of not less than twenty years.

§ 18.1-268.3. Use of "sawed-off" shotgun for aggressive purpose.—Unlawful possession or use of a "sawed-off" shotgun for an offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of not less than ten years.

§ 18.1-268.4. What constitutes aggressive purpose.—Possession or use of a "sawed-off" shotgun shall be presumed to be for an offensive or aggressive purpose:

(1) When the "sawed-off" shotgun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the "sawed-off" shotgun may be found;

(2) When the "sawed-off" shotgun is in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;

(3) When the "sawed-off" shotgun is of the kind described in § 18.1-268.1 and has not been registered as required in § 18.1-268.8; or

(4) When empty or loaded shells which have been or are susceptible of use in the "sawed-off" shotgun are found in the immediate vicinity thereof.

§ 18.1-268.5. Presence prima facie evidence of use.—The presence of a “sawed-off” shotgun in any room, boat or vehicle shall be prima facie evidence of the possession or use of the “sawed-off” shotgun by each person occupying the room, boat, or vehicle where the weapon is found.

§ 18.1-268.6. What article does not apply to.—Nothing contained in this article shall prohibit or interfere with:

(1) The manufacture for, and sale of “sawed-off” shotguns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

(2) “Sawed-off” shotguns and automatic arms issued to the National Guard of Virginia by the United States or such arms used by the United States Army or Navy or in the hands of troops of the National Guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions;

(3) The possession of a “sawed-off” shotgun for scientific purposes, or the possession of a “sawed-off” shotgun not usable as a weapon and possessed as a curiosity, ornament, or keepsake.

§ 18.1-238.7. Manufacturer’s and dealer’s register; inspection of stock.—Every manufacturer or dealer shall keep a register of all “sawed-off” shotguns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt of every “sawed-off” shotgun, the name, address, and occupation of the person to whom the “sawed-off” shotgun was sold, loaned, given or delivered, or from whom it was received. Upon demand every manufacturer or dealer shall permit any marshal, sheriff or police officer to inspect his entire stock of “sawed-off” shotguns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of not less than one hundred dollars nor more than one thousand dollars.

§ 18.1-268.8. Registration of “sawed-off” shotguns.—Every “sawed-off” shotgun in this State shall be registered with the Department of State Police annually. It shall be registered within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the Superintendent of State Police, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The Superintendent of State Police shall immediately upon registration required in this section furnish the registrant with a certificate of registration, which shall be kept by the registrant and produced by him upon demand by any peace officer. Failure to keep or produce such certificate for inspection shall be a misdemeanor and punishable by a fine of not less than five nor more than one thousand dollars, and any peace officer may, without warrant, seize the “sawed-off” shotgun and apply for its confiscation as provided in § 18.1-268.9. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

§ 18.1-268.9. Search warrants for “sawed-off” shotguns.—Warrant to search any house or place and seize any “sawed-off” shotgun possessed in violation of this article may issue in the same manner and under the

same restrictions as provided by law for stolen property, and any court of record, upon application of the attorney for the Commonwealth, a police officer or conservator of the peace, may order any "sawed-off" shotgun thus or otherwise legally seized, to be confiscated and either destroyed or delivered to a peace officer of the State or a political subdivision thereof.

§ 18.1-268.10. Short title of article.—This article may be cited as the "Sawed-off Shotgun Act."