

**REPORT OF THE
VIRGINIA STATE CRIME COMMISSION**

Special Conservators of the Peace and Special Police

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



SENATE DOCUMENT NO. 12

**COMMONWEALTH OF VIRGINIA
RICHMOND
2003**



COMMONWEALTH of VIRGINIA

VIRGINIA STATE CRIME COMMISSION

Senator Kenneth W. Stolle
Chairman

Delegate David B. Albo
Chairman Elect

January 8, 2003

TO: The Honorable Mark Warner, Governor of Virginia

And

Members of the Virginia General Assembly

The 2002 General Assembly, through Senate Joint Resolution 69, requested the Virginia State Crime Commission study special conservators of the peace and special police.

Enclosed for your review and consideration is the report which has been prepared in response to this request. The Commission received assistance from all affected agencies and gratefully acknowledges their input into this report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "K. Stolle", written over a faint circular stamp.

Kenneth W. Stolle
Chairman

MEMBERS OF THE VIRGINIA STATE CRIME COMMISSION

From the Senate of Virginia

Kenneth W. Stolle, Chairman
Janet D. Howell
Thomas K. Norment, Jr.

From the Virginia House of Delegates

David B. Albo, Chairman Elect
Robert F. McDonnell, Vice Chairman
H. Morgan Griffith
Terry G. Kilgore
Kenneth R. Melvin
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Terry W. Hawkins
William G. Petty

Office of the Attorney General

Jerry W. Kilgore

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Steven W. Bowman, Staff Attorney and Senior Policy Analyst
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TABLE OF CONTENTS

I.	Authority for Study	1
II.	Executive Summary	1
III.	Methodology	3
IV.	Background	3
	A. Virginia Statutory Provisions		
	B. Law Enforcement and Private Security Training		
	C. Previous Studies		
V.	Data Analysis	5
VI.	Findings and Recommendations	6
VII.	Acknowledgements	8

<i>Attachment 1.</i>	<i>Senate Joint Resolution 69</i>
<i>Attachment 2.</i>	<i>Code of Virginia Provisions</i>
<i>Attachment 3.</i>	<i>Draft Legislation</i>
<i>Attachment 4.</i>	<i>Summary of Court Order Analysis</i>

I. Authority

The *Code of Virginia*, §30-156, authorizes the Virginia State Crime Commission to study, report and make recommendations on all areas of public safety and protection. Additionally, the Commission is to study matters "... including apprehension, trial and punishment of criminal offenders." Section 30-158(3) provides the Commission the power to "... conduct studies and gather information and data in order to accomplish its purposes as set forth in §30-156. . .and formulate its recommendations to the Governor and the General Assembly."

Using the statutory authority granted to the Crime Commission, the staff conducted a study of Special Conservators of the Peace and Special Police Officers.

II. Executive Summary

During the 2002 Session of the Virginia General Assembly, Senator Thomas K. Norment, Jr. introduced Senate Joint Resolution 69 (SJR 69), directing the Virginia State Crime Commission to study Special Conservators of the Peace and Special Police.¹ Specifically, the study resolution identified the following areas for analysis: (i) the chronicity and rationale for current appointments of conservators and special police; (ii) training needs of appointees to ensure understanding of constitutional and criminal law; (iii) proper search and seizure techniques; (iv) proper manner of executing arrests; and, (v) personal safety concerns and issues when exercising conservator powers. As a result of the study efforts the following findings and recommendations were made regarding Special Conservators of the Peace and Special Police in the Commonwealth:

Staff Findings

The SJR 69 Study produced the following findings:

- the 1996 Crime Commission study goals of consistency, uniformity, and limitations to persons with Conservator of the Peace powers have not been achieved with the current statutes or system;
- *Code* provisions concerning bond requirements, time limitations on appointments and qualifications related to employment are not uniformly required by the circuit courts in Virginia;
- there were no systemic differences in the types of entities or persons applying for and granted powers under §15.2-137 versus §19.2-13 as was intended;
- there is still the potential for thousands of persons to have law enforcement powers without any training, liability coverage or qualifications; and,

¹ See Attachment I: Senate Joint Resolution 69 (2002).

- the current system does not ensure that local law enforcement agencies are even aware of persons authorized with Conservator powers in their jurisdictions.

Based on these findings, the Crime Commission made the following recommendations:

Recommendation 1

Effective January 1, 2004, require the Department of Criminal Justice Services (DCJS) to regulate, certify, and register Conservators of the Peace as they do private security officers.

DCJS regulations should, at a minimum, include:

- fingerprint based background checks;
- required bond or liability insurance; and,
- training standards.

Recommendation 2

Persons employed as law enforcement officers or private police officers as defined in §9.1-101 who have met the standards in §15.2-1705 shall be exempt from the Conservator registration requirements.

Recommendation 3

Repeal §15.2-1737 setting forth the procedures for Special Police.

Recommendation 4

Amend the *Code* to require applicants seeking Conservator of the Peace appointments provide DCJS registration materials to the Circuit Court prior to the granting of powers.

Recommendation 5

Repeal all appointments under §19.2-13 and §15.2 -1737 effective January 1, 2004 at the time the new requirements become effective.

Recommendation 6

Require DCJS to develop a uniform identification card for all persons sworn by the Circuit Court having met certification requirements.

Recommendation 7

Amend §9.1-143 to add an appointed Conservator of the Peace to the Private Security Services Advisory Board.

Recommendation 8

Request the Executive Secretary of the Supreme Court to develop a model court order for Conservator of the Peace appointments that includes the mandated criteria in §19.2-13.

Recommendation 9

Amend §19.2-13 to require that the State Police include additional information on the applying authority, the effective dates of the appointment and the geographic limitations of Conservator orders in VCIN.

Recommendation 10

Amend §19.2-13 to require the Clerk of the Circuit Court to transmit a copy of the Conservator order to the local law enforcement agency.

Recommendation 11

Amend the *Code* to allow DCJS to charge a fee of applicants to recover the costs of regulation, registration and certification of Conservators under §19.2-13.

III. Methodology

The Virginia State Crime Commission SJR 69 study utilized four research methodologies. First, staff conducted a literature review on previous Virginia studies involving Special Conservators of the Peace and Special Police. Second, staff conducted a review of the relevant Virginia statutes, as well as a review of training standards in Virginia Law Enforcement Training Programs. Staff also conducted interviews with state and local government officials involved in the training of law enforcement and the appointment of Conservators of the Peace. Finally, staff conducted an analysis of all court orders for Conservators of the Peace and Special Police Officer appointments in effect in Virginia Circuit Courts during FY 1999, FY 2000, and FY 2001. The court orders were analyzed to determine conformity with Virginia statutes, the prevalence of appointments by court and the nature of the entities granted powers.

IV. Background: Virginia Law

Virginia Statutory Provisions

The *Code of Virginia*, §19.2-13 and §15.2-1737, contain the two primary provisions allowing for the appointments of persons with Conservator of the Peace powers. Section 19.2-13 authorizes the Circuit Court to appoint special conservators of the peace upon application by any corporation, owner, proprietor or custodian of a business or place in Virginia upon a showing of necessity for security of property or the peace. Section 15.2-1737 authorizes the Circuit to appoint persons as special police officers upon a showing of necessity for the security of property or the peace by the Sheriff or Chief of Police. Special Police Officers have the same statutory requirements for appointment by the court as do Special Conservators of the Peace; however, civil liability for wrongful action or conduct is assumed by the law enforcement agency and the Sheriff or Chief of Police who must make the application for the Special Police

appointment.²

Specific provisions for appointment of persons with conservator powers in §19.2-13 state that:

- the Court may designate the “length of time not to exceed 4 years;”
- the Court may grant all “powers, functions, duties, responsibilities and authority ... within such geographic limitations as the court deems appropriate;”
- Special Conservators are considered “law enforcement officers;” and,
- Prospective appointees undergo a background check.

Each person appointed after July 1, 1996 is required to enter a bond with approved security to the Circuit Court Clerk. A bond is not required if the appointee has completed DJCS training as a law enforcement officer within three years or has been employed as a law enforcement officer within three years. The Court may limit or prohibit the carrying of weapons by Conservators or require minimum entry level firearm training.

Effective July 1, 2003, the Clerk of the Circuit Court must submit to the Virginia State Police a copy of each order granting conservator powers so that the information can be maintained in the Virginia Criminal Intelligence Network. The orders are to specify the following:

- Person’s complete name and address;
- Date of birth and social security number;
- Gender, race, height, weight, color of hair and color of eyes;
- Firearms authority;
- Date of the order; and,
- Any other information required by the State Police.

Law Enforcement and Private Security Training

For a law enforcement officer to be certified, he/she is required to complete 480 hours of academy training and 100 hours of field work. The training is provided at one of 36 criminal justice training academies in the Commonwealth. The Department of Criminal Justice Services (DCJS) certifies the training curriculum at the academies.

DCJS also regulates and certifies the training curriculum of private security officers. Effective July 1, 2003, private security officer training requires 24 hours for unarmed security officers and 40 hours for armed security officers. There are 105 private security training schools that provide the required DCJS training curriculum.

Previous Studies

In 1996, the Crime Commission studied Specially Appointed Police Officers (HD 39). The study found that there were 632 Conservators appointed or reappointed in 1994

² See Attachment 2 for *Code of Virginia* provisions.

and 487 in 1993. The study also found that some powers of Conservators exceeded the rights of law enforcement officers at the time, for example, the right to carry concealed weapons. Finally, the study concluded that there was a lack of training that created a potential for the misuse of power. Study recommendations were implemented which account for the appointment criteria that is in the *Code* currently; however, still no mandatory training requirements have been enacted. The goals of the 1996 Recommendations were to make the appointment process consistent and establish minimum, uniform criteria for appointment. They also looked for consistency in qualifications and sought clear limitations on appointments. Finally, another goal of the recommendations was to allow for a distinction between public and private sector entities seeking appointments.

V. Data Analysis

The Crime Commission requested each Circuit Court Clerk to provide copies of all orders for appointments with Conservator of the Peace powers (§ 19.2-13 and § 15.2-173) in effect during FY 1999, FY 2000 and FY 2001. Ninety-seven percent (117 of 121) of the Clerks responded to the request. Of those offices responding, 58 offices (49.6%) did have appointments and 59 offices (50.4%) did not have appointments in effect during the three year period. A total of 2,848 court orders for the three years were analyzed as part of the study.³

The data analysis revealed that 22.5% (641) of the court orders were for appointments of Special Police under §15.2-1737 and 77.5% (2,207) were appointments of Special Conservators under §19.2-13.⁴ In addition, although there were 58 circuits that had appointments, 53% (1,498) of the appointments came from two cities. Specifically, 849 appointments came from Newport News and 649 appointments came from Norfolk. The SJR 69 study staff contacted the Newport News Police Department and found the number of persons with Conservator of the Peace powers in Newport News (849) was twice the number of total trained law enforcement officers (392) employed in Fall 2002.

The SJR 69 study staff analyzed each of the court orders to determine compliance with the statutory requirements in the *Code*. The analysis found non-compliance with several statutory provisions:

- 88% (2,507) of the orders did not have the social security number of the appointee;
- 17% (486) of the orders did not address the issue of the duration of the appointments;
- 11% (318) exceeded the four year maximum limitation for the duration of the appointment;
- 63% (1,804) did not specify that the duration of the appointment and use of the

³ Richmond City data was only available for FY 2001.

⁴ See Attachment 4 for summary of data analysis.

conservator powers was contingent on the individual's continued employment; and,

- 71% (2,036) of the orders did not address the requirement of the bond mandated in §19.2-13.

When bond was required on the 812 orders, the overwhelming majority of the orders required bonds of \$1,000 or less. Specifically, 56 orders required bonds of \$100; 17 orders required bonds of \$500; 665 orders required bonds of \$1,000; 35 orders required bonds of \$2,000; 1 order required a bond of \$2,500; and, 38 court orders required bonds of more than \$2,500.⁵

Analysis of the orders found there was no difference in the types of entities granted appointments as either Special Conservators or Special Police. Twenty-five percent of the Special Conservator appointments were for employees of local or state law enforcement/corrections departments even though the legislative intent was that these persons be appointed through the Sheriff or Chief of Police as Special Police. Alternatively, 30% of the appointments for persons as Special Police Officers were for employees of private business entities.

Six percent (183) of the total appointees were authorized to carry firearms as part of their appointment. An analysis of the court orders allowing firearm privileges did find these orders had more conformity with statutory mandates. Specifically, of the 183 appointees with firearm privileges:

- 74% (135 of 183) required bond;
- 75% (138 of 183) required continued employment as a contingency for the use of the powers; and,
- 97% (177) had geographic limitations for the use of the Conservator powers.

The majority of the orders for firearms privileges did have training requirements as a condition of the appointment. Fifty-five percent (100) orders required training for appointees with firearms authority; 4% (8) were reauthorizations of prior appointments and the training requirements were not known; and, 41% (71) had no training requirements in the order.

VI. Findings and Recommendations

In summary, the Crime Commission SJR 69 Study found:

- The 1996 Crime Commission study goals of consistency, uniformity, and limitations to persons with Conservator of the Peace powers have not been achieved with the current statutes or system.
- *Code* provisions concerning bond requirements, time limitations on appointments and qualifications related to employment are not uniformly required by the Circuit Courts in Virginia.
- There were no systemic differences in the types of entities or persons

⁵ Percentages do not total 100% due to rounding.

applying for and granted powers under §15.2-137 versus §19.2-13 as was intended.

- There is still the potential for thousands of persons to have law enforcement powers without any training, liability coverage or qualifications.
- The current system does not ensure that local law enforcement agencies are even aware of persons authorized with Conservator powers in their jurisdictions.

Based on these findings, the Crime Commission made the following recommendations:

Recommendation 1

Effective January 1, 2004, require the Department of Criminal Justice Services to regulate, certify, and register Conservators of the Peace as they do private security officers.

DCJS regulations should, at a minimum, include:

- fingerprint based background checks;
- required bond or liability insurance; and,
- training standards.

Recommendation 2

Persons employed as law enforcement officers or private police officers as defined in §9.1-101 who have met the standards in §15.2-1705 shall be exempt from the Conservator registration requirements.

Recommendation 3

Repeal §15.2-1737 setting forth the procedures for Special Police.

Recommendation 4

Amend the *Code* to require applicants seeking Conservator of the Peace appointments provide DCJS registration materials to the Circuit Court prior to the granting of powers.

Recommendation 5:

Repeal all appointments under §19.2-13 and §15.2 -1737 effective January 1, 2004 at the time the new requirements become effective.

Recommendation 6

Require DCJS to develop a uniform identification card for all persons sworn by the Circuit Court having met certification requirements.

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Amend §9.1-143 to add an appointed Conservator of the Peace to the Private Security Services Advisory Board.

Recommendation 8

Request the Executive Secretary of the Supreme Court to develop a model court order for Conservator of the Peace appointments that includes the mandated criteria in §19.2-13.

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Amend §19.2-13 to require that the State Police include additional information on the applying authority, the effective dates of the appointment and the geographic limitations of Conservator orders in VCIN.

Recommendation 10

Amend §19.2-13 to require the Clerk of the Circuit Court to transmit a copy of the Conservator order to the local law enforcement agency.

Recommendation 11

Amend the *Code* to allow DCJS to charge a fee of applicants to recover the costs of regulation, registration and certification of Conservators under §19.2-13.

The proposed legislation for the SJR 69 study can be found in Attachment 3. The goals of the proposed legislation are to (i) establish minimum standards, (ii) establish a statewide tracking system for Conservator appointments and authority, (iii) decrease the number of untrained persons with law enforcement powers, and (iv) relieve the courts of ensuring oversight and compliance with the qualifications of Conservators.

VII. Acknowledgements

Department of Criminal Justice Services

Leon Baker
George Gotschalk

Department of State Police

Lt. Robert Kemler

Division of Legislative Services

Jennifer Garey
Robie Ingram

Ed Miles

Virginia Circuit Court Clerks

ATTACHMENT 1

Senate Joint Resolution 69

[summary](#) | [pdf](#)**SENATE JOINT RESOLUTION NO. 69**

Directing the Virginia State Crime Commission to study special conservators of the peace and special police.

Agreed to by the Senate, February 12, 2002

Agreed to by the House of Delegates, March 5, 2002

WHEREAS, the Virginia Code allows for the appointment of special conservators of the peace and special police for public and private entities operating in the Commonwealth; and

WHEREAS, these special officers are appointed by the circuit courts and, although, the courts may require that these officers have the same training as a law-enforcement officer, the law does not require them to do so; and

WHEREAS, in order to be effective when serving in a law enforcement capacity, a certain level of training seems to be in order; and

WHEREAS, because these officers are appointed on an as-needed basis throughout the state, the number of persons exercising authority under circuit court appointment is unknown; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia State Crime Commission be directed to study special conservators of the peace and special police. Technical assistance shall be provided to the Commission by the Department of Criminal Justice Services. This study shall include, but not be limited to, (i) the chronicity and rationale for current appointments of conservators and special police officers statewide, (ii) training needs of appointees to ensure understanding of constitutional and criminal law, (iii) proper search and seizure techniques, (iv) proper manner of executing arrest, and (v) personal safety concerns and issues when exercising conservator powers.

All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall complete its work by November 30, 2002, and shall submit its written findings and recommendations to the Governor and the 2003 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Legislative Information System

ATTACHMENT 2
Code of Virginia Provisions

[previous](#) | [next](#)

§ 19.2-13. (Effective until July 1, 2003) Special conservators of the peace; authority; jurisdiction; bond; liability of employers.

A. Upon the application of any corporation authorized to do business in the Commonwealth or the owner, proprietor or authorized custodian of any place within the Commonwealth and the showing of a necessity for the security of property or the peace, a circuit court judge of any county or city, in his discretion, may appoint one or more special conservators of the peace who shall serve as such for such length of time as the court may designate, but not exceeding four years under any one appointment. The order of appointment may provide that a special conservator of the peace shall have all the powers, functions, duties, responsibilities and authority of any other conservator of the peace within such geographical limitations as the court may deem appropriate, whenever such special conservator of the peace is engaged in the performance of his duties as such. The order may also provide that the special conservator of the peace is a "law-enforcement officer" for the purposes of §§ [37.1-67.01](#) and [37.1-67.1](#). Prior to granting an application for appointment, the circuit court shall order the local law-enforcement agency to conduct a background investigation, in accordance with § [15.2-1705](#) (ii), of the prospective appointee and file a report of such investigation with the court unless the prospective appointee is a police officer as defined in § [9.1-101](#). The local law-enforcement agency may charge the prospective appointee a reasonable fee not to exceed the lesser of the actual cost to the local law-enforcement agency or \$300 for the time and costs expended in preparing the investigative report.

When the application is made by a corporation, the circuit court shall specify in the order of appointment the geographic jurisdiction of the special conservator of the peace, and this jurisdiction may include any or all counties and cities of the Commonwealth wherein the corporation does business. The clerk of the appointing circuit court shall certify a copy of the order of appointment to the circuit court of every jurisdiction specified in said order, and each special conservator of the peace so appointed on application of a corporation shall present his credentials to the chief of police or sheriff of all such jurisdictions.

Every person initially appointed on or after July 1, 1996, as a special conservator of the peace pursuant to the provisions of this section, before entering upon the duties of such office, shall be required by the court to enter into a bond with approved security before the clerk of the circuit court of the county or city wherein such duties are to be performed, in the penalty of such sum as may be fixed by the court, conditioned upon the faithful performance of such duties. Such bond shall be conditioned upon the faithful performance of such duties in any locality in which he is authorized to act pursuant to the order of the court. No such bond shall be required, however, if such person so appointed has met the minimum entry-level law-enforcement training requirements established by the Department of Criminal Justice Services under § [9.1-102](#) within three years of the date of initial appointment or has been employed as a law-enforcement officer as defined by § [9.1-101](#) within the preceding three years.

If any such special conservator of the peace is the employee, agent or servant of another, his appointment as special conservator of the peace shall not relieve his employer, principal or master, from civil liability to another arising out of any wrongful action or conduct committed by such special conservator of the peace while within the scope of his employment.

Effective July 1, 2002, no person employed by a local school board as a school security officer, as defined in § [9.1-101](#), shall be eligible for appointment as a conservator for purposes of maintaining safety in a public school in the Commonwealth.

B. The court may limit or prohibit the carrying of weapons by any special conservator of the peace

initially appointed on or after July 1, 1996, while the appointee is within the scope of his employment as such. If the order of appointment does not prohibit the carrying of weapons, the court may require that the appointee meet the minimum entry training requirements established by the Department of Criminal Justice Service under § 9.1-102 for law-enforcement officers within twelve months of his appointment.

(Code 1950, § 19.1-28; 1960, c. 366; 1974, cc. 44, 45; 1975, c. 495; 1976, c. 220; 1982, c. 523; 1989, c. 455; 1996, cc. 850, 956; 2001, c. 249; 2002, cc. 836, 868.)

§ 19.2-13. (Effective July 1, 2003) Special conservators of the peace; authority; jurisdiction; bond; liability of employers.

A. Upon the application of any corporation authorized to do business in the Commonwealth or the owner, proprietor or authorized custodian of any place within the Commonwealth and the showing of a necessity for the security of property or the peace, a circuit court judge of any county or city, in his discretion, may appoint one or more special conservators of the peace who shall serve as such for such length of time as the court may designate, but not exceeding four years under any one appointment. The order of appointment may provide that a special conservator of the peace shall have all the powers, functions, duties, responsibilities and authority of any other conservator of the peace within such geographical limitations as the court may deem appropriate, whenever such special conservator of the peace is engaged in the performance of his duties as such. The order may also provide that the special conservator of the peace is a "law-enforcement officer" for the purposes of §§ 37.1-67.01 and 37.1-67.1. Prior to granting an application for appointment, the circuit court shall order the local law-enforcement agency to conduct a background investigation, in accordance with § 15.2-1705 (ii), of the prospective appointee and file a report of such investigation with the court unless the prospective appointee is a police officer as defined in § 9.1-101. The local law-enforcement agency may charge the prospective appointee a reasonable fee not to exceed the lesser of the actual cost to the local law-enforcement agency or \$300 for the time and costs expended in preparing the investigative report.

When the application is made by a corporation, the circuit court shall specify in the order of appointment the geographic jurisdiction of the special conservator of the peace, and this jurisdiction may include any or all counties and cities of the Commonwealth wherein the corporation does business. The clerk of the appointing circuit court shall transmit a copy of the order of appointment that shall specify the following information: the person's complete name, address, date of birth, social security number, gender, race, height, weight, color of hair, color of eyes, firearm authority or limitation as set forth in subsection B, date of the order, and other information as may be required by the Department of State Police. The Department of State Police shall enter the person's name and other information into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Each special conservator of the peace so appointed on application of a corporation shall present his credentials to the chief of police or sheriff of all such jurisdictions. The Department of State Police may charge a fee not to exceed ten dollars to cover its cost associated with processing these orders.

Every person initially appointed on or after July 1, 1996, as a special conservator of the peace pursuant to the provisions of this section, before entering upon the duties of such office, shall be required by the court to enter into a bond with approved security before the clerk of the circuit court of the county or city wherein such duties are to be performed, in the penalty of such sum as may be fixed by the court, conditioned upon the faithful performance of such duties. Such bond shall be conditioned upon the faithful performance of such duties in any locality in which he is authorized to act pursuant to the order of the court. No such bond shall be required, however, if such person so appointed has met the minimum entry-level law-enforcement training requirements established by the Department of Criminal Justice Services under § 9.1-102 within three years of the date of initial appointment or has been employed as a

law-enforcement officer as defined by § 9.1-101 within the preceding three years.

If any such special conservator of the peace is the employee, agent or servant of another, his appointment as special conservator of the peace shall not relieve his employer, principal or master, from civil liability to another arising out of any wrongful action or conduct committed by such special conservator of the peace while within the scope of his employment.

Effective July 1, 2002, no person employed by a local school board as a school security officer, as defined in § 9.1-101, shall be eligible for appointment as a conservator for purposes of maintaining safety in a public school in the Commonwealth.

B. The court may limit or prohibit the carrying of weapons by any special conservator of the peace initially appointed on or after July 1, 1996, while the appointee is within the scope of his employment as such. If the order of appointment does not prohibit the carrying of weapons, the court may require that the appointee meet the minimum entry training requirements established by the Department of Criminal Justice Service under § 9.1-102 for law-enforcement officers within twelve months of his appointment.

(Code 1950, § 19.1-28; 1960, c. 366; 1974, cc. 44, 45; 1975, c. 495; 1976, c. 220; 1982, c. 523; 1989, c. 455; 1996, cc. 850, 956; 2001, c. 249; 2002, cc. 605, 836, 868.)

[previous](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[previous](#) | [next](#)

§ 15.2-1737. Circuit courts may appoint special police officers.

A. The circuit court for any locality may, upon the application of, and a showing of a necessity for the security of property or the peace by, the sheriff or chief of police, appoint special police officers for a locality within its jurisdiction. Effective July 1, 2002, no person employed by a local school board as a school security officer, as defined in § [9.1-101](#), shall be eligible for appointment as a special police officer for purposes of maintaining safety in a public school in the Commonwealth.

The special police officers shall be suitable and discreet persons and shall serve as such for such length of time as the court may designate, but not exceeding four years under any one appointment. Such person or persons so appointed shall be conservators of the peace under the supervision of the person or agency making application for the appointment, who shall likewise be civilly liable for any wrongful action or conduct committed by the appointee while within the scope of his employment.

B. The court shall, prior to appointment, order the applicant to conduct a background investigation, in accordance with clause A (ii) of § [15.2-1705](#) of each prospective appointee who is not a law-enforcement officer as defined in § [9.1-101](#).

(Code 1950, § 15-562; 1962, cc. 234, 623, § 15.1-144; 1976, c. 199; 1996, c. 850; 1997, c. 587; 2002, cc. 836, 868.)

[previous](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[previous](#) | [next](#)

§ 15.2-1738. Application for appointment as special police officer; qualifications.

Before any person is appointed as a police officer under § [15.2-1737](#), the sheriff or chief of police shall make written application for such appointment to the circuit court. Such application shall state the necessity for the appointment and the prospective appointee's full name, age, place of residence, occupation and regular employer. A part-time deputy of the sheriff may be appointed as such police officer.

(Code 1950, § 15-563; 1956, Ex. Sess., c. 18; 1962, c. 623, § 15.1-145; 1971, Ex. Sess., c. 152; 1996, c. 850; 1997, c. 587; 1999, c. 278.)

[previous](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

ATTACHMENT 3

Proposed Legislation

2003 SESSION

038779228

SENATE BILL NO. 1240

Offered January 8, 2003

A BILL to amend and reenact §§ 9.1-143, 15.2-1737, and 19.2-13, as it is currently effective and as it shall become effective, of the Code of Virginia, and to amend the Code of Virginia by adding in Chapter 1 of Title 9 an article numbered 4A, consisting of sections numbered 9.1-150.1 through 9.1-150.4, relating to appointment of special conservators of the peace; penalty.

Patrons—Norment, Howell and Stolle; Delegates: Albo, Griffith, Kilgore, McDonnell, Melvin and Moran

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-143, 15.2-1737 and 19.2-13, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 9.1-150.1 through 9.1-150.4, as follows:

§ 9.1-143. Private Security Services Advisory Board: membership.

The Private Security Services Advisory Board is established as an advisory board within the meaning of § 2.2-2100, in the executive branch of state government. The Private Security Services Advisory Board shall consist of ~~eleven~~ 12 members as follows: ~~two~~ 2 members shall be private investigators; ~~two~~ 2 shall be representatives of electronic security businesses; ~~three~~ 3 shall be representatives of private security services businesses providing security officers, armed couriers or guard dog handlers; ~~one~~ 1 shall be a representative of a private security services business providing armored car personnel; ~~one~~ 1 shall be a representative of a private security services business involving personal protection specialists; ~~one~~ 1 shall be a certified private security services instructor; 1 shall be a special conservator of the peace appointed pursuant to § 19.2-13; and ~~one~~ 1 shall be a representative of law enforcement. The Private Security Services Advisory Board shall be appointed by the Criminal Justice Services Board and shall advise the Criminal Justice Services Board on all issues relating to regulation of private security services businesses.

Article 4A.

Special Conservators of the Peace.

§ 9.1-150.1. Definitions.

In addition to the definitions set forth in § 9.1-101, as used in this article, unless the context requires a different meaning:

"Special conservator of the peace" means any individual appointed pursuant to § 19.2-13 on or after January 1, 2004.

§ 9.1-150.2. Powers of Criminal Justice Services Board relating to special conservators of the peace appointed pursuant to § 19.2-13.

The Board may adopt regulations establishing compulsory minimum, entry-level, in-service, and advanced training standards for special conservators of the peace. The regulations may include provisions delegating to the Board's staff the right to inspect the facilities and programs of persons conducting training to ensure compliance with the law and its regulations. In establishing compulsory training standards for special conservators of the peace, the Board shall ensure the public safety and welfare against incompetent or unqualified persons engaging in the activities regulated by this section. The regulations may provide for exemption from training of persons having previous employment as law-enforcement officers for a state or the federal government. However, no such exemption shall be granted to persons having less than 5 continuous years of such employment, nor shall an exemption be provided for any person whose employment as a law-enforcement officer was terminated because of his misconduct or incompetence. The regulations may include provisions for partial exemption from such training for persons having previous training that meets or exceeds the minimum training standards and has been approved by the Department. The Board may also adopt regulations that (i) establish the qualifications of applicants for registration; (ii) cause to be examined the qualifications of each applicant for registration; (iii) provide for collection of fees for registration and renewal that are sufficient to cover all expenses for administration and operation of a program of

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SB 1240

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53 registration; (iv) ensure continued competency and prevent deceptive or misleading practices by
54 practitioners; (v) effectively administer the regulatory system promulgated by the Board; (vi) provide
55 for receipt of complaints concerning the conduct of any person whose activities are regulated by the
56 Board; (vii) provide for investigations, and appropriate disciplinary action if warranted; and (viii)
57 allow the Board to revoke, suspend or refuse to renew a registration, certification, or license for just
58 cause as enumerated in regulations of the Board. In adopting its regulations, the Board shall seek the
59 advice of the Private Security Services Advisory Board established pursuant to § 9.1-143.

60 § 9.1-150.3. Powers of Department of Criminal Justice Services relating to special conservators of
61 the peace appointed pursuant to § 19.2-13.

62 A. In addition to the powers otherwise conferred upon it by law, the Department may (i) charge
63 each applicant for registration a nonrefundable fee as established by the Board to cover the costs of
64 the Department for processing an application for registration, and enforcement of the regulations, and
65 other costs associated with the maintenance of the program of regulation; (ii) charge nonrefundable
66 fees for private security services training as established by the Board for processing school
67 certifications and enforcement of training standards; and (iii) conduct investigations to determine the
68 suitability of applicants for registration. For purposes of this investigation, the Department shall have
69 access to criminal history record information maintained by the Central Criminal Records Exchange
70 of the Department of State Police and shall conduct a background investigation, to include a national
71 criminal records search and a Virginia criminal history records search.

72 B. The Director or his designee may make an ex parte application to the circuit court for the city
73 or county wherein evidence sought is kept or wherein a licensee does business for the issuance of a
74 subpoena duces tecum in furtherance of the investigation of a sworn complaint within the jurisdiction
75 of the Department or the Board to request production of any relevant records, documents and
76 physical or other evidence of any person, partnership, association or corporation licensed or
77 regulated by the Department pursuant to this article. The court may issue and compel compliance
78 with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause
79 exists to believe that evidence may be destroyed or altered, the court may issue a subpoena duces
80 tecum requiring the immediate production of evidence. Costs of the investigation and adjudication of
81 violations of this article or Board regulations may be recovered. All costs recovered shall be
82 deposited into the state treasury to the credit of the Conservators of the Peace Regulatory Fund. Such
83 proceedings shall be brought in the name of the Commonwealth by the Department in the circuit
84 court of the city or county in which the unlawful act occurred or in which the defendant resides. The
85 Director, or agents appointed by him, shall have the authority to administer oaths or affirmations for
86 the purpose of receiving complaints and conducting investigations of violations of this article, or any
87 regulation promulgated hereunder and to serve process issued by the Department or the Board.

88 § 9.1-150.4. Unlawful conduct; penalties.

89 A. It shall be unlawful for any person to (i) misrepresent facts in an application for registration;
90 (ii) willfully refuse to furnish the Department information or records required or requested pursuant
91 to statute or regulation; or (iii) violate any statute or regulation governing the practice of special
92 conservators of the peace regulated by this article or § 19.2-13.

93 B. Any person registered by the Department pursuant to § 19.2-13 who the Department or the
94 Board determines has violated any statute or Board regulation and who is not criminally prosecuted
95 shall be subject to a monetary penalty not to exceed \$2,500 for each violation. The penalty may be
96 sued for and recovered in the name of the Commonwealth and shall be paid into the state treasury to
97 the credit of the Literary Fund in accordance with § 19.2-353.

98 C. Any person who is convicted of a willful violation of the provisions of this article or § 19.2-13
99 is guilty of a Class 1 misdemeanor. Any person convicted of a third or subsequent offense under this
100 article or § 19.2-13 during a 36-month period is guilty of a Class 6 felony.

101 § 15.2-1737. Circuit courts may appoint special police officers.

102 A. The circuit court for any locality may, upon the application of, and a showing of a necessity
103 for the security of property or the peace by, the sheriff or chief of police, appoint special police
104 officers for a locality within its jurisdiction. Effective July 1, 2002, no person employed by a local
105 school board as a school security officer, as defined in § 9.1-101, shall be eligible for appointment as
106 a special police officer for purposes of maintaining safety in a public school in the Commonwealth.

107 The special police officers shall be suitable and discreet persons and shall serve as such for such
108 length of time as the court may designate, but not exceeding four years under any one appointment.
109 Such person or persons so appointed shall be conservators of the peace under the supervision of the
110 person or agency making application for the appointment, who shall likewise be civilly liable for any
111 wrongful action or conduct committed by the appointee while within the scope of his employment.

112 B. The court shall, prior to appointment, order the applicant to conduct a background investigation,
113 in accordance with clause A (ii) of § 15.2-1705 of each prospective appointee who is not a
114 law-enforcement officer as defined in § 9.1-101.

115 C. *All appointments made pursuant to this section shall become void on January 1, 2004, and any*
116 *officers so appointed shall no longer be eligible to serve.*

117 § 19.2-13. (Effective until July 1, 2003) Special conservators of the peace: authority: jurisdiction;
118 bond: liability of employers: penalty.

119 A. Upon the application of any *sheriff or chief of police of any county, city, town or any*
120 *corporation authorized to do business in the Commonwealth or the owner, proprietor or authorized*
121 *custodian of any place within the Commonwealth and the showing of a necessity for the security of*
122 *property or the peace, a circuit court judge of any county or city, in his discretion, may appoint one*
123 *or more special conservators of the peace who shall serve as such for such length of time as the court*
124 *may designate, but not exceeding ~~four~~ 4 years under any ~~one~~ 1 appointment. The order of*
125 *appointment may provide that a special conservator of the peace shall have all the powers, functions,*
126 *duties, responsibilities and authority of any other conservator of the peace within such geographical*
127 *limitations as the court may deem appropriate *within the confines of the county, city or town that**
128 *makes application or within the county, city or town where the corporate applicant is located, limited*
129 *to the judicial circuit wherein application has been made, whenever such special conservator of the*
130 *peace is engaged in the performance of his duties as such. The order may also provide that the special*
131 *conservator of the peace is a "law-enforcement officer" for the purposes of §§ 37.1-67.01 and*
132 *37.1-67.1. Prior to granting an application for appointment, the circuit court shall ~~order the local~~*
133 *law-enforcement agency to conduct a background investigation, in accordance with § 15.2-1705 (ii), of*
134 *the prospective appointee and file a report of such investigation with the court unless the prospective*
135 *appointee is a police officer as defined in § 9.1-101. The local law-enforcement agency may charge*
136 *the prospective appointee a reasonable fee not to exceed the lesser of the actual cost to the local*
137 *law-enforcement agency or \$300 for the time and costs expended in preparing the investigative*
138 *report, ensure that the applicant has met the registration requirements established by the Criminal*
139 *Justice Services Board.*

140 B. *Effective January 1, 2004, no person shall seek appointment as a special conservator of the*
141 *peace from a circuit court judge without possessing a valid registration issued by the Department of*
142 *Criminal Justice Services, except as provided in this section. Applicants for registration may submit*
143 *an application on or after October 1, 2003. A temporary registration may be issued in accordance*
144 *with regulations established by the Criminal Justice Services Board while awaiting the results of a*
145 *state and national fingerprint search. However, no person shall be issued a temporary registration*
146 *until he has (i) complied with, or been exempted from the compulsory minimum training standards as*
147 *set forth in this section, (ii) submitted his fingerprints on a form provided by the Department to be*
148 *used for the conduct of a national criminal records search and a Virginia criminal history records*
149 *search, and (iii) met all other requirements of this article and Board regulations. No person with a*
150 *criminal conviction for a misdemeanor involving (a) moral turpitude, (b) assault and battery, (c)*
151 *damage to real or personal property, (d) controlled substances or imitation controlled substances as*
152 *defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (e) prohibited sexual behavior as*
153 *described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, (f) firearms, or (g) any felony*
154 *shall be registered as a special conservator of the peace, except that, upon written request, the*
155 *Director of the Department of Criminal Justice Services may waive such prohibition.*

156 C. *Each person registered as or seeking registration as a special conservator of the peace shall be*
157 *covered by (i) a cash bond, or a surety bond executed by a surety company authorized to do business*
158 *in the Commonwealth, in a reasonable amount to be fixed by the Board, conditioned upon the faithful*
159 *and honest conduct of his business or employment; or (ii) evidence of a policy of liability insurance*
160 *in an amount and with coverage as fixed by the Board. Any person who is aggrieved by the*

161 *misconduct of any person registered as a special conservator of the peace and recovers a judgment*
 162 *against the registrant, which is unsatisfied in whole or in part, may bring an action in his own name*
 163 *against the bond or insurance policy of the registrant.*

164 *D. Individuals listed in § 19.2-12, individuals who have complied with or been exempted pursuant*
 165 *to subsection A of § 9.1-141, and individuals employed as law-enforcement officers or private police*
 166 *officers as defined in § 9.1-101 who have met the minimum qualifications set forth in § 15.2-1705,*
 167 *shall be exempt from the requirements in subsections A through C. The Department of Criminal*
 168 *Justice Services shall, upon request by the circuit court, provide evidence to the circuit court of such*
 169 *employment prior to appointing an individual special conservator of the peace. The employing*
 170 *law-enforcement agency shall notify the circuit court when such individual has left employment and*
 171 *all powers of the special conservator of the peace shall be void.*

172 *E. When the application is made by a corporation, the circuit court shall specify in the order of*
 173 *appointment the name of the sheriff or chief of police of the applicant county, city, town or the name*
 174 *of the corporation and the geographic jurisdiction of the special conservator of the peace; and this*
 175 *jurisdiction may include any or all counties and cities of the Commonwealth wherein the corporation*
 176 *does business. The clerk of the appointing circuit court shall certify a copy of the order of*
 177 *appointment to the circuit court of every jurisdiction specified in said order, and each Court*
 178 *appointments shall be limited to the judicial circuit wherein application has been made. Each special*
 179 *conservator of the peace so appointed on application of a corporation shall present his credentials to*
 180 *the chief of police or sheriff of all such jurisdictions the jurisdiction.*

181 *Every person initially appointed on or after July 1, 1996, as a special conservator of the peace*
 182 *pursuant to the provisions of this section, before entering upon the duties of such office, shall be*
 183 *required by the court to enter into a bond with approved security before the clerk of the circuit court*
 184 *of the county or city wherein such duties are to be performed, in the penalty of such sum as may be*
 185 *fixed by the court, conditioned upon the faithful performance of such duties. Such bond shall be*
 186 *conditioned upon the faithful performance of such duties in any locality in which he is authorized to*
 187 *act pursuant to the order of the court. No such bond shall be required, however, if such person so*
 188 *appointed has met the minimum entry-level law-enforcement training requirements established by the*
 189 *Department of Criminal Justice Services under § 9.1-102 within three years of the date of initial*
 190 *appointment or has been employed as a law-enforcement officer as defined by § 9.1-101 within the*
 191 *preceding three years.*

192 *If any such special conservator of the peace is the employee, agent or servant of another, his*
 193 *appointment as special conservator of the peace shall not relieve his employer, principal or master,*
 194 *from civil liability to another arising out of any wrongful action or conduct committed by such special*
 195 *conservator of the peace while within the scope of his employment.*

196 *Effective July 1, 2002, no person employed by a local school board as a school security officer, as*
 197 *defined in § 9.1-101, shall be eligible for appointment as a conservator for purposes of maintaining*
 198 *safety in a public school in the Commonwealth. All appointments of special conservators of the peace*
 199 *granted to school security officers as defined in § 9.1-101 prior to July 1, 2002, are void.*

200 *BF. The court may limit or prohibit the carrying of weapons by any special conservator of the*
 201 *peace initially appointed on or after July 1, 1996, while the appointee is within the scope of his*
 202 *employment as such. If the order of appointment does not prohibit the carrying of weapons, the court*
 203 *may require that the appointee meet the minimum entry training requirements established by the*
 204 *Department of Criminal Justice Service under § 9.1-102 for law-enforcement officers within twelve*
 205 *months of his appointment.*

206 *§ 19.2-13. (Effective July 1, 2003) Special conservators of the peace; authority; jurisdiction; bond;*
 207 *liability of employers; penalty.*

208 *A. Upon the application of any sheriff or chief of police of any county, city, town or any*
 209 *corporation authorized to do business in the Commonwealth or the owner, proprietor or authorized*
 210 *custodian of any place within the Commonwealth and the showing of a necessity for the security of*
 211 *property or the peace, a circuit court judge of any county or city, in his discretion, may appoint one 1*
 212 *or more special conservators of the peace who shall serve as such for such length of time as the court*
 213 *may designate, but not exceeding four 4 years under any one 1 appointment. The order of*
 214 *appointment may provide that a special conservator of the peace shall have all the powers, functions,*

215 duties, responsibilities and authority of any other *special* conservator of the peace within such
216 geographical limitations as the court may deem appropriate *within the confines of the county, city or*
217 *town that makes application or within the county, city or town where the corporate applicant is*
218 *located, limited to the judicial circuit wherein application has been made.* whenever such special
219 conservator of the peace is engaged in the performance of his duties as such. The order may also
220 provide that the special conservator of the peace is a "law-enforcement officer" for the purposes of
221 §§ 37.1-67.01 and 37.1-67.1. Prior to granting an application for appointment, the circuit court shall
222 ~~order the local law enforcement agency to conduct a background investigation, in accordance with~~
223 ~~§ 15.2-1705 (ii), of the prospective appointee and file a report of such investigation with the court~~
224 ~~unless the prospective appointee is a police officer as defined in § 9.1-101. The local law enforcement~~
225 ~~agency may charge the prospective appointee a reasonable fee not to exceed the lesser of the actual~~
226 ~~cost to the local law enforcement agency or \$300 for the time and costs expended in preparing the~~
227 ~~investigative report, ensure that the applicant has met the registration requirements established by the~~
228 ~~Criminal Justice Services Board.~~

229 *B. Effective January 1, 2004, no person shall seek appointment as a special conservator of the*
230 *peace from a circuit court judge without possessing a valid registration issued by the Department of*
231 *Criminal Justice Services, except as provided in this section. Applicants for registration may submit*
232 *an application on or after October 1, 2003. A temporary registration may be issued in accordance*
233 *with regulations established by the Criminal Justice Services Board while awaiting the results of a*
234 *state and national fingerprint search. However, no person shall be issued a temporary registration*
235 *until he has (i) complied with, or been exempted from the compulsory minimum training standards as*
236 *set forth in this section (ii) submitted his fingerprints on a form provided by the Department to be*
237 *used for the conduct of a national criminal records search and a Virginia criminal history records*
238 *search, and (iii) met all other requirements of this article and Board regulations. No person with a*
239 *criminal conviction for a misdemeanor involving (a) moral turpitude, (b) assault and battery, (c)*
240 *damage to real or personal property, (d) controlled substances or imitation controlled substances as*
241 *defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (e) prohibited sexual behavior as*
242 *described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, (f) firearms, or (g) any felony*
243 *shall be registered as a special conservator of the peace, except that, upon written request, the*
244 *Director of the Department of Criminal Justice Services may waive such prohibition.*

245 *C. Each person registered as or seeking registration as a special conservator of the peace shall be*
246 *covered by (i) a cash bond, or a surety bond executed by a surety company authorized to do business*
247 *in the Commonwealth, in a reasonable amount to be fixed by the Board, conditioned upon the faithful*
248 *and honest conduct of his business or employment; or (ii) evidence of a policy of liability insurance*
249 *in an amount and with coverage as fixed by the Board. Any person who is aggrieved by the*
250 *misconduct of any person registered as a special conservator of the peace and recovers a judgment*
251 *against the registrant, which is unsatisfied in whole or in part, may bring an action in his own name*
252 *against the bond or insurance policy of the registrant.*

253 *D. Individuals listed in § 19.2-12, individuals who have complied with or been exempted pursuant*
254 *to subsection A of § 9.1-141, and individuals employed as law-enforcement officers or private police*
255 *officers as defined in § 9.1-101 who have met the minimum qualifications set forth in § 15.2-1705,*
256 *shall be exempt from the requirements in subsections A through C. The Department of Criminal*
257 *Justice Services shall, upon request by the circuit court, provide evidence to the circuit court of such*
258 *employment prior to appointing an individual special conservator of the peace. The employing*
259 *law-enforcement agency shall notify the circuit court when such individual has left employment and*
260 *all powers of the special conservator of the peace shall be void.*

261 *E. When the application is made by a corporation, the circuit court shall specify in the order of*
262 *appointment the name of the sheriff or chief of police of the applicant county, city, town or the name*
263 *of the corporation and the geographic jurisdiction of the special conservator of the peace. Court*
264 *appointments shall be limited to the judicial circuit wherein application has been made; and this*
265 *jurisdiction may include any or all counties and cities of the Commonwealth wherein the corporation*
266 *does business. The clerk of the appointing circuit court shall transmit a copy of the order of*
267 *appointment that shall specify the following information: the person's complete name, address, date of*
268 *birth, social security number, gender, race, height, weight, color of hair, color of eyes, firearm*

269 authority or limitation as set forth in subsection B, date of the order, and other information as may be
 270 required by the Department of State Police. The Department of State Police shall enter the person's
 271 name and other information into the Virginia Criminal Information Network established and
 272 maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Each special
 273 conservator of the peace so appointed on application of a corporation shall present his credentials to
 274 the chief of police or sheriff of all such jurisdictions of the jurisdiction. The Department of State
 275 Police may charge a fee not to exceed ten dollars \$10 to cover its cost associated with processing
 276 these orders.

277 Every person initially appointed on or after July 1, 1996, as a special conservator of the peace
 278 pursuant to the provisions of this section, before entering upon the duties of such office, shall be
 279 required by the court to enter into a bond with approved security before the clerk of the circuit court
 280 of the county or city wherein such duties are to be performed, in the penalty of such sum as may be
 281 fixed by the court, conditioned upon the faithful performance of such duties. Such bond shall be
 282 conditioned upon the faithful performance of such duties in any locality in which he is authorized to
 283 act pursuant to the order of the court. No such bond shall be required, however, if such person so
 284 appointed has met the minimum entry level law enforcement training requirements established by the
 285 Department of Criminal Justice Services under § 9.1-102 within three years of the date of initial
 286 appointment or has been employed as a law enforcement officer as defined by § 9.1-101 within the
 287 preceding three years.

288 If any such special conservator of the peace is the employee, agent or servant of another, his
 289 appointment as special conservator of the peace shall not relieve his employer, principal or master,
 290 from civil liability to another arising out of any wrongful action or conduct committed by such special
 291 conservator of the peace while within the scope of his employment.

292 Effective July 1, 2002, no person employed by a local school board as a school security officer, as
 293 defined in § 9.1-101, shall be eligible for appointment as a conservator for purposes of maintaining
 294 safety in a public school in the Commonwealth. *All appointments of special conservators of the peace*
 295 *granted to school security officers as defined in § 9.1-101 prior to July 1, 2002 are void.*

296 **B. F.** The court may limit or prohibit the carrying of weapons by any special conservator of the
 297 peace initially appointed on or after July 1, 1996, while the appointee is within the scope of his
 298 employment as such. ~~If the order of appointment does not prohibit the carrying of weapons, the court~~
 299 ~~may require that the appointee meet the minimum entry training requirements established by the~~
 300 ~~Department of Criminal Justice Service under § 9.1-102 for law enforcement officers within twelve~~
 301 ~~months of his appointment.~~

302 **2.** That the provisions of this act may result in a net increase in periods of imprisonment or
 303 commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation
 304 cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0
 305 for periods of commitment to the custody of the Department of Juvenile Justice.

Official Use By Clerks			
<p style="text-align: center;">Passed By The Senate</p> <p>with amendment <input type="checkbox"/></p> <p>substitute <input type="checkbox"/></p> <p>substitute w/amdt <input type="checkbox"/></p> <p>Date: _____</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Clerk of the Senate</p>	<p style="text-align: center;">Passed By The House of Delegates</p> <p>with amendment <input type="checkbox"/></p> <p>substitute <input type="checkbox"/></p> <p>substitute w/amdt <input type="checkbox"/></p> <p>Date: _____</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Clerk of the House of Delegates</p>		



ATTACHMENT 4

Summary Court Orders Analysis

**Summary of Data on SJR 69—Conservators of
the Peace/Special Police**

Localities Responding= 117 of 121 or 96.7%

Localities Not Responding= 4 of 121 or 3.3%

**# Responding Localities with Appointed
Conservators/Special Police during '99,'00, &'01
= 58 of 117 Responding or 49.6%**

**# Responding Localities without Appointed
Conservators/Special Police during '99,'00, &'01
= 59 of 117 Responding or 50.4%**

Orders of Appointment Received= 2848

**# Orders with Social Security Numbers
= 341 of 2848 or 12.0%**

**# Orders Appointing Special Police
= 641 of 2848 or 22.5%**

**# Orders Appointing Conservators
= 2207 of 2848 or 77.5%**

**Aggregate totals by locality for Conservator/
Special Police orders during '99, '00, & '01**

Albemarle County	2
Alexandria	35
Alleghany County	20
Amherst County	21
Arlington County	34
Augusta County	4
Bath County	1
Bedford County	8
Bland County	1

Brunswick County	10
Buchanan County	40
Campbell County	62
Caroline County	21
Chesapeake	31
Chesterfield County	85
Dickenson County	23
Dinwiddie County	44
Fairfax County	16
Fluvanna County	19
Frederick County	1
Greensville County	1
Hampton	43
Hanover County	47
Henry County	94
Isle of White County	2
Lee County	10
Loudoun County	2
Lynchburg	6
Mecklenburg County	2
Nelson County	12
New Kent County	3
Newport News	849
Norfolk	649
Northhampton County	3
Nottaway County	3
Orange County	23
Pittsylvania County	1
Portsmouth	55
Prince William County	38
Radford	9
Richmond	126
Roanoke	72
Roanoke County	13
Rockbridge County	5
Rockingham County	13
Scott County	6
Smyth County	10
Spotsylvania County	26
Stafford County	4
Tazwell County	27
Virginia Beach	2
Warren County	2
Washington County	5
Westmoreland County	49
Wise County	1
Wmsbg/James City County	151
Wythe County	3
York County	3
Total	2848

Conservator Orders(Reason for Appointment)

**Appointments for Police or Sheriff's Department,
Probation/Parole, and Corrections**
= 560 of 2207 Conservator Orders or 25.4%

**Appointments for City or County purposes excluding
those for Public Schools**
= 471 of 2207 Conservator Orders or 21.3%

Appointments for Private Business Entities
= 454 of 2207 Conservator Orders or 20.6%

Appointments for Public School Security
= 224 of 2207 Conservator Orders or 10.1%

Appointments for Residential Security
= 219 of 2207 Conservator Orders or 10.0%

Appointments for State and Federal Agencies
= 135 of 2207 Conservator Orders or 6.1%

Appointments for College Campus Security
= 76 of 2207 Conservator Orders or 3.4%

Appointments for Other Reasons
= 68 of 2207 Conservator Orders or 3.1%

Orders for Special Police (Reason for Appointment)

Appointments for Private Business Entities
= 189 of 641 Special Police Orders or 29.5%

**Appointments for Police or Sheriff's Department,
Probation/Parole, and Corrections**
= 155 of 641 Special Police Orders or 24.2%

Appointments for College Campus Security
= 121 of 641 Special Police Orders or 18.9%

Appointments for City or County purposes excluding those for Public Schools
= 86 of 641 Special Police Orders or 13.4%

Appointments for State and Federal Agencies
= 57 of 641 Special Police Orders or 8.9%

Appointments for Residential Security
= 20 of 641 Special Police Orders or 3.1%

Appointments for Public School Security
= 9 of 641 Special Police Orders or 1.4%

Appointments for Other Reasons
= 4 of 641 Special Police Orders or 0.6%

Duration/Conditions of Appointment for Conservators

Total # of Conservator Orders with Duration/Conditions Information = 1721

Duration of Orders (with no condition of employment)

0-12 months = 252 of 1721 Orders or 14.6%

13-24 months = 116 of 1721 Orders or 6.7%

25-36 months = 128 of 1721 Orders or 7.4%

37-48 months = 397 of 1721 Orders or 23.1%

49+ months = 318 of 1721 Orders or 18.5%

Unspecified time = 201 of 1721 Orders or 11.7%

Duration of Orders (Conditional upon employment)

0-12 months = 8 of 1721 Orders or 0.5%

13-24 months = 27 of 1721 Orders or 1.6%

25-36 months = 28 of 1721 Orders or 1.6%

37-48 months = 225 of 1721 Orders or 13.1%

49+ months = None

**Conditional only upon Employment
= 21 of 1721 Orders or 1.2%**

Duration/Conditions of Appointment for Special Police

**Total # of Special Police Orders with
Duration/Conditions Information = 641**

Duration of Orders (with no condition of employment)

0-12 months = 110 of 641 or 17.2%

13-24 months = 19 of 641 or 3.0%

25-36 months = 43 of 641 or 6.7%

37-48 months = 102 of 641 or 15.9%

49+ months = None

Unspecified time = 118 of 641 or 18.4%

Unspecified time = 201 of 1721 Orders or 11.7%

Duration of Orders (Conditional upon employment)

0-12 months = 8 of 1721 Orders or 0.5%

13-24 months = 27 of 1721 Orders or 1.6%

25-36 months = 28 of 1721 Orders or 1.6%

37-48 months = 225 of 1721 Orders or 13.1%

49+ months = None

**Conditional only upon Employment
= 21 of 1721 Orders or 1.2%**

Duration/Conditions of Appointment for Special Police

**Total # of Special Police Orders with
Duration/Conditions Information = 641**

Duration of Orders (with no condition of employment)

0-12 months = 110 of 641 or 17.2%

13-24 months = 19 of 641 or 3.0%

25-36 months = 43 of 641 or 6.7%

37-48 months = 102 of 641 or 15.9%

49+ months = None

Unspecified time = 118 of 641 or 18.4%

Duration of Orders (Conditional upon employment)

0-12 months = None

13-24 months = None

25-36 months = 23 of 641 Orders or 3.6%

37-48 months = 140 of 641 Orders or 21.8%

49+ months = None

Conditional only upon Employment

= 86 of 641 Orders or 13.4%

**Orders for Conservators/Special Police—
Amount/Type of Bond**

822 of 2848 or 29% of orders required bonds

Orders Requiring Bonds

VA Blanket Bond 10 of 822 or 1.2%

\$0-\$500 73 of 822 or 8.9%

\$501-\$1000 665 of 822 or 80.9%

\$1001-\$2000 35 of 822 or 4.3%

\$2001-\$5000 11 of 822 or 1.3%

