

HOUSE BILL NO. 813

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety

on _____)

(Patron Prior to Substitute--Delegate Williams)

A BILL to amend and reenact §§ 2.2-5515, 15.2-1721.1, and 52-11.3 of the Code of Virginia, and to repeal §§ 19.2-83.4 through 19.2-83.7 of the Code of Virginia, relating to acquisition and use of military property by law-enforcement agencies.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-5515, 15.2-1721.1, and 52-11.3 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-5515. Acquisition of military property.

A. No agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 shall acquire or purchase (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers from a surplus program operated by the federal government; (iv) ~~armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat, also known as MRAPs, from a surplus program operated by the federal government;~~ (v) bayonets; ~~(vi) firearms of .50 caliber or higher;~~ (vii) ~~ammunition of .50 caliber or higher;~~ or (viii) or (v) weaponized tracked armored vehicles.

Nothing in this subsection shall restrict the acquisition or purchase of an armored high mobility multi-purpose wheeled vehicle, also known as HMMWVs, or preclude the seizure of any prohibited item in connection with a criminal investigation or proceeding or subject to a civil forfeiture. Any property obtained by seizure shall be disposed of at the conclusion of any investigation or as otherwise provided by law.

26 B. Any agency of the Commonwealth or director or chief executive of any agency or department
27 employing law-enforcement officers as defined in § 9.1-101 that has previously acquired any item listed
28 in subsection A is prohibited from using such items unless such agency, director, or chief executive has
29 received a waiver to use such items from the Criminal Justice Services Board. Any waiver request made
30 to the Criminal Justice Services Board, except a waiver request from the Department of State Police, shall
31 be limited to special weapons and tactics unit or other equivalent unit use only. The Department of State
32 Police may seek a waiver for any of its units. The Criminal Justice Services Board may grant a waiver
33 upon a showing of good cause by the requesting agency, director, or chief executive that the continued
34 use of the item that is the subject of the waiver request has a bona fide public safety purpose.

35 Any agency, director, or chief executive that has filed a waiver request with the Criminal Justice
36 Services Board may continue to use such prohibited items while such waiver request is pending before
37 the Criminal Justice Services Board. If such waiver request is denied, the agency, director, or chief
38 executive that filed such waiver shall no longer use such prohibited item.

39 C. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise
40 acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal
41 property that is not specifically prohibited pursuant to subsection A from the federal government.

42 D. The provisions of this section shall not apply to the Virginia National Guard or Virginia Defense
43 Force.

44 **§ 15.2-1721.1. Acquisition of military property by localities.**

45 A. No locality, sheriff, chief of police, or director or chief executive of any agency or department
46 employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 or any public or private
47 institution of higher education that has established a campus police department pursuant to Article 3 (§
48 23.1-809 et seq.) of Chapter 8 of Title 23.1 shall acquire or purchase (i) weaponized unmanned aerial
49 vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established
50 commercial flight application; (iii) grenades or similar explosives or grenade launchers from a surplus
51 program operated by the federal government; (iv) ~~armored multi-wheeled vehicles that are mine-resistant,~~
52 ~~ambush-protected, and configured for combat, also known as MRAPs, from a surplus program operated~~

53 ~~by the federal government; (v) bayonets; (vi) firearms of .50 caliber or higher; (vii) ammunition of .50~~
54 ~~caliber or higher; or (viii) or (v) weaponized tracked armored vehicles.~~ Nothing in this subsection shall
55 restrict the acquisition or purchase of an armored high mobility multi-purpose wheeled vehicle, also
56 known as HMMWVs, or preclude the seizure of any prohibited item in connection with a criminal
57 investigation or proceeding or subject to a civil forfeiture. Any property obtained by seizure shall be
58 disposed of at the conclusion of any investigation or as otherwise provided by law.

59 B. Any locality, sheriff, chief of police, or director or chief executive of any agency or department
60 employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 that has previously acquired
61 any item listed in subsection A is prohibited from using such items unless such locality, sheriff, chief of
62 police, or director or chief executive has received a waiver to use such items from the Criminal Justice
63 Services Board. Any waiver request made to the Criminal Justice Services Board shall be limited to special
64 weapons and tactics unit or other equivalent unit use only. The Criminal Justice Services Board may grant
65 a waiver upon a showing of good cause by the requesting locality, sheriff, chief of police, or director or
66 chief executive that the continued use of the item that is the subject of the waiver request has a bona fide
67 public safety purpose.

68 Any locality, sheriff, chief of police, or director or chief executive that has filed a waiver request
69 with the Criminal Justice Services Board may continue to use such prohibited items while such waiver
70 request is pending before the Criminal Justice Services Board. If such waiver request is denied, the
71 locality, sheriff, chief of police, or director or chief executive that filed such waiver shall no longer use
72 such prohibited item.

73 C. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise
74 acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal
75 property that is not specifically prohibited pursuant to subsection A from the federal government.

76 **§ 52-11.3. Acquisition of military property.**

77 A. The Superintendent of State Police is authorized to apply for and accept grants or loans of
78 personal property from the U.S. Department of Defense for use in the law-enforcement activities of the
79 Department of State Police or any other law-enforcement agency of the Commonwealth or its political

80 subdivisions. In connection with the receipt of such property, the Department of State Police and any other
81 law-enforcement agency to which the property is transferred may agree to hold the United States
82 government harmless against claims for damages arising out of the use of the property received. Such
83 other law-enforcement agencies may also agree to hold the Commonwealth harmless against such claims.

84 B. Notwithstanding the provisions of subsection A, the Superintendent shall not acquire or
85 purchase (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are
86 combat-coded and have no established commercial flight application; (iii) grenades or similar explosives
87 or grenade launchers from a surplus program operated by the federal government; (iv) ~~armored multi-~~
88 ~~wheeled vehicles that are mine resistant, ambush protected, and configured for combat, also known as~~
89 ~~MRAPs, from a surplus program operated by the federal government;~~ (v) bayonets; (vi) ~~firearms of .50~~
90 ~~caliber or higher;~~ (vii) ~~ammunition of .50 caliber or higher;~~ or (viii) or (v) weaponized tracked armored
91 vehicles.

92 Nothing in this subsection shall restrict the acquisition or purchase of an armored high mobility
93 multi-purpose wheeled vehicle, also known as HMMWVs, or preclude the seizure of any prohibited item
94 in connection with a criminal investigation or proceeding or subject to a civil forfeiture. Any property
95 obtained by seizure shall be disposed of at the conclusion of any investigation or as otherwise provided
96 by law.

97 C. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise
98 acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal
99 property that is not specifically prohibited pursuant to subsection B from the federal government.

100 **2. That §§ 19.2-83.4 through 19.2-83.7 of the Code of Virginia of the Code of Virginia are repealed.**

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