

CODE OF VIRGINIA



Title 52
Police (State)

Title 52 - Police (State)

Chapter 1 - DEPARTMENT OF STATE POLICE

§ 52-1. Establishment of Department headed by Superintendent; Bureau of Criminal Investigation and division of drug law enforcement and investigation within Department.

There is hereby established as a separate department, a Department of State Police headed by the Superintendent of State Police. There shall be established within the Department of State Police, in addition to any other divisions or bureaus that may be established by statute or otherwise, a Bureau of Criminal Investigation and a division for drug law enforcement and investigation.

1942, p. 340; Michie Code 1942, § 585(71a); R. P. 1948, § 52-1; 1974, c. 483; 1980, c. 232; 2000, cc. [560](#), [600](#).

§ 52-2. Appointment of Superintendent and term of office.

The Superintendent of State Police shall be appointed by the Governor, subject to confirmation by the General Assembly if in session when such appointment is made, and if not in session, then at its next succeeding session. Such officer shall hold his office at the pleasure of the Governor for a term coincident with that of each Governor making the appointment, or until his successor shall be appointed and qualified. Vacancies shall be filled for the unexpired term in the same manner as original appointments are made.

1942, p. 340; Michie Code 1942, § 585(71a); R. P. 1948, § 52-2.

§ 52-3. Oath, bond, and salary of Superintendent.

The Superintendent of State Police, before entering upon the discharge of his duties, shall take an oath that he will faithfully and impartially discharge and perform all the duties of his office and shall be bonded in accordance with § [2.2-1840](#). The Superintendent shall receive such salary as may be appropriated for the purpose.

1942, p. 340; Michie Code 1942, § 585(71a); R. P. 1948, § 52-3; 2021, Sp. Sess. I, c. [152](#).

§ 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 establishment and direction of a vehicle accident prevention and safety program for state agencies, the adoption of standards for motor vehicle appliances, accessories and safety devices and the registration of machine guns shall be in the Department of State Police.

1942, p. 340; Michie Code 1942, § 585(71a); 1948, p. 419; R.P. 1948, § 52-4; 1980, c. 469; 1986, c. 228; 1988, c. 806; 1989, c. 18.

§ 52-4.1. Repealed.

Repealed by Acts 1968, c. 722.

§ 52-4.2. Department of Motor Vehicles to publish statistical information, and conduct research and experiments; copies to be furnished by Department to Commonwealth's attorneys.

(a) The Department of Motor Vehicles shall tabulate and analyze all accident reports and shall publish annually, or more frequently, statistical information based thereon as to the number and circumstances of traffic accidents.

(b) Based upon its findings, after analysis, the Department may conduct further necessary detailed research to determine more fully the cause, control and prevention of highway accidents. It may further conduct experimental field tests within areas of the Commonwealth from time to time to prove the practicability of various ideas advanced in traffic control and accident prevention.

(c) The Department of Motor Vehicles shall promptly furnish a copy of any particular accident report or a proof of financial responsibility to any attorney for the Commonwealth upon the request of that person, without charge to be used only in the performance of his official duties.

Code 1950, §§ 46-411, 46-412; 1958, c. 550; 1968, c. 760; 1985, c. 10.

§ 52-4.3. Drug Investigation Special Trust Account.

A. There is hereby created in the Department of the Treasury a special nonreverting fund to be known as the Drug Investigation Special Trust Account, consisting of such funds as may be appropriated by the General Assembly from time to time and all interest, dividends and appreciation, including payments to the fund from the federal government by virtue of a grant, gift, forfeiture or other disposition, which may accrue to such fund, for the purpose of providing a timely supplemental source of money to the Department of State Police for use in the detection, investigation and apprehension of persons for the violation of the laws pertaining to the manufacture, sale or distribution of illegal drugs.

B. Funds from the Drug Investigation Special Trust Account shall be used to supplement general appropriations for the Department of State Police Bureau of Criminal Investigations and a division for drug law enforcement and investigation for nonpersonal service expenditures related to illegal drug investigations. They shall be used only for the purposes stated in subsection A and in strict conformity with the rules and regulations promulgated by the Superintendent of State Police to carry out the intent and purposes of this section.

C. No expenditures shall be made from the Drug Investigation Trust Account except in strict compliance with procedures established by the Superintendent of State Police and approved by the State Comptroller. The accounting for all such expenditures shall also be in strict compliance with such procedures.

D. The Drug Investigation Special Trust Account shall be established on the books of the Comptroller so as to segregate the amounts appropriated to the account and the amounts earned or accumulated by such special trust account. No portion of such special trust account shall be used for a purpose other than for drug investigations. Funds remaining in the Drug Investigation Special Trust Account at the end of a biennium shall not revert to the general fund but shall remain in the special trust account,

to be used for the purposes set forth in subsections A through C and shall accumulate interest and dividends throughout the existence of the special trust account. Any funds, however, remaining in the special trust account at the end of a biennium in excess of \$1,500,000 shall revert to the general fund.

1972, c. 320; 1982, c. 431; 1989, c. 168; 2000, cc. [560](#), [600](#).

§ 52-4.4. Duties relating to criminal history record information checks required by licensed firearms dealers.

The Superintendent of the Department of State Police shall establish a toll-free telephone number which shall be operational seven days a week between the hours of 8:00 a.m. and 10:00 p.m., except December 25, for purposes of responding to inquiries from licensed firearms dealers, as such term is defined in 18 U.S.C. § 921 et seq., pursuant to the provisions of § [18.2-308.2:2](#). The Department shall hire and train such personnel as are necessary to administer the provisions of this section.

1989, c. 745; 1997, c. [341](#).

§ 52-4.5. (Effective until July 1, 2026) Facial recognition technology; authorized uses; Department to establish a State Police Model Facial Recognition Technology Policy; penalty.

A. For purposes of this section:

"Authorized use" means the use of facial recognition technology to (i) help identify an individual when there is a reasonable suspicion the individual has committed a crime; (ii) help identify a crime victim, including a victim of online sexual abuse material; (iii) help identify a person who may be a missing person or witness to criminal activity; (iv) help identify a victim of human trafficking or an individual involved in the trafficking of humans, weapons, drugs, or wildlife; (v) help identify an online recruiter of criminal activity, including but not limited to human, weapon, drug, and wildlife trafficking; (vi) help a person who is suffering from a mental or physical disability impairing his ability to communicate and be understood; (vii) help identify a deceased person; (viii) help identify a person who is incapacitated or otherwise unable to identify himself; (ix) help identify a person who is reasonably believed to be a danger to himself or others; (x) help identify an individual lawfully detained; (xi) help mitigate an imminent threat to public safety, a significant threat to life, or a threat to national security, including acts of terrorism; (xii) ensure officer safety as part of the vetting of undercover law enforcement; (xiii) determine whether an individual may have unlawfully obtained one or more state driver's licenses, financial instruments, or other official forms of identification using information that is fictitious or associated with a victim of identity theft; or (xiv) help identify a person who an officer reasonably believes is concealing his true identity and about whom the officer has a reasonable suspicion has committed a crime other than concealing his identity.

"Facial recognition technology" means an electronic system or service for conducting an algorithmic comparison of images of a person's facial features for the purpose of identification. "Facial recognition technology" does not include the use of automated or semi-automated process to redact a recording in order to protect the privacy of a subject depicted in the recording prior to release or disclosure of the

recording outside of the law-enforcement agency if the process does not generate or result in the retention of any biometric data or surveillance information.

"Publicly post" means to post on a website that is maintained by the entity or on any other website on which the entity generally posts information and that is available to the public or that clearly describes how the public may access such data.

B. Pursuant to § [2.2-1112](#), the Division of Purchases and Supply (the Division) shall determine the appropriate facial recognition technology for use in accordance with this section. The Division shall not approve any facial recognition technology unless it has been evaluated by the National Institute of Standards and Technology (NIST) as part of the Face Recognition Vendor Test. Any facial recognition technology utilized shall utilize algorithms that have demonstrated (i) an accuracy score of at least 98 percent true positives within one or more datasets relevant to the application in a NIST Face Recognition Vendor Test report and (ii) minimal performance variations across demographics associated with race, skin tone, ethnicity, or gender. The Division shall require all approved vendors to annually provide independent assessments and benchmarks offered by NIST to confirm continued compliance with this section.

C. The Department shall create a model policy regarding the use of facial recognition technology, which shall be known as the State Police Model Facial Recognition Technology Policy, and shall, as a part of such model policy, administer protocols for handling requests for assistance in the use of facial recognition technology made to the Department by local law-enforcement agencies and campus police departments. The Department shall publicly post such policy no later than January 1, 2023, and such policy shall be updated annually thereafter and shall include:

1. Requirements for training facilitated through the Department, including the nature and frequency of specialized training required for an individual to be authorized by a law-enforcement agency to utilize facial recognition technology as authorized by this section;
2. The extent to which a law-enforcement agency shall document (i) instances when facial recognition technology is used for authorized purposes and (ii) how long such information is retained;
3. Procedures for the confirmation of any initial findings generated by facial recognition technology by a secondary examiner; and
4. Promulgation of standing orders, policies, or public materials by law-enforcement agencies that use facial recognition technology.

D. The Department may use facial recognition technology for authorized uses. A match made through facial recognition technology shall not be included in an affidavit to establish probable cause for purposes of issuance of a search warrant or an arrest warrant but shall be admissible as exculpatory evidence. The Department shall not (i) use facial recognition technology for tracking the movements of an identified individual in a public space in real time; (ii) create a database of images using a live video feed for the purpose of using facial recognition technology; or (iii) enroll a comparison image in a

commercial image repository of a facial recognition technology service provider except pursuant to an authorized use. Following such use as provided in clause (iii), no comparison image may be retained or used further by the service provider except as required for auditing that use or as may be otherwise required by law.

E. The Department shall maintain records regarding its use of facial recognition technology. Such records shall be sufficient to facilitate discovery in criminal proceedings, post-conviction proceedings, public reporting, and auditing of compliance with the Department's policy. The Department shall collect data pertaining to (i) a complete history of each user's queries; (ii) the total number of queries conducted; (iii) the number of queries that resulted in a list of possible candidates; (iv) how many times an examiner offered the Department an investigative lead based on his findings; (v) how many cases were closed due to an investigative lead from facial recognition technology; (vi) what types of criminal offenses are being investigated; (vii) the nature of the image repository being compared or queried; (viii) demographic information for the individuals whose images are queried; and (ix) if applicable, any other entities with which the Department shared facial recognition data.

F. The Superintendent shall publicly post and annually update a report by April 1 each year to provide information to the public regarding the Department's use of facial recognition technology. The report shall include all data required by clauses (ii) through (viii) of subsection E in addition to (i) all instances of unauthorized access of the facial recognition technology, including any unauthorized access by employees of the Department; (ii) vendor information, including the specific algorithms employed; and (iii) if applicable, data or links related to third-party testing of such algorithms, including any reference to variations in demographic performance. If any information or data (a) contains an articulable concern for any person's safety; (b) is otherwise prohibited from public disclosure by federal or state statute; or (c) if disclosed, may compromise sensitive criminal justice information, such information or data may be excluded from public disclosure. Nothing herein shall limit disclosure of data collected pursuant to subsection E when such disclosure is related to a writ of habeas corpus.

For purposes of this subsection, "sensitive criminal justice information" means information related to (1) a particular ongoing criminal investigation or proceeding, (2) the identity of a confidential source, or (3) law-enforcement investigative techniques and procedures.

G. Any facial recognition technology operator employed by the Department who (i) violates the Department's policy for the use of facial recognition technology or (ii) conducts a search for any reason other than an authorized use is guilty of a Class 3 misdemeanor and shall be required to complete training on the Department's policy on and authorized uses of facial recognition technology before being reinstated to operate such facial recognition technology. The Department shall terminate from employment any facial recognition technology operator who violates clause (i) or (ii) for a second time. A facial recognition technology operator who commits a second or subsequent violation of this subsection is guilty of a Class 1 misdemeanor.

§ 52-5. Repealed.

Repealed by Acts 1978, c. 470.

§ 52-6. Appointment of additional police officers.

The Superintendent of State Police, with the approval of the Governor, shall have authority to appoint additional police officers, who may or may not be residents of this Commonwealth, to serve for specified periods of time. The police officers so appointed shall receive such compensation as the Superintendent shall approve. Such police officers shall have the same powers and perform the same duties as the regular police officers appointed by the Superintendent.

1932, p. 618; Michie Code 1942, § 2154(54); R. P. 1948, § 52-6; 1985, c. 272.

§ 52-6.1. Appointment of supervisory officers.

All appointments to sworn police positions above the rank of trooper within the Department of State Police shall be made by the Superintendent of State Police from among the sworn police officers of the Department, except for those positions designated in subdivision A 20 of § [2.2-2905](#), or whenever the Superintendent determines, in writing, that a position requires knowledge, skills, or abilities such that a sufficient pool of qualified candidates does not exist within the Department of State Police. It was and is the intent of the General Assembly that the primary factor in the career progression program is satisfactory years of service.

1993, c. 766.

§ 52-7. Bonds of police officers; liability insurance policies.

All police officers appointed by the Superintendent of State Police, and engaged in the enforcement of criminal laws and the laws relating to the operation of motor vehicles upon the roads and highways of this Commonwealth, shall, before entering upon or continuing in their duties, enter into bond, with some solvent guaranty company authorized to do business in this Commonwealth, as surety, in the penalty of \$75,000 and with condition for the faithful and lawful performance of their duties. Such bonds shall be filed in the office of the Department of State Police, and the premiums thereon shall be paid out of the funds appropriated for the maintenance and operation of the Department of State Police. All persons injured or damaged in any manner by the unlawful, negligent or improper conduct of any such officer while on duty may maintain an action upon such bond.

In lieu of posting bond as provided herein, any such police officer may furnish an adequate liability insurance policy as proof of his ability to respond in damages, which may be adjudged against him in favor of any person or persons injured or damaged in any manner resulting from his unlawful, negligent or improper conduct while on official duty, to the amount set forth above. The premiums on any such insurance policy or policies shall be paid out of the funds appropriated for the maintenance and operation of the Department of State Police.

All such bonds and insurance policies shall be approved by the Superintendent of State Police.

1926, p. 941; 1940, p. 473; Michie Code 1942, § 2154(51a); R. P. 1948, § 52-7; 1950, p. 150; 1966, c. 213; 1968, c. 492.

§ 52-8. Powers and duties to enforce criminal laws and investigate aircraft accidents.

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 Commonwealth and for investigating any aircraft accident which occurs in the Commonwealth, 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.

Nothing in this section 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.

1932, p. 617; 1934, p. 277; Michie Code 1942, § 2154(53); 1944, p. 204; R. P. 1948, § 52-8; 1968, c. 737.

§ 52-8.1. Powers and duties of Bureau of Criminal Investigation.

In addition to any other powers and duties which may be provided by statute or otherwise, the Bureau of Criminal Investigation shall conduct an investigation into any matter referred to it by the Governor. The Bureau of Criminal Investigation shall, when requested by the Attorney General, any sheriff, chief of police, attorney for the Commonwealth or grand jury, conduct an investigation into the subject matter so directed or requested, if the person or grand jury making the request has reasonable cause to believe the acts committed or about to be committed would constitute a Class 1, 2 or 3 felony, to determine whether any such criminal violations have occurred, are occurring or are about to occur. The Bureau may, in all other requests for investigations made by the Attorney General, any sheriff, chief of police, attorney for the Commonwealth or grand jury, conduct an investigation into the subject matter so requested, to determine whether any criminal violations have occurred, are occurring or are about to occur.

1974, c. 483; 1975, c. 650; 1980, c. 232.

§ 52-8.1:1. Powers and duties of a drug law enforcement and investigation division.

A. In addition to any other powers and duties which may be provided by statute or otherwise, it shall be the duty of a division for drug law enforcement and investigation to enforce the laws of the Commonwealth and conduct investigations related to violations of Articles 1 (§ [18.2-247](#) et seq.) and 1.1 (§ [18.2-265.1](#) et seq.) of Chapter 7 of Title 18.2 or when requested pursuant to the provisions of § [52-8.1](#).

B. The Superintendent may request and receive, from any federal, state or local agency, cooperation and assistance to aid such division in the performance of its duties, including temporary assignment of personnel which may be necessary to carry out the performance of its functions; provided that the agency consents to the assignment. Consent may not be unreasonably withheld. Any assistance or appropriation given to such division shall be used for the primary purpose of enforcing laws and conducting investigations related to violations of Articles 1 (§ [18.2-247](#) et seq.) and 1.1 (§ [18.2-265.1](#) et seq.) of Chapter 7 of Title 18.2. Such division shall be a party to any anti-crime partnership agreement

established pursuant to § [2.2-117](#) and may assist any locality declared an Intensified Drug Enforcement Jurisdiction pursuant to § [15.2-1715](#).

C. Such division may enter into agreements with other states pertaining to the enforcement of Articles 1 (§ [18.2-247](#) et seq.) and 1.1 (§ [18.2-265.1](#) et seq.) of Chapter 7 of Title 18.2 across state boundaries. Such division may share information with law-enforcement agencies in other states as is necessary to carry out its work.

2000, cc. [560](#), [600](#).

§ 52-8.2. Certain investigations of elected officials; immunity for witnesses.

A. No investigation of an elected official of the Commonwealth or any political subdivision to determine whether a criminal violation has occurred, is occurring or is about to occur under the provisions of § [52-8.1](#) shall be initiated, undertaken or continued except upon the request of the Governor, Attorney General or a grand jury.

B. In any grand jury proceeding or criminal prosecution involving a person who was at the time of the offense an elected official of the Commonwealth or a political subdivision thereof resulting from an investigation under subsection A, any witness called by the court or attorney for the Commonwealth and required to give evidence for the prosecution who refuses to testify or produce evidence by expressly invoking his right not to incriminate himself may be compelled to testify or produce evidence by the presiding judge. A witness who refuses to testify or produce evidence after being ordered to do so by the presiding judge may be held in contempt and may be incarcerated until the contempt is purged by compliance with the order. When a witness is compelled to testify or produce evidence after expressly invoking his right not to incriminate himself, and the presiding judge has determined that the assertion of the right is bona fide, the compelled testimony, or any information directly or indirectly derived from such testimony or other information, shall not be used against the witness in any criminal proceeding except a prosecution for perjury.

1977, c. 331; 1991, c. 675.

§ 52-8.3. Disclosure of criminal investigative records and reports; penalty.

Any person employed by a law-enforcement agency or other governmental agency within the Commonwealth who has or has had access in an official capacity to an official written record or report submitted in confidence to the Department of State Police relating to an ongoing criminal investigation, and who uses or knowingly permits another to use such record or report for any purpose not consistent with the record exclusions permitted in the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq.), or other provision of state law, shall be guilty of a Class 2 misdemeanor.

The provisions of this section shall not be construed to impede or prohibit full access to information concerning the existence of any criminal investigation or to other verbal disclosures permitted by state police operating procedures.

1981, c. 238; 1999, cc. [703](#), [726](#); 2004, c. [690](#).

§ 52-8.4. Powers and duties to promulgate regulations; inspection of certain records.

A. The Superintendent of State Police, with the cooperation of such other agencies of the Commonwealth as may be necessary, shall promulgate regulations pertaining to commercial motor vehicle safety pursuant to the United States Motor Carrier Act of 1984. These regulations shall set forth criteria relating to driver, vehicle, and cargo safety inspections with which motor carriers and transport vehicles shall comply, and shall be no more restrictive than the applicable provisions of the Federal Motor Carrier Safety Regulations of the United States Department of Transportation. These regulations shall not apply to hours worked by any carrier when transporting passengers or property to or from any portion of the Commonwealth for the purpose of (i) providing relief or assistance in case of earthquake, flood, fire, famine, drought, epidemic, pestilence, or other calamity or disaster or (ii) engaging in the provision or restoration of utility services when the loss of such service is unexpected, unplanned or unscheduled. The suspension of the regulation provided for in this subsection shall expire if the Secretary of the United States Department of Transportation determines that it is in conflict with the intent of Federal Motor Carrier Safety Regulations.

B. For the purposes of this section:

"Commercial motor vehicle" means any self-propelled or towed vehicle used on the highways in commerce to transport passengers or property if such vehicle (i) has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, whichever is greater, of more than 10,000 pounds when operated interstate or more than 26,000 pounds when operated intrastate, (ii) is designed or used to transport more than 15 passengers, including the driver, regardless of weight, or (iii) is used to transport hazardous materials in a quantity requiring placards by regulations issued under authority of Article 7 (§ [10.1-1450](#) et seq.) of Chapter 14 of Title 10.1.

"Motor carrier" means a common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier of property or passengers by motor vehicle. This term also encompasses any agent, officer, representative, or employee who is responsible for the hiring, supervision, training, assignment, or dispatching of drivers.

"Transport vehicle" means any vehicle owned or leased by a motor carrier used in the transportation of goods or persons.

"Safety inspection" means the detailed examination of a vehicle for compliance with safety regulations promulgated under this section and includes a determination of the qualifications of the driver and his hours of service.

C. Except for those offenses listed in § [52-8.4:2](#), any violation of the provisions of the regulations adopted pursuant to this section shall constitute a traffic infraction punishable by a fine of not more than \$1,000 for the first offense or by a fine of not more than \$5,000 for a subsequent offense. Each day of violation shall constitute a separate offense; however, any violation of any out-of-service order issued under authority of such regulations or under authority of the Federal Motor Carrier Safety regulations shall be punished as provided in § [46.2-341.21](#) and the disqualification provisions of § [46.2-341.21](#) also shall apply to any driver so convicted.

D. The Department of State Police, together with all other law-enforcement officers certified to perform vehicle safety inspections as defined by § [46.2-1001](#) who have satisfactorily completed 40 hours of on-the-job training and a course of instruction as prescribed by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, in federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria, shall enforce the regulations and other requirements promulgated pursuant to this section. Those law-enforcement officers certified to enforce the regulations and other requirements promulgated pursuant to this section shall annually receive in-service training in current federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria.

E. Any records required to be maintained by motor carriers pursuant to regulations promulgated by the Superintendent under the authority of subsection A of this section shall be open to inspection during a carrier's normal business hours by specially trained members of the Department of State Police specifically designated by the Superintendent. Members of the Department of State Police designated for that purpose by the Superintendent shall also be authorized, with the consent of the owner, operator, or agent in charge or with an appropriate warrant obtained under the procedure prescribed in Chapter 24 (§ [19.2-393](#) et seq.) of Title 19.2, to go upon the property of motor carriers to verify the accuracy of maintenance records by an inspection of the vehicles to which those records relate.

Any person holding a valid commercial driver's license shall be exempt from the hours of service of drivers provisions as defined in regulations promulgated by the Federal Motor Carrier Safety Administration (49 C.F.R. Part 395) while operating a commercial motor vehicle during planting and harvest periods to transport:

1. Agricultural commodities from the source of the agricultural commodities to a location within 150 air miles (176.2 miles) from the source;
2. Farm supplies for agricultural purposes from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 150-air-mile radius (176.2 miles) from the distribution point; or
3. Farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 150-air-mile radius (176.2 miles) from the wholesale distribution point.

1986, c. 640; 1988, cc. 14, 718; 1990, cc. 24, 870; 1991, cc. 382, 505; 1993, c. 108; 1994, c. [71](#); 1995, cc. [145](#), [151](#), [744](#), [803](#); 1996, c. [302](#); 1997, c. [283](#); 2002, c. [828](#); 2004, c. [23](#); 2015, c. [258](#).

§ 52-8.4:1. Regulations for firearms shows.

The Superintendent of State Police shall provide a form for use by promoters of firearms shows for the purpose of notifying the State Police and the chief of police, or the sheriff in localities without police departments, of their intent to conduct a firearms show pursuant to § [54.1-4201.1](#).

1993, c. 477.

§ 52-8.4:2. Certain offenses to be considered traffic infractions.

Notwithstanding subsection C of § [52-8.4](#), any violation of any of the following provisions of the regulations adopted pursuant to § [52-8.4](#) shall constitute traffic infractions as defined in § [46.2-100](#) and shall be eligible for designation as traffic infractions for which a pretrial waiver of appearance, plea of guilty, and fine payment may be accepted pursuant to § [16.1-69.40:1](#).

a	DESCRIPTION OF OFFENSE	CORRESPONDING SECTION OF THE CODE OF FEDERAL REGULATIONS
b	(a) General Violations	
c	Marking of motor vehicle	49 C.F.R. § 390.21
d	Railroad crossing/stopping	49 C.F.R. § 392.10
e	(b) Driver Violations	
f	No medical examiner's certificate	49 C.F.R. § 391.41
g	Improper medical examiner's certificate	49 C.F.R. § 391.43
h	Medical certificate invalid	49 C.F.R. § 391.43
i	No medical waiver	49 C.F.R. § 391.49
j	Ill/fatigued driver	49 C.F.R. § 392.3
k	Possess alcoholic beverage	49 C.F.R. § 392.5
l	Hearing aid to be worn	49 C.F.R. § 391.41
m	Violate 10-hour rule, 15-hour rule	49 C.F.R. § 395.3
n	Violate 60/70-hour rule	49 C.F.R. § 395.3
o	Logbook violation (general)	49 C.F.R. § 395.8
p	No logbook	49 C.F.R. § 395.8
q	Logbook not current	49 C.F.R. § 395.8
r	Fail to retain previous 7 days on logbook	49 C.F.R. § 395.8
s	(c) Equipment Violations	
t	Equipment-inspection/use	49 C.F.R. § 392.7
u	Emergency equipment-inspection/use	49 C.F.R. § 392.8
v	Safe loading (secured)	49 C.F.R. § 392.9
w	Brakes-inoperative or missing	49 C.F.R. § 393.40-§ 393.52
x	Fuel tank securement	49 C.F.R. § 393.65
y	Fuel leak/cap	49 C.F.R. § 393.67
z	Coupling/towing devices	49 C.F.R. § 393.70; § 393.71
aa	Tire exceeds weight limit	49 C.F.R. § 393.75
ab	Bus violations	49 C.F.R. § 393.89-§ 393.92
ac	Front end structure	49 C.F.R. § 393.106
ad	Frame-cracked, loose, sagging, broken	49 C.F.R. § 393.201
ae	Cab/body components-defective	49 C.F.R. § 393.203
af	Wheels/rims defective	49 C.F.R. § 393.205

ag	Suspension-defective	49 C.F.R. § 393.207
ah	Steering system-defective	49 C.F.R. § 393.209
ai	Vehicle maintenance (general)	49 C.F.R. § 396.3
aj	No driver vehicle inspection report	49 C.F.R. § 396.11
ak	No periodic inspection	49 C.F.R. § 396.17-§ 396.25
al	(d) Hazardous Materials; Driving and Parking	
am	Fail to attend Division 1.1, 1.2, or 1.3 material	49 C.F.R. § 397.5
an	Fail to attend other hazardous materials class	49 C.F.R. § 397.5
ao	Improper parking Division 1.1, 1.2, or 1.3 material	49 C.F.R. § 397.7; § 397.11
ap	Improper parking other hazardous materials	49 C.F.R. § 397.7; § 397.11
aq	Fail to have route plan	49 C.F.R. § 397.67
ar	Smoking violations	49 C.F.R. § 397.13
as	Instructions and document violations	49 C.F.R. § 397.19

1997, c. [283](#).

§ 52-8.5. Reporting hate crimes.

A. The Superintendent shall establish and maintain within the Department of State Police a central repository for the collection and analysis of information regarding hate crimes and groups and individuals carrying out such acts.

B. State, county, and municipal law-enforcement agencies shall report to the Department all hate crimes occurring in their jurisdictions in a form, time, and manner prescribed by the Superintendent. Such reports shall not be open to public inspection except insofar as the Superintendent shall permit.

C. As used in this section:

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

"Hate crime" means (i) a criminal act committed against a person or his property with the specific intent of instilling fear or intimidation in the individual against whom the act is perpetrated because of race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin or that is committed for the purpose of restraining that person from exercising his rights under the Constitution or laws of the Commonwealth or of the United States; (ii) any illegal act directed against any persons or their property because of those persons' race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin; and (iii) all other incidents, as determined by law-enforcement authorities, intended to intimidate or harass any individual or group because of race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin.

1988, c. 838; 2002, cc. [588](#), [623](#); 2020, cc. [124](#), [746](#), [1171](#).

§ 52-8.6. Criminal street gang reporting.

When it is determined, by a state or local law-enforcement agency, regional jail, the Department of Corrections, the Department of Juvenile Justice, or a regional multijurisdictional law-enforcement task force, that a person is a member of a criminal street gang, as defined in § [18.2-46.1](#) by means of (i) an admission of membership in a gang; (ii) an observation by a law-enforcement officer that a person frequents a known gang area, associates with known gang members and demonstrates gang style of dress, tattoos, hand signals, or symbols; or (iii) being arrested on more than one occasion with known gang members for offenses consistent with gang activities, the agency shall enter the person's name and other appropriate gang-related information required by the Department of State Police into the information system known as the Organized Criminal Gang File of the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ [52-12](#) et seq.) of this title, and the Violent Criminal Gang File of the National Crime Information Center (NCIC), maintained by the Federal Bureau of Investigation. The entry shall be made as soon as practicable after determining that a person is a member of an organized criminal gang. All records contained in these information systems shall be entered, retained, and validated in accordance with established VCIN and NCIC policies.

2005, c. [843](#); 2010, cc. [367](#), [472](#).

§ 52-9. Administration of oaths; acknowledgments and affidavits; summoning witnesses in certain cases.

A. All police officers appointed by the Superintendent are vested with the authority and power to administer oaths and take acknowledgments and affidavits incidental to the administration and enforcement of all laws relating to the operation of motor vehicles, applications for driver's licenses and the collection and refunding of taxes levied on gasoline, for which services they shall receive no compensation.

B. Any member of the Bureau of Criminal Investigation conducting an investigation may petition an appropriate judicial officer for the issuance of a summons directed to a sheriff of any county or city, police chief of any town, or to any member of the Bureau of Criminal Investigation, commanding the officer to summon witnesses at such time and place as he may direct. Any such officer to whom the summons is delivered shall forthwith execute it, and make return thereof at the time and place named therein.

C. Any member of the Bureau of Criminal Investigation who is conducting an investigation requested under the provisions of § [52-8.2](#) or investigating frauds or attempts to defraud the Commonwealth or any of its political subdivisions or investigating criminal misconduct related to official duties of any officer, agent, or employee of the Commonwealth or any of its political subdivisions, upon authorization by the Attorney General or an attorney for the Commonwealth, may administer an oath to any complaining witness who is giving a statement or evidence concerning such investigation. If oath is administered pursuant to this statute it shall be administered prior to the taking of any statement, and any statement taken after such oath shall be reduced to writing and subscribed by the witness.

1932, p. 617; 1934, p. 277; Michie Code 1942, § 2154(53); 1944, p. 204; R.P. 1948, § 52-9; 1980, c. 228; 1981, c. 223; 1984, c. 780.

§ 52-9.1. Distinctive uniform to be adopted for State police officers.

The Superintendent of State Police shall cause to be designed and, with the approval of the Governor, adopt a distinctive uniform with appropriate insignia for the use of the police officers appointed by him. Such uniform, when adopted, shall be worn by all such police officers when on patrol duty, and at such other times as the Superintendent may by regulation prescribe.

1950, p. 154; 1973, c. 401.

§ 52-9.1:1. Retired and former law-enforcement officers; retention of badge.

A. Notwithstanding any provision of law to the contrary, on and after July 1, 1978, every State police officer shall upon retirement be awarded his badge or other insignia of his office for permanent keeping; provided, however, the Superintendent of State Police, prior to tendering such badge or insignia, shall have the same mounted in such a manner that it will be impossible for anyone to display such badge or insignia upon his person.

B. Upon request of a former law-enforcement officer with at least 10 years of service who has been diagnosed with post-traumatic stress disorder, as defined in § [65.2-107](#), by a mental health professional, as defined in § [65.2-107](#), or who is disabled, such individual shall be awarded his badge or other insignia of his office in accordance with the procedures established under subsection A; however, the mounted badge or insignia shall include an indication that the individual honorably served. The Superintendent of State Police may deny, for cause, any request made under this subsection, provided that it gives a written explanation to the requester of the grounds for denial. Any individual awarded a badge or insignia under this subsection shall be ineligible to receive a badge or insignia pursuant to subsection A. The provisions of this subsection shall not apply to any individual who was decertified pursuant to § [15.2-1707](#).

1978, c. 569; 2022, c. [491](#).

§ 52-9.2. Wearing of same or similar uniforms by other persons.

When such official uniform has been adopted by the Superintendent, no police officer of any county, city or town, special policeman, guard or other person shall wear any uniform identical with such official uniform or so similar in appearance as to be likely to deceive the casual observer.

Violations of this section or § [52-9.1](#) shall constitute a misdemeanor and be punished as provided by law.

1950, p. 154.

§ 52-10. Fees and rewards.

No court in the Commonwealth shall in any case, in which a fine is assessed for the violation of any law of the Commonwealth, or any subdivision thereof, assess, as a part of the cost of the case any fee for arrest, or as a witness, for the benefit of any police officer of the Department of State Police; nor

shall any such police officer receive any such fee. Any such police officer who accepts or receives any such fee shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100, and in addition the Superintendent may remove him therefor. But such officers are not prohibited from accepting or receiving rewards.

1932, p. 617; 1934, p. 277; Michie Code 1942, § 2154(53); 1944, p. 204; R.P. 1948, § 52-10; 2005, c. [839](#).

§ 52-11. Defense of police officers.

If any police officer appointed by the Superintendent of State Police shall be brought before any regulatory body, summoned before any grand jury, investigated by any other law-enforcement agency, or arrested or indicted or otherwise prosecuted on any charge arising out of any act committed in the discharge of his official duties, the Superintendent may employ special counsel approved by the Attorney General to defend such officer. Upon a finding that (i) the officer did not violate a law or regulation resulting from the act which was the subject of the investigation and (ii) the officer will not be terminated from employment as the result of such act, the Superintendent shall pay for the special counsel employed. The compensation for special counsel employed, pursuant to this section, shall, subject to the approval of the Attorney General, be paid out of the funds appropriated for the administration of the Department of State Police.

1938, p. 491; Michie Code 1942, § 2154(54a); R. P. 1948, § 52-11; 1958, c. 542; 1991, c. 631.

§ 52-11.1. State Health Commissioner to cooperate.

The State Health Commissioner shall cause to be furnished to the Department of State Police all such assistance requested by the Superintendent of State Police or the authorized officers and agents of the Department of State Police as may be afforded by the technical staff of the Department of Health and the Chief Medical Examiner.

The State Health Commissioner may, in his discretion, furnish to any other law-enforcement officer or agency, such assistance as is afforded by the technical staff of the Department of Health and the Chief Medical Examiner.

R.P. 1948, § 52-11.1; 1952, c. 493; 1979, c. 123.

§ 52-11.2. Services of State Police in areas of counties that have merged, consolidated or been annexed into cities.

When a county or city merges or consolidates into a city, or when a combination of counties and cities merge into a city, or when any county and all of the incorporated towns located entirely therein merge, consolidate or be annexed or when any county or part thereof be annexed into a city or cities, the governing body of any such city may thereafter request of the Superintendent of State Police, and upon such request he shall grant, the services of the Department of State Police in those areas of the counties which were merged, or consolidated or annexed into such city or cities for a period of ten years after the effective date of such merger, consolidation or annexation which were not previously incorporated.

1968, c. 228; 1970, c. 224; 1971, Ex. Sess., c. 177; 1991, c. 189.

§ 52-11.3. Acquisition of military property.

A. The Superintendent of State Police is authorized to apply for and accept grants or loans of personal property from the U.S. Department of Defense for use in the law-enforcement activities of the Department of State Police or any other law-enforcement agency of the Commonwealth or its political subdivisions. In connection with the receipt of such property, the Department of State Police and any other law-enforcement agency to which the property is transferred may agree to hold the United States government harmless against claims for damages arising out of the use of the property received. Such other law-enforcement agencies may also agree to hold the Commonwealth harmless against such claims.

B. Notwithstanding the provisions of subsection A, the Superintendent shall not 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) rifles of .50 caliber or higher; (vii) rifle ammunition of .50 caliber or higher; or (viii) 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.

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

1995, c. [149](#); 2020, Sp. Sess. I, cc. [37](#), [55](#); 2022, cc. [375](#), [376](#).

§ 52-11.4. Disposal of unclaimed property in the possession of State Police; exemption from the Virginia Disposition of Unclaimed Property Act.

The Department of State Police may provide for (i) the public sale in accordance with the provisions of this section or (ii) the retention for use by the State Police or other law-enforcement agency of any unclaimed personal property that has been in the possession of the State Police and unclaimed for a period of more than 60 days. For the purposes of this section, "unclaimed personal property" means any personal property, other than firearms or other weapons, belonging to another that has been acquired by a law-enforcement officer pursuant to his duties, that is not needed in any criminal prosecution, that has not been claimed by its rightful owner and that the State Treasurer has indicated will be declined if remitted under the Virginia Disposition of Unclaimed Property Act (§ [55.1-2500](#) et seq.).

Prior to the sale or retention for use by the State Police of any unclaimed personal property, the Superintendent or his designee shall make reasonable attempts to (i) notify by mail the rightful owner of the property, (ii) obtain from the attorney for the Commonwealth of the jurisdiction in which the unclaimed item came into the possession of the State Police in writing a statement advising that the item is not needed in any criminal prosecution, (iii) cause to be published on the website maintained by the State Police for a period of 60 days notice that there will be a public display and sale of unclaimed personal property, including property selected for retention by the State Police, which shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale, and (iv) cause to be published in a newspaper of general circulation in the locality where the sale is to be held once a week for two successive weeks prior to the sale, a notice that includes the date, time, place of the sale, general description of items to be sold and the State Police website address. The Superintendent or his designee shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by the Superintendent or his designee for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the State Police shall become the property of the Commonwealth and any property provided to other law-enforcement agencies shall become the property of the locality served by the agency and shall be retained only if, in the opinion of the Superintendent or chief law-enforcement officer, there is a legitimate use for the property by the agency and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

If no claim has been made by the owner for the property or proceeds of such sale within 60 days of the sale, the remaining funds shall be deposited in the Literary Fund of the Commonwealth and the retained property may be placed into use by the State Police or other law-enforcement agency. Any such owner shall be entitled to apply to the Commonwealth within one year from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the Commonwealth shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after one year from the date of the sale.

2004, c. [427](#).

§ 52-11.5. Disposal of unclaimed firearms or other weapons in possession of the State Police.

Subject to the provisions of § [19.2-386.29](#), the State Police may destroy unclaimed firearms and other weapons that have been in the possession of the Department for a period of more than 120 days and that have been determined by the Superintendent or his designee to be unsuitable to be placed in service with the Department. For the purposes of this section, "unclaimed firearms and other weapons" means any firearm or other weapon belonging to another that has been acquired by a law-enforcement officer pursuant to his duties, that is not needed in any criminal prosecution, that has not been

claimed by its rightful owner and that the State Treasurer has indicated will be declined if remitted under the Virginia Disposition of Unclaimed Property Act (§ [55.1-2500](#) et seq.).

At the discretion of the Superintendent or his designee, unclaimed firearms or other weapons may be destroyed by any means that render the firearms or other weapons permanently inoperable. Prior to the destruction of such firearms or other weapons, the Superintendent or his designee shall comply with the notice provisions contained in § [52-11.4](#).

In lieu of destroying any such unclaimed firearm, the Superintendent or his designee may donate the firearm to the Department of Forensic Science, upon agreement of the Department of Forensic Science.

2004, c. [427](#); 2015, c. [220](#).

§ 52-11.6. Arrest or summons quota prohibited.

A. The Department of State Police shall not establish a formal or informal quota that requires a police officer to make a specific number of arrests or issue a specific number of summonses within a designated period of time.

B. The Department of State Police shall not use the number of arrests made or summonses issued by a police officer as the sole criterion for evaluating an officer's job performance.

C. Nothing in this section shall preclude the Department of State Police from collecting, analyzing, and utilizing information concerning the number of arrests made or summonses issued for any other purpose.

2022, cc. [208](#), [209](#).

Chapter 2 - State Police Communication System

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

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

1938, p. 674; Michie Code 1942, § 2154(233); 2022, c. [49](#).

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

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

1938, p. 674; Michie Code 1942, § 2154(234); 2022, c. [49](#).

§ 52-14. Availability of system.

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

1. Application for permission to connect with the communication system shall be made to the Superintendent of State Police on forms to be provided by him;
2. Such application may be approved by the Superintendent if, as, and when in his discretion such connection is requisite and necessary for the best interests of the entire system;
3. Upon approval of such application and before the applicant shall be connected with the communication system, such applicant must agree to assume and pay all rentals for sending and receiving stations, or receiving stations only, as may be authorized by the Superintendent for installation within the jurisdiction of the applicant, and any and all costs of installation and operation of such stations; and
 4. a. The Commonwealth shall pay all rental for necessary wire or circuit mileage required to connect such stations operated by criminal justice agencies of the Commonwealth and its political subdivisions, or the Federal Bureau of Investigation, with the communication system; and
 - b. All other agencies shall agree, as a condition of connection or continued service, to assume and pay all rental for necessary wire or circuit mileage required to connect such stations with the communication system.

1938, p. 674; Michie Code 1942, § 2154(235); 1999, c. [150](#); 2022, c. [49](#).

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

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

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

1938, p. 675; Michie Code 1942, § 2154(236); 2022, c. [49](#).

Chapter 3 - Joint State and Local Police Communication System

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

The Governor may establish, purchase, lease, or otherwise acquire all necessary property, real and personal, for the purpose of establishing and maintaining a joint state and local police communication system and cause to be constructed, equipped, maintained, and operated, at such place or places as he may determine, a communication system for transmitting and receiving messages and data, in

connection with the work of the police departments of, and officers exercising police powers in, the cities, towns, and counties of the Commonwealth and the work of the police officers of the Department of State Police, relating to the detection of crime, the apprehension of criminals, emergency management and response, information relating to criminal activity, and other necessary police activities.

1936-7, p. 44; Michie Code 1942, § 2991b; 2022, c. [49](#).

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

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

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

1936-7, p. 45; Michie Code 1942, § 2991b; 2022, c. [49](#).

§ 52-18. Districts.

The Governor may divide the Commonwealth into two or more communication system districts, and, in the event of the proper proportionate monetary cooperation upon the part of localities within any one or more of such districts, may arrange for the establishment, purchase, installation, maintenance, and operation of such communication system equipment within such district or districts.

1936-7, p. 45; Michie Code 1942, § 2991b; 2022, c. [49](#).

§ 52-19. Rules and regulations.

The Governor may make and issue reasonable rules and regulations as he may deem necessary for the proper use of such communication system.

1936-7, p. 45; Michie Code 1942, § 2991b; 2022, c. [49](#).

Chapter 4 - Arrests by State Police

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

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

B. Members of the State Police force of the Commonwealth, provided such officers are in uniform or displaying a badge of office, may, at the scene of any motor vehicle accident or in the apprehension of any person charged with the theft of any motor vehicle on any of the highways of the Commonwealth, upon reasonable grounds to believe, based upon personal investigation, including information obtained from eyewitnesses, that a crime has been committed by any person then and there present apprehend such person without a warrant of arrest. Such officers may arrest without a warrant persons

duly charged with crime in another jurisdiction upon receipt of an electronic communication containing the name or a reasonably accurate description of such person wanted and the crime alleged.

1942, p. 481; Michie Code 1942, § 4827a; 1950, p. 888; 2022, c. [49](#).

§ 52-21. Procedure after arrest without warrant.

Except in the case of a violation of a provision of Title 46.2, in which case the officer making the arrest shall proceed as provided in § [46.2-936](#), the officer making the arrest shall forthwith bring the person so arrested before an officer authorized to issue criminal warrants in the county or city where the arrest is made. The officer before whom such person is brought shall proceed to examine the officer making the arrest. If the officer before whom such person is brought has reasonable grounds upon which to believe that a criminal offense has been committed, and that the person arrested has committed such offense, he shall issue such a warrant as might have been issued prior to the arrest of such person under the provisions of § [19.2-72](#). If such a warrant is issued the case shall thereafter be disposed of in like manner as though the warrant had been issued prior to the arrest. If such a warrant be not issued the person so arrested shall be released.

1942, p. 481; Michie Code 1942, § 4827a; 1960, c. 375; 1962, c. 22; 1982, c. 35.

§ 52-22. Arrests for violations of ordinances.

The Superintendent of State Police, his assistants, and the State troopers, patrolmen and police officers appointed by him, shall have authority to execute warrants of arrest for violations of ordinances of counties, cities and towns when requested so to do by the county, city or town authorities. Such arrests may be made upon information transmitted as provided in § [52-20](#), as well as in cases where the officer is in possession of the warrant.

The execution of any such warrant shall rest entirely in the discretion of the Superintendent and other officers who may be requested to execute the same, and no such officer shall execute the same in any case where it will in any way interfere with, delay or hinder him in the discharge of his official duties.

1947, p. 30; Michie Suppl. 1948, § 4827b.

Chapter 5 - INVESTIGATORS AND SPECIAL STATE POLICE OFFICERS

§ 52-23. Appointment by Governor; power and jurisdiction.

The Governor may appoint whenever he deems the same necessary, and may remove at will, investigators and temporary special police officers, who shall be directly responsible to the Governor, be conservators of the peace and have jurisdiction throughout the Commonwealth in the enforcement of the laws of the Commonwealth. Such investigators and special police officers shall have in all the counties, cities and towns of the Commonwealth all the power and authority, in connection with the enforcement of the laws of the Commonwealth, vested by law in sheriffs of the counties and police officers of cities and towns.

Code 1919, § 332; 1932, p. 136; 1958, c. 611.

§ 52-24. Compensation.

Such investigators and temporary special police officers shall be paid such compensation as may be allowed by the Governor, such compensation to be paid from such moneys as shall be appropriated to the Governor for the executive control of the Commonwealth, and not otherwise specifically appropriated.

Code 1919, § 332; 1932, p. 136; 1958, c. 611.

Chapter 6 - UNIFORM CRIME REPORTING PROGRAM

§ 52-25. Uniform crime reporting system established.

The Superintendent shall establish, organize, equip, staff and maintain within the Department of State Police, at such departmental locations as the Superintendent may direct, a uniform crime reporting system for the purpose of receiving, compiling, classifying, analyzing and publishing crime statistics of offenses known, persons arrested, and persons charged and other information pertaining to the investigation of crime and the apprehension of criminals, as hereinafter provided. The Superintendent shall appoint or designate necessary personnel to carry out the duties and assignments in accordance with rules and regulations pertaining thereto promulgated by the Superintendent.

1974, c. 577.

§ 52-25.1. Reporting and return of firearms confiscated or recovered by law-enforcement agencies.

A. Whenever a law-enforcement agency confiscates a firearm in connection with a criminal investigation or otherwise recovers a firearm, such agency shall immediately take all appropriate steps to identify and trace the history of such firearm.

B. The Superintendent shall establish a procedure within the Department of State Police to obtain information regarding all firearms seized, forfeited, found, or otherwise coming into the possession of any state or local law-enforcement agency of the Commonwealth. All law-enforcement agencies of the Commonwealth and of political subdivisions of the Commonwealth shall share with other Virginia law-enforcement agencies all information regarding firearms seized, forfeited, found, or otherwise coming into the agency's possession that are believed to have been used in the commission of a crime and shall enter such information into a firearms tracing system maintained by the U.S. Department of Justice. The Superintendent shall adopt regulations prescribing the method for reporting this information and the time and manner of submission of the information to a firearms tracing system maintained by the U.S. Department of Justice.

C. Except as provided in § [19.2-386.29](#), whenever a firearm is identified as stolen, the law-enforcement agency shall return such firearm to the rightful owner thereof, if known, provided the owner is not prohibited from possessing the firearm and the agency does not need to retain the firearm as evidence in a criminal prosecution.

1993, cc. 475, 834; 1994, cc. [394](#), [502](#); 2016, c. [214](#).

§ 52-26. Cooperation with other law-enforcement agencies.

The Superintendent is authorized to maintain liaison and to cooperate with law-enforcement and criminal justice agencies of all counties, cities and towns and all other agencies, departments, and institutions of the Commonwealth, other states and of the United States in order to develop and carry on a comprehensive uniform crime reporting program for the Commonwealth. Uniform crime reports for the Commonwealth shall be published by the Superintendent and distributed in an electronic format to the General Assembly and the office of the Governor, annually. The Superintendent shall publicize the availability of the reports to all law-enforcement agencies, attorneys for the Commonwealth, and the courts.

1974, c. 577; 1979, c. 83; 2007, c. [135](#).

§ 52-27. Aid to reporting agencies.

The Department shall render all necessary aid and assistance to all reporting agencies in order to fulfill the requirements of the uniform crime reporting program for the Commonwealth.

1974, c. 577.

§ 52-28. Duty of Commonwealth and local agencies to make reports.

All Commonwealth, county and municipal law-enforcement agencies shall submit to the Department all periodic uniform crime reports setting forth their activities in connection with law enforcement. The provisions of this chapter shall not apply to any police agency not paid entirely from public funds.

1974, c. 577; 1979, c. 83.

§ 52-28.1. Reporting of gang-related criminal information; inclusion in annual Crime in Virginia report.

The Department of State Police shall include arrest statistics for violations of §§ [18.2-46.2](#), [18.2-46.3](#), [18.2-46.3:1](#), [18.2-46.3:3](#), and [18.2-55.1](#) in the annual Crime in Virginia report.

2008, c. [746](#).

§ 52-28.2. Reporting of officer-involved shootings; inclusion in annual Crime in Virginia report.

The Department of State Police shall include any officer-involved shooting and whether such shooting was determined to be justified in the annual Crime in Virginia report. Any law-enforcement or public safety officer required to make such report shall receive training concerning such reporting requirement.

For the purposes of this section, "officer-involved shooting" means the discharge of a firearm by a law-enforcement officer, as defined in § [9.1-101](#), that results in the death or serious bodily injury of another.

2016, c. [333](#).

§ 52-29. Rules and regulations for form, etc.

The Superintendent shall adopt and promulgate rules and regulations prescribing the form, general content, time and manner of submission of such uniform crime reports of all offenses designated by

him, including, but not limited to, part I and part II offenses as set out by the Federal Bureau of Investigation.

1974, c. 577.

§ 52-30. Reports to Federal Bureau of Investigation.

The Department shall correlate reports submitted to it and shall compile and submit reports to the Federal Bureau of Investigation on behalf of all agencies of the Commonwealth, as may be required by the federal standards for the uniform crime reporting program.

1974, c. 577.

Chapter 7 - MISSING CHILDREN INFORMATION CLEARINGHOUSE

§ 52-31. Missing Children Information Clearinghouse established.

The Superintendent shall establish, organize, equip, staff and maintain within the Department of State Police a Missing Children Information Clearinghouse as a central repository of information regarding missing children. Such information shall be collected, processed, maintained and disseminated by the Clearinghouse as accurately and completely as possible to assist in the location of missing children.

1985, c. 259.

§ 52-31.1. Superintendent to establish network.

The Superintendent of State Police shall establish a network to implement reports of the disappearance of children by local law-enforcement agencies to local school division superintendents and the State Registrar of Vital Records. The network shall be designed to establish cooperative arrangements between local law-enforcement agencies and local school divisions concerning reports of missing children, whereby law enforcement shall within 24 hours or the next business day, notify the principal of the school where the missing child is or was most recently enrolled and inform the school official of the report, and notices to law-enforcement agencies of requests for copies of the cumulative records and birth certificates of missing children. Upon notification of a request for a marked school record or other information regarding a missing child, the Superintendent shall immediately initiate an investigation into the circumstances surrounding the request, including a search for any record that may exist showing who has legal custody of the child and for any record that may disclose an allegation of child abuse perpetrated against a member of the child's family. The network shall also establish a mechanism for reporting the identities of all missing children to the State Registrar of Vital Records.

1990, c. 295; 2006, c. [295](#).

§ 52-32. Definitions.

As used in this chapter, unless the context requires otherwise or it is otherwise specifically provided:

"Missing child" means any person who is under the age of 21 years, whose temporary or permanent residence is in Virginia, or is believed to be in Virginia, whose whereabouts are unknown to any par-

ent, guardian, legal custodian or other person standing in loco parentis of the child, and who has been reported as missing to a law-enforcement agency within the Commonwealth.

"Missing child report" means a report prepared in a format prescribed by the Superintendent for use by law-enforcement agencies to report missing child information to the Missing Children Information Clearinghouse.

1985, c. 259; 1986, c. 330; 2004, c. [248](#).

§ 52-33. Powers and duties of Clearinghouse.

The Clearinghouse shall have the following powers and duties:

1. To maintain a centralized file for the exchange of information on missing children within the Commonwealth. The Clearinghouse shall accept a missing child report from any law-enforcement officer as defined in [§ 9.1-101](#). Any parent, guardian, legal custodian or other person standing in loco parentis of a missing child may contact the Clearinghouse to verify the entry of a missing child report on such child. If the Clearinghouse is requested to verify a missing child report which has not been received, the Clearinghouse shall immediately contact the appropriate law-enforcement agency and take such measures as may be necessary to determine whether a report should be entered in the centralized file.
2. To maintain a system of intrastate communication to receive information relating to the disappearance or sighting of missing children. Such system shall be available twenty-four hours per day, seven days per week.
3. To maintain close liaison with the National Crime Information Center and the National Center for Missing and Exploited Children for the exchange of information on children suspected of interstate or international travel and for assistance in the operation of the Clearinghouse.
4. To circulate a monthly bulletin on missing children to the news media, all law-enforcement agencies, and every school in the Commonwealth.
5. To provide emergency flyers containing physical and situational descriptions of missing children when requested by law-enforcement agencies.
6. To provide for training of public and private organizations regarding the operation of the Clearinghouse.
7. To provide assistance to law-enforcement agencies in planning and implementing programs to fingerprint children.

1985, c. 259; 2011, cc. [818](#), [852](#).

§ 52-34. Notification required when missing child located.

Any law-enforcement officer who has reported a missing child to the Clearinghouse shall notify the Clearinghouse immediately upon determining the location of the child.

1985, c. 259.

Chapter 7.1 - VIRGINIA AMBER ALERT PROGRAM

§ 52-34.1. Definitions.

As used in this chapter:

"Abducted child" means a child (i) whose whereabouts are unknown, (ii) who is believed to have been abducted, (iii) who is 17 years of age or younger or is currently enrolled in a secondary school in the Commonwealth, regardless of age, and (iv) whose disappearance poses a credible threat as determined by law enforcement to the safety and health of the child and under such other circumstances as deemed appropriate by the Virginia State Police.

"Amber Agreement" means the voluntary agreement between law-enforcement officials and members of the media whereby a child will be declared abducted, and the public will be notified, and includes all other incidental conditions of the partnership as found appropriate by the Virginia State Police.

"Amber Alert" means the notice of child abduction provided to the public by the media or other methods under an Amber Agreement.

"Amber Alert Program" or "Program" means the procedures and Amber Agreements to aid in the identification and location of abducted children.

"Media" means print, radio, television, and Internet-based communication systems or other methods of communicating information to the public.

2003, cc. [83](#), [86](#); 2007, c. [198](#).

§ 52-34.2. Establishment of the Virginia Amber Alert Program.

The Virginia State Police shall develop policies for the establishment of uniform standards for the creation of Amber Alert Programs throughout the Commonwealth. Amber Alert Programs may be local, regional, or statewide. They may include multiple localities or regions and may be expanded or compressed. The Virginia State Police may (i) inform local law-enforcement officials of the policies and procedures for the Amber Alert Programs set by the State Police; (ii) assist in determining the geographic scope of a particular Amber Alert; and (iii) establish procedures and standards by which a local law-enforcement agency may verify a child has been abducted and report such information to the Virginia State Police.

The establishment of an Amber Alert Program by a locality and the media is voluntary and nothing in this chapter shall be construed to be a mandate that local officials or the media establish or participate in an Amber Alert Program. Existing Amber Agreements and Programs shall not be altered by the act of assembly creating this chapter.

2003, cc. [83](#), [86](#).

§ 52-34.3. Activation of Amber Alert Program upon an incident of child abduction.

A. Upon receipt of a notice of a child abduction from a law-enforcement agency, the Virginia State Police shall confirm the accuracy of the information and provide assistance in the implementation of the Amber Alert Program as the investigation dictates.

B. Amber Alerts may be local, regional, or statewide. The initial decision to make a local or regional Amber Alert shall be at the discretion of the local or regional law-enforcement officials. Prior to making a local or regional Amber Alert, the local or regional law-enforcement officials shall confer with the Virginia State Police and provide information regarding the abducted child to the Virginia State Police. The initial decision to make a statewide Amber Alert shall be at the discretion of the Virginia State Police. The Missing Children Information Clearinghouse operated by the Virginia State Police shall serve as a central repository for information related to an abduction.

C. In those situations where appropriate, the Virginia State Police shall send the Amber Alert to Virginia's emergency alert system. Participating media are encouraged to issue the alert at designated intervals as specified by the Amber Alert Program.

D. In those situations where appropriate and an existing system is available, the Virginia State Police shall contact the operator of the existing automatic dialing-announcing device system to target residents in the geographic location where the abducted child was most recently seen. For purposes of this section, "automatic dialing-announcing device system" means a device that (i) selects and dials telephone numbers; and (ii) working alone or in conjunction with other equipment, disseminates a prerecorded or synthesized voice message to the telephone number called.

E. The Amber Alert shall include such information as the law-enforcement agency deems appropriate that will assist in the safe recovery of the abducted child.

F. The Amber Alert shall be cancelled under the terms of the Amber Agreement. Any local law-enforcement agency that locates a child who is the subject of an alert shall notify the Virginia State Police immediately that the child has been located.

2003, cc. [83](#), [86](#); 2004, c. [270](#); 2007, c. [130](#).

Chapter 7.2 - VIRGINIA SENIOR ALERT PROGRAM

§ 52-34.4. Definitions.

As used in this chapter:

"Media" means print, radio, television, and Internet-based communication systems or other methods of communicating information to the public.

"Missing senior adult" means an adult whose whereabouts are unknown and who is over 60 years of age and suffers a cognitive impairment to the extent that he is unable to provide care to himself without assistance from a caregiver, including a diagnosis of Alzheimer's Disease or dementia, and whose disappearance poses a credible threat as determined by a law-enforcement agency to the

health and safety of the adult and under such other circumstances as deemed appropriate by the Virginia State Police.

"Senior alert" means the notice of a missing senior adult provided to the public by the media or other methods under a Senior Alert Agreement.

"Senior Alert Agreement" means a voluntary agreement between law-enforcement officials and members of the media whereby a senior adult will be declared missing, and the public will be notified by media outlets, and includes all other incidental conditions of the partnership as found appropriate by the Virginia State Police.

"Senior Alert Program" or "Program" means the procedures and Senior Alert Agreements to aid in the identification and location of a missing senior adult.

2007, cc. [486](#), [723](#).

§ 52-34.5. Establishment of the Virginia Senior Alert Program.

The Virginia State Police shall develop policies for the establishment of uniform standards for the creation of Senior Alert Programs throughout the Commonwealth. The Virginia State Police shall (i) inform local law-enforcement officials of the policies and procedures to be used for the Senior Alert Programs; (ii) assist in determining the geographic scope of a particular Senior Alert; and (iii) establish procedures and standards by which a local law-enforcement agency shall verify that a senior adult is missing and shall report such information to the Virginia State Police.

The establishment of a Senior Alert Program by a local law-enforcement agency and the media is voluntary, and nothing in this chapter shall be construed to be a mandate that local officials or the media establish or participate in a Senior Alert Program.

2007, cc. [486](#), [723](#).

§ 52-34.6. Activation of Senior Alert Program upon an incident of a missing senior adult.

A. Upon receipt of a notice of a missing senior adult from a law-enforcement agency, the Virginia State Police shall confirm the accuracy of the information and provide assistance in the activation of the Senior Alert Program as the investigation dictates.

B. Senior Alerts may be local, regional, or statewide. The initial decision to make a local Senior Alert shall be at the discretion of the local law-enforcement official. Prior to making a local Senior Alert, the local law-enforcement official shall confer with the Virginia State Police and provide information regarding the missing senior adult to the Virginia State Police. The decision to make a regional or statewide Senior Alert shall be at the discretion of the Virginia State Police.

C. The Senior Alert shall include the missing senior adult information as defined in § [15.2-1718.1](#) and any other such information as the law-enforcement agency deems appropriate that will assist in the safe recovery of the missing senior adult.

D. The Senior Alert shall be cancelled under the terms of the Senior Alert Agreement. Any local law-enforcement agency that locates a missing senior adult who is the subject of an alert shall notify the Virginia State Police immediately that the missing senior adult has been located.

2007, cc. [486](#), [723](#).

Chapter 7.3 - VIRGINIA BLUE ALERT PROGRAM

§ 52-34.7. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Law-enforcement agency" means a law-enforcement agency with jurisdiction over the search for a suspect in a case involving the death or serious injury of a law-enforcement officer or an agency employing a law-enforcement officer who is missing in the line of duty.

"Law-enforcement officer" means any full-time or part-time employee of the Department of State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and any campus police officer appointed under Article 3 (§ [23.1-809](#) et seq.) of Chapter 8 of Title 23.1, who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth.

2011, c. [669](#); 2012, c. [776](#).

§ 52-34.8. Establishment of the Virginia Blue Alert Program.

The Department of State Police shall establish a Blue Alert Program in the Commonwealth and develop policies for its implementation. The Blue Alert Program may be activated when a suspect for a crime involving the death or serious injury of a law-enforcement officer has not been apprehended and may be a serious threat to the public or when a law-enforcement officer is missing while in the line of duty under circumstances warranting concern for the law-enforcement officer's safety. The Department of State Police shall (i) establish procedures and standards by which a local law-enforcement agency may assess whether the conditions for a Blue Alert have been met and report such information to the Department of State Police, (ii) inform local law-enforcement officials of the policies and procedures for the Blue Alert Program set by the Department, and (iii) assist in determining the geographic scope of a particular Blue Alert.

2011, c. [669](#).

§ 52-34.9. Activation of Blue Alert Program.

A. Upon notification by a law-enforcement agency that a suspect in a case involving the death or serious injury of a law-enforcement officer has not been apprehended and may be a serious threat to the public, the Department of State Police shall confirm that (i) a suspect has not been apprehended, (ii) the suspect may be a serious threat to the public, and (iii) sufficient information is available to disseminate to the public that could assist in locating the suspect.

B. Upon notification by a law-enforcement agency that a law-enforcement officer is missing while in the line of duty under circumstances warranting concern for such law-enforcement officer's safety, the

Department of State Police shall confirm this information and determine whether sufficient information is available to disseminate to the public that could assist in locating the missing law-enforcement officer.

C. Upon verification that conditions set forth in subsection A or B have been met, the Department of State Police shall activate the Blue Alert Program.

D. The area of the alert may be less than statewide if the Department of State Police determines that the nature of the event makes it probable that the suspect did not leave a certain geographic location or if the nature of the event makes it probable that the missing law-enforcement officer is within a certain geographic location. The Department of State Police shall assess the appropriate boundaries for the alert based on the nature of the suspect, the circumstances surrounding the crime or the last known location of the missing law-enforcement officer.

E. The Blue Alert shall include such information as the Department of State Police deems appropriate that will assist in the apprehension of the suspect or the locating of the missing law-enforcement officer.

F. A law-enforcement agency shall notify the Department of State Police immediately when the suspect is located or the law-enforcement officer is found or the incident is otherwise resolved.

G. The Department of State Police shall terminate any activation of the Blue Alert Program with respect to a particular incident if (i) the suspect or law-enforcement officer is located or the incident is otherwise resolved or (ii) the Department of State Police determines that the Blue Alert Program is no longer an effective tool for locating the suspect or law-enforcement officer.

2011, c. [669](#).

Chapter 7.4 - Virginia Critically Missing Adult Alert Program

§ 52-34.10. Definitions.

As used in this chapter:

"Critically missing adult" means an adult, including an adult who has a developmental disability, intellectual disability, or mental illness as those terms are defined in § [37.2-100](#), 18 years of age or older whose whereabouts are unknown and whose disappearance poses a credible threat as determined by a law-enforcement agency to the health and safety of the adult and under such other circumstances as deemed appropriate by the Virginia State Police.

"Critically missing adult alert" means the notice of a critically missing adult provided to the public by the media or other methods under a Critically Missing Adult Alert Agreement.

"Critically Missing Adult Alert Agreement" means a voluntary agreement between law-enforcement officials and members of the media whereby an adult will be declared missing, and the public will be notified by media outlets, and includes all other incidental conditions of the partnership as found appropriate by the Virginia State Police.

"Critically Missing Adult Alert Program" means the procedures and Critically Missing Adult Alert Agreements to aid in the identification and location of a critically missing adult.

"Media" means print, radio, television, and Internet-based communication systems or other methods of communicating information to the public.

2018, c. [397](#); 2022, cc. [394](#), [395](#).

§ 52-34.11. Establishment of the Virginia Critically Missing Adult Alert Program.

The Virginia State Police shall develop policies for the establishment of uniform standards for the creation of Critically Missing Adult Alert Programs throughout the Commonwealth. The Virginia State Police shall (i) inform local law-enforcement officials of the policies and procedures to be used for the Critically Missing Adult Alert Programs; (ii) assist in determining the geographic scope of a particular Critically Missing Adult Alert; and (iii) establish procedures and standards by which a local law-enforcement agency shall verify that an adult is a critically missing adult and shall report such information to the Virginia State Police.

The establishment of a Critically Missing Adult Alert Program by a local law-enforcement agency and the media is voluntary, and nothing in this chapter shall be construed to be a mandate that local officials or the media establish or participate in a Critically Missing Adult Alert Program.

2018, c. [397](#).

§ 52-34.12. Activation of Critically Missing Adult Alert Program upon an incident of a critically missing adult.

A. Upon receipt of a notice of a critically missing adult from a law-enforcement agency, the Virginia State Police shall confirm the accuracy of the information and provide assistance in the activation of the Critically Missing Adult Alert Program as the investigation dictates.

B. Critically Missing Adult Alerts may be local, regional, or statewide. The initial decision to make a local Critically Missing Adult Alert shall be at the discretion of the local law-enforcement official. Prior to making a local Critically Missing Adult Alert, the local law-enforcement official shall confer with the Virginia State Police and provide information regarding the critically missing adult to the Virginia State Police. The decision to make a regional or statewide Critically Missing Adult Alert shall be at the discretion of the Virginia State Police.

C. The Critically Missing Adult Alert shall include the critically missing adult information as defined in § [15.2-1718.2](#) and any other such information as the law-enforcement agency deems appropriate that will assist in the safe recovery of the critically missing adult.

D. The Critically Missing Adult Alert shall be cancelled under the terms of the Critically Missing Adult Alert Agreement. Any local law-enforcement agency that locates a critically missing adult who is the subject of an alert shall notify the Virginia State Police immediately that the critically missing adult has been located.

2018, c. [397](#).

Chapter 8 - WITNESS PROTECTION PROGRAM

§ 52-35. Witness protection program established.

The Superintendent of State Police may establish and maintain within the Department of State Police a witness protection program to temporarily relocate or otherwise protect witnesses and their families who may be in danger because of their cooperation with the investigation and prosecution of serious violent crimes, felony violations of § [18.2-248](#), and violations of §§ [18.2-57.2](#), [18.2-67.5:1](#), [18.2-67.5:2](#), and [18.2-67.5:3](#). The Superintendent may make the services of the program available to law-enforcement and criminal justice agencies of all counties, cities, and towns, and of the Commonwealth, pursuant to regulations promulgated by the Superintendent under the Administrative Process Act. (§ [2.2-4000](#) et seq.).

1994, c. [833](#); 2002, cc. [810](#), [818](#).

Chapter 9 - INSURANCE FRAUD

§ 52-36. Definitions.

As used in this chapter, the following words shall have the following meanings:

"Commission" means the State Corporation Commission.

"Insurance fraud" means any commission or attempted commission of the criminal acts and practices defined in § [18.2-178](#) which involve any type of insurance as defined in §§ [38.2-110](#) through [38.2-122.2](#) and [38.2-124](#) through [38.2-132](#).

"Insurance policy" means a contract or other written instrument between an insured and insurer setting forth the obligations and responsibilities of each party.

"Insurance premium finance company" has the same meaning as specified in § [38.2-4700](#).

"Insurance professional" means adjusters, agents, managing general agents, surplus lines brokers, reinsurance intermediaries, insurance consultants, brokers, and attorneys-in-fact.

"Insurance transaction," "insurance business," and "business of insurance" include solicitation, negotiations preliminary to execution of an insurance contract, execution of an insurance contract and the transaction of matters subsequent to execution of a contract and arising out of it, and matters arising out of any relationship among or between an insured, an insurer and a third party for which an insurance policy provides coverage.

"Insured" means any person covered by an insurance policy.

"Insurer" means any person subject to regulation pursuant to Title 38.2, 46.2, or 65.2 engaged in the business of making, or purporting to make, contracts of insurance and any self-insured private or public employer; however, this term shall not include (i) any person licensed by or subject to regulation pursuant to Chapter 18 (§ [38.2-1800](#) et seq.) of Title 38.2, (ii) title insurers subject to regulation pursuant to Chapter 46 (§ [38.2-4600](#) et seq.) of Title 38.2, (iii) continuing care providers subject to regis-

tration pursuant to Chapter 49 (§ [38.2-4900](#) et seq.) of Title 38.2, and (iv) purchasing groups authorized by Chapter 51 (§ [38.2-5100](#) et seq.) of Title 38.2.

1998, c. [590](#); 2000, c. [526](#); 2011, c. [208](#).

§ 52-37. Insurance Fraud Investigation Unit established; powers and duties of Department of State Police.

A. There shall be established within the Department of State Police, Bureau of Criminal Investigation, the Insurance Fraud Investigation Unit. The purposes of this unit shall be to:

1. Initiate independent inquiries and conduct independent investigations when the Department has reason to believe that insurance fraud may have been or is currently being committed, and to undertake studies to determine the extent of such insurance fraud.
2. Respond to notification or complaints alleging insurance fraud generated by federal, state and local police, other law-enforcement authorities, governmental agencies or units, and any other person.
3. Review notices and reports of insurance fraud; select the incidents of suspected fraud that, in its judgment, require further detailed investigation; and conduct the investigations.

B. The Superintendent may appoint such agents as he may deem necessary to assist the Department in carrying out its powers and duties under this chapter.

1998, c. [590](#).

§ 52-38. Access to evidence, documentation, and related materials.

A. If the Department seeks evidence, documentation, and related materials from an insurer or insurance professional, whether in written or electronic format, that are located within the Commonwealth or that may be electronically accessed by an insurer or insurance professional conducting business in the Commonwealth, and that are deemed by the Department as pertinent to an investigation or examination, the Department may request access to such evidence, documentation, or related materials. The person so requested shall either provide electronic or physical copies of such evidence, documentation, or related materials to the Department or shall make such evidence, documentation, or related materials available for inspection or examination by a designated representative of the Department.

B. The provider of evidence, documentation, and related materials under the provisions of subsection A may authenticate any electronic or physical copies of such evidence, documentation, and related materials, excluding the contents of any electronic communications, by providing an affidavit from the custodian of those electronic or physical copies or from a person to whom the custodian reports certifying that the copies are true and complete and that they are prepared in the regular course of business. Any copies authenticated in accordance with this subsection are admissible in evidence as a business record.

1998, c. [590](#); 2012, c. [542](#).

§ 52-39. Confidentiality and immunity from service of process.

A. Papers, records, documents, reports, materials or other evidence relative to the subject of an insurance fraud investigation or examination in the possession of the Department shall remain confidential and shall not be subject to public inspection.

B. Agents employed by the Department shall not be subject to subpoena in civil actions by any court in this Commonwealth to testify concerning any matter of which they have knowledge pursuant to a pending or continuing insurance fraud investigation or examination being conducted by the Department.

1998, c. [590](#).

§ 52-40. Duties of insurers, their employees and insurance professionals.

A. If any insurer, any employee thereof, or any insurance professional has knowledge of, or has reason to believe that a violation of § [18.2-178](#) will be, is being, or has been committed, that person shall furnish and disclose any information in his possession concerning the fraudulent act to the Department, subject to any legal privilege protecting such information.

B. All applications for insurance and all claim forms provided and required by an insurer or required by law as a condition of payment of a claim shall contain a statement, permanently affixed to, or included as a part of the application or claim form, that clearly states in substance the following:

"It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits."

The lack of a statement required in this subsection does not constitute a defense in any criminal prosecution. The statement required by this subsection shall not be required on applications and forms relating to reinsurance.

1998, c. [590](#).

§ 52-41. Receipt of information; immunity from liability.

A. Any insurer providing information to an authorized representative of the Department pursuant to § [52-38](#) or pursuant to subdivision B 5 of § [38.2-613](#) shall have the right to request relevant information and receive, within thirty days, the information requested.

B. No cause of action in the nature of defamation, invasion of privacy, or negligence shall arise against any person furnishing information concerning any suspected, anticipated or completed criminal violation when the information is provided to or received from the Department, the National Association of Insurance Commissioners, another insurer, any federal or state governmental entity established for the purposes of detecting and preventing insurance fraud, or the National Insurance Crime Bureau.

C. No insurer, its officers or employees, insurance professional or any other person shall be subject to such cause of action for cooperating with, or furnishing evidence or information regarding any suspected criminal violation to the Department.

D. This section shall not provide immunity for those disclosing or furnishing false information with malice or willful intent to injure any person.

E. This section does not abrogate or modify in any way common law or statutory privilege or immunity heretofore enjoyed by any person or entity, nor does it authorize the Department to make public insurance company records that are proprietary in nature.

1998, c. [590](#); 2001, c. [371](#).

§ 52-42. Reward fund.

The Department, in cooperation with authorized insurers and insurance professionals, may establish and operate a fund to offer monetary rewards for information sufficient to procure conviction in a court of appropriate jurisdiction of a person or persons responsible for insurance fraud. No law-enforcement officer, employee of the Commission, employee of an insurance company or any insurance professional shall be eligible to receive such reward.

1998, c. [590](#).

§ 52-43. Reports.

The Department shall submit an annual report to the Governor and General Assembly no later than February 15 of each year on the progress made in deterring insurance fraud. Such report shall detail (i) all expenditures and receipts of the Insurance Fraud Investigation Unit, (ii) the uses to which these funds were put, including payment of salaries and expenses, purchases of equipment and supplies, and other expenditures by type, and (iii) the results achieved as a consequence of such expenditures, including the number of notifications or inquiries received, the number of inquiries and investigations undertaken, the number of inquiries to which an investigation was not initiated, the number of arrests, the number of files presented to prosecutors, the number of prosecutions, the number of convictions and the total dollar amount of restitution resulting from the operation of the Insurance Fraud Investigation Unit.

1998, c. [590](#).

§ 52-44. Other law-enforcement authority.

This chapter shall not:

1. Preempt the authority or relieve the duty of any law-enforcement agencies to investigate, examine, and prosecute suspected violations of law.
2. Limit any of the powers granted elsewhere by the laws of this Commonwealth to the Commission to investigate and examine possible violations of law and to take appropriate action.

1998, c. [590](#).

Chapter 10 - Protective Order Registry

§ 52-45. Protective Order Registry established.

The Superintendent shall establish, organize and maintain within the Department of State Police a computerized Protective Order Registry as a central repository of information regarding outstanding, valid protective orders. Such information shall be maintained and disseminated by the registry as accurately and completely as possible to assist in the expedited entry and dissemination of protective order information.

2002, cc. [810](#), [818](#).

§ 52-46. Virginia Rap Back Service; criminal history record monitoring; maintenance; dissemination; penalty.

A. The Department of State Police, through the Virginia Record of Arrest and Prosecution (Rap) Back Service, shall participate in the Federal Bureau of Investigation's (FBI) Next Generation Identification (NGI) Rap Back Service. The purpose of the Virginia Rap Back Service shall be to allow governmental entities that require a fingerprint-based criminal background check as a condition of (i) providing care to (a) children, (b) the disabled, or (c) the elderly or (ii) (a) licensure, (b) certification, (c) employment, or (d) volunteer service to be advised when an individual subject to such screening is arrested for, or convicted of, a criminal offense. The Department is authorized to submit fingerprints and accompanying records to the FBI to be retained in and advised through the FBI's NGI Rap Back Service when an enrolled individual is arrested for, or convicted of, a criminal offense. Fingerprints submitted to the FBI may be used for future searches, including latent searches.

B. As used in this section:

"Individual" means any person who has submitted to a fingerprint-based background check in order to (i) care for (a) children, (b) the disabled, or (c) the elderly or (ii) (a) be licensed, (b) be certified, (c) be employed, or (d) perform volunteer service with a participating entity and who has been enrolled by that participating entity in the Virginia Rap Back Service.

"Participating entity" means a governmental entity that requires a fingerprint-based background check as a condition of (i) caring for (a) children, (b) the disabled, or (c) the elderly or (ii) (a) licensure, (b) certification, (c) employment, or (d) volunteer service and that has elected to enroll individuals in the Virginia Rap Back Service.

C. The Department of State Police shall ensure that notification is made forthwith to the participating entity that enrolls an individual in the Virginia Rap Back Service when an FBI Rap Back report is received. The information contained in the notification shall be used by the participating entity for purposes of determining the eligibility of the continued service of the individual and shall not be further disseminated.

D. Use of the information submitted to the Virginia Rap Back Service for purposes not authorized by this section is prohibited, and a willful violation of this section with the intent to harass or intimidate another shall be punished as a Class 1 misdemeanor.

E. No liability shall be imposed upon any law-enforcement official who disseminates information or fails to disseminate information in good faith compliance with the requirements of this section, but this provision shall not be construed to grant immunity for gross negligence or willful misconduct.

F. The Department of State Police shall promulgate regulations governing the operation and maintenance of the Virginia Rap Back Service and the removal and destruction of records on individuals who are deceased or who are no longer individuals as defined in this section. Such regulations shall provide that a participating entity shall disenroll any individual who is deceased or is no longer an individual as defined in this section within 30 days of death or such event that no longer requires such individual to be enrolled in the Virginia Rap Back Service, in order to ensure the prompt removal and destruction of records from the Virginia Rap Back Service.

G. The Department of State Police may charge an annual fee not to exceed \$12 per individual enrolled in the Virginia Rap Back Service. The fee shall be paid by any participating entity enrolling an individual in the Virginia Rap Back Service. An individual who moves from one participating entity to another need not be reprinted. When more than one participating entity enrolls the same individual in the Virginia Rap Back Service, both participating entities shall be responsible for paying the full cost for maintenance and notification. Any fees collected shall be deposited in a special account to be used to offset the costs of subscription fees, maintenance fees, and enhancements related to the Criminal and Rap Back Information System.

H. The Department of State Police shall make the Virginia Rap Back Service available no later than July 1, 2025, unless funds necessary to develop and operate the Virginia Rap Back Service are unavailable.

I. No participating entity authorized to submit fingerprints shall be considered negligent per se in a civil action solely because the entity elected not to enroll an individual in the Virginia Rap Back Service pursuant to this section.

2004, c. [826](#); 2017, c. [524](#); 2023, cc. [40](#), [41](#).

Chapter 11 - VIRGINIA FUSION INTELLIGENCE CENTER

§ 52-47. Virginia Fusion Intelligence Center established.

The Governor shall establish, organize, equip, staff, and maintain a multiagency fusion intelligence center to receive and integrate terrorist-related intelligence and information. The Department of State Police shall operate the facility, as directed by the Governor and in cooperation with the Department of Emergency Management and other such state and local agencies and private organizations as the Governor may deem appropriate. The fusion center shall collect, analyze, disseminate, and maintain such information to support local, state, and federal law-enforcement agencies, and other governmental agencies and private organizations in preventing, preparing for, responding to, and recovering from any possible or actual terrorist attack.

2005, c. [164](#).

§ 52-48. Confidentiality and immunity from service of process; penalties.

A. Papers, records, documents, reports, materials, databases, or other evidence or information relative to criminal intelligence or any terrorism investigation in the possession of the Virginia Fusion Intelligence Center shall be confidential and shall not be subject to the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq.) or the Government Data Collection and Dissemination Practices Act (§ [2.2-3800](#) et seq.). Every three years, the Department shall conduct a review of information contained in any database maintained by the Virginia Fusion Intelligence Center. Data that has been determined to not have a nexus to terrorist activity shall be removed from such database. A reasonable suspicion standard shall be applied when determining whether or not information has a nexus to terrorist activity.

B. No person, having access to information maintained by the Virginia Fusion Intelligence Center, shall be subject to subpoena in a civil action in any court of the Commonwealth to testify concerning a matter of which he has knowledge pursuant to his access to criminal intelligence information maintained by the Virginia Fusion Intelligence Center.

C. No person or agency receiving information from the Virginia Fusion Intelligence Center shall release or disseminate that information without prior authorization from the Virginia Fusion Intelligence Center.

D. Any person who knowingly disseminates information in violation of this section is guilty of a Class 1 misdemeanor. If such unauthorized dissemination results in death or serious bodily injury to another person, such person is guilty of a Class 4 felony.

E. For purposes of this chapter:

"Criminal intelligence information" means data that has been evaluated and determined to be relevant to the identification and criminal activity of individuals or organizations that are reasonably suspected of involvement in criminal activity. "Criminal intelligence information" shall not include criminal investigative files.

2008, c. [792](#); 2011, cc. [467](#), [556](#).

§ 52-49. Receipt of information; immunity from liability.

A. No cause of action for defamation, invasion of privacy, or negligence shall arise against any person for reason of that person's furnishing of information concerning any suspected, anticipated, or completed criminal violation when the information is provided to or received from the Department or any federal or state governmental entity established for the purposes of detecting and preventing acts of terrorism.

B. No person shall be subject to such cause of action for cooperating with, or furnishing evidence or information regarding any suspected criminal violation to, the Department.

C. This section shall not provide immunity for those disclosing or furnishing false information with malice or willful intent to injure any person.

D. This section does not abrogate or modify in any way common law or statutory privilege or immunity heretofore enjoyed by any person or entity.

2008, c. [792](#).

Chapter 12 - Virginia Voluntary Do Not Sell Firearms List

§ 52-50. Establishment of the Virginia Voluntary Do Not Sell Firearms List.

A. The Department of State Police shall establish the Virginia Voluntary Do Not Sell Firearms List (the List) in the Commonwealth to prohibit the possession, transportation, and sale of firearms to any person who voluntarily registers himself to be enrolled into the List. The Department shall maintain and update the List, and the List shall be used in accordance with § [18.2-308.2:2](#) to advise a dealer if the Department's records indicate a buyer or transferee of firearms is prohibited from purchasing, possessing, or transporting a firearm. The Department shall promulgate any regulations and develop any policies for the implementation of the List.

B. The Department shall withhold from public disclosure all information regarding a request to be enrolled into or removed from the List and any other personal identifying information contained in or related to the List, except that such information may be disclosed to a law-enforcement officer acting in the performance of his official duties or the applicant with respect to his own information.

2020, c. [1173](#).

§ 52-51. Voluntary enrollment and removal.

A. Any person 18 years of age or older may apply in writing to the Department of State Police to request voluntary enrollment into the List and, after being enrolled into such List, may apply in writing to the Department to request removal from such List. The application for enrollment into and removal from the List shall be on forms prescribed by the Department of State Police. Pursuant to subsection D, the forms shall state that any person enrolled into the List shall not be removed from the List until 21 days after receiving an application for removal. The Department of State Police shall make the forms available on the Department's website.

B. Any person requesting enrollment into or removal from such List shall submit a photocopy of one valid form of photo identification issued by a governmental agency of the applicant's state of residency or by the U.S. Department of Defense or U.S. State Department (passport) to accompany the enrollment and removal form. Such request for enrollment into or removal from the List may be submitted to the Department of State Police by mail or in person at any Department of State Police office location.

C. Upon enrolling a person into the List, the Department shall forward a person's eligibility to purchase, possess, or transport a firearm to the National Instant Criminal Background Check System. The Department shall also notify such person by mail that he has been enrolled into the List.

D. The Department shall not remove any person from the List until 21 days after receipt of the person's removal request. Upon removal of a person's name from the List, the Department shall update such person's eligibility to purchase, possess, or transport a firearm to the National Instant Criminal

Background Check System and shall destroy all records of enrollment into and request for removal from the List.

2020, c. [1173](#).

§ 52-52. Prohibited conduct; penalty.

A. It is unlawful for any person to inquire as to whether another person has been enrolled into the List for any purpose other than to determine such person's eligibility to purchase, possess, or transport a firearm.

B. It is unlawful for any person to knowingly give any false information or to make any false statement with the intent of enrolling or removing any other person into or from the List.

C. It is unlawful for any person to discriminate against a person with respect to his health care services, employment, education, housing, insurance, governmental benefits, or contracting because that person is not on the List, is on the List, or has previously been on the List.

D. A violation of this section is a Class 1 misdemeanor.

2020, c. [1173](#).

Chapter 13 - Gaming Enforcement

§ 52-53. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Coordinator" means the position of the Gaming Enforcement Coordinator established pursuant to § [52-54](#).

"Department" means the Department of State Police.

"Gaming laws" means the laws regulating gambling under Article 1 (§ [18.2-325](#) et seq.) of Chapter 8 of Title 18.2, charitable gaming under Article 1.1:1 (§ [18.2-340.15](#) et seq.) of Chapter 8 of Title 18.2, lottery games under Article 1 (§ [58.1-4000](#) et seq.) of Chapter 40 of Title 58.1, sports betting under Article 2 (§ [58.1-4030](#) et seq.) of Chapter 40 of Title 58.1, casino gaming under Chapter 41 (§ [58.1-4100](#) et seq.) of Title 58.1, fantasy contests under Chapter 51 (§ [59.1-556](#) et seq.) of Title 59.1, horse racing and pari-mutuel wagering under Chapter 29 (§ [59.1-364](#) et seq.) of Title 59.1, any regulations promulgated pursuant to such laws, and any other federal, state, or local laws the Gaming Enforcement Coordinator deems relevant.

"Superintendent" means the Superintendent of State Police.

2022, cc. [721](#), [768](#).

§ 52-54. Office of the Gaming Enforcement Coordinator established; purpose; duties.

A. The Superintendent shall designate a Department employee to serve as the Gaming Enforcement Coordinator. The purpose of the office of the Coordinator shall be to synchronize the enforcement of

gaming laws by state and local law enforcement, and to serve as a liaison between such agencies and federal law enforcement.

B. The Coordinator shall have the following duties:

1. Coordinating enforcement of the Commonwealth's gaming laws by the Department, the Department of Agriculture and Consumer Services, and all other state agencies; attorneys for the Commonwealth; and local law enforcement;
2. Acting as a liaison between the federal government and the agencies identified in subdivision 1 for purposes of any federal investigation into gaming activities;
3. Establishing, advertising, and administering a tip line, which may be accessed by phone and by Internet, for members of the public to report concerns about, or suspected instances of, gaming activities; and
4. Performing any other duties as are necessary to promote and enable the equitable enforcement of gaming laws in the Commonwealth.

2022, cc. [721](#), [768](#).