

Virginia State Crime Commission

Special Conservators of the
Peace

2006

Special Conservators of the Peace

During the 2006 Session of the Virginia General Assembly, Delegate Scott Lingamfelter introduced House Bill 1567, which would allow the jurisdiction of special conservators of the peace to be expanded to all areas of the Commonwealth. Provided that a written copy of the original court order was sent, via certified mail, to the Department of Criminal Justice Services and the new area where the special conservator would be exercising his powers. The Senate Courts of Justice Committee referred, by letter, this bill to the Commission for study.

Commission staff reviewed the legislative history of the statute that would be amended by House Bill 1567. Prior to 2003, there were no limits to the geographical area where a special conservator of the peace could exercise his police powers—a judge could allow a special conservator to operate wherever he deemed appropriate. In 2003, the Commission studied the special conservator system in Virginia, and made a number of recommendations, one of which was that judges should not be able to appoint special conservators in geographic areas outside of their judicial circuit. This recommendation was enacted into law by the Virginia General Assembly in 2003.

The statute was modified in 2005 to allow those special conservators that were appointed pursuant to an application by a corporation to exercise their powers in all localities where the corporation, or its subsidiary, held title to real property. This change did represent a departure from the Commission's recommendation in 2003 regarding limited jurisdiction for special conservators.

The proposal in House Bill 1567 would completely reverse the Commission's 2003 recommendation. After discussion, the Commission decided that the policy decisions underlying the original 2003 recommendation were still valid. A judge from one locality in the state should not be able to give a private citizen law enforcement powers in a different locality. Therefore, the Commission decided not to endorse House Bill 1567. Instead, the Commission recommended restoring the language in the relevant statute to its 2003 version.