

**CRIMINAL PROCEDURE: PRESENTMENTS, INDICTMENTS AND INFORMATIONS -  
PROCESS - ARREST.**

**When court issues capias on indictment, deputy sheriff for county may enter another jurisdiction in Commonwealth to execute capias, without requiring assistance of law-enforcement officer from that jurisdiction. Deputy may not execute warrant in contiguous jurisdiction.**

The Honorable Clarence G. Williams Jr.

Sheriff for Chesterfield County

April 17, 1996

You ask whether § 19.2236 of the *Code of Virginia* authorizes a deputy sheriff for Chesterfield County to serve a capias in the City of Richmond, a contiguous jurisdiction, without the assistance of a law-enforcement officer from the city.<sup>1</sup>

Section 19.2236 provides that when a capias "is issued ... the officer to whom it is directed or delivered may execute it in any part of the Commonwealth." The language of the statute is plain and should, therefore, be given its clear and unambiguous meaning.<sup>2</sup> Consequently, § 19.2236 clearly contemplates that a deputy sheriff for Chesterfield County may execute a capias anywhere in the Commonwealth, including in the City of Richmond. Furthermore, in contrast to the provisions of § 19.276,<sup>3</sup> § 19.2236 does not require the presence or assistance of a law-enforcement officer from the jurisdiction in which the arrest occurs to assist or accompany a deputy for Chesterfield County during the execution of the capias.

Section 19.276 clearly places a geographical limitation on an officer's authority to execute a warrant by providing that an officer may execute a warrant only "within his jurisdiction." Accordingly, an officer does not have authority to execute a warrant in a contiguous jurisdiction; however, § 19.276 does provide that an individual "arrested upon a warrant in a county or city contiguous to the county or city in which the charge is to be tried" may be delivered by the officer making the arrest "to the custody of an officer of a law-enforcement agency having jurisdiction in the county or city in which the charge is to be tried." Consequently, it is the nature of the criminal process issued, either a capias or a warrant, that determines the authority of a deputy sheriff for Chesterfield County to execute the criminal process in another jurisdiction of the Commonwealth.

Therefore, it is my opinion that when a court has issued a capias on an indictment, a deputy sheriff for Chesterfield County may enter the City of Richmond to execute the capias, without requiring the assistance of a law-enforcement officer from the city.

<sup>1</sup>Section 19.2236 provides: "When process of arrest in a criminal prosecution is issued from a court, either against a party accused or a witness, the officer to whom it is directed or delivered may execute it in any part of the Commonwealth."

<sup>2</sup>See *Yeatts v. Murray*, 249 Va. 285, 288, 455 S.E.2d 18, 20 (1995).

<sup>3</sup>The first paragraph of § 19.276 provides: "An officer may execute *within his jurisdiction* a warrant or summons issued anywhere in the Commonwealth. A warrant shall be executed by the arrest of the accused, and a summons shall be executed by delivering a copy to the accused personally." (Emphasis added.)