

01-025

EDUCATION: PUPILS – DISCIPLINE.

Discretionary authority of local law-enforcement authorities to share with public schools officials information concerning any offense committed by student(s) off school property on school bus, school property, or at school-sponsored activity that would be criminal offense if committed by adult.

The Honorable H. Russell Potts Jr.
Member, Senate of Virginia
June 25, 2001

You ask whether § 22.1-280.1(B) of the *Code of Virginia* permits local law-enforcement authorities to share with public school officials information concerning any offense committed off school property that would be a felony if committed by an adult or would be an adult misdemeanor involving any of the incidents described in § 22.1-280.1(A).

The Attorney General has recently concluded in an opinion to you dated July 21, 2000, that § 22.1-280.1(B) authorizes local law-enforcement authorities to report to the school principal or the designee of such principal any offense that would be a felony if committed by an adult or would be an adult misdemeanor involving any of the incidents described in § 22.1-280.1(A).¹ You have inquired whether the phrase "wherever committed" in § 22.1-280.1(B) provides to local law enforcement authorities the discretion to report any such incidents, regardless of whether committed on a school bus, on school property, at a school-sponsored activity, or at some other location off school property.

Section 22.1-280.1 addresses the reporting of certain criminal incidents occurring on school buses, school property, or at school-sponsored activities. Section 22.1-280.1(B) provides:

Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law-enforcement authorities may report, and the principal or his designee may receive such reports, on offenses, *wherever committed*, by students enrolled at the school if the offense would be a felony if committed by an adult ... or would be an adult misdemeanor involving any incidents described in clauses (i) through (v) of subsection A.^[2] [Emphasis added.]

The General Assembly does not define the term "wherever" as it is used in the phrase "wherever committed" in § 22.1-280.1(B). Therefore, the term must be given its common, ordinary meaning.³ The term "wherever" is used as an adverb modifying the verb "committed" in this phrase.⁴ The term "wherever," when used as an adverb, is generally synonymous with the term "where,"⁵ which conveys the meaning of "place"; "removed all restrictions on his movements and permitted him to go [wherever] he wished."⁶

The primary goal of statutory interpretation is to ascertain and give effect to the intent of the legislature.⁷ Analysis of legislative intent includes appraisal of the subject matter and purpose of the statute, in addition to its express terms.⁸ The purpose underlying a statute's enactment is particularly significant in construing it.⁹

In the July 21, 2000, opinion to you, the Attorney General concluded that the clear purpose of § 22.1-280.1(B) is to permit the sharing of reports by local law-enforcement authorities with the principal of local public schools or his designee. Furthermore, the Attorney General noted that the sharing of such reports of the described offenses by students, wherever they have occurred, by local law-enforcement authorities is clearly discretionary and not mandatory. Therefore, based on that opinion and the relevant statutes, it is my opinion that § 22.1-280.1(B) permits local law-enforcement authorities to share with public school officials information concerning any offense committed off school property that would be a felony if committed by an adult or would be an adult misdemeanor involving any of the incidents described in § 22.1-280.1(A).

¹2000 Op. Va. Att'y Gen. 112, 113.

²The incidents described in § 22.1-280.1(A) are "(i) the assault, assault and battery, sexual assault, death, shooting, stabbing, cutting, or wounding of any person on a school bus, on school property, or at a school-sponsored activity; (ii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity; (iii) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; (iv) the illegal carrying of a firearm onto school property; [or] (v) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.1-87.1, on a school bus, on school property, or at a school-sponsored activity"

³See *Anderson v. Commonwealth*, 182 Va. 560, 565, 29 S.E.2d 838, 840 (1944) (noting common meaning of words "listed or assessed" for purposes of tangible personal property taxation); Op. Va. Att'y Gen.: 1997 at 202, 202; *id.* at 72, 73; 1993 at 210, 213.

⁴"Adverbs modify verbs, adjectives, other adverbs, verbals, phrases, clauses, and sentences." Webster's Dictionary of English Usage 36 (1989).

⁵Webster's Third New International Dictionary of the English Language Unabridged 2603 (1993).

⁶*Id.* at 2602.

⁷See *Turner v. Commonwealth*, 226 Va. 456, 459, 309 S.E.2d 337, 338 (1983).

⁸*Vollin v. Arlington Co. Electoral Bd.*, 216 Va. 674, 222 S.E.2d 793 (1976).

⁹*VEPCO v. Prince William Co.*, 226 Va. 382, 388, 309 S.E.2d 308, 311 (1983).

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