

01-045

**CRIMINAL PROCEDURE: TRIAL AND ITS INCIDENTS – VENUE.**

**Jurisdiction of Purcellville Police Department to patrol and enforce laws of Commonwealth may not be extended from 300-yard restriction to 1 mile beyond corporate limits of town.**

The Honorable Joe T. May  
Member, House of Delegates  
June 19, 2001

You inquire whether the Town of Purcellville Police Department may patrol and enforce the laws of the Commonwealth one mile beyond the corporate limits of the town.

You advise that the density of population in Loudoun County within one mile of the town is less than 300 inhabitants per square mile, although the county density, particularly in the east end, exceeds 300 inhabitants per square mile. You, therefore, seek clarification of § 19.2-250(A) of the *Code of Virginia*.

Section 19.2-250(A) provides:

Notwithstanding any other provision of [Article 2, Chapter 15 of Title 19.2] ..., the jurisdiction of the corporate authorities of each town ..., in criminal cases involving offenses against the Commonwealth, shall extend within the Commonwealth one mile beyond the corporate limits of such town ...; except that such jurisdiction of the corporate authorities of towns situated in counties having a density of population in excess of 300 inhabitants per square mile ..., shall extend for 300 yards beyond the corporate limits of such town[.]

The Supreme Court of Virginia has stated that the primary goal of statutory construction "is to ascertain and give effect to legislative intent."<sup>1</sup> The Court notes that "[t]he manifest intention of the legislature, clearly disclosed by its language, must be applied."<sup>2</sup> The use of the word "shall" in a statute generally implies that its terms are intended to be mandatory, rather than permissive or directive.<sup>3</sup> Finally, statutes are to be read as a whole rather than in isolated parts.<sup>4</sup> The reading of a statute as a whole influences the proper construction of ambiguous individual provisions.<sup>5</sup>

The plain language of § 19.2-250(A) specifies only that the density of population is to be measured as "inhabitants per square mile." There is no indication that the General Assembly intended the statute to be applicable only to portions of counties. Had the General Assembly intended to restrict the measurement of population density to the portions of counties that actually surround a town, it could have chosen language to reflect such an intent.<sup>6</sup> The United States Census Bureau calculates the entire density of population in Loudoun County to be 326.2 persons per square mile.<sup>7</sup>

Therefore, I conclude that the Town of Purcellville Police Department may not patrol and enforce the laws of the Commonwealth one mile beyond the corporate limits of the town. Section 19.2-250(A) restricts such jurisdiction for "towns situated in counties having a density of population in excess of 300 inhabitants per square mile" to "300 yards beyond the corporate limits of such town."

<sup>1</sup>Turner v. Commonwealth, 226 Va. 456, 459, 309 S.E.2d 337, 338 (1983); *see also* 1993 Op. Va. Att’y Gen. 237, 239.

<sup>2</sup>Barr v. Town & Country Properties, 240 Va. 292, 295, 396 S.E.2d 672, 674 (1990) (quoting Anderson v. Commonwealth, 182 Va. 560, 566, 29 S.E.2d 838, 841 (1944)).

<sup>3</sup>*See* Andrews v. Shepherd, 201 Va. 412, 414-15, 111 S.E.2d 279, 281-82 (1959) (discussing intent of "shall" as mandatory rather than directory); *see also* Schmidt v. City of Richmond, 206 Va. 211, 218, 142 S.E.2d 573, 578 (1965) (noting that "shall" is generally used in statute in mandatory or imperative sense); Op. Va. Att’y Gen.: 1999 at 44, 45; 1991 at 238, 240.

<sup>4</sup>*See* Gallagher v. Commonwealth, 205 Va. 666, 669, 139 S.E.2d 37, 39 (1964) ("every provision in or part of a statute shall be given effect if possible" (quoting Tilton v. Commonwealth, 196 Va. 774, 784, 85 S.E.2d 368, 374 (1955))); Op. Va. Att’y Gen.: 1996 at 26, 27; 1994 at 93, 95; 1985-1986 at 177, 178.

<sup>5</sup>*See* Vollin v. Arlington Co. Electoral Bd., 216 Va. 674, 222 S.E.2d 793 (1976) (ascertaining legislative intent involves appraisal of subject matter, purposes, objects and effects of statute, in addition to its express terms); 1994 Op. Va. Att’y Gen. 109, 112.

<sup>6</sup>*See* 1979-1980 Op. Va. Att’y Gen. 356, 357. When the General Assembly intends words in a statute to have a specific meaning, it clearly and unambiguously expresses its intention. *See* Brown v. Lukhard, 229 Va. 316, 330 S.E.2d 84 (1985) (ruling that language of 1981 Appropriation Act is clear and unambiguous); Adkins v. Com., 27 Va. App. 166, 497 S.E.2d 896 (1998) (holding that § 18.2-308.2:2 clearly states its purpose of preventing convicted felons from procuring firearms by requiring prospective purchasers to complete form stating that he or she has not previously been convicted of felony offenses and consenting to background check); Birdsong Peanut Co. v. Cowling, 8 Va. App. 274, 381 S.E.2d 24 (1989) (holding that illegitimate, posthumous child is dependent for purposes of compensation benefits under clear language of § 65.1-66).

<sup>7</sup>U.S. Census Bureau Rep. for Loudoun Co., Va., *available at* <http://quickfacts.census.gov>.

[Back to June Index](#)