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." The Court notes that "'[t]he manifest intention of the legislature, clearly disclosed by its language, must be applied.'" The use of the word "shall" in a statute generally implies that its terms are intended to be mandatory, rather than permissive or directive. Finally, statutes are to be read as a whole rather than in isolated parts. The reading of a statute as a whole influences the proper construction of ambiguous individual provisions.

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. The United States Census Bureau calculates the entire density of population in Loudoun County to be 326.2 persons per square mile.

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."


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.


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