

## 2006 SESSION

INTRODUCED

060026390

### HOUSE BILL NO. 1460

Offered January 19, 2006

A BILL to amend the Code of Virginia by adding in Article 2.1 of Chapter 4 of Title 18.2 a section numbered 18.2-46.3:4, relating to investigation into legal presence in the United States following arrest for criminal street gang activity.

Patrons—Marsden and Albo; Senator: O'Brien

Referred to Committee for Courts of Justice

#### Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2.1 of Chapter 4 of Title 18.2 a section numbered 18.2-46.3:4 as follows:

§ 18.2-46.3:4. Investigation following conviction for criminal street gang activity.

Upon the conviction of any person for a violation of § 18.2-46.2 or 18.2-46.3 or adjudication of a juvenile for a delinquent act that would be a violation of § 18.2-46.2 or 18.2-46.3 if committed by an adult, the probation and parole officer shall verify the person's immigration status. If the officer discovers that the person is in the United States illegally, he shall report his status to the United States Immigration and Customs Enforcement Agency. The officer may then investigate whether there are members of the person's immediate family in the Commonwealth illegally and, upon their discovery, report their presence in the Commonwealth to the United States Immigration and Customs Enforcement Agency.

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