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**HOUSE BILL NO. 1460**

House Amendments in [ ] - February 13, 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.*

Patron Prior to Engrossment—Delegate Marsden

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 [ through the Virginia Criminal Information Network Immigration Alien Query ] . 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.~~ shall contact the United States Immigration and Customs Enforcement Agency and report any information he may have regarding the person and his family and household members. ]*

ENGROSSED

HB1460E