

2008 SESSION

INTRODUCED

081006544

HOUSE BILL NO. 441

Offered January 9, 2008

Prefiled January 4, 2008

A *BILL to amend and reenact § 53.1-218 of the Code of Virginia, relating to correctional facilities; enforcement of federal civil immigration laws.*

Patrons—Rust, Albo, Crockett-Stark, Frederick, Howell, W.J., Hugo, Janis, Kilgore, Landes, Lingamfelter, O'Bannon, Pogge, Poindexter and Purkey; Senator: Ruff

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-218 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-218. Duty of officer in charge to inquire as to citizenship; notice to federal immigration officer of commitment of alien.

Whenever any person is committed to a correctional facility, it shall be the duty of the director, sheriff or other officer in charge of such facility to inquire as to whether the person is a citizen of the United States, and if he is not, such director, sheriff or other officer shall inquire as to the person's alien status.

If it appears that the person is an alien, the director, sheriff or other officer in charge of the facility shall immediately notify the Central Criminal Records Exchange. However, notification need not be made if it is apparent that a report on alien status has previously been made to the Exchange pursuant to § 19.2-294.2.

The director, sheriff, or other officer in charge shall also ensure that at least one officer on duty at the correctional facility is authorized to enforce civil immigration violations, pursuant to a memorandum of agreement with the United States Department of Homeland Security, Immigration and Customs Enforcement, against any person in the custody of the correctional facility who is determined to be an illegal alien.

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