

2008 SESSION

INTRODUCED

080501806

HOUSE BILL NO. 764

Offered January 9, 2008

Prefiled January 8, 2008

A BILL to amend and reenact § 53.1-218 of the Code of Virginia, relating to citizenship of persons in correctional facilities; inquiry to U.S. Bureau of Immigration and Customs Enforcement.

Patrons—Rust, Albo, Athey, Bell, Cole, Cosgrove, Crockett-Stark, Gilbert, Hugo, Lingamfelter, Massie, Merricks, Miller, J.H., Poindexter, Purkey and Sherwood

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 *at any time during a person's commitment* that the person is an alien, the director, sheriff or other officer in charge of the facility shall *inquire through the Law Enforcement Support Center of the U.S. Bureau of Immigration and Customs Enforcement into the person's alien status and* immediately notify the Central Criminal Records Exchange *as well as the U.S. Bureau of Immigration and Customs Enforcement whenever such alien is found to be within the custody of the facility.* 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.

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