

2008 SESSION

INTRODUCED

081699838

HOUSE BILL NO. 779

Offered January 9, 2008

Prefiled January 8, 2008

A *BILL to amend the Code of Virginia by adding a section numbered 19.2-120.1, relating to presumption of no bail for illegal aliens charged with certain crimes.*

Patrons—Kilgore, Albo, Athey, Carrico, Cole, Cosgrove, Crockett-Stark, Gilbert, Griffith, Landes, Lingamfelter, Massie, Merricks, Moran, Morgan, Poindexter, Rust and Sherwood

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-120.1 as follows:

§ 19.2-120.1. *Presumption of no bail for illegal aliens charged with certain crimes.*

In addition to the presumption against admission to bail under subsection B of § 19.2-120, the judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if (i) the person is currently charged with an offense listed in subsection A of § 19.2-297.1, subsection C of § 17.1-805, or any felony offense under Chapter 4 (§ 18.2-30 et seq.) of Title 18.2, any felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or any offense under Articles 2 (§ 18.2-266 et seq.), 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), or 7 (§ 18.2-308 et seq.) of Chapter 7 of Title 18.2, and (ii) the court determines that the person is present in the United States illegally. This presumption shall exist unless and until notification is received from the United States Immigration and Customs Enforcement that it does not intend to detain the person. If notification is received from the United States Immigration and Customs Enforcement that it does not intend to detain the person, the director, sheriff, or other officer in charge of the facility at which the person is being held, or his agent, shall promptly inform the court, the Attorney for the Commonwealth and counsel for the defendant of such notification.

INTRODUCED

HB779