

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4  
5 Approved

[S 623]

6 **Be it enacted by the General Assembly of Virginia:**

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

8 *§ 19.2-120.1. Presumption of no bail for illegal aliens charged with certain crimes.*

9 *A. In addition to the presumption against the admission to bail under subsection B of § 19.2-120, the*  
10 *judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will*  
11 *reasonably assure the appearance of the person or the safety of the public if (i) the person is currently*  
12 *charged with an offense listed in subsection A of § 19.2-297.1, subsection C of § 17.1-805, any offense*  
13 *under Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 except any offense under subsection A of § 18.2-57.2,*  
14 *any felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or any offense under*  
15 *Article 2 (§ 18.2-266 et seq.), or any local ordinance substantially similar thereto, 4 (§ 18.2-279 et seq.),*  
16 *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*  
17 *(ii) the person has been identified as being illegally present in the United States by the United States*  
18 *Immigration and Customs Enforcement.*

19 *B. Notwithstanding subsection A, no presumption shall exist under this section as to any*  
20 *misdemeanor offense, or any felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title*  
21 *18.2, unless the United States Immigration and Customs Enforcement has guaranteed that, in all such*  
22 *cases in the Commonwealth, it will issue a detainer for the initiation of removal proceedings and agree*  
23 *to reimburse for the cost of incarceration from the time of the issuance of the detainer.*

ENROLLED

SB623ER