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## SENATE BILL NO. 623

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice)

(Patrons Prior to Substitute—Senators Stolle, Herring [SB 183], Smith [SB 733] and Stuart [SB 152])

Senate Amendments in [ ] — February 12, 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.

**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.**

A. In addition to the presumption against the 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, any [ ~~felony~~ ] offense under Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 [ except any offense under subsection A of § 18.2-57.2] , any felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or any offense under Article 2 (§ 18.2-266 et seq.), or any local ordinance substantially similar thereto, 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 person has been identified as being illegally present in the United States by the United States Immigration and Customs Enforcement.

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

ENGROSSED

SB623ES1