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SENATE BILL NO. 462

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend the Code of Virginia by adding a section numbered 19.2-11.02, relating to crime victims and witnesses; immigration status.*

Patrons—Howell and McEachin; Delegates: Griffith and Watts

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 19.2-11.02 as follows:**

§ 19.2-11.02. *Prohibiting inquiry into the immigration status of certain victims or witnesses of crime.*

A. *No officer or agent of any state or local law-enforcement agency shall, in connection with the report, investigation, or prosecution of a criminal violation of state or local law, inquire into the immigration status of any person who (i) reports that he is a victim of the crime or is the parent or guardian of a minor victim of the crime or (ii) is a cooperating witness in the investigation of the crime or the parent or guardian of a minor witness to the crime.*

B. *Nothing in this section shall prohibit a law-enforcement officer from inquiring into the immigration status of a victim or witness when (i) such person has been arrested or charged with, or is being investigated for, a criminal violation of federal, state, or local law or (ii) such inquiry is required by federal law or is essential to the investigation or prosecution of the crime to which the person is a witness or of which the person is the victim.*

C. *For purposes of this section, "immigration status" means the status of a person's United States citizenship or citizenship of any other country, his legal right to reside or otherwise be present in the United States, and the time or manner of a person's entry into the United States.*

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