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HOUSE BILL NO. 2332

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 4, 2011)

(Patron Prior to Substitute—Delegate Lingamfelter)

A BILL to amend the Code of Virginia by adding in Chapter 7 of Title 19.2 a section numbered 19.2-83.3, relating to determination of citizenship of arrestee by arresting officer, admission to bail.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 7 of Title 19.2 a section numbered 19.2-83.3 as follows:

§ 19.2-83.3. Arresting officer to ascertain citizenship of arrestee; admission to bail.

A. Whenever any person is placed under arrest and taken into custody by a law-enforcement officer, the officer shall inquire as to whether the person (i) was born in a country other than the United States and (ii) is a citizen of a country other than the United States.

B. When a law-enforcement officer makes an arrest, takes the person into custody, and finds, following the inquiries required under subsection A, probable cause to believe that the person under arrest is not legally present in the United States, he shall communicate to the judicial officer the facts and circumstances underlying his belief that the person is not legally present in the United States. If the judicial officer concurs in the determination of the officer and finds probable cause to believe that the person will not appear for trial or hearing, the judicial officer may refuse to admit the person to bail in accordance with § 19.2-120.

HOUSE SUBSTITUTE

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