

## Department of Planning and Budget 2011 Fiscal Impact Statement

**1. Bill Number:** SB1328

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Herring

**3. Committee:** Courts of Justice

**4. Title:** Magistrates ascertaining citizenship of arrested persons.

**5. Summary:** Requires a magistrate or other issuing authority having jurisdiction who issues a warrant following a warrantless arrest to inquire as to whether the arrested 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. The magistrate or other issuing authority having jurisdiction shall make an immigration alien query to the Law Enforcement Support Center of U.S. Immigration and Customs Enforcement for any arrested person who responds that he (a) was born in a country other than the United States and (b) is a citizen of a country other than the United States, or for whom the answer to clause (i) or (ii) is unknown. The magistrate or other issuing authority having jurisdiction shall communicate the results of any immigration alien query to the Central Criminal Records Exchange of the Department of State Police in a format approved by the Exchange. The information received by the Central Criminal Records Exchange concerning the person's immigration status shall be recorded in the arrested person's criminal history record. Under current law, sheriffs and jail officers have the above duties when a person is taken into custody at their jails.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary. See Item 8.

**8. Fiscal Implications:** According to the Department of State Police, the proposed legislation is not expected to have a fiscal impact.

The Supreme Court has not yet responded as to whether or not the proposal would have a fiscal impact.

**9. Specific Agency or Political Subdivisions Affected:** Department of State Police and Virginia Supreme Court.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

**Date:** 2/2/2011

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