

# 2012 SESSION

## HOUSE SUBSTITUTE

12105239D

### HOUSE BILL NO. 1060

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on February 10, 2012)

(Patron Prior to Substitute—Delegate Anderson)

*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.*

*Whenever any person is lawfully arrested and taken into custody by a law-enforcement officer, the officer shall inquire as to whether the arrestee is legally present in the United States. If, following the inquiry, the law-enforcement officer has reason to believe that the arrestee may not be legally present in the United States, he shall communicate to the judicial officer the facts and circumstances underlying his belief. The judicial officer shall take such facts and circumstances into consideration when discharging his duties pursuant to § 19.2-120.*

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