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HOUSE BILL NO. 2229

Offered January 11, 2013

A *BILL to amend the Code of Virginia by adding a section numbered 2.2-614.2:2, relating to detention or removal of a citizen from the Commonwealth.*

Patrons—Cline and Morris

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-614.2:2 as follows:

§ 2.2-614.2:2. Detention or removal of a citizen from the Commonwealth by the government of the United States.

A. The Secretary of Public Safety shall request from the U.S. Secretary of Defense that, when an agency of the federal government detains any citizen pursuant to 50 U.S.C. § 1541 as provided by the National Defense Authorization Act for Fiscal Year 2012, P.L. 112-81, § 1021, the U.S. Secretary of Defense shall provide notification within 12 hours of the detention to both the Secretary of Public Safety and the chief law-enforcement officer of the locality in which the citizen is detained.

B. The Secretary of Public Safety shall request from the U.S. Secretary of Defense that, when an agency of the federal government detains any citizen pursuant to 50 U.S.C. § 1541 as provided by the National Defense Authorization Act for Fiscal Year 2012, P.L. 112-81, § 1021, the U.S. Secretary of Defense or his designee shall seek authorization from the chief law-enforcement officer of the locality in which the citizen is detained prior to removal of the citizen from the locality.

C. Each cabinet secretary shall submit to the Secretary of the Commonwealth, to be published on a semiannual basis, a list and description of all memoranda of understanding (MOUs) entered into between the Commonwealth and agencies of the federal government. Copies of the list shall be provided to the Speaker of the House of Delegates and the Majority Leader of the Senate.

D. If the federal agency detaining any citizen pursuant to 50 U.S.C. § 1541 as provided by the National Defense Authorization Act for Fiscal Year 2012, P.L. 112-81, § 1021, fails to provide such notification as outlined in subsection A or seek authorization as outlined in subsection B, funds appropriated for implementation or continuation of such MOUs shall be contingent upon authorization by an act of the General Assembly in a subsequent year.

INTRODUCED

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