

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 53.1-218 of the Code of Virginia, relating to exemption from reporting*  
3 *citizenship status of prisoners for certain correctional facilities.*

4  
5 Approved

[S 641]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 53.1-218 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 53.1-218. Duty of officer in charge to inquire as to citizenship; notice to federal immigration**  
9 **officer of commitment of alien.**

10 Whenever any person is committed to a correctional facility the director, sheriff or other officer in  
11 charge of such facility shall inquire as to whether the person (i) was born in a country other than the  
12 United States, and (ii) is a citizen of a country other than the United States. The director, sheriff or  
13 other officer in charge of such facility shall make an immigration alien query to the Law Enforcement  
14 Support Center of the United States Immigration and Customs Enforcement for any person who (i) was  
15 born in a country other than the United States, and (ii) is a citizen of a country other than the United  
16 States, or for whom the answer to (i) or (ii) is unknown.

17 In the case of a jail, the sheriff, or other officer in charge of such facility shall communicate the  
18 results of any immigration alien query *that confirm that the person is illegally present in the United*  
19 *States* to the Local Inmate Data System of the State Compensation Board. The State Compensation  
20 Board shall communicate, on a monthly basis, the results of any immigration alien query that results in  
21 a confirmation that the person is illegally present in the United States to the Central Criminal Records  
22 Exchange of the Department of State Police in a format approved by the Exchange.

23 In the case of a correctional facility of the Department of Corrections, the director or other officer in  
24 charge of such facility shall communicate the results of any immigration alien query that results in a  
25 confirmation that the person is illegally present in the United States to the Central Criminal Records  
26 Exchange of the Department of State Police in a format approved by the Exchange.

27 The information received by the Central Criminal Records Exchange concerning the person's  
28 immigration status shall be recorded in the person's criminal history record.

29 However, notification need not be made to the Central Criminal Records Exchange if it is apparent  
30 that a report on alien status has previously been made to the Exchange pursuant to § 19.2-83.2 or  
31 19.2-294.2.

ENROLLED

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