

# 1996 SESSION

INTRODUCED

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## SENATE BILL NO. 220

Offered January 18, 1996

*A BILL to amend and reenact § 53.1-220.1 of the Code of Virginia and to amend the Code of Virginia by adding a section in Article 2 of Chapter 2 of Title 53.1 numbered 53.1-40.02, relating to parole of illegal aliens.*

Patrons—Barry, Benedetti, Bolling, Chichester, Earley, Hawkins, Miller, K.G., Newman, Norment, Potts, Quayle, Schrock, Stosch, Trumbo and Williams; Delegates: Albo, Callahan, Dudley, Katzen, Marshall, O'Brien, Parrish, Rollison and Way

Referred to the Committee on Rehabilitation and Social Services

### Be it enacted by the General Assembly of Virginia:

**1. That § 53.1-220.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 53.1-40.02 as follows:**

§ 53.1-220.1. Transfer of prisoners convicted of designated illegal acts.

With the consent of the appropriate state authorities, the Immigration and Naturalization Service may, following notification under § 19.2-294.2, take physical custody of and responsibility for any alien convicted of any (i) felony offense involving murder, rape, robbery, burglary, larceny, extortion, or abduction, or (ii) illegal drug violation designated as a felony under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 other than a Class 1 felony. The director, sheriff or other official in charge of the facility in which such alien is incarcerated may enter into an agreement, which includes provisions relating to reimbursement, with the Immigration and Naturalization Service to retain custody or supervision of such alien until he is deported or until other mutually satisfactory arrangements are made to transfer custody of such alien to the Service.

§ 53.1-40.02. Release of illegal aliens.

Notwithstanding any other provision of law, any person who is an illegal alien, serving a sentence imposed upon a conviction for a felony offense other than a Class 1 felony, is eligible for parole at any time, provided he is released upon parole to the custody of the Immigration and Naturalization Service, in accordance with an agreement between the appropriate state authorities and the Immigration and Naturalization Service, to be deported. The Parole Board shall promulgate regulations to implement the provisions of this section.

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