

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 412

An Act to amend the Code of Virginia by adding a section numbered 46.2-102.1, relating to cooperative exchange of information between the United States Department of State, Immigration and Naturalization Service, and other federal law-enforcement agencies and the Department of Motor Vehicles and the Department of State Police.

[H 637]

Approved April 2, 2002

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-102.1 as follows:

§ 46.2-102.1. Exchange of information between certain federal agencies and the Department of Motor Vehicles and the Department of State Police.

The Department of Motor Vehicles and the Department of State Police shall participate in any and all federal programs that seek to monitor the status of aliens residing in the United States. Data obtained through such participation shall be used to prevent the issuance of Virginia driver's licenses, commercial driver's licenses, temporary driver's permits, learner's permits, motorcycle learner's permits, or special identification cards to persons who are not lawfully present in the United States. The Department of State Police and the Department of Motor Vehicles shall enter into such agreements with the United States Department of State, the Immigration and Naturalization Service, and other federal law-enforcement agencies as may be necessary to permit and facilitate the interchange of law-enforcement data and related information concerning those aliens residing in the United States who hold or apply for Virginia driver's licenses, commercial driver's licenses, temporary driver's permits, learner's permits, motorcycle learner's permits, or special identification cards in order (i) to ensure that persons who hold or apply for these documents are lawfully entitled to do so and (ii) to facilitate the detection and prevention of criminal activity and the identification and apprehension of persons engaged in criminal activity.

The Department of Motor Vehicles and the Department of State Police are authorized to exchange with one another and with the United State Department of State, the Immigration and Naturalization Service, and other federal law-enforcement agencies such data and other information as may be necessary or convenient in carrying out the purposes of this section, any contrary provision of Chapter 2 (§ 46.2-200) of this title notwithstanding.

2. That the provisions of this act shall not become effective unless reenacted by the 2003 Regular Session of the General Assembly.