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HOUSE BILL NO. 2339

Offered January 8, 2003

Prefiled January 8, 2003

A BILL to amend the Code of Virginia by adding sections numbered 23-2.1:2 and 23-2.1:3, relating to in-state tuition for aliens and denial of financial aid or scholarships.

Patrons—Drake, Black, Bryant, Cline, Cosgrove, Hurt, Landes, Louderback, O'Bannon, Rapp and Saxman; Senators: Blevins, Cuccinelli and Hanger

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 23-2.1:2 and 23-2.1:3 as follows:

§ 23-2.1:2. Alien in-state tuition.

An alien who is not lawfully present in the United States shall not be eligible on the basis of residence within Virginia for any post-secondary educational benefit, including in-state tuition, unless citizens of the United States are eligible for such benefits (in no less an amount, duration, and scope) without regard to whether such citizens or nationals are Virginia residents.

§ 23-7.1:3. Denial of financial aid to persons engaging in terrorism.

An attorney for the Commonwealth is authorized to petition any circuit court in the Commonwealth to deny or revoke scholarships or other financial aid applied for or awarded at any of the Commonwealth's agencies or public institutions of higher education of any student who (i) assists or has assisted other nations, terrorist organizations designated in 18 U.S.C. § 2339B, or any other person or entity, in committing or attempting to commit acts of terrorism, as defined in § 18.2-46.4; (ii) has engaged or is engaging in acts of treason against the Commonwealth, as defined in § 18.2-481; (iii) has committed treason, sedition, or other subversive activities, as defined in 18 U.S.C. § 2381 et seq.; or (iv) otherwise engages or has engaged in similar acts of terrorism or treason.

Upon a finding by a court by clear and convincing evidence that such student has assisted or engaged in such acts, the court shall order that any such financial aid or scholarships applied for or awarded, whether expended or unexpended, be denied, revoked, or withdrawn. It shall not be a defense to such action that the student has not been criminally convicted under applicable statutes. This provision shall not be construed to authorize the denial or withdrawal of financial aid or scholarships where such denial or withdrawal would otherwise constitute a violation of law.

INTRODUCED

HB2339