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HOUSE BILL NO. 1918

Offered January 10, 2007

Prefiled January 4, 2007

A BILL to amend and reenact § 19.2-81.6 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-504.2, relating to illegal alien status in Virginia; penalty.

Patrons—Cole, Athey, Cosgrove, Scott, E.T. and Sherwood

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-81.6 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-504.2 as follows:

§ 18.2-504.2. Federal illegal alien status unlawful in Virginia; penalty.

A. Any alien who is present in the United States illegally, as verified by the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security, is guilty of a Class 1 misdemeanor.

B. Subsection A shall not apply to any alien who is actively and lawfully seeking political asylum in the United States.

§ 19.2-81.6. Authority of law-enforcement officers to arrest illegal aliens.

All law-enforcement officers enumerated in § 19.2-81 shall have the authority to enforce immigration laws of the United States, pursuant to the provisions of this section. Any law-enforcement officer enumerated in § 19.2-81 may, in the course of acting upon reasonable suspicion that an individual has committed or is committing a crime or a traffic infraction, arrest the individual without a warrant upon receiving confirmation from the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security that the individual (i) is an alien illegally present in the United States; and (ii) has previously been convicted of a felony in the United States and deported or left the United States after such conviction. Upon receiving such confirmation, the officer shall take the individual forthwith before a magistrate or other issuing authority and proceed pursuant to § 19.2-82. All law-enforcement officers enumerated in § 19.2-81 shall have, in addition to the arrest authority set forth therein to enforce the laws of the Commonwealth, the authority to enforce immigration laws of the United States, pursuant to the provisions of this section.

INTRODUCED

HB1918