

2008 SESSION

LEGISLATION NOT PREPARED BY DLS
INTRODUCED

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SENATE BILL NO. 441

Offered January 9, 2008

Prefiled January 9, 2008

A BILL to amend the Code of Virginia by adding a section numbered 19.2-11.02, relating to crime victims and witnesses; immigration status.

Patron—Howell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-11.02 as follows:

§19.2-11.02. Prohibiting inquiry into the immigration status of certain victims or witnesses of crime.

A. No law enforcement or other agent of state or local government shall inquire into the immigration status of any person who i) reports that he is a victim of crime or is the parent or guardian of a minor victim; or ii) is a cooperating witness in the investigation of a criminal violation of state or local law or the parent or guardian of a minor witness.

B. Nothing in this section shall prohibit the adoption of local ordinances or law enforcement policies or procedures not in conflict with subsection A or prohibit a law enforcement officer from inquiring into the immigration status of a victim or witness who has been arrested or charged with a criminal violation of state or local law or when such inquiry into immigration status by a law enforcement officer is required by federal law.

C. For purposes of this section, "immigration status" means questions of United States citizenship, citizenship of any other country, legal right to reside or otherwise be present in the United States, and the time or manner of a person's entry into the United States.

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