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SENATE BILL NO. 743

Offered January 8, 2025

Prefiled November 5, 2024

A *BILL to amend the Code of Virginia by adding a section numbered 19.2-87.1, relating to reproductive health care services; prohibitions on extradition for certain crimes.*

Patrons—Favola, Carroll Foy and Perry

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-87.1 as follows:

§ 19.2-87.1. Extradition of persons charged with certain criminal violations; prohibition.

A. As used in this section, "reproductive health care services" means medical, pharmaceutical, surgical, counseling, or referral services relating to the human reproductive system, including services relating to pregnancy, contraception, abortion, fertility, miscarriage management, or assisted reproduction.

B. Notwithstanding the provisions of this article, no demand for extradition of a person charged with a criminal violation of law of another state shall be recognized by the Governor if such alleged criminal violation involves the receipt or provision of or assistance with reproductive health care services within the Commonwealth unless the person accused of the alleged offense was physically in the demanding state at the time of the alleged offense and thereafter fled from the demanding state. The provisions of this section shall not apply if the alleged criminal violation would also constitute a criminal offense under the laws of the Commonwealth; however, the Governor may request that the state demanding extradition attest to the factual and legal basis of such alleged violation of the law of another state.

C. An affirmation under oath by such person accused of an alleged offense that he was present in the Commonwealth at the time of the commission of the alleged offense shall create a presumption that he was not present in the demanding state at the time of the commission of such alleged offense. Such presumption may be rebutted by clear and convincing evidence by the demanding state in the circuit or general district court of the jurisdiction where such person subject to such demand is a resident or is being held pending extradition.

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