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HOUSE BILL NO. 1441

Offered January 22, 2026

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 19.2-81.7, relating to law-enforcement officers; enforcement of federal immigration law; restrictions.

Patrons—Lopez, Callsen, Helmer, Shin, Anderson, Anthony, Askew, Bennett-Parker, Bulova, Carnegie, Carr, Carroll, Clark, Cohen, Cole, J.G., Cole, N.T., Cousins, Delaney, Dougherty, Feggans, Franklin, M.A., Glass, Hayes, Henson, Hernandez, Herring, Hope, Keys-Gamarra, Krizek, Laufer, LeVere, Bolling, Martinez, McClure, McGuire, McQuinn, Nivar, Price, Rasoul, Reaser, Schmidt, Seibold, Simon, Sullivan, Thomas, Thornton, Tran, Ward, Watts and Willett

Referred to Committee on Public Safety

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 19.2-81.7 as follows:

Be it enacted by the General Assembly of Virginia:**§ 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, *only* 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, arrest the individual without a warrant upon receiving confirmation from the Bureau of Immigration and Customs Enforcement of the ~~United States~~ U.S. 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.

§ 19.2-81.7. Enforcement of federal immigration law; restrictions.

A. Except as otherwise provided by subsection B or the provisions of § 19.2-81.6, no person acting in his capacity as a law-enforcement officer shall assist or cooperate with or allow or authorize any time, money, facilities, property, equipment, personnel, or other resources to be used to assist or cooperate with or to facilitate any operation executed in whole or in part by federal law-enforcement officers or authorities or out-of-state law-enforcement officers or authorities that seek to identify, arrest, or otherwise impose a penalty upon an individual for purposes of enforcing federal immigration law.

B. The provisions of this section shall not apply where such person acting in his capacity as a law-enforcement officer is presented with a valid judicial warrant, judicial subpoena, or judicial detainer that authorizes such enforcement of federal immigration law.