WEST virginia legislature

2025 regular session

Introduced

House Bill 2426

By Delegates Anders, White, Ridenour, Dillon, Kump, Kimble, T. Howell, Dean, and Bridges

[Introduced February 17, 2025; referred to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-17-1, relating to the punishment of persons with illegal immigration status; and determining punishment for first and second offenses.

Be it enacted by the Legislature of West Virginia:

ARTICLE 17. illegal immigration.

§61-17-1. Punishment of persons with illegal immigration status; first and second offense.

(a) Any individual who has been determined to be in the country illegally by local, state, or federal law enforcement in this state shall be immediately turned over to Immigration and Customs Enforcement ("ICE") for purposes of deportation.

(b) If the same individual is apprehended and determined to be in the country illegally by local, state, or federal law enforcement in this state for a second time, that individual shall be guilty of a felony offense, and shall be incarcerated in a state penitentiary for no less than three and no more than five years, and upon release from the state penitentiary, shall be immediately turned over to Immigration and Customs Enforcement ("ICE") for purposes of deportation.

(c) The provisions of §15-16-1 *et seq*. shall apply to this article, with no state entity, local entity, or law enforcement agency being able to usurp this article or federal immigration policy.

NOTE: The purpose of this bill relates to the punishment of persons with illegal immigration status and determining punishment for first and second offenses.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.