

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]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §61-17-1, relating to the punishment of persons with illegal immigration status;
3 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.

1 (a) Any individual who has been determined to be in the country illegally by local, state, or
2 federal law enforcement in this state shall be immediately turned over to Immigration and Customs
3 Enforcement ("ICE") for purposes of deportation.
4 (b) If the same individual is apprehended and determined to be in the country illegally by
5 local, state, or federal law enforcement in this state for a second time, that individual shall be guilty
6 of a felony offense, and shall be incarcerated in a state penitentiary for no less than three and no
7 more than five years, and upon release from the state penitentiary, shall be immediately turned
8 over to Immigration and Customs Enforcement ("ICE") for purposes of deportation.
9 (c) The provisions of §15-16-1 et seq. shall apply to this article, with no state entity, local
10 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.