

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5589

By Delegate Lewis

[Introduced February 16, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
 2 designated §15-17-1, §15-17-2, §15-17-3, §15-17-4, §15-17-5, §15-17-6, and §15-17-7;
 3 and to repeal §15-16-1, §15-16-2, §15-16-3, §15-16-4, §15-16-5, §15-16-6, §15-16-7,
 4 §15-16-8 and §15-16-9 of the Code of West Virginia, 1931, as amended; and to repeal
 5 §15-16-1, §15-16-2, §15-16-3, §15-16-4, §15-16-5, §15-16-6, §15-16-7, §15-16-8, and
 6 §15-16-9, relating to cooperation with federal immigration enforcement; prohibiting certain
 7 immigration enforcement agreements; restricting participation in federal immigration
 8 enforcement activities without judicial warrant; and providing oversight and remedies for
 9 those unlawfully detained.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. FEDERAL IMMIGRATION ENFORCEMENT.

§15-16-1. Definitions.

1 [Repealed.]

§15-16-2. Prohibited policies regarding immigration enforcement.

1 [Repealed.]

§15-16-3. Mandatory duties of law enforcement agencies regarding immigration detainer.

1 [Repealed.]

§15-16-4. Mandatory agreements for housing persons subject to immigration detainers.

1 [Repealed.]

§15-16-5. Complaint procedure; notice; equitable relief.

1 [Repealed.]

**§15-16-6. Removal from office for malfeasance, neglect of duty, and failure to faithfully
 discharge duties of office.**

1 [Repealed.]

§15-16-7. Attorney General to defend good-faith compliance upon request.

1 [Repealed.]

§15-16-8. Report of violations; whistle-blower protections.

1 [Repealed.]

§15-16-9. Implementation; discrimination prohibited.

1 [Repealed.]

ARTICLE 17. COOPERATION WITH FEDERAL IMMIGRATION ENFORCEMENT.

§15-17-1. Short title.

1 This article may be cited as the "West Virginia Community Trust and Law Enforcement
2 Cooperation Act."

§15-17-2. Legislative findings.

1 The Legislature finds that all people are created equal and as such are afforded and
2 entitled to equal treatment and procedural and constitutional protections; that treating all persons
3 under investigation within our laws is as important of a right as exists in The United States
4 Constitution; that current ICE practices of using masked law enforcement agents concealing their
5 identity as they violate constitutional rights in plain view is unacceptable for any reason and
6 requires the State to withdraw from participation in these actions; therefore, enactment of this law
7 shall prohibit our state law enforcement agencies from participating in any such actions.

§15-17-3. Definitions.

1 As used in this article:

2 "Agency" means any agency, office, board, bureau, commission, department, branch,
3 division and political subdivision of the state and includes any officer, employee or agent thereof.

4 A "287(g) agreement" means any agreement authorized under 8 U.S.C. § 1357(g)
5 delegating federal immigration enforcement functions to a state or local law-enforcement
6 agency;

7 "ICE" means the United States Immigration and Customs Enforcement, or any successor
8 federal immigration agency;

9 "Nonpublic area" means any restricted portion of a government facility closed to the

10 general public, including holding cells, booking areas, and administrative offices;

11 "Sensitive location" means public and private schools, hospitals, places of worship,
12 government facilities and private residences. and

13 "Judicial warrant" means a warrant issued by a court of competent jurisdiction based
14 upon probable cause.

§15-17-4. Limitation on immigration enforcement agreements.

1 No agency may enter into a new 287(g) agreement or other arrangement delegating
2 immigration enforcement authority or duties to that agency. Any existing 287(g) agreement is
3 suspended to the extent it authorizes state law officers or any other state employee to enforce
4 federal immigration law, except as required by a valid judicial warrant under this article. Each
5 agency shall notify the Attorney General within 30 days after the effective date of this article of any
6 existing agreement or memorandum of understanding with ICE or other federal immigration
7 authorities.

§15-17-5. Restrictions on enforcement cooperation without judicial warrant.

1 (a) Detainers. No agency may detain, arrest or hold a person solely for federal
2 immigration purposes on the basis of an ICE detainer or administrative order.

3 (b) Transfers to ICE. No agency may assist in an arrest, detainment or transfer custody
4 of any individual to ICE without a judicial warrant.

5 (c) Access to nonpublic areas. ICE agents may not enter nonpublic areas of facilities
6 owned or controlled by an agency for the purpose of arrest or detainment unless they present a
7 judicial warrant.

8 (d) Sensitive locations. Immigration enforcement operations shall not occur in sensitive
9 locations absent a judicial warrant or exigent circumstances posing an immediate threat to life or
10 safety.

11 (e) Body-worn camera required. A state or local law-enforcement officer may only
12 cooperate with a federal immigration officer in the enforcement of federal immigration law when

13 the state or local law-enforcement officer is equipped with and has activated a body-worn
14 camera.

15 (f) Nothing in this section prohibits cooperation by an agency when required by federal
16 law, court order or warrant.

§15-17-6. Oversight and transparency.

1 (a) The Attorney General shall issue guidance to all agencies regarding compliance with
2 this article within 30 days of the effective date of this Act.

3 (b) Each agency shall maintain a record of any judicial warrant received or executed
4 under this article and report annually of any record received in the prior year to the Joint
5 Committee of Government and Finance. The report shall include the number of detainer
6 requests received, the number honored, and the costs incurred for cooperation.

§15-17-7. Enforcement and remedies.

1 Any officer or employee who knowingly violates the provisions of §15-17-4 or §15-17-5 of
2 this code may be subject to disciplinary action, including suspension or termination.

NOTE: The purpose of this bill is to repeal existing state law relating to requiring state law enforcement officers and employees to assist federal agencies in enforcement of federal immigration laws and prohibits these activities absent of a judicially approved warrant; establishes limitations on any enforcement agreements, places limits on participation with federal agents, establishes reporting requirements of any immigration enforcement related activities, and provides for disciplinary action for state employees who violate this act.

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