

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 615

By Senators Hart, Smith (Mr. President), Azinger,
Chapman, Deeds, Fuller, Helton, Phillips, Rose,
Thorne, and Z. Maynard

[Introduced January 27, 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 §61-17-1, relating to illegal immigration; requiring persons with illegal
3 immigration status to be turned over to ICE; and creating criminal penalties for subsequent
4 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.

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