



Written by [R. Cort Kirkwood](#) on August 2, 2010

## Virginia to Follow Arizona's Lead?

Republican Attorney General Ken Cuccinelli of Virginia says The Old Dominion lawmen have powers envisioned in Arizona's new immigration law, which U.S. District Court Judge Susan Bolton recently pruned of its most important codicil. Acting on a legal challenge from the Obama administration, Bolton struck down a provision that permitted a police officer to check the immigration status of anyone he contacts lawfully if he suspects the person is an illegal alien.



Aside from [supporting the bill](#), Cuccinelli says Virginia police have that power. Cuccinelli [delivered himself](#) of the opinion in response to conservative Republican Delegate [Bob Marshall](#) of Prince William County, where officials have been combating illegal alien anarchy for years:

The new Arizona law does not purport to grant new powers to law enforcement officers in Arizona; nor does it suggest the absence of authority by police officers in Virginia. The Arizona law expressly leaves the determination of an alien's immigration status to ICE or to a federally authorized law enforcement officer. Virginia law enforcement officers have the authority to make the same inquiries as those contemplated by the new Arizona law. So long as the officers have the requisite level of suspicion to believe that a violation of the law has occurred, the officers may detain and briefly question a person they suspect has committed a federal crime. Furthermore, the United States Supreme Court has found that so long as the questioning does not prolong a lawful detention, police may ask questions about immigration status.

[Cuccinelli noted](#) that the local law enforcement likely cannot arrest a suspected illegal for violating federal immigration law, a civil offense. Police may, however, determine the suspect's immigration status with the help of the federal Immigration and Customs Enforcement.

The Attorney General's remarks likely heartened backers of a law proposed by Corey Stewart, chairman of Prince Williams Board of Supervisors. He seeks sponsors for his "[Virginia Rule of Law Act](#)."

The bill's [website on Facebook](#) says it will strengthen provisions in Arizona's law while avoiding its "pitfalls." The law requires law enforcement to determine the immigration status of anyone police contact during a lawful stop, arrest or detention if reasonable suspicion exists the person is an illegal alien. As well, it permits state officials to prosecute human smuggling and forbids employers from using the familiar pick-up points to hire cheap illegal alien labor. The law will forbid illegals from obtaining a motor vehicle registration and forbids illegals from owning or renting real estate. Finally, the law allows the state to collect a \$5 fee for international money transfers up to \$500 and one percent for anything exceeding \$500. The revenue will be used as a state income tax credit.



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The law has about 10,000 backers.

Arizona has appealed Judge Bolton's decision. Virginians hope to construct a law impervious to left-wing constitutional jurisprudence.

Photo of Ken Cuccinelli: AP Images



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