

Thursday, April 3rd 2008
Coalition on Illegal Immigration
Fourth Meeting
DCAT

Call to order – 12:37 p by Chairman Steve DeBenedittis

Dennis Husch handed out a status study of current legislative bills. Knowledge of current legislation, of what passed and what did not will give the Coalition a better chance of forming bills that will get passed.

Dennis also handed out the resolution made by the Town of Herndon passing Coalition goals and objectives.

Randy Wheeler reported that Spotsylvania will pass a similar resolution next week.

Chairman DeBenedittis said he would send out more invitations for next time and try to expand participation. He plans to get a speaker for the next meeting – preferably on 2987G. The Coalition will discuss whether to invite specific legislators to the meetings in order to get ideas on what legislation will have a chance of passing.

Dennis Husch – referring to the handout he prepared on status of Bills, said he had made a study from the internet of House Bills relating to illegal immigration and to legislative services and found out what happened to each bill.

He noted that it is confusing to study bills because they do not remain the same, some bills are rolled into another bill. Most of the bills concerning illegal immigration are included. Dennis wanted to show what went all the way through and what only went through either Senate or House- to get an idea of tracking.

He found there were close to 3,000 bills in 45 days – all must be read by each legislator and as the bills continue their progress through House and Senate, they are also combined and changed.

In addition to reading the bills before voting, Delegates and Senators must attend the meetings of their committees and subcommittees. With this vast amount of work, each can only work on items of most interest to either themselves or their constituents.

The vast majority of proposed bills did not get out of the House and some of those that did, failed in Senate.

This study (the handout) will give the Coalition an idea of what bills could be successful.

Failed on the list means it did not get passed but might not have had vote. Some passed by House were stopped by Senate.

From the handout, Dennis mentioned particular bills which had Passed all the way:
HB440-local Tom Rust – presumption to giving bail – does not presume to allow bail for illegal – must be argued. Due process but moved from magistrate to judge. There will be a lot of confusion and this will have to be worked out in practice. Judgement will be on the matter of bail not legality of immigration status. Fourteenth Amendment – all persons have right to due process – does not involve legal or illegal residence. Has

potential to provide more information but ICE data not available. If felony or serious offence then identity comes into question.

Chief Barlow – information sharing is what police work is all about.

Frank Bossio – once the information is available every locale is responsible for enforcement so it comes back down to local level which equates to jail space.

Dennis Husch – Herndon checks legality and Dennis thinks they have access to ICE database for warrants and deportation orders – does not seem to cost. Dennis wondered whether other localities might be deterred thinking ICE database is expensive.

Chief Barlow – NCIC data helps. We will need a bigger jail to detain them.

HB926: Contractors – Applications for license - must sign that they do not hire unauthorized immigrants.

Steve DeBenedittis – Herndon added subcontractors to this.

Mary Ann Curtin – no dollar threshold – Companies hiring illegal aliens will lose right to operate.

Jerry Beckett – Contractors must be responsible for subcontractors. That is the law.

Nancy Smith – Arizona passed a law – illegals are self-deporting. Oklahoma also tough laws – if the illegals can't get work, they go home.

HB820-correctional facility – requires officer to inquire about legality of citizenship.

Chairman DeBenedittis – will this provide more information at bail setting decision?

Dennis Husch – regarding the cost for 287G training – of 55 sworn officers Herndon sent 6 officers to the course and 2 more this year and ICE paid all expenses. The cost to Herndon was for overtime to cover duty time for those at courses.

Chief Barlow said there is competition to get into the ICE class and there is a problem with overcrowding in jail.

Chairman DeBenedittis – it is hard to understand the differences and we need to get someone in to address us on the ICE 287G training.

Dennis Husch said we need to avoid profiling based on race and ICE gives a question process to go through, a methodology to ask questions. Profiling is acceptable as long as it is behavioral, circumstantial etc.

Jerry Beckett – it is Federal law that schools cannot ask if students are legal residents and they cannot do anything about it if students are not legal residents. Can police ask if persons are legal residents?

Chief Barlow – if arresting a person and have reason to believe they are not legal because they have no identification and/or other indicators, then yes, can ask.

Loudoun County – Schools require proof of residency and shot records.

Nancy Smith – Bob McDonell, Attorney General found few localities in VA enrolled in 287G.

Discussion of illegal alien sex offenders – Chief Barlow said these are the worst of the worst and the police would get on phone with ICE and these perpetrators would be picked up right away.

HB926 – hiring illegals – lose right to do business.

Herndon - Dennis Husch reported that they hired a retired policeman. He could manage an operation and collect evidence that would stand up in court. Herndon has found it a painfully long process to deal with overcrowding complaints. An inspector will look the place over several times and check various things such as the sewer bill. If he determines there could be overcrowding, he will make an appointment to talk to property owner. He will try to determine if household members are related. If he determines it is a case of overcrowding, a letter goes out, with perhaps a fine. At this point 3 to 4 months have passed. The next step is additional surveillance, followed by a letter with fine and the next is another letter with fine. If not abated the case goes from civil to criminal and is collected by the attorney and off to court. If fine is only a hundred dollars twice a year it is just a cost of doing business for the landlord, not really a penalty.

This is a case of public safety. Thankfully no fire to date in these overcrowded homes. The process has been ongoing for five years with 120 cases a month now reduced to 40 a month. Each case has to be built properly. Herndon has a whole procedures manual and this is followed carefully which avoids suits from ACLU and HUD on discrimination in housing.

Randy Wheeler– Spotsylvania has followed many of the same procedures and dealt with same issues and has learned from Herndon and also has and uses subpoena power for such issues – electric bills etc. Spotsylvania applied to General Assembly for this power. Chief Barlow noted that overcrowding of homes was a very big problem in his previous jurisdiction. Dealing with overcrowding is a long hard process – call zoning people, work for months during which sometimes residents would self-deport, sometimes tenants would change, sometimes the problem would be cleaned up and then go right back to overcrowding. It is just a long hard process.

HB1185 – if voter registration is listed for illegal immigrant, voting rights can be rescinded.

HB1298-fines for employing illegal immigrants.

Herndon – had to provide certification to get business license – applicant had to be legally present.

Beaufort County, South Carolina uses a random spot check.

John McCarthy – many people have a local business license but do not need a State license.

Steve DeBenedittis – the bills discussed are the bills that passed. The issue does not seem to have had the strength many of us would have wished.

Mary Ann Curtin – State Legislative Commission on Immigration is at work on the issue. It is a two year commission. Look at Health and Human Resources on website and Illegal Immigration is a priority.

Nancy Smith – **SavetheOldDominion.com** lists all current legislation being considered.

Frank Bossio – we are allowed to enforce any federal law. Problem is jail capacity is not there. Local governments should be able to keep the Federal per diem and State funds since offenders are no longer just local criminals.

Jerry Beckett – There is no procedure to hold State prisoners.

Frank Bossio – no, the State is not picking prisoners up within 90 days as they are required to do - pick up or allow drop off and it does not happen.

Randy – Spotsylvania has to house State prisoners and send local prisoners out at greater cost and support State prisoners at additional local cost.

Mary Ann Curtin – can apply for reimbursement and can get some if money available.

Steve DeBenedittis- what legislation will we work on?

Frank-interested in jail prisoner per diem and 50% of construction costs. If we are going to do this and be serious then we need more jail space.

Randy – State pays actual costs.

Mary Ann Curtin said it was 60 days now lengthened to 90 so we will not get anywhere trying to get State funds on this.

Randy – it is ok to ask. Per Diem is determined by comp board and is same at all jails. Local jail pays full market price to ship local criminals out but houses State prisoners at very low cost.

Chief Barlow – those left by state are more dangerous and require more guarding, are a more difficult problem for guards.

Jerry Beckett – can we do something about requiring proof of citizenship for voting. Is there a requirement and can it be checked.

Mary Ann Curtin – think there is and if not in effect soon will be – it has been addressed – under real ID. Illegals are going to Maine but this will soon be closed.

John McCarthy – Maine won't get federal funds for roads or anything so this loophole will soon be closed.

Steve DeBenedittis – in Herndon 700 offenders were caught driving without a license – a significant threat to public safety. One offender got ticketed, then got bonded and returned to get another ticket for driving without a license.

Steve would like to get legislation to restrict this and perhaps pursue it through this group. Also illegal street racing is a problem in Herndon.

Nancy Smith – if a baby is born in USA then to become a citizen it should be required that at least one parent be a citizen.

Steve DeBenedittis – anyone else have anything to add?

Requests: Could we have agenda? Could we have more email invitations.

Steve DeBenedittis – would like more email addresses to reach more people

Teleconferencing possible at community colleges and Extension Services for those who cannot attend due to distance. Nancy Smith need everyone coming to be able to vote.