

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5400

By Delegates Brooks, Martin, Coop-Gonzalez, Foster,

Barnhart and Kump

[Introduced January 31, 2024; Referred to the

Committee on the Judiciary then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §15A-14-1 and §15A-14-2, all relating to transportation of inspected
 3 unauthorized aliens; defining the term "inspected unauthorized alien"; providing legislative
 4 findings; creating the Unauthorized Alien Transport Program within the Department of
 5 Homeland Security's Division of Administrative Services to facilitate the transport of
 6 inspected unauthorized aliens within the United States; authorizing the division to contract
 7 for services to implement the program; authorizing the division to adopt rules to implement
 8 the program; providing for future expiration.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14. UNAUTHORIZED ALIEN TRANSPORT PROGRAM.

**§15A-14-1. Defining "inspected unauthorized alien;" Legislative intent; Establishing the
 Unauthorized Alien Transport Program.**

1 (a) As used in this section, the term "inspected unauthorized alien" means an individual
 2 who has documentation from the United States Government indicating that the United States
 3 Government processed and released him or her into the United States without admitting the
 4 individual in accordance with the federal Immigration and Nationality Act, 8 U.S.C. ss. 1101 et seq.
 5 The term must be interpreted consistently with any applicable federal statutes, rules, or
 6 regulations.

7 (b) The Legislature finds that the Federal Government has failed to secure the nation's
 8 borders and has allowed a surge of inspected unauthorized aliens to enter the United States.

9 (c) To mitigate the effects of this surge of inspected unauthorized aliens on West Virginia,
 10 the Unauthorized Alien Transport Program is created within the Division of Administrative Services
 11 of the Department of Homeland Security for the purpose of facilitating the transport of inspected
 12 unauthorized aliens within the United States, consistent with federal law. The division is authorized
 13 to contract for services to implement the program.

§15A-14-2. Rulemaking authority; expiration.

1 (a) The division may adopt rules to implement the program.

2 (b) This article expires June 30, 2027.

NOTE: The purpose of this bill is to create the Unauthorized Alien Transport Program within the Department of Homeland Security's Division of Administrative Services to facilitate the transport of inspected unauthorized aliens within the United States.

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