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HOUSE BILL NO. 2229

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 11, 2013)

(Patron Prior to Substitute—Delegate Cline)

A BILL relating to detention or removal of a person from the Commonwealth.

Be it enacted by the General Assembly of Virginia:

1. § 1. A. *The Secretary of Public Safety shall request from the U.S. Secretary of Defense that, when an agency of the federal government detains any person present in the Commonwealth pursuant to 50 U.S.C. § 1541 as provided by the National Defense Authorization Act for Fiscal Year 2013, P.L. 112-239, § 1021, the U.S. Secretary of Defense shall provide notification within 24 hours of the detention to both the Secretary of Public Safety and the chief law-enforcement officer of the locality in which the person is detained.*

B. *The Secretary of Public Safety shall request from the U.S. Secretary of Defense that, when an agency of the federal government detains any person present in the Commonwealth pursuant to 50 U.S.C. § 1541 as provided by the National Defense Authorization Act for Fiscal Year 2013, P.L. 112-239, § 1021, the U.S. Secretary of Defense or his designee shall seek authorization from the chief law-enforcement officer of the locality in which the person is detained prior to removal of the person from the locality.*

C. *The Secretary of Finance shall obtain from each cabinet secretary and submit to the House Appropriations and Senate Finance Committees, to be published in some manner on an annual basis, a list and description of all memoranda of understanding (MOUs) entered into between the Commonwealth and agencies of the federal government.*

D. *If the federal agency detaining any person present in the Commonwealth pursuant to 50 U.S.C. § 1541 as provided by the National Defense Authorization Act for Fiscal Year 2013, P.L. 112-239, § 1021, fails to provide such notification as outlined in subsection A or seek authorization as outlined in subsection B, funds appropriated for implementation or continuation of such MOUs shall be contingent upon authorization by an act of the General Assembly in a subsequent year. The Governor may also order termination of any MOU at any time for noncompliance with this section.*

SENATE SUBSTITUTE

HB2229S1