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HOUSE BILL NO. 1097

Offered January 13, 2016

Prefiled January 13, 2016

*A BILL relating to detention or removal of a person from the Commonwealth by the federal government.*Patron—Cline

Referred to Committee for Courts of Justice

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 2012, 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 agreements 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 agreements shall be contingent upon authorization by an act of the General Assembly in a subsequent year. The Governor may also order termination of any agreement at any time for noncompliance with this section.*

INTRODUCED

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