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HOUSE BILL NO. 481

Offered January 13, 2016

Prefiled January 8, 2016

A *BILL to amend and reenact § 53.1-220.2 of the Code of Virginia, relating to compliance with detainers; U.S. Immigration and Customs Enforcement.*

Patrons—Marshall, R.G., Austin, Cole, Hugo, LaRock and Marshall, D.W.

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:**1. That § 53.1-220.2 of the Code of Virginia is amended and reenacted as follows:****§ 53.1-220.2. Transfer of certain incarcerated persons to Immigration and Customs Enforcement.**

A. *The Director, sheriff, or other official in charge of the facility in which an alien is incarcerated shall comply with any detainer received from U.S. Immigration and Customs Enforcement and shall not release an alien subject to the detainer except to transfer custody of the alien to another facility or to U.S. Immigration and Customs Enforcement, provided that no alien may be held in custody in excess of the date that he would otherwise be released from custody.*

B. *The Director, sheriff, or other official in charge of the facility in which an alien is incarcerated may, upon receipt of a detainer from U.S. Immigration and Customs Enforcement, transfer custody of the alien to U.S. Immigration and Customs Enforcement no more than five days prior to the date that he would otherwise be released from custody. Upon transfer of custody, notwithstanding any other provision of law, the alien shall receive credit for the number of days remaining before he would otherwise have been released.*

C. *If an alien is released from custody in violation of subsection A, the Commonwealth in the case of the Director, the locality where the correctional facility is located, or the participating localities in the case of a regional correctional facility are liable for any tortious injury or act committed by the alien after his release. This subsection shall constitute a waiver of sovereign immunity.*

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