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SENATE BILL NO. 270

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on March 7, 2016)

(Patron Prior to Substitute—Senator Garrett)

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

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. Any Director, sheriff, or other official in charge of the facility in which an alien is incarcerated who receives any detainer from U.S. Immigration and Customs Enforcement shall not release such alien subject to the detainer except to transfer custody of such alien to another facility or to an appropriate federal authority, provided that no alien may be held in custody in excess of the date that he would otherwise be released from custody. However, if federal or state law requires that such alien be held in custody until transferred to an appropriate federal authority in excess of such date, such alien shall be held in custody in accordance with federal or state law.

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.

**HOUSE
SUBSTITUTE**

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