

2017 SESSION

INTRODUCED

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HOUSE BILL NO. 1468

Offered January 11, 2017

Prefiled December 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.*

Patron—Marshall, R.G.

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. Any Director, sheriff, or other official in charge of the facility in which an alien is incarcerated
who receives a lawful detainer order 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.*

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