

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4
5 Approved

[H 481]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 53.1-220.2 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 53.1-220.2. Transfer of certain incarcerated persons to Immigration and Customs**
9 **Enforcement.**

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

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

ENROLLED

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