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HOUSE BILL NO. 481**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Militia, Police and Public Safety
on January 29, 2016)

(Patron Prior to Substitute—Delegate Marshall, R.G.)

*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.*

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 may be liable for any tortious injury or act committed by the
alien from the time of his release to midnight on the date that he would otherwise have been released
from custody. The amount recoverable by any claimant shall not exceed \$100,000. This subsection shall
constitute a waiver of sovereign immunity.*

HOUSE SUBSTITUTE

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