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**HOUSE BILL NO. 481**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Rehabilitation and Social Services  
on February 26, 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. 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.*

**SENATE SUBSTITUTE**

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