

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [S 270]
5 Approved

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 any detainer from U.S. Immigration and Customs Enforcement shall not release such alien*
12 *subject to the detainer except to transfer custody of such alien to another facility or to an appropriate*
13 *federal authority, provided that no alien may be held in custody in excess of the date that he would*
14 *otherwise be released from custody. However, if federal or state law requires that such alien be held in*
15 *custody until transferred to an appropriate federal authority in excess of such date, such alien shall be*
16 *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.*

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