

2020 SPECIAL SESSION I

SENATE SUBSTITUTE

20201164D

SENATE BILL NO. 5017

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Marsden
on September 10, 2020)

(Patron Prior to Substitute—Senator Boysko)

A BILL to require an inspection request for immigration detention facilities.

Be it enacted by the General Assembly of Virginia:

1. § 1. Within 30 days of the enactment of this act, and upon the occurrence of any disease-related state of emergency, the Chair shall submit a written request to the Director of U.S. Immigration and Customs Enforcement to inspect any immigration detention facility. The request shall specify that the senior regional representative of the Virginia Department of Health for the region in which the immigration detention facility is located will accompany the Chair on his inspection. If allowed, the inspection shall evaluate whether the immigration detention facility is following applicable requirements of federal law and any other criteria the Chair deems appropriate.

§ 2. Within 30 days of the conclusion of any inspection conducted pursuant to § 1, the Chair shall submit a written report of his findings to the General Assembly, the Secretary of Public Safety and Homeland Security, and the Director of U.S. Immigration and Customs Enforcement.

§ 3. For purposes of this act:

"Chair" means the Chair of the State Board of Local and Regional Jails or his designee.

"Disease-related state of emergency" means any communicable disease of public health threat, as defined in § 44-146.16 of the Code of Virginia, for which the Governor declares a state of emergency pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 of the Code of Virginia or any comparable public health emergency for which the President of the United States declares a federal state of emergency.

"Immigration detention facility" means any facility owned, maintained, or operated by any political subdivision or combination of political subdivisions of the Commonwealth that is used for the detention or incarceration of people pursuant to a contract or third-party contract with the federal government or any agency or contractor thereof.

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