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SENATE BILL NO. 1141

Offered January 8, 2025

Prefiled January 7, 2025

A BILL to amend and reenact § 53.1-220.2 of the Code of Virginia, relating to transfer of certain incarcerated persons to U.S. Immigration and Customs Enforcement.

Patrons—Sturtevant and Diggs; Delegate: Green

Referred to Committee for Courts of Justice

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.

The Director, sheriff, or other official in charge of the facility in which an alien is incarcerated ~~may~~ shall, upon receipt of a detainer from U.S. Immigration and Customs Enforcement, (i) *provide U.S. Immigration and Customs Enforcement with prerelease notification of such alien's release and* (ii) *upon request from U.S. Immigration and Customs Enforcement, transfer custody of the alien to U.S. Immigration and Customs Enforcement upon such alien's release. Such release shall occur* 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.