

SENATE BILL NO. 1141

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

on _____)

(Patron Prior to Substitute—Senator Sturtevant)

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.

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, *provide the agency with prerelease notification and shall, upon request,* transfer custody of the alien to U.S. Immigration and Customs Enforcement *upon 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.