

1 SENATE BILL NO. 1141
2
3 AMENDMENT IN THE NATURE OF A SUBSTITUTE
4 (Proposed by the Senate Committee for Courts of Justice
5 on _____)
6 (Patron Prior to Substitute—Senator Sturtevant)

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

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That § 53.1-220.2 of the Code of Virginia is amended and reenacted as follows:**

10 **§ 53.1-220.2. Transfer of certain incarcerated persons to Immigration and Customs Enforcement.**

11 The Director, sheriff, or other official in charge of the facility in which an alien is incarcerated ~~may shall~~,
12 upon receipt of a detainer from U.S. Immigration and Customs Enforcement, *(i) provide U.S. Immigration*
13 *and Customs Enforcement with prerelease notification of such alien's release and (ii) upon request from U.S.*
14 *Immigration and Customs Enforcement, transfer custody of the alien to U.S. Immigration and Customs*
15 *Enforcement upon such alien's release. Such release may occur no more than five days prior to the date that*
16 *he would otherwise be released from custody, and no alien shall be detained beyond his release date*
17 *otherwise required by the terms of his sentence. Nothing in this section shall be construed to authorize the*
18 *Director, sheriff, or other official in charge of the facility to transport or to arrange or cause the transport of*
19 *such alien if U.S. Immigration and Customs Enforcement fails to appear for the transfer of custody. Upon*
20 *transfer of custody, notwithstanding any other provision of law, the alien shall receive credit for the number*
21 *of days remaining before he would otherwise have been released.*