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SENATE BILL NO. 1098
FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Hashmi
on February 3, 2025)

(Patron Prior to Substitute—Senator Hashmi)

A *BILL to amend the Code of Virginia by adding a section numbered 19.2-87.1, relating to prohibition on extradition for protected health care activity.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-87.1 as follows:

§ 19.2-87.1. Extradition of persons charged with certain criminal violations; prohibition.

A. *As used in this section, "protected health care activity" means the provision or receipt, attempted provision or receipt, or assistance or attempted assistance in the provision or receipt of any health care that is lawful in the Commonwealth by a health care provider licensed under the laws of the Commonwealth and physically present in the Commonwealth.*

B. *Notwithstanding the provisions of this article, no demand for extradition of a person charged with a criminal violation of the laws of another state shall be recognized by the Governor if such alleged criminal violation involves a protected health care activity, unless the alleged criminal violation would also constitute a criminal offense under the laws of the Commonwealth. However, the Governor may request that the state demanding extradition attest to the factual and legal basis of such alleged violation of the laws of another state.*

C. *The provisions of this section shall not apply when a person who is subject to a demand for extradition from another state was physically present in the demanding state at the time of the commission of the alleged offense and thereafter fled from such state, except that an affirmation under oath by such person that the person was present in the Commonwealth at the time of the commission of the offense shall create a presumption that the person was not in the demanding state at the time of the commission of such alleged offense. Such presumption may be rebutted by clear and convincing evidence by the demanding state in the circuit or general district court of the jurisdiction where the person subject to such demand for extradition is a resident or is being held pending extradition.*

D. *The Governor may act on a demand for extradition of a person charged with a criminal violation of the laws of another state that involves a protected health care activity only if the demand for extradition is accompanied with an attestation, made under penalty of perjury by a person with direct knowledge of the facts, that includes specific and non-conclusory facts that the person subject to such demand for extradition was physically present in the demanding state at the time of the commission of the alleged offense and thereafter fled from such state. Such an attestation subjects the attester to the jurisdiction of the courts of the Commonwealth for any suit, penalty, or damages arising out of a false attestation under this section. A demand for extradition under this section that fails to comply with the provisions of this subsection shall be facially invalid.*

SENATE SUBSTITUTE

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