

# 2026 SESSION

INTRODUCED

26101839D

1 **HOUSE BILL NO. 976**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 *A BILL to amend and reenact § 37.2-810, as it is currently effective and as it shall become effective, of the*  
5 *Code of Virginia, relating to transportation of person in the temporary detention process.*

6 Patron—Price

7 Committee Referral Pending

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

9 **1. That § 37.2-810, as it is currently effective and as it shall become effective, of the Code of Virginia is  
10 amended and reenacted as follows:**

11 **§ 37.2-810. (Expires July 1, 2026) Transportation of person in the temporary detention process.**

12 A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the  
13 magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in  
14 which the person resides, or any other willing law-enforcement agency that has agreed to provide  
15 transportation, to execute the order and, in cases in which transportation is ordered to be provided by the  
16 primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction  
17 in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the  
18 person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute  
19 the order and provide transportation.

20 B. The magistrate issuing the temporary detention order shall (i) specify the law-enforcement agency to  
21 execute the order and (ii) designate a transportation provider. In determining the transportation provider, the  
22 magistrate shall authorize transportation by an alternative transportation provider in accordance with this  
23 section, whenever an alternative transportation provider is identified to the magistrate, which may be a  
24 person, facility, or agency, including a family member or friend of the person who is the subject of the  
25 temporary detention order, a representative of the community services board, a certified evaluator, an  
26 employee of or person providing services pursuant to a contract with the Department, or other transportation  
27 provider with personnel trained to provide transportation in a safe manner. Upon determining, following  
28 consideration of information provided by the petitioner; the community services board or its designee; the  
29 certified evaluator; the local law-enforcement agency, if any; the person's treating physician, if any; or other  
30 persons who are available and have knowledge of the person, and, when the magistrate deems appropriate,  
31 the proposed alternative transportation provider, either in person or via two-way electronic video and audio or  
32 telephone communication system, that an alternative transportation provider is available to provide  
33 transportation, willing to provide transportation, and able to provide transportation in a safe manner, the  
34 magistrate shall designate such alternative transportation provider to provide transportation of the person. An  
35 alternative transportation provider shall be deemed to be available if the alternative transportation provider  
36 states that it is available to take custody of the individual from law enforcement within six hours of issuance  
37 of the temporary detention order or an order changing the transportation provider pursuant to subsection E.  
38 *An alternative transportation provider shall be deemed to be able to provide transportation in a safe manner  
39 if the alternative transportation provider is an employee of, or the person providing services pursuant to a  
40 contract with, the Department or is an employee of a private or state hospital within the confines of the  
41 Commonwealth. If (a) no alternative transportation provider is available to provide transportation, willing to  
42 provide transportation, and able to provide transportation in a safe manner or (b) the law-enforcement agency  
43 elects to provide transportation, the magistrate shall designate the primary law-enforcement agency and  
44 jurisdiction designated to execute the temporary detention order to provide transportation of the person.*

45 When transportation is ordered to be provided by an alternative transportation provider, the magistrate  
46 shall order the specified law-enforcement agency to execute the order, to take the person into custody, and to  
47 transfer custody of the person to the alternative transportation provider identified in the order. The primary  
48 law-enforcement agency may transfer custody of the person to the alternative transportation provider  
49 immediately upon execution of the temporary detention order based on the availability of alternative  
50 transportation providers. The alternative transportation provider shall maintain custody of the person from the  
51 time custody is transferred to the alternative transportation provider by the primary law-enforcement agency  
52 until such time as custody of the person is transferred to the temporary detention facility, including during  
53 any period prior to the initiation of transportation of the person from the facility to which he was transported  
54 pursuant to § 37.2-808 and while transportation is being provided pursuant to this section.

55 In such cases, a copy of the temporary detention order shall accompany the person being transported  
56 pursuant to this section at all times and shall be delivered by the alternative transportation provider to the

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59 temporary detention facility. The temporary detention facility shall return a copy of the temporary detention  
60 order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-  
61 enforcement officer or alternative transportation provider and return of an order to the court may be  
62 accomplished electronically or by facsimile.

63 The order may include transportation of the person to such other medical facility as may be necessary to  
64 obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting  
65 temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative  
66 transportation provider from obtaining emergency medical treatment or further medical evaluation at any  
67 time for a person in his custody as provided in this section. Such medical evaluation or treatment shall be  
68 conducted immediately in accordance with state and federal law.

69 C. If an alternative transportation provider providing transportation or maintaining custody of a person  
70 who is the subject of a temporary detention order becomes unable to continue providing transportation or  
71 maintaining custody of the person at any time after taking custody of the person, the primary law-  
72 enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time  
73 he becomes unable to continue providing transportation or maintaining custody shall take custody of the  
74 person and shall transport the person to the facility of temporary detention. In such cases, a copy of the  
75 temporary detention order shall accompany the person being transported and shall be delivered to and  
76 returned by the temporary detention facility in accordance with the provisions of subsection B.

77 D. In cases in which an alternative facility of temporary detention is identified and the law-enforcement  
78 agency or alternative transportation provider identified to provide transportation in accordance with  
79 subsection B continues to have custody of the person, the local law-enforcement agency or alternative  
80 transportation provider shall transport the person to the alternative facility of temporary detention identified  
81 by the employee or designee of the community services board or certified evaluator. In cases in which an  
82 alternative facility of temporary detention is identified and custody of the person has been transferred from  
83 the law-enforcement agency or alternative transportation provider that provided transportation in accordance  
84 with subsection B to the initial facility of temporary detention, the employee or designee of the community  
85 services board or certified evaluator shall request, and a magistrate may enter an order specifying, an  
86 alternative transportation provider or, if no alternative transportation provider is available, willing, and able to  
87 provide transportation in a safe manner, the local law-enforcement agency for the jurisdiction in which the  
88 person resides or, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles  
89 from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of  
90 the jurisdiction in which the person is located, to provide transportation.

91 E. The magistrate may change the transportation provider specified in a temporary detention order at any  
92 time prior to the initiation of transportation of a person who is the subject of a temporary detention order  
93 pursuant to this section. If the designated transportation provider is changed by the magistrate at any time  
94 after the temporary detention order has been executed but prior to the initiation of transportation, the  
95 transportation provider having custody of the person shall transfer custody of the person to the transportation  
96 provider subsequently specified to provide transportation. For the purposes of this subsection, "transportation  
97 provider" includes both a law-enforcement agency and an alternative transportation provider.

98 F. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county,  
99 city, or town in which he serves to any point in the Commonwealth for the purpose of executing any  
100 temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to  
101 facilitate the execution of temporary detention orders and provide transportation.

102 G. An employee or contractor of an entity providing alternative transportation services pursuant to a  
103 contract with the Department who has completed training approved by the Department in the proper and safe  
104 use of restraint may use restraint (i) if restraint is necessary to ensure the safety of the person or others or  
105 prevent escape and (ii) if less restrictive techniques have been determined to be ineffective to protect the  
106 person or others from harm or to prevent escape.

107 H. No person who provides alternative transportation pursuant to this section shall be liable to the person  
108 being transported for any civil damages for ordinary negligence in acts or omissions that result from  
109 providing such alternative transportation.

110 I. For purposes of this section:

111 "Certified evaluator" means the same as that term is defined in § 37.2-809.

112 "Law-enforcement agency" includes an auxiliary police force established pursuant to § 15.2-1731.

113 "Law-enforcement officer" includes an auxiliary police officer appointed or provided for pursuant to  
114 §§ 15.2-1731 and 15.2-1733.

115 **§ 37.2-810. (Effective July 1, 2026) Transportation of person in the temporary detention process.**

116 A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the  
117 magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in  
118 which the person resides, or any other willing law-enforcement agency that has agreed to provide  
119 transportation, to execute the order and, in cases in which transportation is ordered to be provided by the

120 primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction  
121 in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the  
122 person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute  
123 the order and provide transportation.

124 B. The magistrate issuing the temporary detention order shall (i) specify the law-enforcement agency to  
125 execute the order and (ii) designate a transportation provider. In determining the transportation provider, the  
126 magistrate shall authorize transportation by an alternative transportation provider in accordance with this  
127 section, whenever an alternative transportation provider is identified to the magistrate, which may be a  
128 person, facility, or agency, including a family member or friend of the person who is the subject of the  
129 temporary detention order, a representative of the community services board, an employee of or person  
130 providing services pursuant to a contract with the Department, or other transportation provider with personnel  
131 trained to provide transportation in a safe manner. Upon determining, following consideration of information  
132 provided by the petitioner; the community services board or its designee; the local law-enforcement agency,  
133 if any; the person's treating physician, if any; or other persons who are available and have knowledge of the  
134 person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either  
135 in person or via two-way electronic video and audio or telephone communication system, that an alternative  
136 transportation provider is available to provide transportation, willing to provide transportation, and able to  
137 provide transportation in a safe manner, the magistrate shall designate such alternative transportation provider  
138 to provide transportation of the person. An alternative transportation provider shall be deemed to be available  
139 if the alternative transportation provider states that it is available to take custody of the individual from law  
140 enforcement within six hours of issuance of the temporary detention order or an order changing the  
141 transportation provider pursuant to subsection E. *An alternative transportation provider shall be deemed to  
142 be able to provide transportation in a safe manner if the alternative transportation provider is an employee  
143 of, or the person providing services pursuant to a contract with, the Department or is an employee of a  
144 private or state hospital within the confines of the Commonwealth.* If (a) no alternative transportation  
145 provider is available to provide transportation, willing to provide transportation, and able to provide  
146 transportation in a safe manner or (b) the law-enforcement agency elects to provide transportation, the  
147 magistrate shall designate the primary law-enforcement agency and jurisdiction designated to execute the  
148 temporary detention order to provide transportation of the person.

149 When transportation is ordered to be provided by an alternative transportation provider, the magistrate  
150 shall order the specified law-enforcement agency to execute the order, to take the person into custody, and to  
151 transfer custody of the person to the alternative transportation provider identified in the order. The primary  
152 law-enforcement agency may transfer custody of the person to the alternative transportation provider  
153 immediately upon execution of the temporary detention order based on the availability of alternative  
154 transportation providers. The alternative transportation provider shall maintain custody of the person from the  
155 time custody is transferred to the alternative transportation provider by the primary law-enforcement agency  
156 until such time as custody of the person is transferred to the temporary detention facility, including during  
157 any period prior to the initiation of transportation of the person from the facility to which he was transported  
158 pursuant to § 37.2-808 and while transportation is being provided pursuant to this section.

159 In such cases, a copy of the temporary detention order shall accompany the person being transported  
160 pursuant to this section at all times and shall be delivered by the alternative transportation provider to the  
161 temporary detention facility. The temporary detention facility shall return a copy of the temporary detention  
162 order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-  
163 enforcement officer or alternative transportation provider and return of an order to the court may be  
164 accomplished electronically or by facsimile.

165 The order may include transportation of the person to such other medical facility as may be necessary to  
166 obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting  
167 temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative  
168 transportation provider from obtaining emergency medical treatment or further medical evaluation at any  
169 time for a person in his custody as provided in this section. Such medical evaluation or treatment shall be  
170 conducted immediately in accordance with state and federal law.

171 C. If an alternative transportation provider providing transportation or maintaining custody of a person  
172 who is the subject of a temporary detention order becomes unable to continue providing transportation or  
173 maintaining custody of the person at any time after taking custody of the person, the primary law-  
174 enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time  
175 he becomes unable to continue providing transportation or maintaining custody shall take custody of the  
176 person and shall transport the person to the facility of temporary detention. In such cases, a copy of the  
177 temporary detention order shall accompany the person being transported and shall be delivered to and  
178 returned by the temporary detention facility in accordance with the provisions of subsection B.

179 D. In cases in which an alternative facility of temporary detention is identified and the law-enforcement  
180 agency or alternative transportation provider identified to provide transportation in accordance with  
181 subsection B continues to have custody of the person, the local law-enforcement agency or alternative

182 transportation provider shall transport the person to the alternative facility of temporary detention identified  
183 by the employee or designee of the community services board. In cases in which an alternative facility of  
184 temporary detention is identified and custody of the person has been transferred from the law-enforcement  
185 agency or alternative transportation provider that provided transportation in accordance with subsection B to  
186 the initial facility of temporary detention, the employee or designee of the community services board shall  
187 request, and a magistrate may enter an order specifying, an alternative transportation provider or, if no  
188 alternative transportation provider is available, willing, and able to provide transportation in a safe manner,  
189 the local law-enforcement agency for the jurisdiction in which the person resides or, if the nearest boundary  
190 of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the  
191 jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person  
192 is located, to provide transportation.

193 E. The magistrate may change the transportation provider specified in a temporary detention order at any  
194 time prior to the initiation of transportation of a person who is the subject of a temporary detention order  
195 pursuant to this section. If the designated transportation provider is changed by the magistrate at any time  
196 after the temporary detention order has been executed but prior to the initiation of transportation, the  
197 transportation provider having custody of the person shall transfer custody of the person to the transportation  
198 provider subsequently specified to provide transportation. For the purposes of this subsection, "transportation  
199 provider" includes both a law-enforcement agency and an alternative transportation provider.

200 F. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county,  
201 city, or town in which he serves to any point in the Commonwealth for the purpose of executing any  
202 temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to  
203 facilitate the execution of temporary detention orders and provide transportation.

204 G. An employee or contractor of an entity providing alternative transportation services pursuant to a  
205 contract with the Department who has completed training approved by the Department in the proper and safe  
206 use of restraint may use restraint (i) if restraint is necessary to ensure the safety of the person or others or  
207 prevent escape and (ii) if less restrictive techniques have been determined to be ineffective to protect the  
208 person or others from harm or to prevent escape.

209 H. No person who provides alternative transportation pursuant to this section shall be liable to the person  
210 being transported for any civil damages for ordinary negligence in acts or omissions that result from  
211 providing such alternative transportation.

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215 §§ 15.2-1731 and 15.2-1733.