

2026 SESSION

LEGISLATION NOT PREPARED BY DLS
INTRODUCED

26106083D

HOUSE BILL NO. 1459

Offered January 23, 2026

A BILL to amend the Code of Virginia by adding sections numbered 53.1-218.1 and 53.1-218.2, relating to the Ice-Free Communities Act; notification to federal immigration authorities of pending release of certain persons from custody.

Patrons—Zehr and Williams

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 53.1-218.1 and 53.1-218.2 as follows:

§ 53.1-218.1. Notification to federal immigration authorities; local and regional correctional facilities.

A. As used in this section:

"Federal immigration authority" means U.S. Immigration and Customs Enforcement or any successor agency.

"Immigration detainer" means a detainer issued by a federal immigration authority pursuant to 8 C.F.R. § 287.7 or any successor regulation.

B. The sheriff or administrator of any local or regional correctional facility shall, upon receiving an immigration detainer for any person in the custody of such facility, provide written notice to the federal immigration authority that issued the detainer of the anticipated date and time of such person's release from custody. Such notice shall be provided as soon as practicable, but not less than 48 hours prior to such release, excluding Saturdays, Sundays, and federal holidays. Where 48 hours' notice is not possible due to circumstances beyond the control of the facility, notice shall be provided as soon as practicable.

C. The notice required by subsection B shall include:

1. The full name of the person and any known aliases;
2. The anticipated date and time of release;
3. The charges for which the person was held or the offense of which the person was convicted; and
4. The last known address of the person, if available.

D. Nothing in this section shall be construed to:

1. Require any local or regional correctional facility to detain any person beyond the time such person would otherwise be released pursuant to state law;
2. Create any right or cause of action on behalf of any person against the Commonwealth, any locality, or any officer or employee thereof; or
3. Limit any existing authority of a sheriff or facility administrator to cooperate with federal immigration authorities.

E. No sheriff, facility administrator, or employee of a local or regional correctional facility acting in good faith compliance with this section shall be held civilly liable for providing the notice required herein.

§ 53.1-218.2. Notification to federal immigration authorities; Department of Corrections.

A. The Director of the Department of Corrections shall, upon receiving an immigration detainer for any person committed to the custody of the Department, provide written notice to the federal immigration authority that issued the detainer of the anticipated date and time of such person's release from custody. Such notice shall be provided not less than 60 days prior to such release, or as soon as practicable where 60 days' notice is not possible.

B. The notice required by subsection A shall include:

1. The full name of the person and any known aliases;
2. The anticipated date and time of release;
3. The offense of which the person was convicted and the sentence imposed; and
4. The last known address of the person, if available, or the address to which the person will be released if known.

C. Nothing in this section shall be construed to:

1. Require the Department to detain any person beyond the time such person would otherwise be released pursuant to state law;
2. Create any right or cause of action on behalf of any person against the Commonwealth or any officer or employee thereof; or
3. Limit any existing authority of the Department to cooperate with federal immigration authorities.

D. No officer or employee of the Department acting in good faith compliance with this section shall be held civilly liable for providing the notice required herein.

INTRODUCED

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1/27/26 17:00

59 **2. That this act shall become effective on July 1, 2026.**