

HOUSE BILL NO. 1441
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Public Safety
on _____)
(Patron Prior to Substitute—Delegate Lopez)

A BILL to amend the Code of Virginia by adding a section numbered 15.2-1726.1, relating to law-enforcement agencies; agreements with federal authority for immigration enforcement; requirements.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-1726.1 as follows:

§ 15.2-1726.1. Immigration enforcement

"Federal immigration enforcement agreement" means an agreement with U.S. Immigration and Customs Enforcement pursuant to 8 U.S.C. 1357(g) authorizing a law-enforcement officer or employee of the Commonwealth or any of its localities to perform a function of a federal immigration officer.

"Law-enforcement agency" means any state or local agency that employs law-enforcement officers and that has as its principal function the enforcement of the laws of the Commonwealth and its localities. "Law-enforcement agency" includes any sheriff's office, any police department, the Department of State Police, or any other local or state agency or department that performs law-enforcement functions or that was created to enforce the laws of the Commonwealth and its localities.

B. Except as provided in § 19.2-81.6, no person acting in his capacity as a law-enforcement officer or an employee of a law-enforcement agency shall assist, cooperate with, or use any law-enforcement resources to facilitate any operation to identify, arrest, or otherwise impose a penalty upon any individual for purposes of federal immigration enforcement. The provisions of this subsection shall not apply if such person is presented with a valid judicial warrant or judicial subpoena, or if otherwise required by federal law.

C. No law-enforcement agency shall maintain, renew, or enter into any federal immigration enforcement agreement unless such agreement includes the following provisions:

1. That U.S. Immigration and Customs Enforcement shall provide to the law-enforcement agency the names and ranks of all federal agents involved in any immigration enforcement activity within the Commonwealth at least seven days prior to engaging in such immigration enforcement activity;

2. That any federal agent operating pursuant to the federal immigration enforcement agreement shall comply with all applicable laws of the Commonwealth while conducting any immigration enforcement activity within the Commonwealth;

33 3. That any federal agent operating pursuant to the federal immigration enforcement agreement shall be
34 clearly identified as an agent of U.S. Immigration and Customs Enforcement. No such clear identification
35 shall include wearing any uniform or displaying the word "police" on any uniform, vehicle, or equipment
36 while conducting any immigration enforcement activity within the Commonwealth;

37 4. That no agent of U.S. Immigration and Customs Enforcement shall conduct any immigration
38 enforcement activity on the property of any school, faith-based organization, or courthouse within the
39 Commonwealth;

40 5. That, by entering into such federal immigration enforcement agreement, U.S. Immigration and Customs
41 Enforcement and its agents consent to the jurisdiction of the courts of the Commonwealth for any civil or
42 criminal proceedings arising from any violation of the provisions of this section or for any violation of the
43 laws of the Commonwealth committed while acting in the performance of their official duties pursuant to
44 such federal immigration enforcement agreement;

45 6. That neither U.S. Immigration and Customs Enforcement nor its agents shall make general requests or
46 demands for information from any agency or entity of the Commonwealth or its localities that are not related
47 to the investigation of a specific person; and

48 7. That neither U.S. Immigration and Customs Enforcement nor any of its agents shall request
49 information from any locality within the Commonwealth regarding the immigration or citizenship status of
50 any person unless such request is made pursuant to a valid judicial warrant or judicial subpoena.

51 D. Any law-enforcement agency that has an existing federal immigration enforcement agreement that is in
52 effect on July 1, 2026, shall obtain in writing no later than September 1, 2026, a modified federal
53 immigration enforcement agreement that complies with the conditions provided in subsection C. Any federal
54 immigration enforcement agreement that is not modified in accordance with the provisions of this subsection
55 shall be deemed void and unenforceable.

56 E. Any federal immigration enforcement agreement entered into or maintained in violation of this section
57 shall be void and unenforceable.

58 F. In addition to any other available right or remedy, the Attorney General, an attorney for the
59 Commonwealth, or a county or city attorney may enforce the provisions of this section and the conditions
60 provided in subsection C by seeking injunctive or declaratory relief. The prevailing party in any such action
61 shall be entitled to recover reasonable attorney fees and costs.

62 G. Nothing in this section shall be construed to prohibit the Director of the Department of Corrections, a
63 sheriff, or a jail superintendent, upon receipt of a detainer from U.S. Immigration and Customs Enforcement,

64 *from transferring custody of an adult convicted of a violent felony under § 19.2-297.1 as authorized by*

65 *§ 53.1-220.2.*