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**HOUSE BILL NO. 1441****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee for Courts of Justice  
on February 25, 2026)

(Patrons Prior to Substitute—Delegates Lopez and Guzman [HB 1438])

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.

HOUSE BILL NO.1441

**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 agreements with federal authority; required provisions.***A. For the purposes of this section:*

*"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 or an intergovernmental service agreement with the U.S. Department of Homeland Security authorizing the civil detention of a person in a local, regional, or state correctional facility if such facility also detains or incarcerates persons for violations of the criminal laws of the Commonwealth.*

*"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. No person acting in his capacity as an employee of a law-enforcement agency shall assist, cooperate with, or use any law-enforcement resources to facilitate any operation that seeks to identify, arrest, or otherwise impose a penalty upon an individual for purposes of federal civil immigration enforcement, unless presented with a 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 complies with the requirements of subsection B and 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;*

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

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

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

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

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

*8. That no federal agent, during the times the polls are open and ballots are being counted, or within one hour of opening and after closing, shall conduct any immigration enforcement activity within 500 yards of any polling place;*

*9. That neither U.S. Immigration and Customs Enforcement nor its agents shall use any surveillance technology to conduct immigration enforcement within the Commonwealth or otherwise monitor residents of*

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60 *the Commonwealth. Such surveillance technology includes: (i) biometric and identification technologies,*  
61 *such as facial recognition systems or fingerprint scanning; (ii) license plate readers; (iii) mobile telephone*  
62 *surveillance, such as cell-site simulators or phone location databases; (iv) digital forensics and hacking*  
63 *tools; and (v) drones or other aerial surveillance. The prohibition under this subdivision shall not apply to*  
64 *the use of surveillance technology to investigate, detain, or arrest any person who (a) is not lawfully present*  
65 *in the United States and (b) has been convicted of any offense set forth in § 17.1-805, 19.2-297.1, or*  
66 *53.1-40.02;*

67 *10. That no federal agent, for the purpose of conducting any immigration enforcement activity, shall enter a*  
68 *home within the Commonwealth without a valid judicial warrant;*

69 *11. That, by entering into such federal immigration enforcement agreement, U.S. Immigration and Customs*  
70 *Enforcement and its agents shall adhere to the provisions of Chapter 7.1 (§ 19.2-83.3 et seq.) of Title 19.2*  
71 *when conducting an arrest or detention related to immigration enforcement; and*

72 *12. That, in addition to the provisions of subdivision 5, by entering into such federal immigration*  
73 *enforcement agreement, U.S. Immigration and Customs Enforcement and its agents agree that any shooting*  
74 *involving any agent while such agent is in the performance of his official duties shall be investigated by the*  
75 *Virginia State Police and shall be subject to prosecution by the attorney for the Commonwealth or the*  
76 *Attorney General in the local jurisdiction where such shooting occurred or as otherwise provided by state*  
77 *law.*

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

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

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