

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act 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.

[H 1441]

Approved

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 a federal agency 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 a federal agency authorizing the civil immigration 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, any local or regional correctional facility, the Department of State Police, the Department of Corrections, the Department of Juvenile Justice, 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, 19.2-83.2, 53.1-218, 53.1-220.1, and 53.1-220.2, no person acting in his capacity as a law-enforcement officer 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 any violation of federal civil immigration law unless presented with a judicial warrant or judicial subpoena. Nothing in this subsection shall be construed to prohibit a law-enforcement officer from investigating, or assisting in the investigation of, a state or federal crime, including operations conducted with, or as part of, a joint state-federal law-enforcement task force.

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;

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;

57 9. That neither U.S. Immigration and Customs Enforcement nor its agents shall use any surveillance  
58 technology to conduct immigration enforcement within the Commonwealth or otherwise monitor residents of  
59 the Commonwealth. Such surveillance technology includes (i) biometric and identification technologies, such  
60 as facial recognition systems or fingerprint scanning; (ii) license plate readers; (iii) mobile telephone  
61 surveillance, such as cell-site simulators or phone location databases; (iv) digital forensics and hacking  
62 tools; and (v) drones or other aerial surveillance. The prohibition under this subdivision shall not apply to  
63 the use of surveillance technology to investigate, detain, or arrest any person who (a) is not lawfully present  
64 in the United States and (b) has been convicted of any offense set forth in § 17.1-805, 19.2-297.1, or  
65 53.1-40.02;

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

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

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

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

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

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

88 G. Nothing in this section shall be construed to prohibit the Director of the Department of Corrections, a  
89 sheriff, or a jail superintendent, upon receipt of a federal immigration detainer from U.S. Immigration and  
90 Customs Enforcement, from transferring custody of an adult as authorized by § 53.1-220.2.