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ASSEMBLY, No. 5207

STATE OF NEW JERSEY

219th LEGISLATURE

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SYNOPSIS

Prohibits State and local entities and private detention facilities from entering into agreement to detain noncitizens.

CURRENT VERSION OF TEXT

As reported by the Assembly Law and Public Safety Committee on June 2, 2021, with amendments.

AN ACT concerning correctional ~~and detention~~¹ facilities and supplementing Title 30 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The Legislature finds and declares that:

- a. It is the responsibility of the State to ensure respect for the human rights and civil rights of all people detained within New Jersey.**
- b. It is the responsibility of the State to protect the health and safety, including the physical and mental health, of individuals detained within New Jersey.**
- c. Detention centers and correctional facilities in New Jersey have a history of poor conditions, including inadequate medical and mental health care, use of isolated confinement, and incidents of violence and retaliation against people in detention.**
- d. In keeping with its obligation to protect and advance the health and just treatment of all people within the State of New Jersey, it is therefore the intent of the Legislature to prevent new, expanded, or renewed agreements to detain people for civil immigration purposes.**¹

1[1.] 2.¹ a. As used in this act:

1["Federal immigration authority" means an agency of the United States government responsible for implementing and enforcing federal immigration law, including but not limited to, the United States Immigration and Customs Enforcement, United States Customs and Border Protection, and United States Citizenship and Immigration Services within the Department of Homeland Security.]¹

"Immigration detention agreement" means any contract, agreement, intergovernmental service agreement, or memorandum of understanding that authorizes the **1**[state] **State**¹, local government agency, or private **1**[correctional] **detention**¹ facility to house or detain individuals for **1**[federal]¹ civil immigration violations **1**[under the authority of the Immigration and Nationality Act (8 U.S.C. s.1101 et seq.)]¹.

"Local government agency" means a county, county sheriff, municipality, or other political subdivision and any agency, officer, employee, or agent thereof.

"Private detention facility" means any privately owned or operated facility that houses or detains individuals for **1**[federal]¹ civil immigration violations **1**[under the authority of the Immigration and Nationality Act (8 U.S.C. s.1101 et seq.)]¹.

b. On or after the effective date of this act:

- (1) the State or **1**_{**a**}¹ local government agency shall not enter into, renew, or extend any immigration detention agreement as defined in subsection a. of this section; or
- (2) a private detention facility operating in this State shall not enter into, renew, or extend any immigration detention agreement as defined in subsection a. of this section.

1c. Nothing in this section shall be construed to prohibit, or in any way restrict, any action where the prohibition or restriction would be contrary to federal law, the United States Constitution, or the New Jersey Constitution.¹

1[2.] 3.1 This act shall take effect immediately.