

[First Reprint]

ASSEMBLY, No. 5207

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 4, 2021

Sponsored by:

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District 37 (Bergen)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

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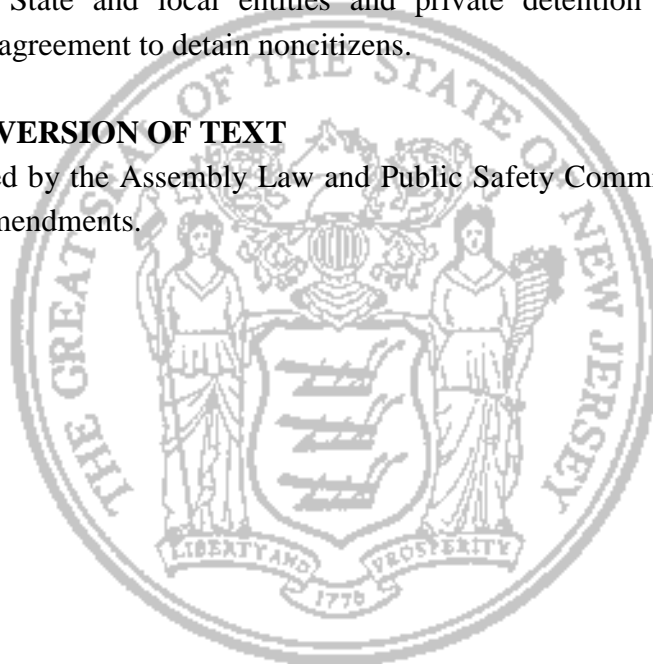
**Assemblyman Mukherji, Assemblywomen Chaparro, Vainieri Huttle,
Assemblyman Chiaravalloti, Assemblywoman Jasey, Assemblyman
McKeon and Assemblywoman Lopez**

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.



(Sponsorship Updated As Of: 6/21/2021)

1 AN ACT concerning correctional ¹and detention¹ facilities and
2 supplementing Title 30 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 ¹1. The Legislature finds and declares that:

8 a. It is the responsibility of the State to ensure respect for the
9 human rights and civil rights of all people detained within New Jersey.

10 b. It is the responsibility of the State to protect the health and
11 safety, including the physical and mental health, of individuals
12 detained within New Jersey.

13 c. Detention centers and correctional facilities in New Jersey have
14 a history of poor conditions, including inadequate medical and mental
15 health care, use of isolated confinement, and incidents of violence and
16 retaliation against people in detention.

17 d. In keeping with its obligation to protect and advance the health
18 and just treatment of all people within the State of New Jersey, it is
19 therefore the intent of the Legislature to prevent new, expanded, or
20 renewed agreements to detain people for civil immigration purposes.¹

21
22 ¹**[1.]** 2.¹ a. As used in this act:

23 ¹**[**“Federal immigration authority” means an agency of the United
24 States government responsible for implementing and enforcing federal
25 immigration law, including but not limited to, the United States
26 Immigration and Customs Enforcement, United States Customs and
27 Border Protection, and United States Citizenship and Immigration
28 Services within the Department of Homeland Security.**]**¹

29 “Immigration detention agreement” means any contract,
30 agreement, intergovernmental service agreement, or memorandum of
31 understanding that authorizes the ¹**[state]** State¹, local government
32 agency, or private ¹**[correctional]** detention¹ facility to house or detain
33 individuals for ¹**[federal]**¹ civil immigration violations ¹**[under the**
34 **authority of the Immigration and Nationality Act (8 U.S.C. s.1101 et**
35 **seq.)]**¹.

36 “Local government agency” means a county, county sheriff,
37 municipality, or other political subdivision and any agency, officer,
38 employee, or agent thereof.

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

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

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted June 2, 2021.

1 (1) the State or ¹a¹ local government agency shall not enter into,
2 renew, or extend any immigration detention agreement as defined in
3 subsection a. of this section; or

4 (2) a private detention facility operating in this State shall not enter
5 into, renew, or extend any immigration detention agreement as defined
6 in subsection a. of this section.

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

11

12 ¹[2.] 3.¹ This act shall take effect immediately.