

[First Reprint]

**ASSEMBLY, No. 5207**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED JANUARY 4, 2021

**Sponsored by:**

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Assemblyman Chiaravalloti, Assemblywoman Jasey, Assemblyman  
McKeon, Assemblywoman Lopez and Senator Gopal**

**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: 6/24/2021)

1 AN ACT concerning correctional <sup>1</sup>and detention<sup>1</sup> 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 <sup>1</sup>1. 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.<sup>1</sup>

21  
 22 <sup>1</sup>[1.] 2.<sup>1</sup> a. As used in this act:

23 <sup>1</sup>["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.]"<sup>1</sup>

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

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 <sup>1</sup>[federal]<sup>1</sup> civil  
 41 immigration violations <sup>1</sup>[under the authority of the Immigration and  
 42 Nationality Act (8 U.S.C. s.1101 et seq.)]"<sup>1</sup>.

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:

<sup>1</sup>Assembly ALP committee amendments adopted June 2, 2021.

1 (1) the State or <sup>1</sup>a<sup>1</sup> 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 <sup>1</sup>c. 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.<sup>1</sup>

11

12 <sup>1</sup>[2.] 3.<sup>1</sup> This act shall take effect immediately.