

SENATE, No. 3361

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 12, 2021

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator NIA H. GILL

District 34 (Essex and Passaic)

Co-Sponsored by:

Senator Gopal

SYNOPSIS

Prohibits State and local entities and private correctional facilities from entering into agreements with federal immigration authorities to detain noncitizens.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/22/2021)

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

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

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7 1. a. As used in this act:

8 “Federal immigration authority” means an agency of the United
9 States government responsible for implementing and enforcing
10 federal immigration law, including but not limited to, the United
11 States Immigration and Customs Enforcement, United States
12 Customs and Border Protection, and United States Citizenship and
13 Immigration Services within the Department of Homeland Security.

14 “Immigration detention agreement” means any contract,
15 agreement, intergovernmental service agreement, or memorandum
16 of understanding that authorizes the state, local government agency,
17 or private correctional facility to house or detain individuals for
18 federal civil immigration violations under the authority of the
19 Immigration and Nationality Act (8 U.S.C. s.1101 et seq.).

20 “Local government agency” means a county, county sheriff,
21 municipality, or other political subdivision and any agency, officer,
22 employee, or agent thereof.

23 “Private detention facility” means any privately owned or
24 operated facility that houses or detains individuals for federal civil
25 immigration violations under the authority of the Immigration and
26 Nationality Act (8 U.S.C. s.1101 et seq.).

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

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

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

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35 2. This act shall take effect immediately.

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STATEMENT

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40 This bill prohibits the State, local government agencies, and
41 private detention facilities operating in this State from entering into,
42 renewing, or extending immigration detention agreements. Under
43 the bill, an immigration detention agreement is any contract,
44 agreement, intergovernmental service agreement, or memorandum
45 of understanding that authorizes the State, a local government
46 agency, or private correctional facility to house or detain
47 individuals for federal civil immigration violations under the

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1 authority of the Immigration and Nationality Act
2 (8 U.S.C. s.1101 et seq.).

3 The bill also defines “federal immigration authority” as an
4 agency of the United States government responsible for
5 implementing and enforcing federal immigration law, including but
6 not limited to the United States Immigration and Customs
7 Enforcement, United States Customs and Border Protection, and
8 United States Citizenship and Immigration Services within the
9 Department of Homeland Security. A “local government agency” is
10 defined as a county, county sheriff, municipality, or other political
11 subdivision in this State and any agency, officer, employee, or
12 agent thereof.