

[First Reprint]

SENATE, No. 3361

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 12, 2021

Sponsored by:

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District 37 (Bergen)

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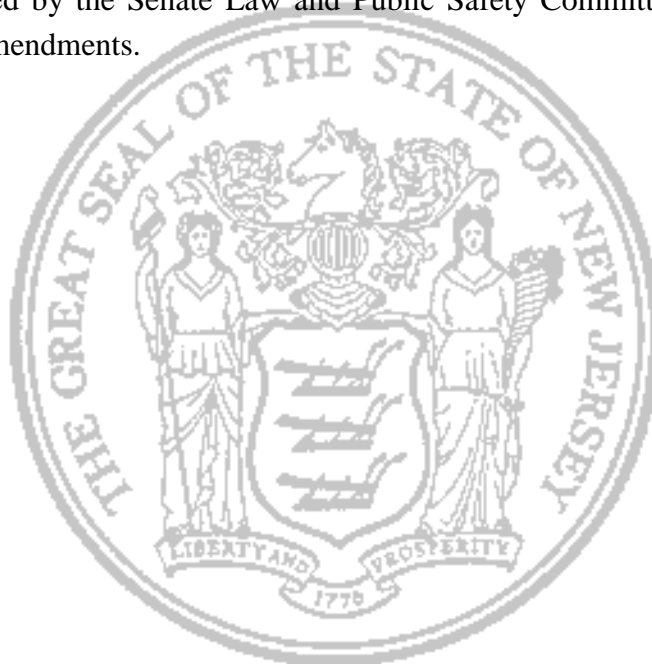
Senator Gopal

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 Senate Law and Public Safety Committee on May 20, 2021, with amendments.



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

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
 10 Jersey.

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

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

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

23
 24 ¹**[1.]** ²2.¹ a. As used in this act:

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

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

39 “Local government agency” means a county, county sheriff,
 40 municipality, or other political subdivision and any agency, officer,
 41 employee, or agent thereof.

42 “Private detention facility” means any privately owned or
 43 operated facility that houses or detains individuals for ¹**[federal]**¹

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:

¹Senate SLP committee amendments adopted May 20, 2021.

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

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

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

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

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

14

15 ¹[2.] 3.¹ This act shall take effect immediately.