ASSEMBLY, No. 5207



STATE OF NEW JERSEY

219th LEGISLATURE



INTRODUCED JANUARY 4, 2021

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblywoman LINDA S. CARTER

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

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

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.



An Act concerning correctional 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. a. As used in this act:

“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.

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

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

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

(1) the State or 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.

2. This act shall take effect immediately.

STATEMENT

This bill prohibits the State, local government agencies, and private detention facilities operating in this State from entering into, renewing, or extending immigration detention agreements. Under the bill, an immigration detention agreement is any contract, agreement, intergovernmental service agreement, or memorandum of understanding that authorizes the State, a local government agency, or private correctional facility to house or detain individuals for federal civil immigration violations under the authority of the Immigration and Nationality Act (8 U.S.C. s.1101 et seq.).

The bill also defines “federal immigration authority” as 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. A “local government agency” is defined as a county, county sheriff, municipality, or other political subdivision in this State and any agency, officer, employee, or agent thereof.