

P.L. 2021, CHAPTER 199, *approved August 20, 2021*  
Assembly, No. 5207 (*First Reprint*)

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:

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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>

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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>.

**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 “Local government agency” means a county, county sheriff,  
2 municipality, or other political subdivision and any agency, officer,  
3 employee, or agent thereof.

4 “Private detention facility” means any privately owned or operated  
5 facility that houses or detains individuals for <sup>1</sup>~~“federal”~~<sup>1</sup> civil  
6 immigration violations <sup>1</sup>~~“under the authority of the Immigration and~~  
7 ~~Nationality Act (8 U.S.C. s.1101 et seq.)”~~<sup>1</sup>.

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

9 (1) the State or <sup>1</sup>~~a~~<sup>1</sup> local government agency shall not enter into,  
10 renew, or extend any immigration detention agreement as defined in  
11 subsection a. of this section; or

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

15 <sup>1</sup>c. Nothing in this section shall be construed to prohibit, or in any  
16 way restrict, any action where the prohibition or restriction would be  
17 contrary to federal law, the United States Constitution, or the New  
18 Jersey Constitution.<sup>1</sup>

19

20 <sup>1</sup>~~2.~~<sup>1</sup> 3.<sup>1</sup> This act shall take effect immediately.

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25 Prohibits State and local entities and private detention facilities  
26 from entering into agreement to detain noncitizens.