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RH/CL

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

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 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.¹

21

22 ¹**[1.]** 2.¹ a. As used in this act:

23 ¹**[**“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.**]**¹

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

¹Assembly 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 ¹~~“federal”~~¹ civil
6 immigration violations ¹~~“under the authority of the Immigration and~~
7 ~~Nationality Act (8 U.S.C. s.1101 et seq.)”~~¹.

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

9 (1) the State or ¹~~a~~¹ 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 ¹~~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.¹

19

20 ¹~~2.~~ ¹~~3.~~ This act shall take effect immediately.

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24

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

CHAPTER 199

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

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

C.30:4-8.15 Findings, declarations.

1. The Legislature finds and declares that:

a. It is the responsibility of the State to ensure respect for the human rights and civil rights of all people detained within New Jersey.

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

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

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

C.30:4-8.16 Definitions.

2. a. As used in this act:

“Immigration detention agreement” means any contract, agreement, intergovernmental service agreement, or memorandum of understanding that authorizes the State, local government agency, or private detention facility to house or detain individuals for civil immigration violations.

“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 civil immigration violations.

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

(1) the State or a 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.

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

3. This act shall take effect immediately.

Approved August 20, 2021.

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 Huttie,
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.



(Sponsorship Updated As Of: 5/20/2021)

1 AN ACT concerning correctional facilities and supplementing Title
2 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 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

A5207 JOHNSON, REYNOLDS-JACKSON

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

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5207

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 2, 2021

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 5207.

As amended and reported by the committee, 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 amended 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 detention facility to house or detain individuals for civil immigration violations.

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

COMMITTEE AMENDMENTS

The committee amended the bill to:

- 1) add findings and declarations;
- 2) provide that nothing in the bill is to be construed to prohibit, or in any way restrict, any action where the prohibition or restriction would be contrary to federal law, the United States Constitution, or the New Jersey Constitution; and
- 3) make other clarifying and technical changes.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 5207

STATE OF NEW JERSEY

DATED: JUNE 22, 2021

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 5207 (1R).

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 amended 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 detention facility to house or detain individuals for civil immigration violations.

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

As reported by the committee, Assembly Bill No. 5207 (1R) is identical to Senate Bill No. 3361 (1R), which also was reported by the committee on this date.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

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.

3

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

6

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.

34

35 2. This act shall take effect immediately.

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38

STATEMENT

39

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

S3361 WEINBERG, GILL

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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.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 3361

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 20, 2021

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 3361.

As amended and reported by the committee, 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 detention facility to house or detain individuals for civil immigration violations.

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

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- 1) add findings and declarations;
- 2) provide that nothing in the bill is to be construed to prohibit, or in any way restrict, any action where the prohibition or restriction would be contrary to federal law, the United States Constitution, or the New Jersey Constitution; and
- 3) make other clarifying and technical changes.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 3361

STATE OF NEW JERSEY

DATED: JUNE 22, 2021

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3361 (1R).

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 detention facility to house or detain individuals for civil immigration violations.

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

As reported by the committee, Senate Bill No. 3361 (1R) is identical to Assembly Bill No. 5207 (1R), which also was reported by the committee on this date.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

Governor Murphy Takes Action on Legislation

08/20/2021

TRENTON – Today, Governor Murphy signed the following bills into law:

A-698/S-3964 (Sumter, Mukherji, Quijano/Cunningham, Turner) - Requires incarcerated individual from State to be counted at residential address for municipal, county, and congressional redistricting purposes and for apportionment of regional school district board of education members.

A-5207/S-3361 (Johnson, Reynolds-Jackson, Carter/Weinberg, Gill) – Prohibits State and local entities and private detention facilities from entering into agreement to detain noncitizens