

STATE OF NEW YORK

7099

2021-2022 Regular Sessions

IN ASSEMBLY

April 22, 2021

Introduced by M. of A. REYES -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to enacting the "Dignity Not Detention Act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "Dignity
2 Not Detention Act".

3 § 2. Section 2 of the correction law is amended by adding two new
4 subdivisions 33 and 34 to read as follows:

5 33. "Immigration detention facility" means any building, facility or
6 structure used, in whole or in part, to house or detain individuals for
7 civil immigration violations.

8 34. "Immigration detention agreement" means any contract, agreement,
9 intergovernmental service agreement or memorandum of understanding that
10 authorizes a state or local government to house or detain individuals
11 for civil immigration violations.

12 § 3. The correction law is amended by adding a new article 29 to read
13 as follows:

ARTICLE 29

IMMIGRATION DETENTION AGREEMENTS

16 Section 900. Immigration detention agreement.

17 § 900. Immigration detention agreement. 1. The state, county, munici-
18 pality, a unit of local government, a county sheriff, or an agency,
19 officer, employee, or agent of the state, county, municipality, or a
20 unit of local government shall not:

21 (a) Enter into or renew an immigration detention agreement.

22 (b) Receive any payment related to the detention of individuals in an
23 immigration detention facility.

24 (c) Give any financial incentive or benefit to any private entity or
25 person in connection with the sale, purchase, construction, development,

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 ownership, management, corporation or operation of an immigration
2 detention facility.

3 2. The state, county, municipality, a unit of local government, a
4 county sheriff, or an agency, officer, employee, or agent of the state,
5 county, municipality or a unit of local government with an existing
6 immigration detention agreement shall exercise the termination provision
7 contained in the immigration detention agreement no later than ninety
8 days from the date on which this article takes effect.

9 3. Notwithstanding any other provision of law to the contrary
10 contained in any general, special, or local laws, in any dispute over an
11 immigration detention agreement with the state, the provisions of this
12 section shall govern.

13 § 4. Severability clause. If any clause, sentence, paragraph, subdivi-
14 sion, section or part of this act shall be adjudged by any court of
15 competent jurisdiction to be invalid, such judgment shall not affect,
16 impair, or invalidate the remainder thereof, but shall be confined in
17 its operation to the clause, sentence, paragraph, subdivision, section
18 or part thereof directly involved in the controversy in which such judg-
19 ment shall have been rendered. It is hereby declared to be the intent of
20 the legislature that this act would have been enacted even if such
21 invalid provisions had not been included herein.

22 § 5. This act shall take effect immediately.