STATE OF NEW YORK

7099--A

2021-2022 Regular Sessions

IN ASSEMBLY

April 22, 2021

Introduced by M. of A. REYES, MITAYNES -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

§ 2. Section 2 of the correction law is amended by adding two new subdivisions 35 and 36 to read as follows:

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

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

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

ARTICLE 29

IMMIGRATION DETENTION AGREEMENTS

Section 900. Immigration detention agreement.

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

(a) Enter into or renew an immigration detention agreement; or

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

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

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2. The state, county, municipality, a unit of local government, a county sheriff, or an agency, officer, employee, or agent of the state, county, municipality, or a unit of local government shall not:

(a) enter into an agreement of any kind for the detention of individuals in an immigration detention facility owned, managed or operated, in whole or in part, by a private entity;

(b) pay, reimburse, subsidize, or defray in any way any costs related to the sale, purchase, construction, development, ownership, management, or operation of an immigration detention facility that is or will be owned, managed, or operated, in whole or in part, by a private entity;

(c) receive any payment related to the detention of individuals in an immigration detention facility owned, managed or operated, in whole or in part, by a private entity;

(d) otherwise give any financial incentive or benefit to any private entity or person in connection with the sale, purchase, construction, development, ownership, management, or operation of an immigration detention facility that is or will be owned, managed or operated, in whole or in part, by a private entity; or

(e) approve a zoning variance or issue a permit for the construction of a building or the reuse of existing buildings or structures by any private entity for use as an immigration detention facility.

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

4. No person, business or private entity shall own or operate an immigration detention facility within the state.

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

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

§ 5. This act shall take effect immediately.