STATE OF NEW YORK

1099

2021-2022 Regular Sessions

IN SENATE

January 6, 2021

Introduced by Sen. LIU -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to oversight of immigration detention facilities

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

Section 1. The general municipal law is amended by adding a new section 99-x to read as follows:

§ 99-x. Immigration detention facilities within municipalities. 1. (a) No municipality shall permit municipal funds or resources to be utilized for the construction of any new detention facilities or the expansion of existing detention facilities to house immigrant, migrant, refugee or asylum-seeking populations within its borders, unless such construction or expansion has been approved by the legislature as provided in paragraph (b) of this subdivision.

(b) A municipality shall obtain legislative approval prior to engaging in any of the following:

(i) seeking funds for the construction or support of immigration detention facilities, including, but not limited to, applying for a grant, or soliciting or accepting state or federal funds or in-kind or other donations;

(ii) engaging in any plans to share resources and coordinate detention activities with the United States bureau of immigration and customs enforcement or other immigration officials such as using available beds in local city jails for detention use; or

(iii) constructing any new detention facilities within such municipality's jurisdiction.

(c) For purposes of this section the term "municipality" means any county, city, town, or village.

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

LBD03639-01-1

2. (a) No municipality shall utilize municipal land or buildings or other resources toward the construction of any new federal or private detention facilities within its jurisdiction.

(b) Any municipality that does not have a contract with the federal government or any federal agency or a private corporation to house or detain noncitizens for purposes of civil immigration custody, shall not enter into a contract with the federal government or any federal agency or a private corporation to house or detain in a locked detention facility noncitizens.

(c) Any municipality that has an existing contract with the federal government or any federal agency or a private corporation to detain noncitizens for purposes of civil immigration custody, shall not, on and after the effective date of this section, renew or modify such contract to expand the maximum number of contract beds to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody.

(d) A municipality shall not approve or sign a deed, instrument, or other document related to a use or transfer of land or property, or issue a permit for the building or reuse of existing buildings by any private corporation, contractor, or vendor to house or detain noncitizens for purposes of civil immigration proceedings unless such municipality has obtained legislative approval.

3. (a) A committee on immigration detention oversight is hereby established for the purposes of ensuring increased oversight of existing federal and private detention centers through regular annual reviews of existing detention facilities. Such committee shall consist of six members, one member each appointed by the governor, the attorney general, the comptroller, the secretary of state, the temporary president of the senate, and the speaker of the assembly.

(b) Such committee shall:

(i) delegate authority, and where necessary, identify appropriate agencies to determine a recurring series of regular annual reviews of existing detention facilities;

(ii) allocate funding, subject to appropriation, to ensure timely and regular review of detention facilities; and

(iii) ensure and safeguard the treatment of individuals detained within immigration detention facilities in a manner that meets or exceeds the federal national standards and other applicable legal requirements.

(c) Such committee shall issue an annual report to the governor, the attorney general, the comptroller, the secretary of state, the temporary president of the senate, and the speaker of the assembly with its findings and a list of any and all determinations where an immigration detention facility does not meet or exceed the federal national standards and other applicable legal requirements.

§ 2. This act shall take effect immediately.