

STATE OF NEW YORK

4354

2023-2024 Regular Sessions

IN ASSEMBLY

February 14, 2023

Introduced by M. of A. REYES, MITAYNES, MAMDANI, OTIS, SIMON, WEPRIN, EPSTEIN, GALLAGHER, GONZALEZ-ROJAS, GLICK, CRUZ, BURGOS, KELLES, SEPTIMO, TAYLOR, RIVERA, L. ROSENTHAL, AUBRY, CARROLL -- Multi-Sponsored by -- M. of A. COOK -- 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 35 and 36 to read as follows:

5 35. "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 36. "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; or

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

LBD00635-01-3

1 (b) Receive any payment related to the detention of individuals in an
2 immigration 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 shall not:

6 (a) enter into an agreement of any kind for the detention of individ-
7 uals in an immigration detention facility owned, managed or operated, in
8 whole or in part, by a private entity;

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

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

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

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

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

30 4. No person, business or private entity shall own or operate an immi-
31 gration detention facility within the state.

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

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

45 § 5. This act shall take effect immediately.