

# 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.