

RESOLUTION NO. ____ May 20th, 2025

**Common Council of the City of Hudson
Resolution in Support of the Dignity Not Detention Act**

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S316 / A4181, prohibiting governmental entities from entering into agreements to house individuals in immigration detention facilities.

Whereas, The U.S. Immigration and Customs Enforcement agency (ICE) was created in 2003 under the Department of Homeland Security in response to the September 11 terrorist attacks; and

Whereas, Instead of directing its resources towards preventing terrorism, ICE has allocated most of its \$8 billion budget to focus primarily on the detention and removal of undocumented immigrants living in the U.S.; and

Whereas; Section 287(g) of the U.S. Immigration and Nationality Act authorizes the deputizing of local officers to perform the functions of immigration officers, under the direct supervision of ICE; and

Whereas, The Transactional Records Access Clearinghouse reports that since 2003, ICE has issued more than 2.5 million detainer requests to local law enforcement; and

Whereas, on February 20, 2017 the Hudson Police Department Police Commissioner and the Mayor of Hudson signed an Order on the Use of Facilities and Resources prohibiting the use of resources, facilities and property of the Hudson Police Department in collusion with ICE; and

Whereas, on March 21, 2017 the Common Council of the City of Hudson passed a resolution with a ten to one vote declaring Hudson a Welcoming and Inclusive City; and

Whereas, on May 18, 2017 the Hudson Police Department Police Commissioner and the Mayor of Hudson signed a Welcoming and Inclusive City Executive Order; and

Whereas in 2019 the Hudson Police Department implemented a general order on immigration enforcement that prohibits collusion with ICE, CBP and federal agencies absent the presence of a judicial warrant;

Whereas, on February 19, 2021 the Columbia County Sheriff's Department implemented Policy 0101 on Immigration Enforcement similarly limiting collision between the department and federal agencies for the purpose of immigration enforcement; and

Whereas, The Second Department Appellate Division held in a 2018 lawsuit that police and peace officers have no authority under New York state law to make immigration arrests, including by holding people at the request of ICE who would otherwise be released; and

Whereas, In 2020, the New York Attorney General's office issued a letter stating that this restriction on police and peace officers applies even where a 287(g) agreement is in place; and

Whereas, the New York Civil Liberties Union and Columbia County Sanctuary Movement reports that local law enforcement across New York State and in Columbia County continue to work with immigration authorities and unlawfully hold and transfer individuals for ICE; and

Whereas, Entanglement between federal immigration enforcement and local and state entities erodes trust between immigrant communities and local authorities; and

Whereas, Differing local laws and policies about engaging in immigration enforcement has led to confusion and has kept immigrant New Yorkers in fear; and

Whereas, Research from the Center for American Progress published in 2017 showed that counties that restrict local interactions with ICE had lower crime rates while experiencing higher median household incomes, lower unemployment and lower poverty rates; and

Whereas, A 2020 comparative study from the Stanford University Department of Political Science found that countries that disentangled local authorities from federal immigration enforcement experienced decreased deportations without increases in crime; and

Whereas, The Dignity Not Detention Act, S316 introduced by Senator Julia Salazar and pending in the New York State Senate, and companion bill A4181, introduced by Assembly Member Karines Reyes and pending in the New York State Assembly, would prohibit county jails, correctional facilities and all government entities in New York from entering into detention agreements with ICE, as well as ending any existing contracts and prohibiting any future such agreements; now, therefore, be it

Resolved, that the Common Council of the City of Hudson calls on the New York State Legislature to pass, and the Governor to sign, S316 / A4181, prohibiting governmental entities from entering into agreements to house individuals in immigration detention facilities, and requiring governmental entities to terminate existing contracts for the detention of individuals in immigration detention facilities; and be it further

Resolved, that the Common Council of the City of Hudson will send certified copies of this resolution to Assemblywoman Didi Barrett, Assembly Correction Committee Chair Erik Dilan, Speaker of the Assembly Carl Heastie, Senator Michele Hinchey, Senate Crime Victims, Crime and Correction Committee Chair Julia Salazar, Senate Majority leader Andrew Stewart-Cousins, Lieutenant Governor Antonio Delgado and Governor Kathy Hochul.

Introduced: _____

Seconded: _____

Approved: _____
Kamal Johnson, Mayor



HUDSON POLICE DEPARTMENT

427 Warren Street
Hudson, N.Y. 12534

Martha Harvey
Police Commissioner

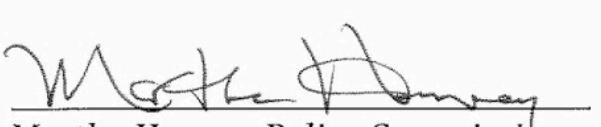
Telephone: 518-828-3388 X 301

February 20, 2017

ORDER ON THE USE OF CITY RESOURCES AND FACILITIES

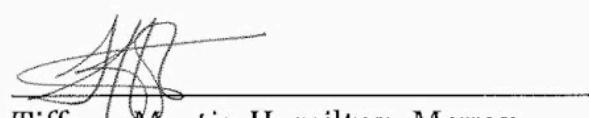
WHEREAS, pursuant to Section C19-9 of the Charter of the City of Hudson, the Police Commissioner "shall possess and exercise fully and exclusively all powers and perform all duties pertaining to the government, maintenance and direction of said Department and the apparatus and property thereof and buildings furnished therefor,"

IT IS HEREBY ORDERED AND DIRECTED, that, effective immediately, no resources, facilities, or property of the City of Hudson that are ordinarily or generally in the use or control of the City of Hudson Police Department, including specifically rooms, desks, communications devices or facilities, vehicles, apparatus, or other resources, facilities, or property of the City of Hudson Police Department, shall be made available for use by agents, officers, or employees of United States Immigration and Customs Enforcement ("ICE") except as may be required by law. In no case shall any such resources, facilities, or property of the City of Hudson be made available on a voluntary basis by the City of Hudson or by any employee, officer, or agent of the City of Hudson, for use by ICE or its agents, officers, or employees. In the event any resources, facilities, or property of the City of Hudson are used by or provided for the use of ICE or any of its agents, officers, or employees, written notification of such use shall be provided by the person authorizing, permitting, or allowing such use or provision to the Office of the Mayor, the Police Commissioner, and the Common Council, which notification shall also identify the provision of law under which such resource, facility, or property was required to have been so used or provided.



Martha Harvey, Police Commissioner

2/20/2017
Date



Tiffany Martin Hamilton, Mayor

2/20/2017
Date

RESOLUTION NO. 5
March 21, 2017

**RESOLUTION AFFIRMING THE CITY OF HUDSON AS A
WELCOMING AND INCLUSIVE CITY**

WHEREAS, the City of Hudson, New York is a city that values diversity; and

WHEREAS, the City of Hudson values the social, cultural and economic contributions that have been made by immigrants for the benefit of the City; and

WHEREAS, the City of Hudson is committed to upholding and protecting the civil and human rights of all individuals within the City and has long prohibited discrimination based upon race, ethnicity, immigration status, national origin, religion, gender identity, sexual orientation, or other protected characteristics in the provision of its services and the enforcement of its laws; and

WHEREAS, the enforcement of federal immigration laws is the prerogative of federal enforcement agencies, not local law enforcement agencies; and

WHEREAS, it is particularly essential to the mission of the City's emergency services departments that victims report crimes or injuries, cooperate fully in investigations, and summon help when needed; and

WHEREAS, the Hudson Police Department currently has a practice that it does not inquire into a person's immigration status upon initial contact; and

WHEREAS, the Hudson Police Department has long determined that it will give full priority to public safety and justice concerns in preference to rigid enforcement of immigration regulations; and

WHEREAS, the City of Hudson has no formal existing agreements to enforce federal immigration policy; and

WHEREAS, no City department inquires into the immigration status of individuals before making government services available to that individual; and

WHEREAS, the Mayor of Hudson has reaffirmed the City's commitment to be welcoming and inclusive to all, supports formally memorializing the City's commitment to be welcoming and inclusive to all, and supports formalizing the City's long standing practices into City policy; and

WHEREAS, federal law does not require local law enforcement or other local service providers to inquire into an individual's immigration status or to respond to federal immigration and Customs Enforcement (ICE) detainer requests;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF HUDSON, that the City of Hudson hereby reaffirms its commitment to continue its longstanding and legal practice of not inquiring into the immigration status of individuals being provided local government services, except where the receipt of such services or benefits are contingent upon one's immigration or citizenship status or where inquiries are otherwise lawfully required by federal, state, or local laws; and

BE IT FURTHER RESOLVED, that the City of Hudson Police Department shall not stop, question, interrogate, investigate, arrest or detain an individual based solely on actual or suspected immigration or citizenship status; or a "civil immigration warrant," administrative warrant, or an immigration detainee in the individual's name; and

BE IT FURTHER RESOLVED, that the City of Hudson Police Department shall not inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police seeking assistance, unless necessary to investigate criminal activity by that individual; and

BE IT FURTHER RESOLVED, that the City of Hudson Police Department shall not perform the functions of a federal immigration officer or otherwise engage in the enforcement of federal immigration law, whether pursuant to Section 1357(g) of Title 8 of the United States Code or under any other law, regulation or policy; and

BE IT FURTHER RESOLVED, that the City of Hudson Police Department shall not engage, assist or support immigration enforcement except as follows:

- i. In response to an articulated, direct threat to life or public safety; or
- ii. When such services are required to safely execute a criminal warrant or court order issued by a state or federal court; or
- iii. Where it has been demonstrated that a state or federal statute or regulation require local law enforcement cooperation;

Introduced: Mo
Seconded: TG

Approved:


Tiffany Hamilton, Mayor



HUDSON POLICE DEPARTMENT

701 Union Street
Hudson, N.Y. 12534

Martha Harvey
Police Commissioner

(518) 828-3388 Ext. 301
policecommissioner@cityofhudson.org

May 18, 2017

WELCOMING AND INCLUSIVE CITY POLICE COMMISSIONER'S ORDER

WHEREAS, the City of Hudson, New York is a city that values diversity; and

WHEREAS, the City of Hudson values the social, cultural and economic contributions that have been made by immigrants for the benefit of the City; and

WHEREAS, the City of Hudson is committed to upholding and protecting the civil and human rights of all individuals within the City and has long prohibited discrimination based upon race, ethnicity, immigration status, national origin, religion, gender identity, sexual orientation, or other protected characteristics in the provision of its services and the enforcement of its laws; and

WHEREAS, the enforcement of federal immigration laws is the prerogative of federal enforcement agencies, not local law enforcement agencies; and

WHEREAS, it is particularly essential to the mission of the City's emergency services departments that victims report crimes or injuries, cooperate fully in investigations, and summon help when needed; and

WHEREAS, the Hudson Police Department currently has a practice that it does not inquire into a person's immigration status upon initial contact; and

WHEREAS, the Hudson Police Department has long determined that it will give full priority to public safety and justice concerns in preference to rigid enforcement of immigration regulations; and

WHEREAS, the City of Hudson has no formal existing agreements to enforce federal immigration policy; and

WHEREAS, the Mayor of Hudson has reaffirmed the City's commitment to be welcoming and inclusive to all, supports formally memorializing the City's commitment to be welcoming and inclusive to all, and supports formalizing the City's long standing practices into City policy; and

WHEREAS, federal law does not require local law enforcement or other local service providers to inquire into an individual's immigration status or to

respond to federal immigration and Customs Enforcement (ICE) detainer requests; and

WHEREAS, State of New York Attorney General issued Guidance Concerning Local Authority Participation In Immigration Enforcement and Model Sanctuary Provisions; and

WHEREAS, the Hudson Common Council passed a resolution that the City of Hudson police shall not detain someone on the basis of suspected citizenship status or civil immigration warrant; and

WHEREAS, pursuant to Section C19-9 of the Charter of the City of Hudson, the Police Commissioner "shall possess and exercise fully and exclusively all powers and perform all duties pertaining to the government, maintenance and direction of said Department and the apparatus and property thereof and buildings furnished therefor,"

Therefore,

1. Hudson Police Department should not engage in certain activities solely for the purpose of enforcing federal immigration laws.

The Hudson Police Department shall not stop, question, interrogate, investigate, or arrest an individual based solely on any of the following:

- (i) Actual or suspected immigration or citizenship status; or
- (ii) A "civil immigration warrant," administrative warrant, or an immigration detainer in the individual's name, including those identified in the National Crime Information Center (NCIC) database.

The Hudson Police Department shall not inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police seeking assistance, unless necessary to investigate criminal activity by that individual.

The Hudson Police Department shall not perform the functions of a federal immigration officer or otherwise engage in the enforcement of federal immigration law--whether pursuant to Section 1357(g) of Title 8 of the United States Code or under any other law, regulation, or policy.

2. Absent a judicial warrant, Hudson Police Department should honor ICE or CBP detainer requests only in limited, specified circumstances.

The Hudson Police Department may respond affirmatively to a "civil immigration detainer" from ICE or CBP to detain or transfer an individual for immigration enforcement or investigation purposes for up to 48 hours ONLY IF the request is accompanied by a judicial warrant,

- (i) EXCEPT THAT local police may detain a person for up to 48 hours on a "civil immigration detainer" in the absence of a judicial warrant IF
 - (1) there is probable cause to believe that the individual has illegally re-entered the country after a previous removal or return as defined by 8 U.S.C. § 1326 **and**

(2) the individual has been convicted at any time of

- (i) a specifically enumerated set of serious crimes under the New York Penal Law (e.g., Class A felony, attempt of a Class A felony, Class B violent felony, etc.) or
- (ii) a federal crime or crime under the law of another state that would constitute a predicate felony conviction, as defined under the New York Penal Law, for any of the preceding felonies; or there is probable cause to believe that the individual has or is engaged in terrorist activity.

3. Absent a judicial warrant, The Hudson Police Department should not honor ICE or CBP requests for certain non-public, sensitive information about an individual.

The Hudson Police Department may respond affirmatively to an ICE or CBP request for non-public information about an individual—including but not limited to non-public information about an individual’s release, home address, or work address—ONLY IF the request is accompanied by a judicial warrant,

- (i) EXCEPT THAT nothing in this law prohibits any local agency from:
 - sending to or receiving from any local, state, or federal agency—as per 8 U.S.C. § 1373—
 - (i) information regarding an individual’s country of citizenship or
 - (ii) a statement of the individual’s immigration status; or
 - disclosing information about an individual’s criminal arrests or convictions, where disclosure of such information about the individual is otherwise permitted by state law or required pursuant to subpoena or court order; or
 - disclosing information about an individual’s juvenile arrests or delinquency or youthful offender adjudications, where disclosure of such information about the individual is otherwise permitted by state law or required pursuant to subpoena or court order.

The Hudson Police Department shall limit the information collected from individuals concerning immigration or citizenship status to that necessary to perform agency duties and shall prohibit the use or disclosure of such information in any manner that violates federal, state, or local law.

4. Hudson Police Department should not provide ICE or CBP with access to individuals in their custody for questioning solely for immigration enforcement purposes.

The Hudson Police Department shall not provide ICE or CBP with access to an individual in their custody or the use of agency facilities to question or interview such individual if ICE or CBP’s sole purpose is enforcement of federal immigration law.

5. Hudson Police Department should protect the due process rights of persons as to whom federal immigration enforcement requests have been made, including providing those persons with appropriate notice.

The Hudson Police Department shall not delay bail and/or release from custody upon posting of bail solely because of

- (i) an individual's immigration or citizenship status,
- (ii) a civil immigration warrant, or
- (iii) an ICE or CBP request—for the purposes of immigration enforcement—for notification about, transfer of, detention of, or interview or interrogation of that individual.

Upon receipt of an ICE or CBP detainer, transfer, notification, interview or interrogation request, The Hudson Police Department shall provide a copy of that request to the individual named therein and inform the individual whether The Hudson Police Department will comply with the request before communicating its response to the requesting agency.

Individuals in the custody of The Hudson Police Department shall be subject to the same booking, processing, release, and transfer procedures, policies, and practices of that agency, regardless of actual or suspected citizenship or immigration status.

6. Hudson Police Department resources should not be used to create a federal registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.

Hudson Police Department may not use agency or department monies, facilities, property, equipment, or personnel to investigate, enforce, or assist in the investigation or enforcement of any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, religion, ethnicity, or national origin.

7. Hudson Police Department should limit collection of immigration-related information and ensure nondiscriminatory access to benefits and services.

Hudson Police Department personnel shall not inquire about or request proof of immigration status or citizenship when providing services or benefits, except where the receipt of such services or benefits are contingent upon one's immigration or citizenship status or where inquiries are otherwise lawfully required by federal, state, or local laws.

Hudson Police Department shall have a formal Language Assistance Policy for individuals with Limited English Proficiency and provide interpretation or translation services consistent with that policy.

8. Hudson Police Department should collect and report aggregate data containing no personal identifiers regarding their receipt of, and response to, ICE and CBP requests, for the sole purpose of monitoring the Hudson Police Department compliance with all applicable laws.

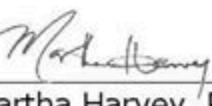
The Hudson Police Department shall record, solely to create the reports described in subsection (b) below, the following for each immigration detainer, notification, transfer, interview, or interrogation request received from ICE or CBP:

- The subject individual's race, gender, and place of birth;

- Date and time that the subject individual was taken into Hudson Police Department custody, the location where the individual was held, and the arrest charges;
- Date and time of Hudson Police Department's receipt of the request;
- The requesting agency;
- Immigration or criminal history indicated on the request form, if any;
- Whether the request was accompanied any documentation regarding immigration status or proceedings, e.g., a judicial warrant;
- Whether a copy of the request was provided to the individual and, if yes, the date and time of notification;
- Whether the individual consented to the request;
- Whether the individual requested to confer with counsel regarding the request;
- The Hudson Police Department's response to the request, including a decision not to fulfill the request;
- If applicable, the date and time that ICE or CBP took custody of, or was otherwise given access to, the individual; and
- The date and time of the individual's release from the Hudson Police Department's custody.

The Hudson Police Department shall provide semi-annual reports to the Hudson Police Commissioner, Mayor and Common Council Police Committee regarding the information collected in subsection (a) above in an aggregated form that is stripped of all personal identifiers in order that The Hudson Police Department and the community may monitor The Hudson Police Department compliance with all applicable law.

APPENDIX A DEFINITION OF KEY TERMS "Civil immigration detainer" (also called a "civil immigration warrant") means a detainer issued pursuant to 8 C.F.R. § 287.7 or any similar request from ICE or CPB for detention of a person suspected of violating civil immigration law. See DHS Form I-247D ("Immigration Detainer—Request for Voluntary Action") (5/15), available at <https://www.ice.gov/sites/default/files/documents/Document/2016/I-247D.PDF> . "Judicial warrant" means a warrant based on probable cause and issued by an Article III federal judge or a federal magistrate judge that authorizes federal immigration authorities to take into custody the person who is the subject of the warrant. A judicial warrant does not include a civil immigration warrant, administrative warrant, or other document signed only by ICE or CBP officials. "Probable cause" means more than mere suspicion or that something is at least more probable than not. "Probable cause" and "reasonable cause," as that latter term is used in the New York State criminal procedure code, are equivalent standards.



Martha Harvey, Police Commissioner May 18, 2017 Date



Tiffany Martin Hamilton, Mayor May 18, 2017 Date

STATE OF NEW YORK

316

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. SALAZAR, BAILEY, BRISPORT, BROUK, CLEARE, FERNANDEZ, GIANARIS, GONZALEZ, GOUNARDES, HARCKHAM, HOYLMAN-SIGAL, JACKSON, KAVANAGH, KRUEGER, MAY, MAYER, MYRIE, RAMOS, RIVERA, SEPULVEDA, SERRANO, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and 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, 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:

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.

LBD00485-01-5

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.

STATE OF NEW YORK

4181

2025-2026 Regular Sessions

IN ASSEMBLY

January 31, 2025

Introduced by M. of A. REYES, MITAYNES, MAMDANI, OTIS, SIMON, WEPRIN, EPSTEIN, GALLAGHER, GONZALEZ-ROJAS, GLICK, CRUZ, KELLES, SEPTIMO, TAYLOR, RIVERA, ROSENTHAL, R. CARROLL, CLARK, FORREST, SHRESTHA, LEVENBERG, RAGA, BURDICK, HEVESI, CUNNINGHAM, MEEKS, BORES, JACKSON, ALVAREZ, FALL, ZACCARO, TAPIA, ANDERSON, SIMONE, KIM, DE LOS SANTOS, SEAWRIGHT, CHANDLER-WATERMAN -- 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
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12 § 3. The correction law is amended by adding a new article 29 to read
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ARTICLE 29

IMMIGRATION DETENTION AGREEMENTS

16 Section 900. Immigration detention agreement.

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

LBD00485-01-5

1 (a) Enter into or renew an immigration detention agreement; or
2 (b) Receive any payment related to the detention of individuals in an
3 immigration detention facility.

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

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

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

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

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

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

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

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

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

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

46 § 5. This act shall take effect immediately.