

**SENATE, No. 3672**

**STATE OF NEW JERSEY**

**221st LEGISLATURE**

INTRODUCED SEPTEMBER 30, 2024

**Sponsored by:**

**Senator GORDON M. JOHNSON**

**District 37 (Bergen)**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**SYNOPSIS**

Establishes protections for immigrants interacting with government agencies; designates “New Jersey Immigrant Trust Act.”

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/24/2024)**

1 AN ACT concerning reforms to build confidence among residents  
2 when interacting with public agencies, designating the New  
3 Jersey Immigrant Trust Act, and supplementing Title 52 of the  
4 Revised Statutes.

5  
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*

8  
9 1. The Legislature finds and declares that:

10 a. This act seeks to protect the safety and constitutional rights  
11 of all people in the State of New Jersey and to protect the State's  
12 limited resources.

13 b. New Jersey is a State of immigrants and has the second  
14 highest percentage of foreign-born residents of all the states, with  
15 immigrants making up nearly one in every four people in the State.

16 c. More than forty percent of children in New Jersey live in  
17 immigrant families, with at least one foreign-born parent.

18 d. In recognition of immigrants' significant contributions to the  
19 strength of New Jersey, the Legislature has a substantial and  
20 compelling interest to ensure this State remains a place where the  
21 rights and dignity of all people are maintained and protected,  
22 regardless of their immigration status.

23 e. The enforcement of federal immigration law is the  
24 responsibility of the federal government and falls outside the scope  
25 of State, county, and municipal law enforcement agencies' public  
26 and community safety priorities.

27 f. Data from across the country reveals that when State,  
28 county, and municipal agencies assist federal immigration  
29 authorities to carry out federal law enforcement, immigrant  
30 communities and their loved ones are deterred and discouraged  
31 from assisting or seeking assistance from public agencies, including  
32 health and public safety services.

33 g. State, county, and municipal agencies, including public  
34 schools and hospitals, should be safe and accessible to all eligible  
35 community members who are seeking services. Individuals should  
36 not be deterred from seeking services to which they are eligible  
37 merely because of their immigration status or the status of their  
38 loved ones.

39 h. New Jersey is a healthier, safer, and more prosperous State  
40 when all residents access the services for which they are eligible  
41 without fear. Coordinated efforts of all relevant local, county, and  
42 State agencies are required to create the conditions that empower  
43 residents to seek the help they need from public services, including  
44 health and public safety services.

45 i. State, county, and municipal law enforcement agencies incur  
46 costs when assisting federal immigration authorities, which include  
47 the costs of extending detention time, law enforcement personnel  
48 time, tracking and responding to immigration detainees, liability for

1 unconstitutional detention and other violations of constitutional  
2 rights. These law enforcement agencies are not reimbursed by the  
3 federal government for the entire costs of the enforcement  
4 activities, leaving fewer resources available to meet local  
5 responsibilities.

6 j. Unlike criminal detainees, which are supported by a warrant  
7 and require probable cause, immigration detainer requests do not  
8 require a warrant or any established standard of proof, such as  
9 reasonable suspicion or probable cause.

10 k. Immigration detainees have erroneously been placed on  
11 United States citizens, as well as immigrants who are not  
12 deportable, and federal courts in multiple jurisdictions have found  
13 that honoring these detainees violated the Fourth Amendment to the  
14 United States Constitution.

15 1. Therefore, it is fitting and proper to direct State, county, and  
16 municipal entities to attend to local priorities rather than carrying  
17 out costly federal immigration enforcement initiatives that  
18 contravene those priorities and harm New Jersey communities.

19

20 2. As used in this act:

21 “Civil immigration warrant” means any warrant for a violation of  
22 federal civil immigration law issued by United States Immigration  
23 and Customs Enforcement, United States Customs and Border  
24 Protection, or any division or subsidiary of the United States  
25 Department of Homeland Security or its successor agencies that is  
26 not approved or ordered by a federal Article III judge or magistrate  
27 judge, or the state equivalent, including administrative warrants  
28 entered into the Federal Bureau of Investigation’s National Crime  
29 Information Center database.

30 “Federal immigration authorities” means one or more officers,  
31 employees, or persons otherwise paid by or acting as agents of  
32 United States Immigration and Customs Enforcement, United States  
33 Customs and Border Protection or any division thereof, or one or  
34 more other officers, employees, or persons otherwise paid by or  
35 acting as agents of the United States Department of Homeland  
36 Security or its successor agencies charged with immigration  
37 enforcement.

38 “Government entity” means any of the principal departments in  
39 the Executive Branch of State Government, and any division, board,  
40 bureau, office, commission or other instrumentality within or  
41 created by such department and any independent State authority,  
42 commission, instrumentality or agency, including any public  
43 institution of higher education. The term also means any political  
44 subdivision of the State or combination of political subdivisions,  
45 and any division, board, bureau, office, commission or other  
46 instrumentality within or created by a political subdivision of the  
47 State or combination of political subdivisions, and any independent

1 authority, commission, instrumentality or agency created by a  
2 political subdivision or combination of political subdivisions.

3 “Health care facilities” shall have the same meaning as provided  
4 in subsection a. of section 2 of P.L.1971, c.136 (C.26:2H-2).

5 “Immigration detainer” means a document issued by a federal  
6 immigration authority that is not approved or ordered by a federal  
7 Article III judge or magistrate judge, or the state equivalent, and  
8 requests a law enforcement agency or law enforcement official to  
9 provide notice of release or maintain custody of a person beyond  
10 the time at which the person would otherwise be released from  
11 custody; “immigration detainer” shall include I-247 forms and other  
12 forms issued under Section 1226 or 1357 of Title 8 of the United  
13 States Code or Section 236 or 287 of Title 8 of the Code of Federal  
14 Regulations.

15 “Immigration enforcement” means any effort to investigate,  
16 enforce, or assist in the investigation or enforcement of any federal  
17 civil immigration law, and includes any effort to investigate,  
18 enforce, or assist in the investigation or enforcement of any  
19 violations of Title 8 of the United States Code.

20 “Judicial warrant” means a warrant based on probable cause and  
21 issued by a federal Article III judge or magistrate judge, or the state  
22 equivalent, that authorizes federal immigration authorities to search  
23 a location or take into custody the person who is the subject of the  
24 warrant.

25 “Law enforcement official” means any person with the power to  
26 criminally charge, arrest, or detain individuals, and shall include  
27 correctional police officers, prosecutors, and other law enforcement  
28 officers and any other person employed by a State, county, or  
29 municipal law enforcement agency; the term also shall include  
30 employees of school and police security departments, parole  
31 officers, probation officers, and pretrial services employees.

32 “Notification request” means a request that a State, county, or  
33 municipal law enforcement agency inform federal immigration  
34 authorities of the release date or time of an individual in the local  
35 law enforcement agency’s custody.

36 “Record” means any paper, written or printed book, document,  
37 drawing, map, plan, photograph, microfilm, data processed or  
38 image processed document, information stored or maintained  
39 electronically or by sound-recording or in a similar device, or any  
40 copy thereof.

41 “School police and security departments” means the police,  
42 security, and other law enforcement departments of a public or  
43 publicly-funded educational institution appointed or established  
44 pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.).

45 “State, county, or municipal law enforcement agency” means any  
46 agency, or elected, appointed, or hired officials, authorized to  
47 enforce or prosecute criminal statutes, regulations, or local  
48 ordinances, to enforce or prosecute juvenile delinquency statutes,

1 regulations, or local ordinances, or to operate jails or prisons, or to  
2 maintain custody of detained individuals in the State; the term also  
3 shall include school police and security departments, the New  
4 Jersey State Parole Board, any juvenile parole panel, probation  
5 divisions, and pretrial services programs.

6 “Transfer request” means a request that a State, county, or  
7 municipal law enforcement agency or law enforcement official  
8 facilitate the transfer of an individual in its custody to federal  
9 immigration authorities, and includes, but is not limited to, DHS  
10 Form I-247X.

11

12 3. a. Government entities and healthcare facilities may collect  
13 information relating to a person’s immigration status, citizenship  
14 status, place of birth, social security number, and individual  
15 taxpayer identification number only when this information is  
16 strictly necessary to assess eligibility for or to administer the  
17 requested public services, benefits, or programs that the agency,  
18 division, or facility is charged with administering.

19 b. Any record and any information, whether written or oral,  
20 concerning a person that is solicited, made, or kept by any public  
21 agency or officer thereof for the purpose of assessing eligibility for,  
22 or administering the services, benefits, or program that is requested,  
23 used, or delivered shall not be:

24 (1) a governmental record pursuant to P.L.1963, c.73 (C.47:1A-1  
25 et seq.), known commonly as the open public records act, except  
26 that an election agency shall disclose a candidate’s citizenship  
27 status where such information is a requirement for elected office.  
28 As used in this paragraph, “election agency” means the New Jersey  
29 Division of Elections, the New Jersey Election Law Enforcement  
30 Commission, county boards of elections, county superintendents of  
31 elections, county clerks, municipal clerks, fire district board clerks,  
32 school district business administrators, and school district board  
33 secretaries; and

34 (2) disclosed, except as required to administer the benefits,  
35 services, or programs pursuant to New Jersey law, federal law, or as  
36 required by a valid court order or warrant issued by a federal Article  
37 III judge or magistrate judge, or the State equivalent.

38 c. This section shall not prohibit the sharing of records or  
39 information when the subject of that record or information has  
40 knowingly provided written consent in their language of choice  
41 allowing the record or information to be provided to the person or  
42 agency requesting the record or information. The written consent  
43 shall include:

44 (1) the exact record or information to be shared;

45 (2) the purpose for sharing the record or information;

46 (3) a statement clarifying that consent is voluntary and declining  
47 to consent shall not result in discrimination or retaliation by the  
48 government entity;

1 (4) a statement clarifying that consent may be revoked, but that  
2 revocation does not impact a record or information already shared  
3 via prior written consent provided pursuant to this section; and

4 (5) the person or agency to receive the record or information.

5 d. All government entities shall review their confidentiality  
6 policies, guidance, and regulations and identify any changes  
7 necessary to ensure compliance with the provision of this section by  
8 the agency and the entities under its authority. Any necessary  
9 changes to those policies shall be made as expeditiously as possible,  
10 consistent with agency or department procedures but no later than  
11 one calendar year following the effective date of this act, and  
12 published prominently on the agencies' Internet website.

13 e. Nothing in this section shall be construed to prohibit or in  
14 any way restrict any action where the prohibition or restriction  
15 would be contrary to federal law.

16

17 4. a. The Attorney General, in consultation with the Public  
18 Defender, shall prepare a uniform written notice explaining the  
19 provisions of section 6 of the New Jersey Immigrant Trust Act, in  
20 plain language. This notice shall be considered a vital document  
21 pursuant to P.L.2023, c.263 (C.52:14-40 et seq.). The Attorney  
22 General shall ensure this notice and its translations are posted to the  
23 Internet website of the Department of Law and Public Safety and  
24 distributed to all State, county and municipal law enforcement  
25 agencies, which shall display the notices prominently in the public  
26 entrance area of each agency's office, visible to those in the  
27 agency's custody, and on the agency's Internet website.

28 b. No later than 180 days following the effective date of this  
29 act and in consultation with stakeholders serving or representing  
30 immigrant communities, the Attorney General shall develop  
31 standardized training and guidance for all law enforcement officials  
32 on compliance with this act. The Attorney General shall provide  
33 this mandatory training to every State, county and municipal law  
34 enforcement agency within one year of the effective date of this act,  
35 and periodically thereafter as determined by the Attorney General.  
36 Every State, county and municipal law enforcement officer  
37 appointed after the effective date of P.L. , c. (C. ) (pending  
38 before the Legislature as this bill) shall, within 12 months of their  
39 appointment, satisfactorily complete the training course required by  
40 this section.

41 c. The Department of Human Services, in consultation with  
42 stakeholders serving or representing immigrant communities, shall  
43 develop and lead a multilingual campaign to promote public  
44 awareness of the provisions of section 6 of P.L. , c. (C. )  
45 (pending before the Legislature as this bill). All written materials  
46 produced pursuant to this section shall be vital documents pursuant  
47 to P.L. 2023, c.263 (C.52:14-40 et seq.). As a part of the campaign  
48 to promote awareness of the provisions of section 6 of P.L. , c.

1 (C. ) (pending before the Legislature as this bill), the  
2 department shall, at a minimum, publish the following on its  
3 Internet website no later than 180 days following the enactment of  
4 this act:

5 (1) the text of section 6 of P.L. , c. (C. ) (pending before  
6 the Legislature as this bill); and

7 (2) a summary and explanation, in plain language, of the terms  
8 and provisions of section 6 of P.L. , c. (C. ) (pending before  
9 the Legislature as this bill).

10

11 5. a. The Attorney General, in consultation with the  
12 appropriate government entities and with stakeholders serving or  
13 representing immigrant communities, shall develop model policies  
14 for sensitive locations. These locations shall include health care  
15 facilities, public libraries, public schools, domestic violence  
16 shelters, emergency shelters, family shelters, youth shelters, and  
17 any other location deemed appropriate by the Attorney General, to  
18 ensure that these institutions remain safe and accessible to all State  
19 residents, regardless of immigration status. The model policies  
20 shall ensure that eligible individuals are not deterred from seeking  
21 services or engaging with State, county, or municipal public  
22 agencies or government entities. In addition, to the fullest extent  
23 possible consistent with State and federal law, the model policies  
24 shall prohibit these institutions from:

25 (1) requesting or collecting information relating to citizenship,  
26 immigration status, place of birth, social security number, and  
27 individual taxpayer identification number, except where required to  
28 determine eligibility for services, benefits, or programs provided or  
29 administered by the institution in question;

30 (2) permitting immigration enforcement on the premises of  
31 these institutions, in areas not open without restriction to the  
32 general public; and

33 (3) assisting or participating in immigration enforcement.

34 b. The model policies shall define “assisting or participating in  
35 immigration enforcement” as provided in paragraph (3) of  
36 subsection a. of this section to include, but not be limited to, the  
37 activities prohibited by section 3 of P.L. , c. (C. ) (pending  
38 before the Legislature as this bill) to the extent relevant to the  
39 activities of the institution governed by the model policy.

40 c. The Attorney General shall publish these model policies on the  
41 Internet website of the Department of Law and Public Safety no  
42 later than one calendar year following the enactment of this act.

43 d. The government entities with authority to regulate public  
44 schools, health care facilities, public libraries, youth shelters,  
45 emergency shelters, family shelters, and domestic violence shelters  
46 shall adopt the model policies established pursuant to this section  
47 no later than 180 days after issuance of model policies pursuant to  
48 subsection c. of this section. The government entities shall order

1 public schools, health care facilities, public libraries, youth shelters,  
2 emergency shelters, family shelters, and domestic violence shelters  
3 under their authority to comply with model policies adopted  
4 pursuant to this section or more protective policies and to post the  
5 adopted policies prominently at each service location in an area  
6 visible to the public. Any facilities that are not regulated by a State  
7 agency shall be encouraged to adopt the model policy.

8

9 6. a. A State, county, or municipal law enforcement agency or  
10 official shall not:

11 (1) stop, question, arrest, search, or detain any individual based  
12 on actual or suspected citizenship or immigration status, or actual or  
13 suspected violations of federal civil immigration law;

14 (2) inquire about an individual's immigration status, citizenship,  
15 place of birth, or eligibility for a social security number;

16 (3) make an arrest, detain, or prolong the detention of an  
17 individual based on civil immigration warrants or immigration  
18 detainers;

19 (4) use agency or department moneys, facilities, property,  
20 equipment, or personnel to investigate, enforce, or assist in the  
21 investigation or enforcement of any federal program requiring  
22 registration of individuals on the basis of race, gender, sexual  
23 orientation, religion, immigration status, citizenship, or national or  
24 ethnic origin; or

25 (5) make agency or department databases available to anyone or  
26 any entity for the purpose of immigration enforcement or  
27 investigation or enforcement of any federal program requiring  
28 registration of individuals on the basis of race, gender, sexual  
29 orientation, religion, immigration status, citizenship, or national or  
30 ethnic origin.

31 b. Any agreements, policies, or practices made prior to the  
32 effective date of this act that are in conflict with the provisions of  
33 paragraph (5) of subsection a. of this section shall be void on the  
34 effective date of this act.

35 c. A State, county, or municipal law enforcement agency or  
36 official shall not provide assistance to federal immigration  
37 authorities by:

38 (1) participating in civil immigration enforcement operations;

39 (2) providing to federal immigration authorities any information  
40 that identifies, relates to, describes, is reasonably capable of being  
41 associated with, or could reasonably be linked, directly or  
42 indirectly, with a particular person;

43 (3) providing access to any State, county, or municipal law  
44 enforcement equipment, office space, database, or property;

45 (4) providing access to a detained individual for an interview;

46 (5) facilitating or complying with immigration detainers, civil  
47 immigration warrants, notification requests, and transfer requests  
48 from federal immigration authorities;



1 (6) continuing to detain a person past the time the person would  
2 otherwise be eligible for release from custody based solely on an  
3 immigration detainer or civil immigration warrant;

4 (7) entering into, modifying, renewing, or extending any  
5 agreement to exercise federal immigration authority or conduct  
6 immigration enforcement pursuant to section 287(g) of Title 8 of  
7 the Immigration and Nationality Act, 8 U.S.C. §1357(g), or  
8 otherwise exercising federal civil immigration authority or  
9 conducting immigration enforcement outside of the purview of  
10 287(g) of Title 8 of the Immigration and Nationality Act, 8 U.S.C.  
11 §1357(g); or

12 (8) providing or sharing funds, property, equipment, personnel,  
13 or access to facilities or real property not open to the general public  
14 for purposes of engaging in, assisting, supporting, or facilitating  
15 immigration enforcement.

16 d. Upon receiving an immigration detainer, notification  
17 request, civil immigration warrant, or transfer request concerning a  
18 person in custody, the receiving State, county, or municipal law  
19 enforcement agency or official shall provide a copy of the document  
20 to the person, and inform the person whether the agency or official  
21 intends to comply. If the agency or official intends to comply, a  
22 written explanation specifying the legal basis for that action shall be  
23 furnished to the person in custody.

24 e. Subsections a. b. and c. of this section shall be enforceable  
25 under the “New Jersey Civil Rights Act,” P.L.2004, c.143 (C.10:6-1  
26 et seq.) or any other manner provided by law.

27 f. Nothing in this section shall prevent any State, county, or  
28 municipal law enforcement agency from responding to a valid  
29 judicial warrant, court order, or writ issued by a federal Article III  
30 judge or magistrate judge, or the State equivalent.

31 g. Nothing in this section shall be construed to prohibit, or in  
32 any way restrict, any action where the prohibition or restriction  
33 would be contrary to federal law.

34  
35 7. a. Each State, county, and municipal law enforcement agency  
36 shall submit to the Attorney General a report within 180 days of the  
37 effective date of this act and within 30 days after the end of each  
38 State fiscal year thereafter. The reports shall provide:

39 (1) the number of detainer requests, transfer requests, and  
40 notification requests made by immigration authorities, and the  
41 responses of the State, county, or municipal law enforcement  
42 agency. For any request that was granted, the report shall specify  
43 any legal basis for granting that request;

44 (2) the number of interviews requested and the number of  
45 interviews conducted, either in person or telephonically, by  
46 immigration authorities of people in State, county, or municipal law  
47 enforcement custody. For each interview conducted, the report  
48 shall specify any legal basis for granting the interview;

1 (3) any other requests made by immigration authorities for the  
2 agency's participation in immigration enforcement, the responses of  
3 the State, county, or municipal law enforcement agency, and the  
4 legal basis for granting the request; and

5 (4) to the extent the law enforcement agency has knowledge,  
6 any information about State, county, and municipal databases to  
7 which immigration authorities have had access to at any time in the  
8 course of the year, including: the name of the database; an overview  
9 of information available on the database; the purpose for which  
10 immigration authorities have access to this database; the process  
11 through which immigration authorities requested access and  
12 agencies reviewed this request, if applicable; any legal basis for  
13 providing immigration authorities access to the database; and the  
14 frequency with which immigration authorities accessed the database  
15 over the course of the year.

16 b. The Attorney General shall initially publish the information  
17 submitted pursuant to this section on the Internet website of the  
18 Department of Law and Public Safety within 90 days of receipt and  
19 within 90 days after the end of the State fiscal year thereafter.

20 c. The Attorney General shall promulgate regulations pursuant  
21 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
22 1 et seq.) to ensure compliance by State, county, and municipal law  
23 enforcement agencies with the annual reporting requirements  
24 established pursuant to this section. The regulations shall be  
25 promulgated within 90 days following the effective date of this act.

26 d. The Attorney General shall report annually to the Governor  
27 and the Legislature pursuant to section 2 of P.L.1991, c.164  
28 (C.52:14-19.1) a summary of each law enforcement agency's  
29 compliance with the provisions of this act. The report shall append  
30 the submissions by State, county, and municipal law enforcement  
31 agencies required pursuant to subsection a. of this section.

32  
33 8. The provisions of P.L. , c. (C. ) (pending before the  
34 Legislature as this bill) are severable; if any provision or  
35 application of any provision of P.L. , c. (C. ) (pending  
36 before the Legislature as this bill) is held invalid by any court, the  
37 holding or judgment shall not affect the remaining provisions or  
38 applications of the provisions thereof.

39  
40 9. This act shall take effect immediately.

41  
42  
43 STATEMENT

44  
45 This bill creates a uniform code for State and local government  
46 entities, as well as health care facilities, regarding the use of  
47 resources to aid federal immigration law enforcement, and  
48 designates the "New Jersey Immigrant Trust Act."

1 Under the bill, the definition of government entities includes any  
2 of the principal departments of the executive branch of State  
3 government and any parts or creations thereof, any independent  
4 State authority, commission, instrumentality or agency, including  
5 any public institution of higher education. The bill's definition also  
6 includes political subdivisions of the State and combinations of  
7 political subdivisions, independent authorities, commissions,  
8 instrumentalities and agencies created by a political subdivision or  
9 combination of political subdivisions.

10 Under the bill, government entities and healthcare facilities are  
11 prohibited from collecting certain personal and identifying  
12 information unless it is strictly necessary for program or service  
13 administration. Any record resulting from that collection, whether  
14 written or oral, would not be a government record under the "Open  
15 Public Records Act" unless an election agency requires it to  
16 ascertain the eligibility of a candidate when citizenship is required  
17 for an elected office. Any record also shall not be disclosed except  
18 as required to administer benefits or services pursuant to State or  
19 federal law, or valid court order or warrant, issued by a federal  
20 Article III judge or magistrate or the State equivalent. The bill  
21 provides that the prohibition on sharing information may be waived  
22 if the subject of the record or information provides written consent  
23 in that person's preferred language. The written consent shall  
24 include the following:

- 25 (1) the exact record or information to be shared;
- 26 (2) the purpose for sharing the record or information;
- 27 (3) a statement clarifying that consent is voluntary and declining  
28 to consent shall not result in discrimination or retaliation by the  
29 government entity;
- 30 (4) a statement clarifying that consent may be revoked, but that  
31 revocation does not impact a record or information already shared  
32 via prior written consent provided pursuant to this section; and
- 33 (5) the person or agency to receive the record or information.

34 The bill requires government entities to review their  
35 confidentiality policies, guidance and recommendations to identify  
36 any changes necessary to ensure compliance with the provisions of  
37 the bill and make any changes as expeditiously as possible, but no  
38 later than one year after the bill becomes effective. The bill also  
39 requires these entities to share their policies prominently on their  
40 Internet websites.

41 This bill also requires the Attorney General, in consultation with  
42 the Public Defender, to prepare a written notice explaining in plain  
43 language the provisions of section 6 of the bill. Section 6 of the bill  
44 details the prohibition of certain actions by law enforcement. The  
45 bill requires the notice and all translations to be posted to the  
46 Internet website of the Department of Law and Public Safety and to  
47 be considered vital documents pursuant to P.L.2023, c.263  
48 (C.52:14-40 et seq.). The Attorney General is also required to

1 consult with stakeholders serving or representing immigrant  
2 communities in the development of standardized training and  
3 guidance for law enforcement to comply with the bill's provisions.  
4 The AG also shall provide mandatory training to all State, county  
5 and local law enforcement agencies within one year of the bill's  
6 effective date. Any newly sworn officer is required to complete this  
7 training within a year of the officer's appointment. The Department  
8 of Human Services is required to consult with stakeholders serving  
9 or representing immigrant communities to develop and lead a  
10 multilingual campaign to promote public awareness of the bill's  
11 requirements for law enforcement agencies. As part of the  
12 awareness campaign, DHS is required to publish the text of section  
13 6 of the bill's provisions and a plain language summary and  
14 explanation of those requirements on its Internet website within 180  
15 days of the bill's enactment. .

16 Under the bill, the Attorney General is also required to consult  
17 with other government entities and stakeholders in the development  
18 of model policies for sensitive locations. These locations include  
19 health care facilities, public schools, public libraries, shelters, and  
20 any other locations deemed appropriate by the Attorney General to  
21 ensure that eligible individuals are not deterred from seeking  
22 services or engaging with government entities. The model policies  
23 prohibit the request or collection of certain information regarding a  
24 person's immigration status, place of birth or taxpayer identification  
25 except to determine eligibility for services or program benefits.  
26 The model policies prohibit assistance or participation of  
27 immigration enforcement, and prohibit the permission of  
28 immigration enforcement on entity premises that are not open  
29 without restriction to the general public. The Attorney General is  
30 required to publish the model policies on the Internet website of the  
31 Department of Law and Public Safety. The bill requires  
32 government entities with authority to regulate sensitive places to  
33 adopt the model policies within 180 days of issuance by the  
34 Attorney General's office and encourages facilities not regulated by  
35 government entities to adopt the policies.

36 The bill prohibits certain actions by law enforcement.  
37 Specifically, State, county, and municipal law enforcement agencies  
38 and officials shall not:

39 (1) stop, question, arrest, search, or detain any individual based  
40 on actual or suspected citizenship or immigration status, or actual or  
41 suspected violations of federal civil immigration law;

42 (2) inquire about an individual's immigration status, citizenship,  
43 place of birth, or eligibility for a social security number;

44 (3) make an arrest, detain, or prolong the detention of an  
45 individual based on civil immigration warrants;

46 (4) use agency or department moneys, facilities, property,  
47 equipment, or personnel to investigate, enforce, or assist in the  
48 investigation or enforcement of any federal program requiring

1 registration of individuals on the basis of race, gender, sexual  
2 orientation, religion, immigration status, citizenship, or national or  
3 ethnic origin; or

4 (5) make agency or department databases available to anyone or  
5 any entity for the purpose of immigration enforcement or  
6 investigation or enforcement of any federal program requiring  
7 registration of individuals on the basis of race, gender, sexual  
8 orientation, religion, immigration status, citizenship, or national or  
9 ethnic origin. The bill nullifies any agreement, policy or practice in  
10 place that permits in conflict with this clause.

11 Law enforcement agencies in the State are also prohibited from:

12 (1) participating in civil immigration enforcement operations;

13 (2) providing to federal immigration authorities any information  
14 that identifies, relates to, describes, is reasonably capable of being  
15 associated with, or could reasonably be linked, directly or  
16 indirectly, with a particular person;

17 (3) providing access to any State, county, or municipal law  
18 enforcement equipment, office space, database, or property;

19 (4) providing access to a detained individual for an interview;

20 (5) facilitating or complying with immigration detainers,  
21 notification requests, and transfer requests from federal immigration  
22 authorities;

23 (6) continuing to detain a person past the time the person would  
24 otherwise be eligible for release from custody based solely on an  
25 immigration detainer or civil immigration warrant;

26 (7) entering into, modifying, renewing, or extending any  
27 agreement to exercise federal immigration authority or conduct  
28 immigration enforcement pursuant to section 287(g) of Title 8 of  
29 the Immigration and Nationality Act, 8 U.S.C. §1357(g), or  
30 otherwise exercising federal civil immigration authority or  
31 conducting immigration enforcement outside of the purview of  
32 287(g) of Title 8 of the Immigration and Nationality Act, 8 U.S.C.  
33 §1357(g); or

34 (8) providing or sharing funds, property, equipment, personnel,  
35 or access to facilities or real property not open to the general public  
36 for purposes of engaging in, assisting, supporting, or facilitating  
37 immigration enforcement.

38 The bill provides that violations of the prohibitions on police  
39 conduct in the bill would be enforceable under the “New Jersey  
40 Civil Rights Act,” P.L.2004, c.143.

41 If an agency or law enforcement official intends to comply with  
42 an immigration detainer, notification request, civil immigration  
43 warrant, or transfer request concerning a person in custody, a  
44 written explanation specifying the legal basis for that action is  
45 required to be given to the person in custody.

46 Lastly, the bill requires each State, county, and municipal law  
47 enforcement agency to submit to the Attorney General a report that  
48 includes:

1 (1) the number of detainer requests, transfer requests, and  
2 notification requests made by immigration authorities, and the  
3 responses of the State, county, or municipal law enforcement  
4 agency. For any request that was granted, the report shall specify  
5 any legal basis for granting that request;

6 (2) the number of interviews requested and the number of  
7 interviews conducted, either in person or telephonically, by  
8 immigration authorities of people in State, county, or municipal law  
9 enforcement custody. For each interview conducted, the report  
10 shall specify any legal basis for granting the interview;

11 (3) any other requests made by immigration authorities for the  
12 agency's participation in immigration enforcement, the responses of  
13 the State, county, or municipal law enforcement agency, and the  
14 legal basis for granting the request; and

15 (4) to the extent the law enforcement agency has knowledge,  
16 any information about State, county, and municipal databases to  
17 which immigration authorities have had access to at any time in the  
18 course of the year, including: the name of the database; an overview  
19 of information available on the database; the purpose for which  
20 immigration authorities have access to this database; the process  
21 through which immigration authorities requested access and  
22 agencies reviewed this request, if applicable; any legal basis for  
23 providing immigration authorities access to the database; and the  
24 frequency with which immigration authorities accessed the database  
25 over the course of the year.

26 Law enforcement agencies have 180 days after the effective date  
27 of the bill to produce the first report and must then annually submit  
28 a report within 30 days of the end of the State's fiscal year. The  
29 Attorney General is initially required to publish the report on the  
30 office's website within 90 days of receipt, and then within 90 days  
31 of the end of the fiscal year thereafter. The Attorney General is  
32 also required to annually submit to the Governor and Legislature a  
33 report on each law enforcement agency's compliance with the  
34 provisions of this act.