CHAPTER 5

AN ACT concerning law enforcement and immigrant communities and supplementing Title 52 of the Revised Statutes.

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

C.52:17B-236.14 Findings, declarations.

1. The Legislature finds and declares that:

a. There is a difference between State, county, and municipal law enforcement authorities, who enforce the criminal laws of this State, and federal immigration authorities, who enforce federal civil immigration law.

b. The responsibility to investigate violations of civil immigration law belongs to the federal government.

c. It is not the role of State, county, or municipal law enforcement to carry out federal civil immigration enforcement.

d. The law enforcement officers of New Jersey are sworn to protect the public by investigating offenses in violation of the State's criminal code, enforcing the State's criminal laws, and enhancing public safety.

e. The expectation that the State's law enforcement officers and agencies will perform tasks outside their responsibility creates an unfair burden on them and the limited resources of the State.

f. If State, county, and municipal law enforcement authorities were to participate in federal civil immigration enforcement, beyond the instances required by law, it would improperly blur the distinction between State and federal actors; perhaps more significantly, it would undermine the public trust that law enforcement in this State have worked to cultivate with the diverse communities they serve.

g. Individuals are less likely to report a crime if they are fearful that the responding officer will report them to federal immigration authorities. This fear can impede the ability of law enforcement to solve crimes and apprehend suspects, posing a public safety risk to every resident of the State.

h. For these reasons, the Legislature finds it fitting and proper to codify the Attorney General directive, "Strengthening Trust Between Law Enforcement and Immigrant Communities."

i. The Legislature notes that nothing in the directive prohibits holding accountable any violator of New Jersey's criminal laws.

j. This directive reaffirms the long-settled delegation of responsibility between federal and State law enforcement entities and ensures the equitable division of labor between the two.

k. It is the intent of the Legislature to further the State's goals of efficacious and conscientious use of limited law enforcement resources and advancement of trust between New Jersey's law enforcement and the diverse communities to which they have devoted their livelihoods and lives to protect by codifying the directive.

C.52:17B-236.15 Definitions.

2. As used in this act:

"Judicial warrant" means a warrant based on probable cause and issued by a federal Article III judge or magistrate, or the State equivalent, that authorizes federal immigration authorities to search a location or apprehend a person who is the subject of the warrant.

"Law enforcement agency" means any instrumentality of the State or a county or municipal government employing a law enforcement official.

"Law enforcement official" means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest, and conviction of offenders against the laws of this State. The term includes a prosecutor or assistant prosecutor employed by or appointed to a municipality, a county, or the State.

C.52:17B-236.16 Prohibition on racially influenced policing.

3. a. A law enforcement officer shall not engage in conduct constituting racially influenced policing. A law enforcement officer shall not consider a person's race or ethnicity as a factor in drawing an inference or conclusion that the person may be involved in criminal activity or as a factor in exercising police discretion as to how to stop or otherwise treat the person, except when responding to a suspect-specific or investigation-specific "Be on the Lookout" situation.

b. Except as set forth in subsections d. and f. of this section, a State, county, or municipal law enforcement agency or officer shall not:

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

(2) inquire about the immigration status of any individual, unless it is necessary for an ongoing investigation of an indictable offense by that individual and relevant to the offense under investigation.

c. Except as set forth in subsections d. and f. of this section, a State, county, or municipal law enforcement agency or officer shall not provide the following assistance to federal immigration authorities when the sole purpose is to enforce federal civil immigration law:

(1) participate in civil immigration enforcement operations;

(2) provide any non-public personally identifying information regarding any individual. This information includes a social security number, credit card number, unlisted telephone number, driver's license number, vehicle license plate number, insurance policy number, and active financial account number and may include the address, telephone number, or email address for an individual's home, work, or school if that information is not readily available to the public;

(3) provide access to any State, county, or municipal law enforcement equipment, office space, database, or property not available to the general public;

(4) provide access to a detained individual for an interview, unless the detainee signs a written consent form that explains the purpose of the interview, that the interview is voluntary, that the individual may decline to be interviewed, and that the individual may choose to be interviewed only with legal counsel present;

(5) provide notice of a detained individual's upcoming release from custody, unless the detainee:

(a) is currently charged with or has ever been convicted of, adjudicated delinquent for, or found not guilty by reason of insanity of a violent or serious offense. A violent or serious offense includes any first- or second-degree offense, as defined in N.J.S.2C:43-1; any indictable domestic violence offense as defined by P.L.1991, c.261 (C.2C:25-19); domestic violence assault as defined by paragraph (2) of subsection a. of P.L.1991, c.261(C.2C:25-19); assault pursuant to N.J.S.2C:12-1; knowingly leaving the scene of a motor vehicle accident resulting in serious bodily injury pursuant to section 2 of P.L.1997, c.111 (C.2C:12-1.1); stalking pursuant to section 1 of P.L.1992, c.209 (C.2C:12-10); throwing bodily fluid at officers pursuant to section 2 of P.L.1997, c.182 (C.2C:12-13); criminal sexual contact pursuant to N.J.S.2C:14-3; exposing genitals to minors under the age of 13 and other vulnerable populations pursuant to subsection b. of N.J.S.2C:14-4; bias intimidation pursuant

to section 1 of P.L.2001, c.443 (C.2C:16-1); arson pursuant to N.J.S.2C:17-1; causing widespread injury or damage pursuant to N.J.S.2C:17-2; burglary pursuant to N.J.S.2C:18-2 and sections 1 and 2 of P.L.2024, c.83 (C.2C:18-2.1 and C.2C:18-2.2); endangering the welfare of children pursuant to N.J.S.2C:24-4; witness tampering and retaliation pursuant to N.J.S.2C:28-5; eluding a law enforcement officer pursuant to subsection b. of N.J.S.2C:29-2; hindering apprehension or prosecution pursuant to paragraph (5) of subsection a. of N.J.S.2C:29-3, paragraph (2) of subsection b. of N.J.S.2C:29-3, and paragraph (3) of subsection b. of N.J.S.2C:29-3; criminal contempt pursuant to N.J.S.2C:29-9; manufacture, transportation, or possession of weapons pursuant to N.J.S.2C:39-3, N.J.S.2C:39-5, section 6 of P.L.1979, c.179 (C.2C:39-7), or N.J.S.2C:39-9; aggravated hazing pursuant to subsection b. of section 1 of P.L.1980, c.169 (C.2C:40-3); or any indictable offense under the law of another jurisdiction that is the substantial equivalent to an offense described in this subparagraph;

(b) has been convicted of an indictable crime other than a violent or serious offense within the past five years; or

(c) is subject to a Final Order of Removal that has been signed by a federal judge and lodged with the county jail or State prison where the detainee is being held; or

(6) continue the detention of an individual past the time the individual would otherwise be eligible for release from custody solely based on a civil immigration detainer request, unless the detainee:

(a) is currently charged with or has ever been convicted of, adjudicated delinquent, or found not guilty by reason of insanity of a violent or serious offense as defined in subparagraph (a) of paragraph (5) of this subsection;

(b) has been convicted of an indictable crime other than a violent or serious offense in the past five years; or

(c) is subject to a Final Order of Removal that has been signed by a federal judge and lodged with the county jail or State prison where the detainee is being held.

Any detention pursuant to paragraph (6) of this subsection shall not continue past 11:59 p.m. on the calendar day on which the person would otherwise have been eligible for release.

d. Nothing in subsections b. or c. of this section shall be construed to restrict, prohibit, or in any way prevent a State, county, or municipal law enforcement agency or official from:

(1) enforcing the criminal laws of this State;

(2) complying with all applicable federal, State, and local laws;

(3) complying with a valid judicial warrant or other court order or responding to any request authorized by a valid judicial warrant or other court order;

(4) participating with federal authorities in a joint law enforcement taskforce, the primary purpose of which is unrelated to federal civil immigration enforcement;

(5) requesting proof of identity from an individual during the course of an arrest or when legally justified during an investigative stop or detention;

(6) asking an arrested individual for information necessary to complete the required fields of a law enforcement fingerprinting database, including information about the arrestee’s place of birth and country of citizenship;

(7) inquiring about a person’s place of birth on a correctional facility intake form and making risk-based classification and assignments in the facility;

(8) providing federal immigration authorities with information that is publicly available or readily available to the public in the method the public can obtain it;

(9) when required by exigent circumstances, providing federal immigration authorities with aid or assistance, including access to non-public information, equipment, or resources; or

(10) sending to, maintaining, or receiving from federal immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

e. A State, county, or municipal law enforcement authority shall not enter into, modify, renew, or extend any agreement to exercise federal immigration authority pursuant to Section 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357(g), and shall not exercise any law enforcement authority pursuant to a preexisting Section 287(g) agreement.

f. The provisions of this section shall not apply to law enforcement agencies that currently are party to an Intergovernmental Service Agreement to detain individuals for civil immigration enforcement purposes when they are acting pursuant to an agreement.

C.52:17B-236.17 Processing T visa, U visa certification requests, procedures.

4. a. Every State, county, and municipal law enforcement agency shall establish procedures for processing requests for T visa certifications and U visa certifications from potential victims of crime or human trafficking within 120 days of the request being made. Each law enforcement agency shall publish information regarding its procedures on its Internet website. If the agency does not have an Internet website, then the procedures shall be published on the municipality's Internet website, when feasible.

b. With regard to T visa certification requests, each law enforcement agency's certification procedures shall include a determination of whether, pursuant to the standards set forth in federal law and instructions to the U.S. Citizenship and Immigration Services Form I-914 Supplement B, the requester:

(1) is or has been a victim of a severe form of trafficking in persons; and

(2) has complied with requests for assistance in an investigation or prosecution of the crime of trafficking.

c. With regard to U visa certification requests, each law enforcement agency's procedure shall include a determination of whether, pursuant to the standards set forth in federal law and instructions to the U.S. Citizenship and Immigration Services Form I-918 Supplement B, the applicant:

(1) is a victim of a qualifying criminal activity; and

(2) was, is, or is likely to be helpful in the investigation or prosecution of that activity.

d. Notwithstanding the provisions of section 3 this act, State, county, and municipal law enforcement agencies and officials may ask any questions necessary to complete a T visa certification or a U visa certification. A law enforcement agency or official may not disclose the immigration status of a person requesting a T visa certification or a U visa certification, except to comply with State or federal law or legal process or if authorized by the visa applicant.

e. Nothing in this section shall be construed to restrict, prohibit, or prevent a State, county, or municipal law enforcement agency or official from sending to, maintaining, or receiving from federal immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

C.2A:161-2 Defendants to be advised on effects to immigration status.

5. a. At a defendant's initial court appearance before a judge, the prosecutor shall confirm that the defendant has been advised on the record that:

(1) potential charges and convictions may carry immigration consequences; and

(2) the defendant may have rights to consular notification pursuant to the Vienna Convention on Consular Relations.

b. In assessing whether to seek pretrial detention of an arrestee pursuant to sections 1 through 11 of P.L.2014, c.31 (C.2A:162-15 through C.2A:162-25), the prosecutor shall make an individualized assessment based on the specific facts presented in each case and shall not assume that a non-citizen presents a risk of flight.

c. When evidence of a defendant's immigration status is not relevant to the crime charged or to a witness's credibility, it shall not be presented to a jury. In the case where proof of a person's immigration status is relevant and admissible at trial, the prosecutor shall not seek to admit this evidence without first raising the issue with the court outside of the jury's presence, pursuant to N.J.R.E. 104, and requesting that the court give an appropriate limiting instruction.

d. The prosecutor shall consider potential collateral consequences in attempting to reach a just resolution of the case. Nothing in this act shall be construed to require any particular charge or sentence, to limit prosecutorial discretion in reaching a just resolution of the case, or to prevent the prosecutor from making any argument at sentencing.

C.52:17B-236.18 Notification on certain requests made by federal civil immigration authorities; report on assistance.

6. a. Every State, county, and municipal law enforcement agency and official shall promptly notify a detained individual, in writing and in a language the individual can understand, when federal civil immigration authorities request:

(1) to interview the detainee;

(2) to be notified of the detainee's upcoming release from custody; or

(3) to continue detaining the detainee past the time the detainee would otherwise be eligible for release.

b. When providing notification, law enforcement officials shall provide the detainee with a copy of any documents provided by immigration authorities in connection with the request.

c. On an annual basis, each State, county, and municipal law enforcement agency shall report, in a manner to be prescribed by the Attorney General, any instances in which the agency provided assistance to federal civil immigration authorities for the purpose of enforcing federal civil immigration law as set forth in subsection c. of section 3 of this act. Each year:

(1) any municipal or county law enforcement agency that provided assistance as set forth in subsection c. of section 3 of this act during the prior calendar year shall submit a report to the county prosecutor with details of the assistance provided;

(2) each county prosecutor shall compile any reports submitted by municipal and county law enforcement agencies pursuant to paragraph (1) of this subsection and submit a consolidated report to the Attorney General with details of the assistance provided;

(3) the New Jersey State Police and all other State law enforcement agencies that provided assistance as set forth in subsection c. of section 3 of this act during the prior calendar year shall submit a report to the Attorney General with details of the assistance provided; and

(4) the Attorney General shall publish on the Internet website of the Department of Law and Public Safety a consolidated report detailing all instances of assistance by any State, county, and municipal law enforcement agency, as submitted pursuant to paragraphs (2) and (3) of this subsection, during the prior calendar year.

C.52:17B-112.1 Training program, "Strengthening Trust between Law Enforcement and Immigrant Communities."

7. a. The Division of Criminal Justice in the Department of Law and Public Safety shall develop a training program for the purpose of educating State, county, and municipal law enforcement officers regarding the requirements of this act. No later than 60 days following

the effective date of this act, the program shall be made available to each State, county, and municipal law enforcement agency through electronic means.

b. Every State, county, and municipal law enforcement officer shall successfully complete the training program established pursuant to subsection a. of this section no later than 60 days after it becomes available.

c. Every State, county, and municipal law enforcement agency shall adopt or revise existing policies and practices consistent with the provisions of this act.

d. Every county prosecutor shall undertake efforts to educate the public about the provisions of this act, with a specific focus on strengthening trust between law enforcement and immigrant communities. Within 120 days of the effective date of this act, each county prosecutor shall report to the Attorney General on public education efforts.

8. This act shall take effect immediately.

Approved March 25, 2026.