

2024 -- S 2769

LC004914

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DETENTION FOR FEDERAL
CIVIL IMMIGRATION VIOLATIONS

Introduced By: Senators Acosta, Mack, Euer, Kallman, Quezada, and Ujifusa

Date Introduced: March 08, 2024

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 166

4 DETENTION FOR FEDERAL CIVIL IMMIGRATION VIOLATIONS

5 **42-166-1. Short title.**

6 This chapter shall be known and may be cited as the "Detention for Federal Civil
7 Immigration Violations".

8 **42-166-2. Prohibition on agreements to detain individuals for federal civil**
9 **immigration violations.**

10 (a) No state or municipal governmental official or body, or instrumentality or agency
11 thereof, may enter into or renew any contract, intergovernmental service agreement, memorandum
12 of understanding or any other agreement to detain individuals for federal civil immigration
13 violations.

14 (b) A state official or body, or instrumentality or agency thereof, with an existing contract,
15 intergovernmental service agreement, memorandum of understanding or other agreement that is
16 used, whether in whole or part, to detain individuals for federal civil immigration violations, shall
17 exercise the termination provision in the contract, intergovernmental service agreement,
18 memorandum of understanding or other agreement as applied to detaining individuals for federal

1 civil immigration violations no later than July 1, 2025.

2 **42-166-3. Prohibition from using public resources to facilitate detaining individuals**
3 **for federal civil immigration violations.**

4 No state or municipal governmental official or body, or instrumentality or agency thereof,
5 shall:

6 (1) Sell, trade, lease or otherwise dispose of any real or personal property belonging to the
7 state or municipal governmental body or entity for the purpose of facilitating the establishment or
8 operation of a facility that detains or will detain individuals for federal civil immigration violations;

9 (2) Use state or municipal governmental funds or assets to pay, reimburse, subsidize or
10 defray in anyway any cost related to the sale, purchase, construction, development, ownership,
11 management or operation of a facility that detains or will detain individuals for federal civil
12 immigration violations;

13 (3) Receive per diem per detainee payments or any other payments related to a facility that
14 detains or will detain individuals for federal civil immigration violations;

15 (4) Otherwise give any financial incentive or benefit in connection with the sale, purchase,
16 construction, development, ownership, management or operation of a facility that detains or will
17 detain individuals for federal civil immigration violations; or

18 (5) Impose or continue in effect any law, ordinance, policy or regulation that violates or
19 conflicts with the provisions of this chapter.

20 **42-166-4. Severability.**

21 If any clause, sentence, paragraph, section, or part of this chapter shall be adjudged by any
22 court of competent jurisdiction to be unconstitutional or otherwise invalid, that judgment shall not
23 affect, impair, or invalidate the remainder of this chapter but shall be confined in its operation to
24 the clause, sentence, paragraph, section, or part directly involved in the controversy in which that
25 judgment shall have been rendered.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would prohibit any state or municipal government official or agency from
2 entering into any contract to detain individuals for civil immigration violations, and if any such
3 contract is in existence, the contract must be terminated by July 1, 2025. It would further prohibit
4 the use of any public resources to detain individuals for federal civil immigration violations.

5 This act would take effect upon passage.

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