

A 4071 -- Redline

Enrolled to Chaptered -- Codifies AG directive, "Strengthening Trust Between Law Enforcement and Immigrant Communities."

Deletions ~~struck~~ · Insertions underlined

2026, c.005 (A4071) ~~Sec. Sec. 1-4, 6~~ CHAPTER 5: 17B-236.145 to 52:17B-236.18 ~~An Sec. Sec. 1, 2 Act~~
~~Note concerning to law ss. 5, 7 enforcement Sec. 5 and C-2A:161-2 immigrant Sec. 7 communities C.52:17B-112.1 and~~
~~supplementing P.L. Title 52 of the Revised Statutes.~~

~~2026, CHAPTER 5, approved March 25, 2026 Assembly, No.~~

~~4071 — An Act concerning law enforcement and immigrant communities and supplementing Title 52 of the Revised Statutes.~~

C.52:17B-236.14 1. Findings. The declarations. Legislature finds and declares that:

1. The Legislature finds and declares that:

h. For these reasons, the Legislature finds it fitting and proper to codify the Attorney General ~~Directive, 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, 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 2. Definitions. As used in this act:

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C.52:17B-236.16 3. Prohibition 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. policing. b. — Except as set forth in subsections d.

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.

(1) ~~stop, 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 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.

(1) ~~participate participate~~ in civil immigration enforcement operations;

(2) ~~provide 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, school~~ if that information is not readily available to the public;

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

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

(a) ~~is 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~~~~first-~~ or ~~second~~~~second-degree~~~~-degree~~ offense, as defined in N.J.S.2C:43-1;

burglary pursuant to ~~N.J.S.2C:18-2~~, 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);

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 ~~pmp.m. on the calendar day on which the person would otherwise have been eligible for release.~~

on the calendar day on which the person would otherwise have been eligible for release.

C.52:17B-236.17 4. Processing a. Every visa, State, U county, visa and certification municipal requests, law procedures. 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. 4. 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.~~

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.

~~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.~~

~~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.~~

and (2) was, is, or is likely to ~~be~~, 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~~ visa certification or a ~~U-visa~~ visa certification. A law enforcement agency or official may not disclose the immigration status of a person requesting a ~~T-visa~~ visa certification or a ~~U-visa~~ visa certification, except to comply with State or federal law or legal ~~process~~, 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 5. Defendants a. to At be a defendant's initial court appearance before a judge, the prosecutor shall confirm that the defendant has been advised on the effects record to that: 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:

~~In~~ 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.

C.52:17B-236.18 6. Notification a. on certain requests made by federal civil immigration authorities; report on assistance.

6.

a.

C.52:17B-112.1 7. Training a. program. The "Strengthening Division Trust of between Criminal Justice in the Department of Law and Enforcement Public Safety shall develop a training program for the purpose of educating State, county, and municipal Immigrant law Communities." enforcement officers 7. regarding the requirements of this act.

~~Noa. 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.~~

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.

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~~act, each county prosecutor shall report to the Attorney General on public education efforts.

~~STATEMENT — This~~Approved ~~bill~~March ~~codifies~~25, the ~~2026.~~Attorney General directive "Strengthening Trust Between Law Enforcement and Immigrant Communities."

~~Under the bill, a law enforcement officer is prohibited from engaging in conduct constituting racially-influenced policing. In addition, with certain exceptions, a State, county or municipal law enforcement agency or officer is prohibited from:~~

~~1) stopping, questioning, arresting, searching, or detaining any individual based solely on actual or suspected citizenship or immigration status or actual or suspected violations of federal civil immigration law;~~

~~or 2) inquiring 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.~~

~~In addition, with certain exceptions, the bill prohibits a State, county, or municipal law enforcement agency or officer from providing certain types of assistance to federal immigration authorities when the sole purpose is to enforce federal civil immigration law.~~

~~Further, the bill prohibits a State, county, or municipal law enforcement authority from entering into, modifying, renewing, or extending any agreement to exercise federal immigration authority pursuant to Section 287(g) of the Immigration and Nationality Act and from exercising any law enforcement authority pursuant to a preexisting section 287(g) agreement.~~

~~Under the bill, every State, county, and municipal law enforcement agency is required to establish procedures, which are required to include certain determinations, 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 police department is required to post information regarding its procedures on its Internet website, or if the department does not have an Internet website, on the municipality's Internet website, if feasible.~~

~~In addition, the bill provides that at a defendant's initial court appearance before a judge, the prosecutor is to confirm that the defendant has been advised on the record that potential charges and convictions may carry immigration consequences and the defendant may have rights to consular notification pursuant to the Vienna Convention on Consular Relations. Under the bill, in assessing whether to seek pretrial detention of an arrestee under current law, the prosecutor is to make an individualized assessment based on the specific facts presented in each case and is not to assume that a non-citizen presents a risk of flight. When evidence of the defendant's immigration status is not relevant to the crime charged or to a witness's credibility, it is not to be presented to the jury. In the case where it is relevant and admissible at trial, the prosecutor is not to seek to admit the evidence without first raising the issue with the court outside of the jury's presence and requesting that the court give an appropriate limiting instruction.~~

~~Further, the bill requires every State, county, and municipal law enforcement agency and official to notify a detained individual, in writing and in a language the individual can understand, when federal civil immigration authorities request to interview the detainee, to be notified of the detainee's upcoming release from custody, or to continue detaining the detainee past the time the detainee would otherwise be eligible for release.~~

~~Also, under the bill, on an annual basis, each State, county, and municipal law enforcement agency is required to report, in a manner 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. Municipal and county law enforcement agencies are required to submit a report to the county prosecutor, who is then required to submit a consolidated report to the Attorney General. The New Jersey State Police and all other State law enforcement agencies are required to submit the report to the Attorney General. The Attorney General is to post online a consolidated report detailing all instances of assistance by State, county, and municipal law enforcement agencies.~~

~~Finally, the bill requires the Division of Criminal Justice to develop a training program to explain the requirements of the bill and requires all State, county, and municipal law enforcement agencies to provide training to all officers.~~

~~Codifies AG directive, "Strengthening Trust Between Law Enforcement and Immigrant Communities."~~

