

# Maxwell Alejandro Frost

REPRESENTING CENTRAL FLORIDA

## No Illegal Captivity and Extensions (NICE) Act

*To end U.S. Customs and Immigration Enforcement's (ICE) practice of holding detained immigrants indefinitely without charges.*

### **The Issue:**

U.S. Immigration and Customs Enforcement (ICE) is working with Florida jails to abuse the requirements for ICE “detainers” and “holds,” leading to serious violations of constitutional rights.

In Florida, ICE’s detainer process is generally based on housing agreements that ICE has with county jails such as Intergovernmental Service Agreements (IGSA) or Basic Ordering Agreements (BOA). Under these agreements, county jails hold individuals for an additional 48 to 72 hours—depending on the type of agreement—to allow time for ICE to pick the person up. However, ICE is routinely not taking custody of individuals within this required time frame.

Instead of releasing people as required, there are reports that individuals have been booked out of county jails, driven around for hours on buses and vans, and then rebooked into the same jail or a different county jail as a way of artificially and unlawfully “resetting” the 48- or 72-hour detainer clock. The process exposes detainees, especially women, to trauma and inhumane treatment.

Courts have ruled that detainers or holds constitute new arrests and are therefore unconstitutional when a local jail hold people for ICE without probable cause. Courts in several states (MA, MT, MN, and NY) have already barred local law enforcement from honoring detainers. Wisconsin’s Supreme Court is weighing this question now.

**The Bill:** The bill would stop this practice. It eliminates all of the ways that ICE issues detainers, including through the housing agreement holds (IGSAs and BOAs).

It is accompanied by a letter to Department of Homeland Security Secretary Markwayne Mullin, requesting more information related to ICE detainers, holds, and transportation services.

Washington Office  
1224 Longworth  
House Office Building  
Washington, D.C. 20515

(202) 225-2176



District Office  
617 N. Magnolia Street  
Suite 101  
Orlando, FL 32805

(321) 388-9808