

# STATE OF NEW YORK

9345

2025-2026 Regular Sessions

## IN ASSEMBLY

December 10, 2025

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Codes

AN ACT to amend the civil rights law, the judiciary law and the election law, in relation to protecting people from civil arrest while going to, remaining at, or returning from polling places

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The civil rights law is amended by adding a new section 29  
2 to read as follows:

3 § 29. Civil arrest; polling places. 1. A person duly and in good faith  
4 being present at a polling place in the state, is privileged from civil  
5 arrest while going to, remaining at, and returning from, the polling  
6 place, unless such civil arrest is supported by a judicial warrant or  
7 judicial order authorizing such civil arrest.

8 2. It is a contempt of the court and false imprisonment for any person  
9 to willfully violate subdivision one of this section, or an order of the  
10 court issued pursuant to section four-a of the judiciary law, by execut-  
11 ing an arrest prohibited by subdivision one of this section or section  
12 four-a of the judiciary law, or willfully assisting an arrest prohibited  
13 by subdivision one of this section or section four-a of the judiciary  
14 law; provided, however, that nothing in this subdivision shall affect  
15 any right or defense of any person, police officer, peace officer or  
16 public officer pursuant to article thirty-five of the penal law acting  
17 lawfully pursuant to their duty to maintain safety and order.

18 3. (a) A person described in subdivision one of this section may bring  
19 a civil action for appropriate equitable and declaratory relief if such  
20 person has reasonable cause to believe a violation of subdivision one of  
21 this section, as described in subdivision two of this section, or a  
22 violation of section four-a of the judiciary law, has occurred or may  
23 occur.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 (b) The attorney general may bring a civil action in the name of the  
2 people of the state of New York to obtain appropriate equitable and  
3 declaratory relief if the attorney general has reasonable cause to  
4 believe that a violation of subdivision one of this section, as  
5 described in subdivision two of this section, or a violation of section  
6 four-a of the judiciary law, has occurred or may occur.

7 4. In any successful action pursuant to subdivision three of this  
8 section, a plaintiff or petitioner may recover costs and reasonable  
9 attorneys' fees.

10 5. Nothing in this section shall be construed to narrow, or in any way  
11 lessen, any common law or other right or privilege of a person privi-  
12 leged from arrest pursuant to this article or otherwise.

13 6. As used in this section:

14 (a) "civil arrest" shall mean an arrest that is not for the sole or  
15 primary purpose of preparing the person subject to such arrest for crim-  
16 inal prosecution, for an alleged violation of the criminal law of:

17 (A) this state, or another state, for which a sentence of a term of  
18 imprisonment is authorized by law; or

19 (B) the United States, for which a sentence of a term of imprisonment  
20 is authorized by law, and for which federal law requires an initial  
21 appearance before a federal judge, federal magistrate or other judicial  
22 officer, pursuant to the federal rules of criminal procedure that govern  
23 initial appearances.

24 (b) "judicial warrant or judicial order authorizing such civil arrest"  
25 means an arrest warrant or other judicial order, issued by a magistrate  
26 sitting in the judicial branch of a local or state government or of the  
27 federal government, authorizing a civil arrest and issued by the court  
28 in which proceedings following such arrest will be heard and determined.

29 § 2. Section 4-a of the judiciary law, as added by chapter 322 of the  
30 laws of 2020, is amended to read as follows:

31 § 4-a. Certain powers of the courts regarding civil arrests. 1. In  
32 order to maintain access to the court and open judicial proceedings for  
33 all persons in their individual capacity and to prevent interference  
34 with the needs of judicial administration, a court has the power to  
35 issue appropriate judicial orders to protect the privilege from civil  
36 arrest, in accordance with article three of the civil rights law.

37 2. In order to maintain access to polling places in the state for all  
38 persons in their individual capacity and to prevent disenfranchisement,  
39 a court has the power to issue appropriate judicial orders to protect  
40 the privilege from civil arrest, in accordance with article three of the  
41 civil rights law.

42 § 3. Section 3-102 of the election law is amended by adding a new  
43 subdivision 19 to read as follows:

44 19. (a) promulgate rules and regulations in order to maintain access  
45 to polling places for all persons in their individual capacity and to  
46 prevent disenfranchisement, consistent with section twenty-nine of the  
47 civil rights law and section four-a of the judiciary law, by ensuring  
48 the following:

49 (i) any representative of a law enforcement agency who, while acting  
50 in an official capacity, enters a polling place within the state intend-  
51 ing to observe an individual or take an individual into custody shall  
52 identify themselves to polling place personnel and state their specific  
53 law enforcement purpose and the proposed enforcement action to be taken;  
54 any such representative who has a warrant or order concerning such  
55 intended arrest shall provide a copy of such warrant or order to such  
56 polling place personnel;

1 (ii) information about any such proposed enforcement action shall be  
2 transmitted to and promptly reviewed by appropriate court system person-  
3 nel in the election district of such polling place, including the judge  
4 presiding over any case involving the subject of that enforcement  
5 action;

6 (iii) except in extraordinary circumstances, no arrest may be made by  
7 a representative of a law enforcement agency in a polling place or while  
8 going to, remaining at, and returning from, such polling place absent  
9 leave of the court;

10 (iv) no civil arrest shall be executed inside a polling place or while  
11 going to, remaining at, and returning from, such polling place except  
12 pursuant to a judicial warrant or judicial order authorizing the arrest;

13 (v) an unusual occurrence report shall be filed by polling place  
14 personnel for every enforcement action taken inside the polling place,  
15 including the observation of voting proceedings by a representative of a  
16 law enforcement agency acting in such person's official capacity; and

17 (vi) copies of all judicial warrants and judicial orders authorizing  
18 an arrest and provided to polling place personnel pursuant to this para-  
19 graph and the rules promulgated thereunder shall be maintained by the  
20 state board of elections in a central record repository, appropriately  
21 indexed or filed alphabetically by name.

22 (b) The state board of elections shall publish on its website and  
23 provide to the governor, the speaker of the assembly and the temporary  
24 president of the senate an annual report compiling statistics, aggre-  
25 gated by county, setting forth the date each such judicial warrant or  
26 judicial order was signed, the judge and court which issued such judi-  
27 cial warrant or judicial order and the location of such court as shown  
28 by such document, the date such judicial warrant or judicial order was  
29 presented to polling place personnel, a description of the type of judi-  
30 cial warrant or judicial order and, to the extent known to polling place  
31 personnel, whether or not an arrest occurred with respect to such  
32 warrant and the date and specific location of such arrest.

33 § 4. Severability clause. If any clause, sentence, paragraph, subdivi-  
34 sion, section or part of this act shall be adjudged by any court of  
35 competent jurisdiction to be invalid, such judgment shall not affect,  
36 impair, or invalidate the remainder thereof, but shall be confined in  
37 its operation to the clause, sentence, paragraph, subdivision, section  
38 or part thereof directly involved in the controversy in which such judg-  
39 ment shall have been rendered. It is hereby declared to be the intent of  
40 the legislature that this act would have been enacted even if such  
41 invalid provisions had not been included herein.

42 § 5. This act shall take effect immediately.