S T A T E O F N E W Y O R K

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I N A S S E M B L Y

July 6, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Espaillat) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to prohibiting a law enforcement agency or officer from inquiring about immigration status

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The executive law is amended by adding a new section 844 to read as follows:

S 844. INQUIRY INTO IMMIGRATION STATUS LIMITED. A. IN CONDUCTING A ROUTINE OR SPONTANEOUS INVESTIGATORY ACTIVITY, INCLUDING AN INTERVIEW, A DETENTION, A TRAFFIC STOP, A PEDESTRIAN STOP, A FRISK OR OTHER TYPE OF BODILY SEARCH OR A SEARCH OF PERSONAL OR REAL PROPERTY, A LAW ENFORCEMENT AGENCY OR A LAW ENFORCEMENT OFFICER SHALL NOT INQUIRE ABOUT OR SEEK PROOF OF A PERSON'S IMMIGRATION STATUS.

B. IN CONDUCTING AN INVESTIGATORY ACTIVITY IN CONNECTION WITH AN INVESTIGATION, A LAW ENFORCEMENT AGENCY OR A LAW ENFORCEMENT OFFICER SHALL NOT INQUIRE ABOUT OR SEEK PROOF OF A VICTIM'S OR WITNESS'S IMMIGRATION STATUS.

C. IN CONDUCTING AN INVESTIGATORY ACTIVITY IN CONNECTION WITH AN INVESTIGATION, A LAW ENFORCEMENT AGENCY OR A LAW ENFORCEMENT OFFICER SHALL NOT INQUIRE ABOUT OR SEEK PROOF OF A PERSON'S IMMIGRATION STATUS, UNLESS:

(1) THE PERSON IS BOOKED INTO A DETENTION FACILITY; OR

(2) THE PERSON IS ARRESTED FOR A VIOLATION OF THE PENAL LAW OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE AND THE IMMIGRATION STATUS OF THAT PERSON IS PERTINENT TO THE CRIMINAL INVESTIGATION.

S 2. This act shall take effect immediately.

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

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