

8209

I N S E N A T E

June 16, 2010

Introduced by Sen. ESPADA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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

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

9 B. IN CONDUCTING AN INVESTIGATORY ACTIVITY IN CONNECTION WITH AN
10 INVESTIGATION, A LAW ENFORCEMENT AGENCY OR A LAW ENFORCEMENT OFFICER
11 SHALL NOT INQUIRE ABOUT OR SEEK PROOF OF A VICTIM'S OR WITNESS'S IMMI-
12 GRATION STATUS.

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

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

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

21 S 2. This act shall take effect immediately.

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

LBD17721-01-0