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

210

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. BENJAMIN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring a report to be made to the United States bureau of immigration and customs enforcement of any person present in the United States in violation of federal immigration laws who is arrested under state law or who comes within thirty days from being released from a correctional facility, parole or county jail

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 838-a to read as follows:

S 838-A. REPORTING TO THE UNITED STATES BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT. 1. THE NEW YORK STATE POLICE AND EVERY POLICE AGENCY IN THE STATE AS DEFINED IN SUBDIVISION EIGHT OF SECTION EIGHT HUNDRED THIRTY-FIVE OF THIS ARTICLE, SHALL REPORT ANY PERSON WHO IS ARRESTED UNDER STATE LAW AND WHO IS REASONABLY SUSPECTED OF BEING PRESENT IN THE UNITED STATES IN VIOLATION OF FEDERAL IMMIGRATION LAWS TO THE UNITED STATES BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT.

2. THE DEPARTMENT OF CORRECTIONAL SERVICES, THE DIVISION OF PAROLE AND COUNTY JAIL OFFICIALS SHALL NOTIFY THE UNITED STATES BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT OF ANY PERSON WHO IS INCARCERATED OR IS ON PAROLE AND IS PRESENT IN THE UNITED STATES IN VIOLATION OF FEDERAL IMMIGRATION LAWS, WHO COMES WITHIN THIRTY DAYS FROM BEING RELEASED FROM A CORRECTIONAL FACILITY, PAROLE OR COUNTY JAIL.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

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