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

4125

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. CLARK, GABRYSZAK, FIELDS, WALKER -- Multi-Sponsored by -- M. of A. BACALLES, BALL, CALHOUN, COLTON, CROUCH, GALEF, GIGLIO, KOLB, MAISEL, MAYERSOHN, McDONOUGH, THIELE, WEISENBERG -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to cooperation between police agencies and the United States bureau of immigration and customs enforcement

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. COOPERATION BETWEEN POLICE AGENCIES AND THE UNITED STATES BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT. 1. EVERY POLICE AGENCY IN THE STATE AS DEFINED IN SUBDIVISION EIGHT OF SECTION EIGHT HUNDRED THIRTY-FIVE OF THIS ARTICLE, SHALL FULLY COOPERATE WITH THE UNITED STATES BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT REGARDING 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.

2. WITH RESPECT TO ANY SUCH PERSON WHO IS SO ARRESTED AND WHO IS REASONABLY SUSPECTED OF BEING PRESENT IN THE UNITED STATES IN VIOLATION OF FEDERAL IMMIGRATION LAWS, EVERY LAW ENFORCEMENT AGENCY SHALL DO THE FOLLOWING:

(A) ATTEMPT TO VERIFY THE STATUS OF SUCH PERSON AS ONE OF THE FOLLOWING:

(I) A CITIZEN OF THE UNITED STATES;

(II) AN ALIEN LAWFULLY ADMITTED AS A PERMANENT RESIDENT;

(III) AN ALIEN LAWFULLY ADMITTED FOR A TEMPORARY PERIOD OF TIME;

(IV) A PERSON WHO IS OTHERWISE AUTHORIZED UNDER FEDERAL LAW TO BE PRESENT IN THE UNITED STATES; OR

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

LBD07151-01-9

(V) AN ALIEN WHO IS PRESENT IN THE UNITED STATES IN VIOLATION OF FEDERAL IMMIGRATION LAWS.

THE VERIFICATION PROCESS MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, QUESTIONING THE PERSON REGARDING HIS PLACE AND DATE OF BIRTH AND ENTRY INTO THE UNITED STATES AND REQUESTING TO SEE DOCUMENTATION INDICATING HIS LEGAL STATUS.

(B) NOTIFY THE PERSON OF HIS SUSPECTED STATUS AS AN ALIEN WHO IS PRESENT IN THE UNITED STATES IN VIOLATION OF FEDERAL IMMIGRATION LAWS.

(C) NOTIFY THE ATTORNEY GENERAL AND THE UNITED STATES BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT OF SUCH PERSON'S SUSPECTED ILLEGAL IMMIGRATION STATUS AND PROVIDE ANY ADDITIONAL INFORMATION THAT MAY BE REQUESTED BY ANY OTHER PUBLIC ENTITY.

3. ANY LEGISLATIVE, ADMINISTRATIVE OR OTHER ACTION BY A CITY, COUNTY OR OTHER LOCAL GOVERNMENTAL ENTITY, OR BY A LAW ENFORCEMENT AGENCY, TO PREVENT OR LIMIT THE COOPERATION REQUIRED BY SUBDIVISION ONE OF THIS SECTION SHALL BE PROHIBITED.

4. WHENEVER A STATE, CITY, COUNTY OR OTHER LOCAL GOVERNMENTAL ENTITY REPORTS A PERSON WHO IS SUSPECTED OF BEING PRESENT IN THE UNITED STATES IN VIOLATION OF FEDERAL IMMIGRATION LAWS TO THE ATTORNEY GENERAL, THAT REPORT SHALL BE TRANSMITTED TO THE UNITED STATES BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT. THE ATTORNEY GENERAL SHALL BE RESPONSIBLE FOR MAINTAINING COMPLETE AND ACCURATE RECORDS OF SUCH REPORTS, AND SHALL PROVIDE ANY ADDITIONAL INFORMATION THAT MAY BE REQUESTED BY ANY OTHER GOVERNMENT ENTITY.

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