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

6081

2009-2010 Regular Sessions

I N A S S E M B L Y

February 24, 2009

Introduced by M. of A. P. RIVERA, RAMOS -- Multi-Sponsored by -- M. of A. ARROYO, DIAZ, ESPAILLAT, V. LOPEZ, ORTIZ, PERALTA, PERRY, POWELL, J. RIVERA, N. RIVERA -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to prohibiting municipal corporations from empowering local police officers and peace officers to enforce any provision of federal immigration law, rule or regulation

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

Section 1. The general municipal law is amended by adding a new section 79 to read as follows:

S 79. PROHIBITION ON ENFORCEMENT OF FEDERAL IMMIGRATION LAW, RULES AND REGULATIONS. 1. NO MUNICIPAL CORPORATION SHALL AUTHORIZE OR REQUIRE ANY MUNICIPAL POLICE OFFICER OR PEACE OFFICER TO ENFORCE ANY PROVISION OF FEDERAL IMMIGRATION LAW, RULE OR REGULATION, UNLESS SUCH MUNICIPAL CORPORATION IS EXPRESSLY AUTHORIZED TO DO SO BY STATE STATUTE.

2. EVERY MUNICIPAL CORPORATION, EXPRESSLY AUTHORIZED BY STATE STATUTE TO AUTHORIZE OR REQUIRE ITS POLICE OFFICERS OR PEACE OFFICERS TO ENFORCE FEDERAL IMMIGRATION LAW, RULES OR REGULATIONS, SHALL, PRIOR TO ANY SUCH AUTHORIZATION OR REQUIREMENT, ESTABLISH A CIVILIAN REVIEW BOARD TO REVIEW, EVALUATE AND REPORT ALL ACTIONS OF THE MUNICIPAL POLICE OFFICERS AND PEACE OFFICERS AUTHORIZED OR REQUIRED TO ENFORCE FEDERAL IMMIGRATION LAW, RULES AND REGULATIONS. EVERY CIVILIAN REVIEW BOARD SHALL COMPLY WITH THE PROVISIONS OF RULES AND REGULATIONS PROMULGATED BY THE ATTORNEY GENERAL FOR SUCH BOARDS.

3. ANNUALLY, ON OR BEFORE MARCH FIRST, EACH CIVILIAN REVIEW BOARD SHALL SUBMIT A REPORT TO THE LEGISLATURE AND THE ATTORNEY GENERAL ON EVERY ACTION TAKEN BY A POLICE OFFICER OR PEACE OFFICER OF THE MUNICIPALITY DURING THE PREVIOUS CALENDAR YEAR RELATING TO THE ENFORCEMENT OF FEDERAL IMMIGRATION LAW, RULES AND REGULATIONS, AND THE CIRCUMSTANCES OF EACH SUCH ACTION.

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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