

8209

I N   S E N A T E

June 16, 2010

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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.

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