

5960

2013-2014 Regular Sessions

I N S E N A T E

October 21, 2013

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

AN ACT to create the Dignity for Immigrants in New York State Act; and to amend the executive law, in relation to prohibiting state and local law enforcement agencies from detaining individuals based only on the violation of federal immigration laws

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

1 Section 1. This act shall be known and may be cited as the "Dignity
2 for Immigrants in New York State Act".
3 S 2. The executive law is amended by adding a new section 844 to read
4 as follows:
5 S 844. DETAINMENT FOR VIOLATION OF FEDERAL IMMIGRATION LAWS. A LAW
6 ENFORCEMENT AGENCY OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE
7 SHALL NOT DETAIN PERSONS OTHERWISE ELIGIBLE FOR RELEASE FROM CUSTODY
8 WHOSE ONLY VIOLATION OF LAW IS THAT THEY ARE PERSONS OF FOREIGN CITIZEN-
9 SHIP WHO HAVE ENTERED OR ARE RESIDING IN THE UNITED STATES IN VIOLATION
10 OF FEDERAL IMMIGRATION LAWS IN TITLE 8 OF THE UNITED STATES CODE; UNLESS
11 SUCH PERSON HAS BEEN CONVICTED OF A VIOLENT FELONY OFFENSE AS DEFINED IN
12 SECTION 70.02 OF THE PENAL LAW OR CONVICTED WITHIN THE PAST FIVE YEARS
13 OF ANY OF THE FOLLOWING MISDEMEANORS: 1. ASSAULT IN THE THIRD DEGREE AS
14 DEFINED IN SECTION 120.00 OF THE PENAL LAW; 2. RECKLESS ENDANGERMENT IN
15 THE SECOND DEGREE AS DEFINED IN SECTION 120.20 OF THE PENAL LAW; 3.
16 SEXUAL MISCONDUCT AS DEFINED IN SECTION 130.20 OF THE PENAL LAW; 4.
17 FORCIBLE TOUCHING AS DEFINED IN SECTION 130.52 OF THE PENAL LAW; 5.
18 SEXUAL ABUSE IN THE SECOND DEGREE AS DEFINED IN SECTION 130.60 OF THE
19 PENAL LAW; 6. KILLING OR INJURING A POLICE ANIMAL AS DEFINED IN SECTION
20 195.06 OF THE PENAL LAW; 7. HARMING AN ANIMAL TRAINED TO AID A PERSON
21 WITH A DISABILITY IN THE FIRST DEGREE AS DEFINED IN SECTION 195.12 OF
22 THE PENAL LAW; 8. UNLAWFUL IMPRISONMENT IN THE SECOND DEGREE AS DEFINED
23 IN SECTION 135.05 OF THE PENAL LAW; 9. ENDANGERING THE WELFARE OF A

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

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1 CHILD AS DEFINED IN SECTION 260.10 OF THE PENAL LAW; 10. ENDANGERING THE
2 WELFARE OF AN INCOMPETENT OR PHYSICALLY DISABLED PERSON IN THE SECOND
3 DEGREE AS DEFINED IN SECTION 260.24 OF THE PENAL LAW.
4 S 3. This act shall take effect immediately.