

6032

2015-2016 Regular Sessions

I N S E N A T E

August 12, 2015

Introduced by Sens. CROCI, DeFRANCISCO, FARLEY, GRIFFO, LAVALLE, MARTINS, MURPHY, SEWARD, SKELOS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law and the general municipal law, in relation to creating the NY Cares Act

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 as the New Yorkers Combating Alien
2 Recidivism and Ending Sanctuary Act and may be cited as the "NY Cares
3 Act".

4 S 2. Paragraph (u) of subdivision 2 of section 709 of the executive
5 law is relettered paragraph (v) and a new paragraph (u) is added to read
6 as follows:

7 (U) DEVELOP A PLAN TO ENSURE THAT ALL COUNTIES, CITIES, TOWNS AND
8 VILLAGES, AND ANY AGENCY, OFFICE, DEPARTMENT OR AUTHORITY THEREOF,
9 INCLUDING A SHERIFF'S DEPARTMENT, MUNICIPAL POLICE DEPARTMENT OR
10 DISTRICT ATTORNEY'S OFFICE ARE IN COMPLIANCE WITH THE REQUIREMENTS OF
11 SECTION ONE HUNDRED THIRTY-NINE-E OF THE GENERAL MUNICIPAL LAW.

12 S 3. The general municipal law is amended by adding a new section
13 139-e to read as follows:

14 S 139-E. PROHIBITION AGAINST LOCAL GOVERNMENT ACTION TO PREVENT
15 ENFORCEMENT OF FEDERAL IMMIGRATION LAWS. 1. IN ACCORDANCE WITH ARTICLES
16 NINE AND THIRTEEN OF THE CONSTITUTION OF THE STATE OF NEW YORK, NO COUN-
17 TY, CITY, TOWN OR VILLAGE, OR ANY AGENCY, OFFICE, DEPARTMENT OR AUTHORI-
18 TY THEREOF, INCLUDING A SHERIFF'S DEPARTMENT, MUNICIPAL POLICE DEPART-
19 MENT, OR DISTRICT ATTORNEY'S OFFICE, OR THE GOVERNING BOARD THEREOF,
20 SHALL ADOPT ANY RULE, ORDER, ORDINANCE, LOCAL LAW OR POLICY, EITHER
21 FORMALLY OR INFORMALLY, PROHIBITING OR INHIBITING ONE OR MORE OF THE
22 FOLLOWING:

23 (A) THE ENFORCEMENT OF LAWS OF THIS STATE OR FEDERAL LAWS RELATING TO
24 IMMIGRANTS OR IMMIGRATION;

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

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1 (B) THE ABILITY OF LAW ENFORCEMENT OFFICERS TO ASSIST OR COOPERATE
2 WITH FEDERAL IMMIGRATION OFFICIALS IN THE COURSE OF CARRYING OUT THEIR
3 ROUTINE LAW ENFORCEMENT DUTIES;

4 (C) THE USE OF LOCAL RESOURCES TO AID IN THE COMPLIANCE WITH AN IMMI-
5 GRATION DETAINER ISSUED BY THE DEPARTMENT OF HOMELAND SECURITY;

6 (D) A LAW ENFORCEMENT OFFICER FROM MAKING AN INQUIRY CONCERNING THE
7 IMMIGRATION STATUS OF A LAWFULLY DETAINED INDIVIDUAL OR A LAWFULLY
8 ARRESTED INDIVIDUAL, AND/OR VERIFYING THE IMMIGRATION STATUS OF SUCH
9 INDIVIDUAL;

10 (E) THE SHARING OF INFORMATION PERTAINING TO AN INDIVIDUAL'S IMMI-
11 GRATION STATUS WITH FEDERAL IMMIGRATION OFFICIALS; OR

12 (F) THE ABILITY OF FEDERAL IMMIGRATION OFFICIALS TO ENTER AND CONDUCT
13 ENFORCEMENT ACTIVITIES AT A MUNICIPAL OR COUNTY JAIL IN FURTHERANCE OF
14 THEIR DUTY TO ENFORCE FEDERAL IMMIGRATION LAWS.

15 2. FOR PURPOSES OF THIS SECTION, A PERSON SHALL NOT BE CONSIDERED TO
16 BE LAWFULLY DETAINED IF SUCH PERSON IS: (A) THE VICTIM OF A CRIME; (B) A
17 COOPERATING WITNESS RELATING TO A CRIME; OR (C) REPORTING A CRIME, CRIM-
18 INAL ACTIVITY, OR A PLANNED OR ACTUAL ACT OF TERRORISM.

19 3. (A) NO STATE FUNDING SHALL BE APPROPRIATED OR DISBURSED TO ANY
20 COUNTY, CITY, TOWN OR VILLAGE, OR ANY AGENCY, OFFICE, DEPARTMENT OR
21 AUTHORITY THEREOF, INCLUDING A SHERIFF'S DEPARTMENT, MUNICIPAL POLICE
22 DEPARTMENT OR DISTRICT ATTORNEY'S OFFICE, DETERMINED TO BE IN WILFUL
23 VIOLATION OF THIS SECTION.

24 (B) THE COMPTROLLER SHALL, PRIOR TO THE DISBURSEMENT OR DELIVERY OF
25 ANY STATE OR FEDERAL FUNDS, TO A COUNTY, CITY, TOWN OR VILLAGE, OR ANY
26 AGENCY, OFFICE, DEPARTMENT OR AUTHORITY THEREOF, REQUIRE THAT THE CHIEF
27 ELECTED OFFICER OF SUCH COUNTY, CITY, TOWN OR VILLAGE PROVIDE VERIFICA-
28 TION, SIGNED UNDER PENALTIES OF PERJURY BY SUCH CHIEF ELECTED OFFICER,
29 THAT SUCH COUNTY, CITY, TOWN OR VILLAGE IS IN COMPLIANCE WITH THIS
30 SECTION.

31 4. THIS SECTION SHALL NOT BE DEEMED TO APPLY TO ANY SCHOOL DISTRICT,
32 CHARTER SCHOOL, OR MUNICIPAL HEALTH SERVICE FACILITY.

33 S 4. Severability clause. If any clause, sentence, paragraph, subdivi-
34 sion, section or part of this act shall be adjudged by any court of
35 competent jurisdiction to be invalid, such judgment shall not affect,
36 impair or invalidate the remainder thereof, but shall be confined in its
37 operation to the clause, sentence, paragraph, subdivision, section or
38 part thereof directly involved in the controversy in which such judgment
39 shall have been rendered. It is hereby declared to be the intent of the
40 legislature that this act would have been enacted even if such invalid
41 provisions had not been included herein.

42 S 5. This act shall take effect immediately.