STATE OF NEW YORK

7405

IN SENATE

January 12, 2018

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

AN ACT to amend the judiciary law, in relation to the presence of local, state or federal agents upon the premises of a court of record

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The judiciary law is amended by adding a new section 2-c to read as follows:

§ 2-c. Presence of local, state or federal agents. 1. Upon entry upon the premises of a court of record, local, state or federal agents seeking to perform civil enforcement or civil arrest functions shall identify themselves to a court officer or court employee as an agent or officer and identify the agency.

2. Upon learning that a local, state or federal agent is seeking to perform a civil enforcement or arrest function, court officers or court employees shall immediately notify the presiding judge upon such premises or the senior employee of the office of court administration upon the premises.

3. The presiding judge or senior employee of the office of court administration receiving notice pursuant to subdivision two of this section, shall, as soon as practicable, question the agent or officer seeking to perform a civil enforcement or effect a civil arrest as to their business upon the premises of the court. In addition, such judge or senior employee shall provide notice to all parties to any action and proceeding being conducted upon the premises of the court as to the presence of agents and officers.

4. No local, state or federal agents may conduct civil enforcement activities or effect a civil arrest upon the premises of any court of record unless he or she shall possess a state or federal court order authorizing such action, or a state or federal warrant for the taking of custody of a person upon such premises.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

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

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