

STATE OF NEW YORK

4398

2021-2022 Regular Sessions

IN SENATE

February 4, 2021

Introduced by Sens. RAMOS, KRUEGER -- read twice and ordered printed,
and when printed to be committed to the Committee on Codes

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 Assem-
bly, do enact as follows:

1 Section 1. The executive law is amended by adding a new section 844 to
2 read as follows:

3 § 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 § 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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