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 Assembly, do enact as follows:

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

§ 844. Inquiry into immigration status limited. a. In conducting a routine or spontaneous investigatory activity, including an interview, a detention, a traffic stop, a pedestrian stop, a frisk or other type of bodily search or a search of personal or real property, a law enforcement agency or a law enforcement officer shall not inquire about or seek proof of a person's immigration status.

b. In conducting an investigatory activity in connection with an investigation, a law enforcement agency or a law enforcement officer shall not inquire about or seek proof of a victim's or witness's immigration status.

c. In conducting an investigatory activity in connection with an investigation, a law enforcement agency or a law enforcement officer shall not inquire about or seek proof of a person's immigration status, unless:

(1) the person is booked into a detention facility; or

(2) the person is arrested for a violation of the penal law of the state or a political subdivision of the state and the immigration status of that person is pertinent to the criminal investigation.

§ 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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