

STATE OF NEW YORK

6403

2021-2022 Regular Sessions

IN SENATE

April 27, 2021

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

AN ACT to amend the civil rights law, in relation to protecting people from civil arrest at certain locations

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

1 Section 1. The civil rights law is amended by adding a new section 29
2 to read as follows:

3 § 29. Civil arrest; certain locations. 1. A person shall be privileged
4 from civil arrest while within one thousand feet of a sensitive
5 location, unless such civil arrest is supported by a judicial warrant or
6 judicial order authorizing such civil arrest.

7 2. It is a contempt of the court and false imprisonment for any person
8 to willfully violate subdivision one of this section, by executing an
9 arrest prohibited by subdivision one of this section or willfully
10 assisting an arrest prohibited by subdivision one of this section;
11 provided, however, that nothing in this subdivision shall affect any
12 right or defense of any person, police officer, peace officer or public
13 officer pursuant to article thirty-five of the penal law.

14 3. Regardless of whether a proceeding for contempt of the court pursu-
15 ant to subdivision two of this section has been initiated:

16 (a) a person described in subdivision one of this section may bring a
17 civil action for appropriate equitable and declaratory relief if such
18 person has reasonable cause to believe a violation of subdivision one of
19 this section, as described in subdivision two of this section has
20 occurred or may occur; and

21 (b) the attorney general may bring a civil action in the name of the
22 people of the state of New York to obtain appropriate equitable and
23 declaratory relief if the attorney general has reasonable cause to
24 believe that a violation of subdivision one of this section, as
25 described in subdivision two of this section has occurred or may occur.

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

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1 4. In any successful action pursuant to subdivision three of this
2 section, a plaintiff or petitioner may recover costs and reasonable
3 attorney's fees.

4 5. Nothing in this section shall be construed to narrow, or in any way
5 lessen, any common law or other right or privilege of a person privi-
6 leged from arrest pursuant to this article or otherwise.

7 6. As used in this section:

8 (a) "civil arrest" shall mean an arrest that is not:

9 (i) for the sole or primary purpose of preparing the person subject to
10 such arrest for criminal prosecution, for an alleged violation of the
11 criminal law of:

12 (A) this state, or another state, for which a sentence of a term of
13 imprisonment is authorized by law; or

14 (B) the United States, for which a sentence of a term of imprisonment
15 is authorized by law, and for which federal law requires an initial
16 appearance before a federal judge, federal magistrate or other judicial
17 officer, pursuant to the federal rules of criminal procedure that govern
18 initial appearances; or

19 (ii) for contempt of the court in which the court proceeding is taking
20 place or will be taking place;

21 (b) "sensitive location" means:

22 (i) any medical treatment or health care facility, including any
23 hospital, doctor's office, accredited health clinic, or emergent or
24 urgent care facility, or community health center;

25 (ii) all public and private schools, including but not limited to,
26 pre-schools, primary schools, secondary schools, colleges and universi-
27 ties; sites of early childhood education programs; other institutions of
28 learning; vocational and trade schools; and other sites where individ-
29 uals who are unemployed or underemployed may apply for or receive work-
30 force training;

31 (iii) any scholastic or education-related activity or event, including
32 field trips and interscholastic events;

33 (iv) locations where emergency services providers provide shelter or
34 food;

35 (v) locations of any organization that:

36 (A) assists children, pregnant women, victims of crime or abuse, or
37 individuals with significant mental or physical disabilities, including
38 domestic violence shelters, rape crisis centers, supervised visitation
39 centers, family justice centers, and victims services providers; or

40 (B) provides disaster or emergency social services and assistance, or
41 services for individuals experiencing homelessness, including, food
42 banks and shelters;

43 (vi) places of worship and sites of funerals, weddings or other reli-
44 gious ceremonies; and

45 (vii) any office of a state or local elected official; and

46 (c) "judicial warrant" or "judicial order authorizing such civil
47 arrest" means an arrest warrant or other judicial order, issued by a
48 magistrate sitting in the judicial branch of a local or state government
49 or of the federal government, authorizing a civil arrest and issued by
50 the court in which proceedings following such arrest will be heard and
51 determined.

52 7. No action or proceeding may be commenced pursuant to this section
53 against the unified court system or any unified court system personnel
54 acting lawfully pursuant to their duty to maintain safety and order in
55 the courts.

1 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
2 sion, section or part of this act shall be adjudged by any court of
3 competent jurisdiction to be invalid, such judgment shall not affect,
4 impair, or invalidate the remainder thereof, but shall be confined in
5 its operation to the clause, sentence, paragraph, subdivision, section
6 or part thereof directly involved in the controversy in which such judg-
7 ment shall have been rendered. It is hereby declared to be the intent of
8 the legislature that this act would have been enacted even if such
9 invalid provisions had not been included herein.
10 § 3. This act shall take effect immediately.