

STATE OF NEW YORK

9613

IN SENATE

May 16, 2024

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

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to the constitution, in relation to regulating the discovery and disclosure of immigration status

1 Section 1. Resolved (if the Assembly concur), That article 20 of the
2 constitution be renumbered article 21 and a new article 20 be added to
3 read as follows:

ARTICLE XX

Regulation of Discovery and Disclosure of Immigration Status

4
5
6 Section 1. For purposes of this article, the following terms shall
7 have the following meanings:

8 1. "State entity" shall mean (a) all agencies and departments over
9 which the governor has executive authority; and (b) all public benefit
10 corporations, public authorities, boards, and commissions, for which the
11 governor appoints the chair, the chief executive, or the majority of
12 board members, except for the port authority of New York and New Jersey.

13 2. "Noncitizen" shall mean any person who is not a citizen or national
14 of the United States.

15 3. "Illegal activity" shall mean any unlawful activity that consti-
16 tutes a crime under state or federal law, provided, however, an individ-
17 ual's status as an undocumented noncitizen shall not constitute unlawful
18 activity.

19 § 2. No state officers or employees, other than law enforcement offi-
20 cers, shall inquire about an individual's immigration status unless:

21 1. the status of such individual is necessary to determine such indi-
22 vidual's eligibility for a program, benefit, or the provision of a
23 service; or

24 2. the state officer or employee is required by law to inquire about
25 such individual's status.

26 § 3. No state officers or employees, including law enforcement offi-
27 cers, shall disclose information to federal immigration authorities for
28 the purpose of federal civil immigration enforcement, unless required by
29 law. Notwithstanding such prohibition, this article shall not prohibit,
30 or in any way restrict, any state employee from sending to, or receiving

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

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1 from, federal immigration authorities, information regarding the citi-
2 zenship or immigration status, lawful or unlawful, of any individual, as
3 required by law.

4 § 4. 1. No law enforcement officers shall inquire about an individ-
5 ual's immigration status unless investigating such individual's illegal
6 activity, provided however that such inquiry is relevant to the illegal
7 activity under investigation. Nothing in this article shall restrict law
8 enforcement officers from seeking documents for the purpose of identifi-
9 cation following arrest.

10 2. Such prohibition against inquiring into status includes, but is not
11 limited to, when an individual approaches a law enforcement officer
12 seeking assistance, is the victim of a crime, or is witness to a crime.

13 3. Law enforcement officers shall not use resources, equipment or
14 personnel for the purpose of detecting and apprehending any individual
15 suspected or wanted only for violating a civil immigration offense. Law
16 enforcement officers shall have no authority to take any police action
17 solely because an individual is an undocumented noncitizen, including
18 but not limited to identifying, questioning, detaining, or demanding to
19 inspect federal immigration documents.

20 § 2. Resolved (if the Assembly concur), That the foregoing amendment
21 be submitted to the people for approval at the general election to be
22 held in the year 2024 in accordance with the provisions of the election
23 law.