STATE OF NEW YORK

5467

2025-2026 Regular Sessions

IN ASSEMBLY

February 14, 2025

Introduced by M. of A. E. BROWN -- read once and referred to the Committee on Codes

AN ACT to amend the executive law, in relation to granting federal immigration enforcement powers to local law enforcement agencies in New York state

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

Section 1. Short title. This act shall be known and may be cited as the "New York state immigration enforcement act of 2025".

§ 2. Legislative findings. The legislature finds that:

1. Criminal activity committed by illegal immigrants, especially those with a history of violent or gang-related offenses, poses a significant threat to public safety in New York state communities.

2. Local law enforcement agencies have an essential role in ensuring the safety of all residents, and their capacity to cooperate with federal authorities to enforce immigration law strengthens public safety.

3. Federal authorities, specifically United States Immigration and Customs Enforcement ("ICE"), offer an opportunity to local law enforcement to assist in the identification, arrest, and deportation of criminal illegal immigrants.

4. Nassau County has recently entered into an agreement with ICE under the 287(g) program, and this approach has proven effective in addressing the safety concerns associated with illegal immigration and crime.

5. It is in the best interest of New York state to extend this model statewide to enhance local law enforcement's ability to combat criminal activity by individuals residing unlawfully in the United States.

§ 3. The executive law is amended by adding a new section 837-y to read as follows:

§ 837-y. Cooperation with federal immigration enforcement agency. 1. For the purposes of this section, the following terms shall have the following meanings:

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

LBD09318-01-5

(a) "287(g) program" shall mean a federal program that allows the United States immigration and customs enforcement agency to deputize local law enforcement officers to enforce federal immigration laws pursuant to section 287(g) of the federal immigration and nationality act.

(b) "Criminal migrant" shall mean any individual who is unlawfully residing in the United States and is suspected of engaging in criminal activity, as defined by the penal law.

(c) "Local law enforcement agency" shall mean any police department or sheriff's office operating within the state of New York.

2. (a) The division, in cooperation with the United States immigration and customs enforcement agency, shall create a process for local law enforcement agencies to participate in the 287(g) program.

(b) Any local law enforcement agency that elects to participate in the program may deputize up to but no more than ten officers or detectives to enforce federal immigration law pursuant to the 287(g) program. Such officers shall be trained and authorized by the United States immigration and customs enforcement agency to arrest and detain criminal migrants pursuant to federal immigration law.

(c) Such officers shall be authorized to:

(i) identify, arrest, and detain criminal migrants;

(ii) collaborate with the United States immigration and customs enforcement agency to initiate deportation proceedings for any criminal migrant who is arrested by a local law enforcement agency;

(iii) detain a criminal migrant for up to seventy-two hours; and

(iv) allow United States immigration and customs enforcement agency agents to take custody of any criminal migrant who is arrested or detained by a local law enforcement agency for further immigration processing.

(d) Participating law enforcement agencies shall:

(i) provide the United States immigration and customs enforcement agency with a permanent presence at local detention facilities for the purpose of transferring criminal migrants;

(ii) adhere to the training protocols and federal oversight requirements specified pursuant to the 287(g) program; and

(iii) ensure that individuals detained pursuant to the 287(g) program are held in a secure and humane manner, in accordance with both federal and state guidelines.

3. (a) The New York state legislature shall appropriate funding, as appropriate, for local law enforcement agencies to implement the 287(g) program pursuant to this section. Such funding may be used for, but shall not be limited to, training, equipment, and additional personnel, as needed.

(b) Each local law enforcement agency that participates in the 287(g) program shall be entitled to receive federal funds from the United States immigration and customs enforcement agency for the assistance of such agency in enforcing federal immigration laws.

4. Local law enforcement agencies may apply to participate in the 287(g) program by submitting a formal application to the division in such form and manner as determined by the commissioner. Such application shall outline such local law enforcement agency's commitment to enforcing both state and federal immigration laws and their readiness to comply with the training and operational requirements set by the United States immigration and customs enforcement agency.

5. (a) The division shall conduct regular reviews and audits of the 287(g) program to ensure that participating law enforcement agencies are complying with all state and federal laws and regulations.

(b) The legislature shall establish an oversight committee to monitor the implementation and effectiveness of the program statewide. Such oversight committee shall be comprised of members from the assembly and senate and representatives from civil rights organizations. Such oversight committee shall prepare and submit to the legislature an annual report, which shall include but not be limited to:

(i) the program's impact on public safety;

(ii) the legal rights of detainees; and

(iii) the overall effectiveness of immigration enforcement in the state.

§ 4. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 5. This act shall take effect immediately.