STATE OF NEW YORK

8995

2025-2026 Regular Sessions

IN ASSEMBLY

August 13, 2025

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

AN ACT to amend the executive law, the criminal practice law, the civil practice law and rules, and the state administrative procedure act, in relation to requiring federal immigration enforcement agents to identify themselves as such when conducting enforcement activities

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 "facial identification and transparency in immigration enforcement act".

§ 2. Legislative findings and intent. The legislature finds that ensuring transparency and accountability in immigration enforcement actions conducted within the state of New York is essential to public safety and the protection of civil liberties. The use of unmarked agents or masked individuals by federal agencies without clearly identifying themselves contributes to fear, confusion, and potential violations of constitutional rights. The purpose of this legislation is to ensure that all individuals have the right to know who is conducting enforcement actions and to protect the integrity of law enforcement procedures in the state.

§ 3. The executive law is amended by adding a new section 94-c to read as follows:

§ 94-c. Requirements for federal immigration enforcement activity. 1. No agent, officer, or contractor acting on behalf of United States immigration and customs enforcement (ICE) or any other federal immigration enforcement agency shall conduct any enforcement activity within the state of New York unless such agent, officer, or contractor:

(a) clearly displays a valid and current federal identification badge and credentials which are visible to the individual or individuals subject to enforcement; and

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

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(b) does not obscure or conceal such officer, agent, or contractor's face with a mask, shield, or any other facial covering unless required for safety due to an imminent and articulable threat or as advised following a public health emergency declared under state or federal law.

2. Any federal immigration enforcement officer, agent, or contractor operating in New York shall, upon request by any individual subject to such enforcement activity or any member of a state law enforcement agency, provide such officer, agent, or contractor's name, agency, and badge number.

3. Any state or local law enforcement agency, officer, or employee who becomes aware of a violation of this section shall document and report such violation to the office of the New York state attorney general within forty-eight hours. The department shall establish a telephone hotline and may establish an internet form for members of the public to report such violations.

4. The attorney general shall have the authority to investigate any violations of this section and may bring a civil action for injunctive relief or penalties, including a fine of up to five thousand dollars per violation.

§ 4. The criminal procedure law is amended by adding a new section 60.80 to read as follows:

§ 60.80 Admissibility of evidence obtained by federal immigration agents in violation of state transparency laws.

1. Any evidence obtained during an enforcement action by a federal immigration enforcement agent who fails to comply with section ninety-four-c of the executive law shall be presumptively inadmissible in any criminal proceeding within New York state courts.

2. This section shall not apply to evidence obtained independently by lawful means or if the court finds that such exclusion would result in manifest injustice.

§ 5. The civil practice law and rules is amended by adding a new section 4552 to read as follows:

§ 4552. Admissibility of evidence obtained by federal immigration agents in violation of state transparency laws. 1. Any evidence obtained during an enforcement action by a federal immigration enforcement agent who fails to comply with section ninety-four-c of the executive law shall be presumptively inadmissible in any civil proceeding within New York state courts.

2. This section shall not apply to evidence obtained independently by lawful means or if the court finds that such exclusion would result in manifest injustice.

§ 6. Section 306 of the state administrative procedure act is amended by adding a new subdivision 5 to read as follows:

5. (a) Any evidence obtained during an enforcement action by a federal immigration enforcement agent who fails to comply with section ninety-four-c of the executive law shall be presumptively inadmissible in any criminal proceeding within New York state courts.

(b) This subdivision shall not apply to evidence obtained independently by lawful means or if the court finds that such exclusion would result in manifest injustice.

§ 7. Severability. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall not be affected.

§ 8. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment

and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.