STATE OF NEW YORK

9300

2025-2026 Regular Sessions

IN ASSEMBLY

December 10, 2025

Introduced by M. of A. R. CARROLL -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to establishing the "free speech protection act" and preventing the transfer of information on legal protest activities to the federal government

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

Section 1. This act shall be known and may be cited as the "free speech protection act".

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

§ 837-z. Cooperation with certain federal investigations. 1. For purposes of this section, the term "protected expressive activity" means protests, demonstrations, or other actions protected by the first amendment to the United States constitution or sections eight and nine of article one of the New York state constitution.

2. No state or local law enforcement agency shall cooperate with or provide information to the federal government or its agents regarding protected expressive activities performed in this state, or otherwise expend or use time, moneys, facilities, property, equipment, personnel, or other resources in furtherance of any federal investigation or proceeding that seeks to impose civil or criminal liability or professional sanctions upon a person or entity for any protected expressive activity occurring in this state.

3. Nothing in this section shall prohibit the investigation of any crime under the laws of this state which may involve protests, demonstrations, or other actions protected by the first amendment to the United States constitution or sections eight and nine of article one of the New York state constitution, provided that no information may be provided to the federal government or its agents as to the participation of specific individuals in these protected activities.

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

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4. This section shall not be construed to allow for the provision of any information to the federal government or its agents that would not otherwise be available under state law.

5. (a) Any individual whose information was obtained by any federal government entity in violation of this section may institute a civil action against the state or local law enforcement agency that disclosed their information in violation of this section for any or all of the following:

(i) one thousand dollars per violation or actual damages, whichever is greater;

(ii) punitive damages;

(iii) injunctive or declaratory relief; and

(iv) any other relief the court deems proper.

(b) In assessing the amount of punitive damages, the court shall consider:

(i) the number of people whose rights were violated;

(ii) whether the violation directly or indirectly targeted persons engaged in the exercise of activities protected by the United States constitution or the New York state constitution; and

(iii) the persistence of violations by the particular government entity.

(c) In any action brought under this section, the court shall award reasonable attorneys' fees, expenses, and costs to a prevailing plaintiff.

§ 3. This act shall take effect immediately.