

STATE OF NEW YORK

2235--A

2025-2026 Regular Sessions

IN SENATE

January 16, 2025

Introduced by Sens. GOUNARDES, SALAZAR, BAILEY, BASKIN, BRISPORT, BROUK, CLEARE, COMRIE, COONEY, FAHY, FERNANDEZ, GIANARIS, GONZALEZ, HARCKHAM, HINCHEY, HOYLMAN-SIGAL, JACKSON, KAVANAGH, KRUEGER, LIU, MAY, MAYER, MYRIE, PARKER, RAMOS, RIVERA, S. RYAN, SANDERS, SEPULVEDA, SERRANO, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, the executive law, the general municipal law, the correction law and the public officers law, in relation to prohibiting and regulating the discovery and disclosure of immigration status; and to repeal certain provisions of the correction law relating thereto

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

1 Section 1. Section 1.20 of the criminal procedure law is amended by
2 adding five new subdivisions 46, 47, 48, 49, and 50 to read as follows:

3 46. "Immigration authorities" means any officer, employee, or govern-
4 ment employee who is responsible for enforcement of the federal Immi-
5 gration and Nationality Act, including any officer or agent of United
6 States Immigration and Customs Enforcement or United States Customs and
7 Border Protection.

8 47. "Immigration enforcement" means the enforcement of any civil
9 provision of the federal Immigration and Nationality Act or any
10 provision of law that penalizes a person's presence in, entry into, or
11 reentry into the United States.

12 48. "Immigration law" means any civil provision of the federal Immi-
13 gration and Nationality Act and any provision of law that penalizes a
14 person's presence in, entry into, or reentry into the United States.

15 49. "Immigration detainer" means any document, form, or other communi-
16 cation requesting or directing that a police officer, peace officer, or

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

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1 government entity detain or maintain custody of an individual, for any
2 period of time, for pickup by or transfer to immigration authorities.

3 50. "Civil immigration warrant" means any warrant for a violation of
4 civil immigration law that is not issued by a judge appointed pursuant
5 to Article III of the United States constitution or a federal magistrate
6 judge appointed pursuant to 28 USC § 631, and includes any warrant
7 entered into the national crime information center database.

8 § 2. The criminal procedure law is amended by adding a new article 145
9 to read as follows:

10 ARTICLE 145

11 PROCEDURES FOR POLICE OFFICERS, PEACE OFFICERS, AND SCHOOL RESOURCE
12 OFFICERS PERTAINING TO IMMIGRATION ENFORCEMENT

13 Section 145.05 Duties of police officers, peace officers, and school
14 resource officers; immigration.

15 145.10 Direction by immigration authorities.

16 145.15 Immigration detainer; questioning, investigation or
17 interrogation prohibited.

18 145.20 Inquiry into and collection of information about citi-
19 zenship or immigration status prohibited.

20 145.25 Notification of immigration authorities prohibited.

21 145.30 Transfer of custody to immigration authorities.

22 145.35 Entry of immigration status into a database.

23 145.40 Immigration authorities as interpreters prohibited.

24 145.45 Written consent for interview.

25 145.50 Receipt of information regarding citizenship.

26 145.55 Compliance with court orders and judicial warrants.

27 145.60 Application of laws.

28 § 145.05 Duties of police officers, peace officers, and school resource
29 officers; immigration.

30 The duties and authority of police officers, peace officers, and
31 school resource officers shall not include authority to engage in immi-
32 gration enforcement. Police officers, peace officers, and school
33 resource officers shall not use public resources for immigration
34 enforcement.

35 § 145.10 Direction by immigration authorities.

36 No police officer, peace officer, or school resource officer shall be
37 subject to the direction or supervision of immigration authorities. No
38 police officer, peace officer, or school resource officer shall partic-
39 ipate in or be subject to any agreement for the purpose of immigration
40 enforcement.

41 § 145.15 Immigration detainer; questioning, investigation or interro-
42 gation prohibited.

43 No police officer, peace officer, or school resource officer shall
44 question, investigate, or interrogate an individual solely on the basis
45 of an immigration detainer, a civil immigration warrant, or an actual or
46 suspected violation of immigration law.

47 § 145.20 Inquiry into and collection of information about citizenship or
48 immigration status prohibited.

49 1. No police officer, peace officer, or school resource officer shall
50 inquire about a person's citizenship, immigration status, nationality,
51 or country of origin, unless required by law or necessary to administer
52 a public program or benefit sought by that person.

53 2. No police officer, peace officer, or school resource officer shall
54 collect information regarding citizenship, immigration status, national-
55 ity, or country of origin, unless required by law or necessary to admin-
56 ister a public program or benefit sought by that person.

1 § 145.25 Notification of immigration authorities prohibited.

2 No police officer, peace officer, or school resource officer shall
3 notify or otherwise communicate with immigration authorities regarding:
4 (i) the date, time, or location that an individual will be released from
5 custody; (ii) the time, date, or location of an individual's court
6 appearance; or (iii) any other information available to police officers,
7 peace officers, or school resource officers through or as a result of
8 such employment as a police officer, peace officer, or school resource
9 officer.

10 § 145.30 Transfer of custody to immigration authorities.

11 No police officer, peace officer, or school resource officer shall
12 transfer or facilitate the transfer of individuals in their custody to
13 the custody of immigration authorities absent a valid court order or
14 judicial warrant issued by an independent judge appointed pursuant to
15 Article III of the United States constitution or federal magistrate
16 judge appointed pursuant to 28 USC § 631 commanding the arrest of such
17 individual.

18 § 145.35 Entry of immigration status into a database.

19 No police officer, peace officer, or school resource officer shall
20 enter a person's immigration status into any database maintained by any
21 government entity unless required or necessary to administer a public
22 program or benefit sought by such person.

23 § 145.40 Immigration authorities as interpreters prohibited.

24 No police officer, peace officer, or school resource officer shall use
25 immigration authorities as interpreters for law enforcement matters
26 relating to individuals being interviewed, interrogated, investigated,
27 or taken into custody.

28 § 145.45 Written consent for interview.

29 1. In any instance in which immigration authorities are permitted
30 access to an individual in the custody of a police officer, peace offi-
31 cer, or school resource officer for the purpose of being interviewed,
32 the officer shall provide the individual with a written consent form
33 that explains the purpose of the interview, that the interview is volun-
34 tary, and that they may decline to be interviewed or may choose to be
35 interviewed with their attorney present. The written consent form shall
36 be provided in English, Spanish, and the five most widely spoken
37 languages in the county where the officer's agency or department is
38 located.

39 2. After providing an individual in custody with a written consent
40 form pursuant to subdivision one of this section, an officer shall keep
41 a written record of whether the individual declined an interview,
42 consented to an interview, or asked for an attorney to be present at the
43 interview, and whether an interview occurred. The office or agency
44 employing such officer shall maintain all such written records and shall
45 compile an annual summary identifying the number of requests for inter-
46 views received and whether each individual declined the interview,
47 consented to the interview, or asked for an attorney to be present at
48 the interview, and how many interviews occurred. Such summary shall not
49 include the personally identifiable information of any individual in
50 custody, and shall be a public record.

51 § 145.50 Receipt of information regarding citizenship.

52 The provisions of this article shall not prohibit police officers,
53 peace officers, or school resource officers from sending or receiving
54 information regarding an individual's citizenship or immigration status
55 to or from any local, state, or federal agency.

56 § 145.55 Compliance with court orders and judicial warrants.

1 The provisions of this article shall not prohibit officers from
2 complying with valid court orders or judicial warrants issued by an
3 independent judge appointed pursuant to Article III of the United States
4 constitution or federal magistrate judge appointed pursuant to 28 USC §
5 631.

6 § 145.60 Application of laws.

7 The provisions of this article shall apply notwithstanding any other
8 provisions of state or local law and shall not be construed to in any
9 way expand the authority of state and local law enforcement officers to
10 participate in immigration enforcement.

11 § 3. The executive law is amended by adding a new section 256-b to
12 read as follows:

13 § 256-b. Duties of local probation departments regarding immigration
14 enforcement. 1. For the purposes of this section, the terms "immi-
15 gration authorities", "immigration enforcement", "immigration law",
16 "immigration detainer" and "civil immigration warrant" shall have the
17 same meaning as defined in section 1.20 of the criminal procedure law.

18 2. No probation agency or department, nor any employee thereof, shall
19 inquire about a person's citizenship, immigration status, nationality,
20 or country of origin, unless required by law or necessary to administer
21 a public program or benefit sought by such person.

22 3. No probation agency or department, nor any employee thereof, shall
23 communicate with immigration authorities regarding a person presently or
24 formerly under the supervision of such agency or department or disclose
25 to immigration authorities information gained in the course of employ-
26 ment or available as a result of employment with such agency or depart-
27 ment.

28 4. No probation agency or department, nor any employee thereof, shall
29 collect information about a person's citizenship, immigration status,
30 nationality, or country of origin, unless required by law or necessary
31 to administer a public program or benefit sought by such person.

32 5. No probation agency or department, nor any employee thereof, shall
33 question, investigate, or interrogate an individual solely on the basis
34 of an immigration detainer, a civil immigration warrant, or an actual or
35 suspected violation of immigration law.

36 6. No probation agency or department, nor any employee thereof, shall
37 permit non-local law enforcement agencies to access non-public areas of
38 property or facilities under the control of such agency or department
39 unless presented with a judicial warrant signed by a judge or independ-
40 ent magistrate authorizing a search or seeking the arrest of an individ-
41 ual present at the time the judicial warrant is presented.

42 7. In any instance in which immigration authorities are permitted
43 access to an individual under the supervision of a probation agency or
44 department for the purpose of being interviewed, the probation agency or
45 department shall provide the individual with a written consent form that
46 explains the purpose of the interview, that the interview is voluntary,
47 and that they may decline to be interviewed or may choose to be inter-
48 viewed with their attorney present. The written consent form shall be
49 provided in English, Spanish, and the five most widely spoken languages
50 in the county where the officer's agency or department is located.

51 8. No probation agency or department, nor any employee thereof, shall
52 enter a person's immigration status into any database maintained by any
53 government entity unless required or necessary to administer a public
54 program or benefit sought by such person.

55 9. No probation agency or department, nor any employee thereof, shall
56 investigate a person's immigration status or immigration history.

1 10. No probation agency or department, nor any employee thereof, shall
2 include a person's immigration status or immigration history in court-
3 ordered reports.

4 11. No probation agency or department, nor any employee thereof, shall
5 use immigration authorities as interpreters for law enforcement matters
6 relating to individuals under the supervision of such agency or depart-
7 ment.

8 12. The provisions of this section shall not prohibit employees of
9 probation agencies or departments from sending or receiving information
10 regarding an individual's citizenship or immigration status to or from
11 any local, state, or federal agency.

12 13. The provisions of this section shall not prohibit probation
13 departments or their employees from complying with valid court orders or
14 judicial warrants issued by an independent judge appointed pursuant to
15 Article III of the United States constitution or federal magistrate
16 judge appointed pursuant to 28 USC § 631.

17 14. The provisions of this section shall apply notwithstanding any
18 other provisions of state or local law and shall not be construed to in
19 any way expand the authority of state and local law enforcement officers
20 to participate in immigration enforcement.

21 § 4. The executive law is amended by adding a new article 15-AA to
22 read as follows:

23 ARTICLE 15-AA

24 RESTRICTIONS ON IMMIGRATION ENFORCEMENT BY STATE EMPLOYEES

25 Section 319. Definitions.

26 319-a. Restrictions on immigration enforcement by state employ-
27 ees.

28 § 319. Definitions. As used in this article, the following terms shall
29 have the following meanings:

30 1. "State entity" means: any agency under the executive authority of
31 the governor; any agency for which the governor appoints the commission-
32 er or highest ranking employee; any public benefit corporation, public
33 authority, board, or commission for which the governor appoints the
34 chief executive or a majority of the board members; any division,
35 department, or office regulated under this chapter; the department of
36 education and any public school district or charter school, division,
37 office, or institution under the supervision of the department of educa-
38 tion; all offices defined in article one of the public officers law; the
39 department of civil service or any of its civil divisions as defined in
40 article one of the civil service law; and any contractor while perform-
41 ing services on behalf of the state.

42 2. "State employee" means any individual employed by: any agency under
43 the executive authority of the governor; any agency for which the gover-
44 nor appoints the commissioner or highest ranking employee; any public
45 benefit corporation, public authority, board, or commission for which
46 the governor appoints the chief executive or a majority of the board
47 members; any division, department, or office regulated under this chap-
48 ter; the department of education and any public school district or char-
49 ter school, division, office, or institution under the supervision of
50 the department of education; all offices defined in article one of the
51 public officers law; the department of civil service or any of its civil
52 divisions as defined in article one of the civil service law; or any
53 contractor while performing services on behalf of the state.

54 3. For the purposes of this section, the terms "immigration authori-
55 ties", "immigration enforcement", "immigration law", "immigration

1 detainer" and "civil immigration warrant" shall have the same meaning as
2 defined in section 1.20 of the criminal procedure law.

3 § 319-a. Restrictions on immigration enforcement by state employees.

4 1. No state employee shall use state resources, including but not limit-
5 ed to time spent while on duty or any state property, for immigration
6 enforcement purposes.

7 2. No state entity or state employee shall disclose to immigration
8 authorities an individual's personally identifiable information, includ-
9 ing, but not limited to, a person's name, social security number, phys-
10 ical description, home address, telephone number, financial information,
11 medical information, place of employment or education.

12 3. No state entity or state employee shall inquire about a person's
13 citizenship, immigration status, nationality, or country of origin,
14 unless required by law or necessary to administer a public program or
15 benefit sought by that person.

16 4. No state entity or state employee shall collect information about a
17 person's citizenship, immigration status, nationality, or country of
18 origin, unless required by law or necessary to administer a public
19 program or benefit sought by such person.

20 5. No state entity or state employee shall question, investigate, or
21 interrogate an individual solely on the basis of an immigration detain-
22 er, a civil immigration warrant, or an actual or suspected violation of
23 immigration law.

24 6. No state entity or state employee shall permit non-local law
25 enforcement agencies to access non-public areas of property or facili-
26 ties owned by or under the control of the state unless presented with a
27 judicial warrant signed by a judge or independent magistrate authorizing
28 a search or seeking the arrest of an individual present at the time the
29 judicial warrant is presented.

30 7. No state entity or state employee shall enter a person's immi-
31 gration status into any database maintained by any state entity unless
32 required or necessary to administer a public program or benefit sought
33 by that person.

34 8. No state entity or state employee shall use immigration authorities
35 as interpreters for law enforcement matters relating to individuals such
36 entities or employees interact with as part of their employment duties.

37 9. All requests for assistance made by immigration authorities to
38 state entities or state employees acting in the course of their duties
39 and all other communications between state employees and immigration
40 authorities shall be recorded. Each state entity whose employees are
41 subject to this section shall issue an annual report listing the number
42 of such requests or communications and stating the content and outcome
43 of each request or communication, which shall be promptly delivered to
44 the office of the attorney general and which shall be a public record.

45 10. This section shall not prohibit state employees from sending or
46 receiving information regarding an individual's citizenship or immi-
47 gration status to or from any local, state, or federal agency.

48 11. The provisions of this article shall not prohibit state employees
49 from complying with valid court orders or judicial warrants issued by an
50 independent judge appointed pursuant to Article III of the United States
51 constitution or federal magistrate judge appointed pursuant to 28 USC §
52 631.

53 12. The provisions of this article shall apply notwithstanding any
54 other provisions of state or local law and shall not be construed to in
55 any way expand the authority of state employees to participate in immi-
56 gration enforcement.

1 § 5. The general municipal law is amended by adding a new article 19-C
2 to read as follows:

3 ARTICLE 19-C
4 DUTIES OF MUNICIPAL CORPORATIONS AND THEIR EMPLOYEES PERTAINING
5 TO IMMIGRATION ENFORCEMENT

6 Section 995. Restriction on use of local resources for immigration
7 enforcement.

8 § 995. Restriction on use of local resources for immigration enforce-
9 ment. (a) For the purposes of this section, the terms "immigration
10 authorities", "immigration enforcement", "immigration law", "immigration
11 detainer" and "civil immigration warrant" shall have the same meaning as
12 defined in section 1.20 of the criminal procedure law.

13 (b) No resources of any municipal corporation shall be utilized for
14 immigration enforcement. For the purposes of this subdivision, resources
15 of a municipal corporation shall include, but not be limited to, time
16 spent by the municipal corporation's employees, officers, contractors,
17 or subcontractors while on duty and the use of any municipal corpo-
18 ration's property.

19 (c) No municipal corporation, nor any employee thereof, shall disclose
20 to immigration authorities an individual's personally identifiable
21 information, including but not limited to such person's name, social
22 security number, physical description, any associated addresses, tele-
23 phone number, financial information, medical information, or place of
24 employment or education.

25 (d) No municipal corporation, nor any employee thereof, shall ques-
26 tion, investigate, or interrogate an individual on the basis of an immi-
27 gration detainer, a civil immigration warrant, or an actual or suspected
28 violation of immigration law.

29 (e) No municipal corporation, nor any employee thereof, shall inquire
30 about a person's citizenship, immigration status, nationality, or coun-
31 try of origin, unless required by law or necessary to administer a
32 public program or benefit sought by such person.

33 (f) No municipal corporation nor any employee thereof, shall collect
34 information about a person's citizenship, immigration status, nationali-
35 ty, or country of origin, unless required by law or necessary to admin-
36 ister a public program or benefit sought by such person.

37 (g) No municipal corporation, nor any employee thereof, shall enter a
38 person's immigration status into any database maintained by any munici-
39 pal corporation unless required or necessary to administer a public
40 program or benefit sought by such person.

41 (h) No municipal corporation, nor any employee thereof, shall permit
42 non-local law enforcement agencies to access non-public areas of proper-
43 ty or facilities under the control of such municipal corporation unless
44 presented with a judicial warrant signed by a judge or independent
45 magistrate authorizing a search or seeking the arrest of an individual
46 present at the time the judicial warrant is presented.

47 (i) No municipal corporation, nor any employee thereof, shall use
48 immigration authorities as interpreters for law enforcement matters
49 relating to individuals such corporation or employees interact with as
50 part of their employment duties.

51 (j) All requests for assistance made by immigration authorities to law
52 enforcement agencies within a municipal corporation and all other commu-
53 nications between law enforcement officers within a municipal corpo-
54 ration and immigration authorities shall be recorded. Each municipal
55 corporation shall issue an annual report listing the number of such
56 requests or communications and stating the content and outcome of each

1 request or communication, which shall be promptly delivered to the
2 office of the attorney general and which shall be a public record.

3 (k) This section shall not prohibit municipal employees from sending
4 or receiving information regarding an individual's citizenship or immi-
5 gration status to or from any local, state, or federal agency.

6 (l) The provisions of this article shall not prohibit municipal corpo-
7 rations or their employees from complying with valid court orders or
8 judicial warrants issued by an independent judge appointed pursuant to
9 Article III of the United States constitution or federal magistrate
10 judge appointed pursuant to 28 USC § 631, or from complying with valid
11 writs of habeas corpus ad prosequendum or habeas corpus ad testificandum
12 issued by a state court with the authority to do so pursuant to sections
13 580.30 and 650.30 of the criminal procedure law upon application by a
14 district attorney.

15 (m) The provisions of this article shall apply notwithstanding any
16 other provisions of state or local law and shall not be construed to in
17 any way expand the authority of state and local employees to participate
18 in immigration enforcement.

19 § 6. Section 500-c of the correction law is amended by adding a new
20 subdivision 4-a to read as follows:

21 4-a. (a) The chief administrative officer shall not, by formal agree-
22 ment or otherwise, allow any officer or employee of a county correction-
23 al facility to be subject to the direction or supervision of immigration
24 authorities, as defined in section 1.20 of the criminal procedure law.

25 (b) The chief administrative officer shall ensure that no officer or
26 employee of a county correctional facility spends time while on duty or
27 uses correctional facility resources for immigration enforcement, as
28 defined in section 1.20 of the criminal procedure law.

29 (c) All requests for assistance made by immigration authorities to
30 county jails or their officers acting in the course of their duties and
31 all other communications between corrections personnel and immigration
32 authorities shall be recorded. The chief administrative officer shall
33 produce an annual report listing all such requests and communications
34 and stating the content and outcome of request or communication, which
35 shall be promptly delivered to the office of the attorney general and
36 which shall be a public record.

37 § 7. Section 147 of the correction law is REPEALED.

38 § 8. Section 500-f of the correction law is REPEALED.

39 § 9. Section 621 of the correction law is amended by adding a new
40 subdivision 3 to read as follows:

41 3. This section shall not be construed to permit any law enforcement
42 officer or agency of this state or its subdivisions to participate in or
43 assist with immigration enforcement, as defined in section 1.20 of the
44 criminal procedure law. All law enforcement officers or agencies
45 furnishing information to agencies of other jurisdictions shall obtain
46 from the recipient agency a certification that such information will not
47 be used for immigration enforcement.

48 § 10. The executive law is amended by adding a new section 63-e to
49 read as follows:

50 § 63-e. Immigration status reports and databases. 1. The office of the
51 attorney general shall review all reports provided to it pursuant to
52 article fifteen-AA of this chapter, article nineteen-C of the general
53 municipal law, and article twenty of the correction law and shall
54 prepare an annual summary of such reports, which shall also identify any
55 alleged omissions or discrepancies in the reported information and any

1 information that may indicate a violation of state law. Such summary
2 shall be a public record.

3 2. The attorney general shall establish a system to solicit and
4 receive complaints from the public about improper use of resources by
5 state or local entities or employees for immigration enforcement and
6 improper sharing of information by state or local entities or employees
7 with immigration authorities. The attorney general shall investigate all
8 such complaints to determine whether a violation of state law occurred,
9 and may bring civil actions against state or local entities or employees
10 acting in their official capacity in the name of the people of the state
11 of New York to obtain appropriate equitable or declaratory relief if the
12 attorney general determines that a violation of state law occurred.

13 3. For any databases operated by state and local law enforcement agen-
14 cies, including databases maintained for the agency by private vendors,
15 the attorney general shall, by the first of January following the effec-
16 tive date of this section, in consultation with appropriate stakehold-
17 ers, publish guidance, audit criteria, and training recommendations
18 aimed at ensuring that such databases are governed in a manner that
19 limits the availability of information contained therein, to the fullest
20 extent practicable and consistent with federal and state law, to anyone
21 or any entity for the purpose of immigration enforcement. All state and
22 local law enforcement agencies are encouraged to adopt necessary changes
23 to database governance policies consistent with such guidance.

24 § 11. Subdivision 1 of section 17 of the public officers law is
25 amended by adding a new paragraph (aa) to read as follows:

26 (aa) For purposes of this section, the term "employee" shall include
27 all current or former employees of the state, the state university of
28 New York, the city university of New York; all current or former employ-
29 ees of any county, city, town, village, municipality, special district,
30 improvement district, community college, public authority, public bene-
31 fit corporation, board of cooperative educational services (BOCES),
32 vocational education and extension board, school district enumerated in
33 section one of chapter five hundred sixty-six of the laws of nineteen
34 hundred sixty-seven, public school district, participating employer in
35 the New York state and local retirement system, participating employer
36 in the New York state teachers' retirement system, participating employ-
37 er in the New York city employees' retirement system, participating
38 employer in the New York city police pension fund, participating employ-
39 er in the New York city fire pension fund, participating employer in the
40 teachers' retirement system of New York city, and participating employer
41 in the New York city board of education retirement system, that is
42 alleged to have criminally or civilly violated any federal, state, or
43 local law in connection with or resulting from their compliance with
44 article one hundred forty-five of the criminal procedure law, section
45 two hundred fifty-six-b of the executive law, article fifteen-AA of the
46 executive law, article nineteen-C of the general municipal law, section
47 five hundred-c of the correction law, subdivision three of section six
48 hundred twenty-one of the correction law, or section sixty-three-e of
49 the executive law, within the scope of their employment or duties,
50 provided that nothing in this section shall be construed to apply to
51 acts in violation of the provisions of law referenced in this subdivi-
52 sion.

53 § 12. This act shall take effect immediately; provided, however, that
54 the amendments to section 500-c of the correction law made by section
55 six of this act shall not affect the repeal of such section and shall be
56 deemed repealed therewith.