

STATE OF NEW YORK

2538

2025-2026 Regular Sessions

IN SENATE

January 21, 2025

Introduced by Sens. LANZA, ORTT, BORRELLO, CANZONERI-FITZPATRICK, GALLIVAN, GRIFFO, HELMING, MATTERA, MURRAY, OBERACKER, O'MARA, PALUMBO, RHOADS, STEC, TEDISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to requiring law enforcement and courts to notify the United States Immigration and Customs Enforcement agency when an arrested person or defendant is not a United States citizen; to amend the penal law, in relation to adjusting certain maximum sentences; to amend the correction law, in relation to requiring notification of the United States Immigration and Customs Enforcement agency prior to the release of certain noncitizens; and to repeal certain provisions of the penal law, the civil rights law and the judiciary law, in relation to repealing provisions of the "protect our courts act"

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

1 Section 1. Section 160.20 of the criminal procedure law, as amended by
2 chapter 108 of the laws of 1973, is amended to read as follows:

3 § 160.20 Fingerprinting; forwarding of fingerprints.

4 (a) Upon the taking of fingerprints of an arrested person or defendant
5 as prescribed in section 160.10 of this article, the appropriate police
6 officer or agency must without unnecessary delay forward two copies of
7 such fingerprints to the division of criminal justice services.

8 (b) In the event the arrested person or defendant as prescribed in
9 section 160.10 of this article is not a citizen of the United States,
10 the police officer or local law enforcement agency where the intake was
11 performed shall forward copies of such fingerprints and associated
12 reports detailing the arrest to the United States Immigration and
13 Customs Enforcement agency. The requirement to notify the United States
14 Immigration and Customs Enforcement agency shall apply to all police and
15 law enforcement agencies within the state of New York.

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

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1 § 2. The criminal procedure law is amended by adding a new section
2 370.30 to read as follows:

3 § 370.30 Procedure for court notification.

4 Upon a conviction for a felony or misdemeanor the court in which the
5 defendant was convicted shall immediately notify the United States Immi-
6 gration and Customs Enforcement agency when the defendant is not a citi-
7 zen of the United States. Such requirement shall apply to all criminal
8 courts, city courts, town courts and village courts within the state of
9 New York as those terms are defined in section 10.10 of this chapter.

10 § 3. Subdivisions 1 and 3 of section 70.15 of the penal law, as
11 amended by section 1 of part 00 of chapter 55 of the laws of 2019, are
12 amended to read as follows:

13 1. Class A misdemeanor. A sentence of imprisonment for a class A
14 misdemeanor shall be a definite sentence. When such a sentence is
15 imposed the term shall be fixed by the court, and shall not exceed
16 [~~three hundred sixty four days~~] one year.

17 3. Unclassified misdemeanor. A sentence of imprisonment for an unclas-
18 sified misdemeanor shall be a definite sentence. When such a sentence is
19 imposed the term shall be fixed by the court, and shall be in accordance
20 with the sentence specified in the law or ordinance that defines the
21 crime [~~but, in any event, it shall not exceed three hundred sixty four~~
22 ~~days~~].

23 § 4. Section 147 of the correction law, as amended by chapter 669 of
24 the laws of 2022, is amended to read as follows:

25 § 147. Noncitizen incarcerated individuals of correctional facilities.
26 The commissioner shall within three months after admission of a nonciti-
27 zen incarcerated individual to a correctional facility cause an investi-
28 gation to be made of the record and past history of such noncitizen and
29 shall upon the termination of such investigation cause the record of
30 such noncitizen, together with all facts disclosed by such investi-
31 gation, and [~~his or her~~] the commissioner's recommendations as to depor-
32 tation, to be forwarded to the United States immigration authorities
33 having such matters in charge. The commissioner shall notify the United
34 States Immigration and Customs Enforcement agency of the discharge,
35 parole or release of a noncitizen incarcerated individual at least five
36 days prior to such discharge, parole or release.

37 § 5. Section 500-c of the correction law is amended by adding a new
38 subdivision 29 to read as follows:

39 29. Notwithstanding any other provision of law, the chief administra-
40 tive officer of any local correctional facility operated by the county
41 or the city of New York, or a secure facility operated by the office of
42 children and family services, shall notify the United States Immigration
43 and Customs Enforcement agency of the release of a noncitizen individual
44 who has been detained or confined at such facility at least five days
45 prior to such release or as soon as practicable if release will occur
46 within less than five days.

47 § 6. Subdivision 1-a of section 70.15 of the penal law is REPEALED.

48 § 7. Section 28 of the civil rights law, as added by chapter 322 of
49 the laws of 2020, is REPEALED.

50 § 8. Section 4-a of the judiciary law is REPEALED.

51 § 9. Paragraph (aa) of subdivision 2 of section 212 of the judiciary
52 law, as added by chapter 322 of the laws of 2020, is REPEALED.

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