STATE OF NEW YORK

3657

2025-2026 Regular Sessions

IN SENATE

January 29, 2025

Introduced by Sen. BORRELLO -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to the constitution, in relation to regulating the discovery and disclosure of immigration status

Section 1. Resolved (if the Assembly concur), That article 20 of the constitution be renumbered article 21 and a new article 20 be added to read as follows:

ARTICLE XX

Regulation of Discovery and Disclosure of Immigration Status

Section 1. For purposes of this article, the following terms shall have the following meanings:

1. "State entity" shall mean (a) all agencies and departments over which the governor has executive authority; and (b) all public benefit corporations, public authorities, boards, and commissions, for which the governor appoints the chair, the chief executive, or the majority of board members, except for the port authority of New York and New Jersey.

2. "Noncitizen" shall mean any person who is not a citizen or national of the United States.

3. "Illegal activity" shall mean any unlawful activity that constitutes a crime under state or federal law, provided, however, an individual's status as an undocumented noncitizen shall not constitute unlawful activity.

§ 2. No state officers or employees, other than law enforcement officers, shall inquire about an individual's immigration status unless:

1. the status of such individual is necessary to determine such individual's eligibility for a program, benefit, or the provision of a service; or

2. the state officer or employee is required by law to inquire about such individual's status.

§ 3. No state officers or employees, including law enforcement officers, shall disclose information to federal immigration authorities for

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

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the purpose of federal civil immigration enforcement, unless required by law. Notwithstanding such prohibition, this article shall not prohibit, or in any way restrict, any state employee from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of any individual, as required by law.

§ 4. 1. No law enforcement officers shall inquire about an individual's immigration status unless investigating such individual's illegal activity, provided however that such inquiry is relevant to the illegal activity under investigation. Nothing in this article shall restrict law enforcement officers from seeking documents for the purpose of identification following arrest.

2. Such prohibition against inquiring into status includes, but is not limited to, when an individual approaches a law enforcement officer seeking assistance, is the victim of a crime, or is witness to a crime.

3. Law enforcement officers shall not use resources, equipment or personnel for the purpose of detecting and apprehending any individual suspected or wanted only for violating a civil immigration offense. Law enforcement officers shall have no authority to take any police action solely because an individual is an undocumented noncitizen, including but not limited to identifying, questioning, detaining, or demanding to inspect federal immigration documents.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be submitted to the people for approval at the general election to be held in the year 2025 in accordance with the provisions of the election law.