STATE OF NEW YORK

5930

2025-2026 Regular Sessions

IN SENATE

March 4, 2025

Introduced by Sen. MARTINS -- 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 the arraignment of undocumented citizens who have committed certain crimes to occur within twenty-four hours and to determine at such arraignment whether such undocumented citizen shall be placed in the custody of federal immigration authorities or remain in the custody of the state

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

Section 1. Section 170.10 of the criminal procedure law is amended by adding a new subdivision 8-b to read as follows:

8-b. Where an information, a simplified information, a prosecutor's information, a misdemeanor complaint, a felony complaint or an indictment charges any crime set forth in title H of part three of the penal law, and the defendant is an undocumented citizen, the arraignment hearing shall occur within twenty-four hours. Such arraignment hearing shall include, in addition to any other requirements set forth in this section, a determination of whether the defendant shall be remanded to the custody of federal immigration authorities or remain in the custody of the state.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

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