

# STATE OF NEW YORK

7960

2025-2026 Regular Sessions

## IN SENATE

May 15, 2025

Introduced by Sen. FAHY -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

AN ACT to amend the public authorities law and the tax law, in relation to enacting the "state airport facilities enforcing accountability in immigration removals (SAFE AIR) act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "state airport facilities enforcing accountability in immigration  
3 removals (SAFE AIR) act".

4 § 2. Legislative findings. The legislature finds that the due process  
5 protections afforded by the United States Constitution must extend to  
6 all individuals within the state of New York. Deportations and removals  
7 executed without proper documentation or due process, including trans-  
8 portation of individuals without judicial warrants, erode public trust,  
9 infringe upon civil liberties, and place transportation providers at  
10 legal and ethical risk. It is the policy of the state of New York to  
11 ensure that state resources are not used to facilitate such actions.  
12 This act is intended to exercise the state's proprietary authority over  
13 the operation of its airports and the allocation of public funds, and  
14 does not seek to regulate immigration or interfere with federal enforce-  
15 ment authority.

16 § 3. The public authorities law is amended by adding a new section  
17 2879-d to read as follows:

18 § 2879-d. Airline compliance with due process standards. 1. No state  
19 agency, department, authority, public benefit corporation, or locality  
20 shall enter into, renew, or extend any contract, grant, or cooperative  
21 agreement with any commercial airline that transports individuals  
22 detained by U.S. immigration and customs enforcement for the purpose of  
23 deportation without:

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

LBD11770-03-5

1 (a) presentation of a valid judicial warrant or order issued by a  
2 federal judge or magistrate, not including administrative immigration  
3 detainers issued by U.S. immigration and customs enforcement; and

4 (b) demonstration that such individuals have been afforded all appli-  
5 cable rights to due process under federal and state law, including the  
6 right to counsel and a hearing before an immigration judge.

7 2. Nothing in subdivision one of this section shall be construed to  
8 prohibit or penalize any airline for complying with a valid court order  
9 or lawful federal mandate and shall not create a duty to refuse lawful  
10 federal requests.

11 3. The attorney general may bring an action to enforce the provisions  
12 of this section, including to seek injunctive relief or civil penalties.

13 § 4. Paragraph 9 of subdivision (a) of section 1115 of the tax law, as  
14 added by chapter 93 of the laws of 1965, is amended to read as follows:

15 (9) (i) Fuel sold to an [~~air-line~~] airline for use in its airplanes;  
16 provided, however that the exemption under this paragraph shall not  
17 apply to fuel sold to any commercial airline that transports individuals  
18 detained by U.S. immigration and customs enforcement for the purpose of  
19 deportation without:

20 (A) presentation of a valid judicial warrant or order issued by a  
21 federal judge or magistrate, not including administrative immigration  
22 detainers issued by U.S. immigration and customs enforcement; and

23 (B) demonstration that such individuals have been afforded all appli-  
24 cable rights to due process under federal and state law, including the  
25 right to counsel and a hearing before an immigration judge.

26 (ii) Nothing in subparagraph (i) of this paragraph shall be construed  
27 to prohibit or penalize any airline for complying with a valid court  
28 order or lawful federal mandate and shall not create a duty to refuse  
29 lawful federal requests.

30 § 5. If any clause, sentence, paragraph, subdivision, or section of  
31 this act shall be adjudged by any court of competent jurisdiction to be  
32 invalid, such judgment shall not affect, impair, or invalidate the  
33 remainder thereof, but shall be confined in its operation to the clause,  
34 sentence, paragraph, subdivision, or section thereof directly involved  
35 in the controversy in which such judgment shall have been rendered. It  
36 is hereby declared to be the intent of the legislature that this act  
37 would have been enacted even if such invalid provisions had not been  
38 included herein.

39 § 6. This act shall take effect on the ninetieth day after it shall  
40 have become a law. Effective immediately, the addition, amendment and/or  
41 repeal of any rule or regulation necessary for the implementation of  
42 this act on its effective date are authorized to be made and completed  
43 on or before such effective date.