

STATE OF NEW YORK

9104

IN SENATE

February 3, 2026

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

AN ACT to amend the executive law, the correction law and the civil rights law, in relation to immigration enforcement; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Article 35 of the executive law is amended by adding a new
2 section 847 to read as follows:

3 § 847. Law enforcement coordination in federal immigration enforce-
4 ment. 1. Notwithstanding any other provision of law, no state or local
5 law enforcement agency may enter into any agreement with the federal
6 government regarding the enforcement of federal civil immigration law,
7 including but not limited to an agreement pursuant to 8 USC 1357(g), for
8 any purpose other than to inform federal officials of noncitizens in
9 their custody and to facilitate the transfer of removable noncitizens
10 who are in the custody of the state department of corrections and commu-
11 nity supervision or a local correctional facility.

12 2. Nothing in this section shall prohibit state or local law enforce-
13 ment from coordinating with the federal government, including immi-
14 gration officials, for the purpose of assisting with security at any
15 designated port of entry or along the Canada-United States border, or
16 assisting with the execution of a judicial warrant or the investigation
17 of a violation of state or federal criminal law.

18 § 2. The correction law is amended by adding a new section 530 to read
19 as follows:

20 § 530. Release of noncitizen incarcerated individuals for federal
21 immigration purposes. 1. Where a deportable noncitizen is in the custody
22 of a local correctional facility pending trial on charges of at least
23 one felony, such facility may only release such noncitizen to the custo-
24 dy of immigration officials on consent of the district attorney or other
25 appropriate prosecuting agency. Immediately upon receiving a request
26 from a federal agency to take custody of a noncitizen in the custody of
27 the local correctional facility, the county sheriff or commissioner of

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

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1 the department of correction of the city of New York shall notify the
2 appropriate prosecuting agency of the request from the federal agency.

3 2. Nothing in this section shall prohibit a local correctional facili-
4 ty or the department of corrections and community supervision from
5 releasing a deportable noncitizen to federal authorities upon the
6 completion of such noncitizen's sentence of incarceration.

7 § 3. The civil rights law is amended by adding a new section 46 to
8 read as follows:

9 § 46. Immigration enforcement in sensitive locations. 1. For the
10 purposes of this section, the following terms shall have the following
11 meaning:

12 (a) "Sensitive location" shall mean:

13 (i) in or on or within any building, structure, athletic playing
14 field, playground or land contained within the real property boundary
15 line of a public or private elementary, parochial, intermediate, junior
16 high, vocational, or high school, or any area accessible to the public
17 located within three hundred feet of the real property boundary line
18 comprising any such school or any parked automobile or other parked
19 vehicle located within three hundred feet of the real property boundary
20 line comprising any such school. For the purposes of this paragraph an
21 "area accessible to the public" shall mean sidewalks, streets, parking
22 lots, parks, playgrounds, stores and restaurants;

23 (ii) in or on or within any building, structure, athletic playing
24 field, playground or land contained within the real property boundary
25 line of a public or private facility housing a program that is licensed,
26 regulated, certified, funded or approved by the office of children and
27 family services that provides services to children, or youth, a child-
28 care provider, nursery, preschool, or summer camp, or any area accessi-
29 ble to the public located within three hundred feet of the real property
30 boundary line comprising any such facility or any parked automobile or
31 other parked vehicle located within three hundred feet of the real prop-
32 erty boundary line comprising any such facility. For the purposes of
33 this paragraph an "area accessible to the public" shall mean sidewalks,
34 streets, parking lots, parks, playgrounds, stores and restaurants;

35 (iii) a health care facility, including any location that provides
36 health or behavioral health services; and

37 (iv) a house of worship, which shall mean any building or structure
38 that a reasonable person would know that religious adherents collective-
39 ly recognize as a place to regularly gather for or to hold religious
40 worship activities or provide religious education or instruction, such
41 as a church, synagogue, temple, or mosque.

42 (b) "Civil immigration enforcement" shall mean any immigration
43 enforcement action other than enforcement of state or federal criminal
44 law.

45 2. No person may enter a sensitive location for the purpose of detain-
46 ing an individual as part of a non-criminal civil immigration enforce-
47 ment action, unless such person presents a valid judicial warrant issued
48 by a federal court established under article III of the United States
49 constitution.

50 3. The attorney general, an individual, or the owner or operator of a
51 sensitive location may apply for an order to the supreme court of the
52 state of New York to obtain appropriate equitable and declaratory relief
53 with respect to any violation of this section.

54 § 4. This act shall take effect immediately and shall expire and be
55 deemed repealed one year after such date.