

STATE OF NEW YORK

9258

IN SENATE

February 19, 2026

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

AN ACT to amend the executive law, the criminal practice law, the civil practice law and rules, and the state administrative procedure act, in relation to requiring federal immigration enforcement agents to identify themselves as such when conducting enforcement activities

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 "facial identification and transparency in immigration enforcement
3 act".

4 § 2. Legislative findings and intent. The legislature finds that
5 ensuring transparency and accountability in immigration enforcement
6 actions conducted within the state of New York is essential to public
7 safety and the protection of civil liberties. The use of unmarked agents
8 or masked individuals by federal agencies without clearly identifying
9 themselves contributes to fear, confusion, and potential violations of
10 constitutional rights. The purpose of this legislation is to ensure that
11 all individuals have the right to know who is conducting enforcement
12 actions and to protect the integrity of law enforcement procedures in
13 the state.

14 § 3. The executive law is amended by adding a new section 94-c to read
15 as follows:

16 § 94-c. Requirements for federal immigration enforcement activity. 1.
17 No agent, officer, or contractor acting on behalf of United States immi-
18 gration and customs enforcement (ICE) or any other federal immigration
19 enforcement agency shall conduct any enforcement activity within the
20 state of New York unless such agent, officer, or contractor:

21 (a) clearly displays a valid and current federal identification badge
22 and credentials which are visible to the individual or individuals
23 subject to enforcement; and

24 (b) does not obscure or conceal such officer, agent, or contractor's
25 face with a mask, shield, or any other facial covering unless required
26 for safety due to an imminent and articulable threat or as advised
27 following a public health emergency declared under state or federal law.

28 2. Any federal immigration enforcement officer, agent, or contractor
29 operating in New York shall, upon request by any individual subject to

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

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1 such enforcement activity or any member of a state law enforcement agen-
2 cy, provide such officer, agent, or contractor's name, agency, and badge
3 number.

4 3. Any state or local law enforcement agency, officer, or employee who
5 becomes aware of a violation of this section shall document and report
6 such violation to the office of the New York state attorney general
7 within forty-eight hours. The department shall establish a telephone
8 hotline and may establish an internet form for members of the public to
9 report such violations.

10 4. The attorney general shall have the authority to investigate any
11 violations of this section and may bring a civil action for injunctive
12 relief or penalties, including a fine of up to five thousand dollars per
13 violation.

14 § 4. The criminal procedure law is amended by adding a new section
15 60.80 to read as follows:

16 § 60.80 Admissibility of evidence obtained by federal immigration agents
17 in violation of state transparency laws.

18 1. Any evidence obtained during an enforcement action by a federal
19 immigration enforcement agent who fails to comply with section ninety-
20 four-c of the executive law shall be presumptively inadmissible in any
21 criminal proceeding within New York state courts.

22 2. This section shall not apply to evidence obtained independently by
23 lawful means or if the court finds that such exclusion would result in
24 manifest injustice.

25 § 5. The civil practice law and rules is amended by adding a new
26 section 4552 to read as follows:

27 § 4552. Admissibility of evidence obtained by federal immigration
28 agents in violation of state transparency laws. 1. Any evidence
29 obtained during an enforcement action by a federal immigration enforce-
30 ment agent who fails to comply with section ninety-four-c of the execu-
31 tive law shall be presumptively inadmissible in any civil proceeding
32 within New York state courts.

33 2. This section shall not apply to evidence obtained independently by
34 lawful means or if the court finds that such exclusion would result in
35 manifest injustice.

36 § 6. Section 306 of the state administrative procedure act is amended
37 by adding a new subdivision 5 to read as follows:

38 5. (a) Any evidence obtained during an enforcement action by a federal
39 immigration enforcement agent who fails to comply with section ninety-
40 four-c of the executive law shall be presumptively inadmissible in any
41 criminal proceeding within New York state courts.

42 (b) This subdivision shall not apply to evidence obtained independent-
43 ly by lawful means or if the court finds that such exclusion would
44 result in manifest injustice.

45 § 7. Severability. If any provision of this act or its application to
46 any person or circumstance is held invalid, the remainder of the act or
47 the application of the provision to other persons or circumstances shall
48 not be affected.

49 § 8. This act shall take effect on the ninetieth day after it shall
50 have become a law. Effective immediately, the addition, amendment
51 and/or repeal of any rule or regulation necessary for the implementation
52 of this act on its effective date are authorized to be made and
53 completed on or before such effective date.