STATE OF NEW YORK

8596

2025-2026 Regular Sessions

IN SENATE

December 3, 2025

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

AN ACT to amend the civil rights law, the judiciary law and the election law, in relation to protecting people from civil arrest while going to, remaining at, or returning from polling places

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

Section 1. The civil rights law is amended by adding a new section 29 to read as follows:

§ 29. Civil arrest; polling places. 1. A person duly and in good faith being present at a polling place in the state, is privileged from civil arrest while going to, remaining at, and returning from, the polling place, unless such civil arrest is supported by a judicial warrant or judicial order authorizing such civil arrest.

2. It is a contempt of the court and false imprisonment for any person to willfully violate subdivision one of this section, or an order of the court issued pursuant to section four-a of the judiciary law, by executing an arrest prohibited by subdivision one of this section or section four-a of the judiciary law, or willfully assisting an arrest prohibited by subdivision one of this section or section four-a of the judiciary law; provided, however, that nothing in this subdivision shall affect any right or defense of any person, police officer, peace officer or public officer pursuant to article thirty-five of the penal law acting lawfully pursuant to their duty to maintain safety and order.

3. (a) A person described in subdivision one of this section may bring a civil action for appropriate equitable and declaratory relief if such person has reasonable cause to believe a violation of subdivision one of this section, as described in subdivision two of this section, or a violation of section four-a of the judiciary law, has occurred or may occur.

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

LBD14007-02-5

(b) The attorney general may bring a civil action in the name of the people of the state of New York to obtain appropriate equitable and declaratory relief if the attorney general has reasonable cause to believe that a violation of subdivision one of this section, as described in subdivision two of this section, or a violation of section four-a of the judiciary law, has occurred or may occur.

4. In any successful action pursuant to subdivision three of this section, a plaintiff or petitioner may recover costs and reasonable attorneys' fees.

5. Nothing in this section shall be construed to narrow, or in any way lessen, any common law or other right or privilege of a person privileged from arrest pursuant to this article or otherwise.

6. As used in this section:

(a) "civil arrest" shall mean an arrest that is not for the sole or primary purpose of preparing the person subject to such arrest for criminal prosecution, for an alleged violation of the criminal law of:

(A) this state, or another state, for which a sentence of a term of imprisonment is authorized by law; or

(B) the United States, for which a sentence of a term of imprisonment is authorized by law, and for which federal law requires an initial appearance before a federal judge, federal magistrate or other judicial officer, pursuant to the federal rules of criminal procedure that govern initial appearances.

(b) "judicial warrant or judicial order authorizing such civil arrest" means an arrest warrant or other judicial order, issued by a magistrate sitting in the judicial branch of a local or state government or of the federal government, authorizing a civil arrest and issued by the court in which proceedings following such arrest will be heard and determined.

§ 2. Section 4-a of the judiciary law, as added by chapter 322 of the laws of 2020, is amended to read as follows:

§ 4-a. Certain powers of the courts regarding civil arrests. 1. In order to maintain access to the court and open judicial proceedings for all persons in their individual capacity and to prevent interference with the needs of judicial administration, a court has the power to issue appropriate judicial orders to protect the privilege from civil arrest, in accordance with article three of the civil rights law.

2. In order to maintain access to polling places in the state for all persons in their individual capacity and to prevent disenfranchisement, a court has the power to issue appropriate judicial orders to protect the privilege from civil arrest, in accordance with article three of the civil rights law.

§ 3. Section 3-102 of the election law is amended by adding a new subdivision 19 to read as follows:

19. (a) promulgate rules and regulations in order to maintain access to polling places for all persons in their individual capacity and to prevent disenfranchisement, consistent with section twenty-nine of the civil rights law and section four-a of the judiciary law, by ensuring the following:

(i) any representative of a law enforcement agency who, while acting in an official capacity, enters a polling place within the state intending to observe an individual or take an individual into custody shall identify themself to polling place personnel and state their specific law enforcement purpose and the proposed enforcement action to be taken; any such representative who has a warrant or order concerning such intended arrest shall provide a copy of such warrant or order to such polling place personnel;

(ii) information about any such proposed enforcement action shall be transmitted to and promptly reviewed by appropriate court system personnel in the election district of such polling place, including the judge presiding over any case involving the subject of that enforcement action;

(iii) except in extraordinary circumstances, no arrest may be made by a representative of a law enforcement agency in a polling place or while going to, remaining at, and returning from, such polling place absent leave of the court;

(iv) no civil arrest shall be executed inside a polling place or while going to, remaining at, and returning from, such polling place except pursuant to a judicial warrant or judicial order authorizing the arrest;

(v) an unusual occurrence report shall be filed by polling place personnel for every enforcement action taken inside the polling place, including the observation of voting proceedings by a representative of a law enforcement agency acting in such person's official capacity; and

(vi) copies of all judicial warrants and judicial orders authorizing an arrest and provided to polling place personnel pursuant to this paragraph and the rules promulgated thereunder shall be maintained by the state board of elections in a central record repository, appropriately indexed or filed alphabetically by name.

(b) The state board of elections shall publish on its website and provide to the governor, the speaker of the assembly and the temporary president of the senate an annual report compiling statistics, aggregated by county, setting forth the date each such judicial warrant or judicial order was signed, the judge and court which issued such judicial warrant or judicial order and the location of such court as shown by such document, the date such judicial warrant or judicial order was presented to polling place personnel, a description of the type of judicial warrant or judicial order and, to the extent known to polling place personnel, whether or not an arrest occurred with respect to such warrant and the date and specific location of such arrest.

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

§ 5. This act shall take effect immediately.