



New York State YMCA
Youth And Government

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Committee Assignment: Assembly Liberty 3

Bill #:AL-18

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Sponsors: Nadia Nitollano, Maya Reiken, Raquel Sarig

An Act To

Amend section 2.20 of the NYS Criminal Procedure Law to state that NYS law enforcement agencies cannot detain, arrest or investigate individuals for immigration enforcement purposes.

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

Purpose The purpose of this bill is to make it much more difficult for NYS peace officers to deliberately target individuals due to their immigration status.

Summary of Provisions

Section 1:

Detain: to hold a person in custody, often for purposes of questioning.

Peace Officer: any employee of a state, county, or a municipality, a sheriff or other public law enforcement agency.

Hold Request: a request to a jail (regarding someone in custody) asking the jail to notify ICE when the person will be released, and to hold the person for an extra 48 hours so that ICE has an opportunity to come get them.

Civil Immigration Warrant: a form issued by certain immigration officers that names an allegedly deportable non-citizen and directs various federal immigration enforcement agents to arrest that individual.

Immigration Status: the way in which a person is present in the United States.

Section 2:

3. A peace officer, whether or not acting pursuant to his special duties, who lawfully exercises any of the powers conferred upon him pursuant to this section, shall be deemed to be acting within the scope of his public employment for purposes of defense and indemnification rights and benefits that he may be otherwise entitled to under the provisions of section fifty-k of the general municipal law, section seventeen or eighteen of the public officers law, or any other applicable section of law.

4. New York law enforcement agencies shall not use department money or resources to arrest, detain or investigate persons for the purpose of immigration enforcement. This includes any of the following:

(A) Inquiring into an individual's immigration status.

(B) Detaining an individual on the basis of ICE hold requests.



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39 (C) Making arrests based on civil immigration warrants.

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41 **Justification** This bill must be passed due to its enormous significance and
42 relevance in the world today. The success of sanctuary states and counties is
43 extremely apparent when looking at the statistics of sanctuary versus non-
44 sanctuary areas. For instance, a 2019 article from the *Center for American Progress*
45 expresses that sanctuary counties have lower crime, unemployment, and poverty
46 rates than non-sanctuary ones. In addition, these regions encourage good
47 relationships between law enforcement and undocumented immigrants, making
48 them safer and more humane. NYS becoming a sanctuary state is crucial for
49 protecting these individuals, statewide, against federal immigration laws that have
50 the potential to significantly harm or endanger them.

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52 **Fiscal Implications** This bill will have very limited to no fiscal implications because
53 the salary of NYS peace officers will not change, only their roles and limitations. In
54 addition, jail and holding facility expenses will have no reason to rise, since the bill
55 actually puts limits on arrests and detainment.

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57 **Environmental Implications** This bill will have limited to no impact on the
58 environment.

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60 **Effective Date** This bill will go into effect 6 months after passage.

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