



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION**

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 486-A**

**COMMITTEE: Immigration**

**TITLE:** To amend the administrative code of the city of New York, in relation to persons not to be detained by department of correction.

**SPONSORS:** The Speaker (Council Member Mark-Viverito) and Dromm, Menchaca, Espinal, Arroyo, Chin, Constantinides, Eugene, Johnson, Koo, Lander, Levine, Richards, Rose, Rodriguez and, Reynoso

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 486-A would amend Local Law 22 of 2013 to further narrow the categories of persons for whom the Department of Correction (“DOC”) will honor detainers issued by U.S. Immigration and Customs Enforcement (“ICE”). In addition, the amendment would prohibit DOC from allowing ICE to maintain an office on Rikers Island or any other DOC property, except by executive order of the Mayor, for purposes unrelated to the enforcement of civil immigration laws. The amendment also prevents communications between DOC and ICE regarding inmates’ court dates, release dates, or other information about the inmate.

Specifically, Proposed Int. No. 486-A would amend the definitions of “convicted of a covered crime” to “convicted of a violent and serious crime.” In addition, the amendment would only include persons “convicted of a violent or serious crime” in the last five year rather than ten years as stated in Local Law 22. The term “convicted of a covered crime” in Local Law 22 is replaced by “convicted of a violent or serious crime” in Proposed Int. No. 486-A and is defined in an enumerated list of felonies.

Under this amendment, DOC would only honor immigration detainers from ICE if the detainers are: (1) accompanied by a warrant from a federal district court or magistrate judge; and (2) either the subject had been convicted of a “violent or serious crime” during the last five years (excluding any incarceration for that crime) or was identified as possible match in the terrorist screening database.

**EFFECTIVE DATE:** This local law would take effect 30 days after its enactment into law, except for the provisions regarding ICE using DOC land and DOC communications with ICE, which would take effect ninety days after those provisions, become law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2016

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY15</b>	<b>FY Succeeding Effective FY16</b>	<b>Full Fiscal Impact FY16</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	<i>de minimis</i>	<i>de minimis</i>	<i>de minimis</i>
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** There would be no impact on revenues from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** Proposed Intro. 486-A would have a de minimus impact on expenditures. The proposed bill would reduce the number of inmates held by the DOC on ICE detainers and thereby eliminate some of the costs associated with housing them. According to the Department, in 2013, the Department held 2,045 inmates past their release times on ICE detainers. The DOC spent approximately \$43,000 on food and supplies for inmates held past their City release date on an ICE warrant. Accordingly, narrowing the categories of inmates detained on ICE warrants by the Department could generate approximately \$43,000 in annual savings. It is estimated that the jail population reduction associated with the proposed limitations on detention of inmates on ICE warrants would not be large enough to allow the DOC to close any housing units or reduce staffing and therefore would not produce any budgetary savings.

In order to identify inmates ineligible for detention on an ICE warrant, as defined by Proposed Intro, 486-A, the DOC can use the staff resources currently assigned to the unit within Custody Management that determines whether ICE detainers should be honored.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** NA

**SOURCE OF INFORMATION:** New York Department of Correction and the New York City Council Finance Division.

**ESTIMATE PREPARED BY:** Eisha Wright, Unit Head

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Tanisha Edwards, Chief Counsel

**LEGISLATIVE HISTORY:** On October 7, 2014, Intro. No. 486 was introduced to the full Council and assigned to the Committee on Immigration. The Committee held a hearing and laid the legislation over on October 15, 2014. The legislation was subsequently amended. The Committee on Immigration will consider the amended legislation, Proposed Intro. No. 486-A on October 20, 2014. Upon successful vote by the Committee, the full Council will vote on Proposed Intro. No. 486-A on October 22, 2014.

**DATE PREPARED:** October 20, 2014