

CURRENT INTRODUCTION NUMBER:

Int. No. 486

INITIAL SPONSORS:

Speaker Mark-Viverito, Dromm, Menchaca, and Espinal

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained by the department of correction.

BILL SUMMARY:

This plain language summary is for informational purposes only and does not substitute for legal counsel. For more information, you should review the full text of the bill, which is available online at legistar.council.nyc.gov.

The federal Immigrations and Customs Enforcement Agency (“ICE”) files an “immigration detainer” with the Department of Correction (“DOC”) when they believe an individual in DOC custody is subject to removal from this country. In filing such immigration detainer, ICE makes a request that the DOC detain the individual for up to 48 hours beyond when they would otherwise be released so that custody of the individual may be transferred to ICE. This bill would significantly restrict the conditions under which the DOC complies with these ICE requests. The DOC would only be permitted to honor an immigration detainer if it was accompanied by a warrant from a federal judge, and also only if that person had not been convicted of a “violent or serious” crime during the last five years or was listed on a terrorist database.

Further, the bill would prohibit DOC from allowing ICE to maintain an office on Rikers Island or any other DOC property and would restrict DOC personnel from communicating with ICE regarding an inmate’s release date, incarceration status, or court dates, unless the inmate is the subject of a detainer request that DOC may honor pursuant to the law.

CODE SECTIONS AFFECTED:

- Amends Administrative Code § 9-131 (a, e, f)
- Adds Administrative Code § 9-131 (h)
- Adds Administrative Code § 11-245 (b-1)

EFFECTIVE DATE:

Thirty days after it becomes a law, except for the provisions regarding ICE using DOC land and DOC communications with ICE, which take effect 90 days after those provisions become law.

NOTE: When reading the full text of the bill online at legistar.council.nyc.gov, language that is enclosed by [brackets] is proposed to be removed, and language that is underlined is proposed to be added.