



Legislation Details (With Text)

File #: Int 1558-2017 **Version:** A **Name:** Persons not to be detained by the department of probation.

Type: Introduction **Status:** Enacted

In control: Committee on Immigration

On agenda: 4/25/2017

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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 probation

Sponsors: Melissa Mark-Viverito, Julissa Ferreras-Copeland, Stephen T. Levin, Ben Kallos, Daniel Dromm, Carlos Menchaca, Margaret S. Chin, Vanessa L. Gibson, Peter A. Koo, Rafael L. Espinal, Jr.

Indexes: Agency Rule-making Required, Report Required

Attachments: 1. Summary of Int. No. 1558-A, 2. Summary of Int. No. 1558, 3. April 25, 2017 - Stated Meeting Agenda with Links to Files, 4. Int. No. 1558, 5. Committee Report 4/26/17, 6. Hearing Testimony 4/26/17, 7. Hearing Transcript 4/26/17, 8. Proposed Int. No. 1558-A - 10/27/17, 9. Committee Report 10/30/17, 10. Hearing Transcript 10/30/17, 11. October 31, 2017 - Stated Meeting Agenda with Links to Files, 12. Hearing Transcript - Stated Meeting 10-31-17, 13. Fiscal Impact Statement, 14. Int. No. 1558-A (FINAL), 15. Legislative Documents - Letter to the Mayor, 16. Local Law 226, 17. Minutes of the Stated Meeting - October 31, 2017

Date	Ver.	Action By	Action	Result
4/25/2017	*	City Council	Introduced by Council	
4/25/2017	*	City Council	Referred to Comm by Council	
4/26/2017	*	Committee on Immigration	Hearing Held by Committee	
4/26/2017	*	Committee on Immigration	Laid Over by Committee	
4/26/2017	*	Committee on Education	Hearing Held by Committee	
4/26/2017	*	Committee on Education	Laid Over by Committee	
4/26/2017	*	Committee on Public Safety	Hearing Held by Committee	
4/26/2017	*	Committee on Public Safety	Laid Over by Committee	
10/30/2017	*	Committee on Immigration	Hearing Held by Committee	
10/30/2017	*	Committee on Immigration	Amendment Proposed by Comm	
10/30/2017	*	Committee on Immigration	Amended by Committee	
10/30/2017	A	Committee on Immigration	Approved by Committee	Pass
10/31/2017	A	City Council	Approved by Council	Pass
10/31/2017	A	City Council	Sent to Mayor by Council	
11/20/2017	A	Mayor	Hearing Held by Mayor	
12/1/2017	A	City Council	City Charter Rule Adopted	

Int. No. 1558-A

By The Speaker (Council Member Mark-Viverito) and Council Members Ferreras-Copeland, Levin, Kallos, Dromm, Menchaca, Chin, Gibson, Koo and Espinal

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 probation

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-205 to read as follows:

§ 9-205 Persons not to be detained.

a. For the purposes of this section, all terms shall have the same meanings as set forth in section 9-131, except that the term “department” means department of probation.

b. The department may only honor a civil immigration detainer by holding a person if:

1. federal immigration authorities present the department with a judicial warrant for the detention of the person who is the subject of such civil immigration detainer at the time such civil immigration detainer is presented; and

2. a search of state and federal databases, or any similar or successor databases, accessed through the New York state division of criminal justice services e-JusticeNY computer application, or any similar or successor computer application maintained by the city or state of New York, indicates, or the department has been informed by a court or any other governmental entity, that such person:

(a) has been convicted of a violent or serious crime, or

(b) is identified as a possible match in the terrorist screening database.

c. No conferral of authority. Nothing in this section shall be construed to confer any authority on any entity to hold persons on civil immigration detainers beyond the authority, if any, that existed prior to the enactment of this section.

d. No conflict with existing law. This section supersedes all conflicting policies, rules, procedures and practices of the city. Nothing in this section shall be interpreted or applied so as to create any power, duty or

obligation in conflict with any applicable law.

e. No private right of action. Nothing contained in this section or in the administration or application hereof shall be construed as creating any private right of action on the part of any persons or entity against the city or the department, or any official or employee thereof.

f. Reporting. No later than September 1, 2018, and no later than September 1 of each year thereafter, the department shall post a report on its website that includes the following information for the preceding 12-month period ending June 30:

1. the number of civil immigration detainers received from federal immigration authorities;

2. the number of persons held pursuant to civil immigration detainers;

3. the number of persons transferred to the custody of federal immigration authorities pursuant to civil immigration detainers;

4. the number of persons for whom civil immigration detainers were not honored; and

5. the number of requests from federal immigration authorities concerning a person's incarceration status, release dates, court appearance dates, scheduled appointment dates or times, or any other information related to such person, and the number of responses honoring such requests, disaggregated by:

i. the number of responses to federal immigration authorities concerning a person with no convictions for a violent or serious crime, disaggregated by the number of such responses that included incarceration status, release dates, court appearance dates, scheduled appointment dates or times, or other types of information, and whether the department facilitated the transfer of such persons to the custody of federal immigration authorities;

ii. the number of responses to federal immigration authorities concerning a person with at least one conviction for a violent or serious crime, disaggregated by the number of such responses that included incarceration status, release dates, court appearance dates, scheduled appointment dates or times, or other types of information, and whether the department facilitated the transfer of such persons to the custody of federal

immigration authorities; and

iii. the number of responses to federal immigration authorities concerning a person with no convictions for a violent or serious crime who were identified as a possible match in the terrorist screening database, disaggregated by the number of such responses that included incarceration status, release dates, court appearance dates, scheduled appointment dates or times, or other types of information, and whether the department facilitated the transfer of such persons to the custody of federal immigration authorities.

g. Publication of policy required. The department shall publish on its website its policy regarding requests for information from federal immigration authorities.

§ 2. This local law takes effect immediately, provided that subdivision g of section 9-205 of the administrative code of the city of New York, as added by section one of this local law, takes effect 90 days after it becomes law, and provided further that information newly required to be reported by subdivision f of section 9-205 of the administrative code of the city of New York, as added by section one of this local law, shall be required to be reported only for periods beginning 60 days after the effective date of this local law.

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