



Legislation Details (With Text)

File #: Res 0276-2018 **Version:** * **Name:** Make it an E felony to report the immigration status of a crime victim or witness with the intent to harass, intimidate, or cause harm or legal consequences, including deportation. (A.06447)

Type: Resolution **Status:** Committee

In control: Committee on Immigration

On agenda: 4/11/2018

Enactment date: **Enactment #:**

Title: Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation introduced by Assembly Member Aravella Simotas, A.06447, which would make it an E felony to report the immigration status of a crime victim or witness with the intent to harass, intimidate, or cause harm or legal consequences, including deportation

Sponsors: Carlos Menchaca

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Attachments: 1. Res. No. 276, 2. April 11, 2018 - Stated Meeting Agenda, 3. Hearing Transcript - Stated Meeting 4-11-18

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|-----------------------------|--------|
| 4/11/2018 | * | City Council | Introduced by Council | |
| 4/11/2018 | * | City Council | Referred to Comm by Council | |

Res. No. 276

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation introduced by Assembly Member Aravella Simotas, A.06447, which would make it an E felony to report the immigration status of a crime victim or witness with the intent to harass, intimidate, or cause harm or legal consequences, including deportation

By Council Member Menchaca

Whereas, Perpetrators of crime and domestic violence have long used the threat of exposing an individual’s lack of lawful immigration status as means of controlling and silencing immigrant crime victims and witnesses; and

Whereas, In 2017, the Washington Post reported that U.S. Immigration and Customs Enforcement (ICE) agents arrested a domestic violence survivor seeking an order of protection at a Texas courthouse after allegedly receiving information about her immigration status from her abusive partner; and

Whereas, Upon being arrested by ICE, the survivor was placed in immigration detention and now faces

deportation while her abusive partner remains free; and

Whereas, El Paso County Attorney Jo Anne Bernal stated that it was the first time in her 23-year-long career at the courthouse that ICE agents made their presence known during a protective order hearing; and

Whereas, Advocates believe this incident signals a broader change in immigration enforcement policy and that such change will surely be exploited by perpetrators of crime, keeping countless immigrant victims and witnesses from engaging with the criminal justice system; and

Whereas, The New York State Penal Law currently prohibits the intimidation of a crime victim or witness through the use of harassment, physical violence, or the threat of violence, but does not address intimidation caused by the actual or threatened reporting of a victim or witness's immigration status; and

Whereas, New York State Assembly Member Aravella Simotas introduced A.06447, which would make it an E felony for an individual acting outside of their official duties to report the citizenship or immigration status of a crime victim or person seeking an order of protection, or the status of a member of their family member, to a government entity if such reporting is intended to harass, intimidate, or cause harm or legal consequences to the victim, witness or their family; and

Whereas, It is critical that immigrant victims can safely report crimes and cooperate with local law enforcement without being harassed, intimidated or harmed by the perpetrator of the crime on account of their immigration status; and

Whereas, Failure to protect immigrant victims and witnesses from this form of intimidation will significantly decrease their willingness to cooperate with law enforcement and negatively impact broader public safety efforts; and

Whereas, Survivors who bravely step forward to report abuse and criminal activity should not be silenced by the threat of deportation; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation introduced by Assembly Member Aravella Simotas, A.06447, which would

make it an E felony to report the immigration status of a crime victim or witness with the intent to harass, intimidate, or cause harm or legal consequences, including deportation.

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