Legislation Details (With Text)

File #:	Res 0828-2019	**Version:**	A	**Name:**	Protect Our Courts Act (A.2176 / S.425)
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Immigration
On agenda:	4/9/2019				
Enactment date:				**Enactment #:**	

Title: Resolution commending the New York State Office of Court Administration for promulgating rules that require a judicial warrant for any civil arrest in a New York State court and calling on the State Legislature to pass, and the Governor to sign, the "Protect Our Courts Act" (A.2176 / S.425), in order to further protect certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding.

Sponsors: Carlos Menchaca, Rory I. Lancman, Ben Kallos, Helen K. Rosenthal

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Attachments: 1. Res. No. 828, 2. April 9, 2019 - Stated Meeting Agenda with Links to Files, 3. Hearing Transcript - Stated Meeting 4-9-19, 4. Minutes of the Stated Meeting - April 9, 2019, 5. Committee Report 4/10/19, 6. Hearing Testimony 4/10/19, 7. Hearing Transcript 4/10/19, 8. Proposed Res. No. 828-A - 5/7/19, 9. Committee Report 5/7/19, 10. Hearing Transcript 5/7/19, 11. Committee Report - Stated Meeting, 12. May 8, 2019 - Stated Meeting Agenda with Links to Files, 13. Hearing Transcript - Stated Meeting 5-8-19, 14. Minutes of the Stated Meeting - May 8, 2019

Date	Ver.	Action By	Action	Result
4/9/2019	*	City Council	Introduced by Council	
4/9/2019	*	City Council	Referred to Comm by Council	
4/10/2019	*	Committee on Justice System	Laid Over by Committee	
4/10/2019	*	Committee on Immigration	Laid Over by Committee	
4/10/2019	*	Committee on Immigration	Hearing Held by Committee	
4/10/2019	*	Committee on Justice System	Hearing Held by Committee	
5/7/2019	*	Committee on Immigration	Amendment Proposed by Comm	
5/7/2019	*	Committee on Immigration	Amended by Committee	
5/7/2019	A	Committee on Immigration	Approved by Committee	Pass
5/7/2019	*	Committee on Immigration	Hearing Held by Committee	
5/8/2019	A	City Council	Approved, by Council	Pass

Res. No. 828-A

Resolution commending the New York State Office of Court Administration for promulgating rules that require a judicial warrant for any civil arrest in a New York State court and calling on the State Legislature to pass, and the Governor to sign, the "Protect Our Courts Act" (A.2176 / S.425), in order to further protect certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding.

By Council Members Menchaca, Lancman, Kallos and Rosenthal

Whereas, Under the Trump administration, U.S. Immigration and Customs Enforcement (ICE) arrests of immigrants have increased overall, and targeting tactics that were rare under the Obama administration have become commonplace; and

Whereas, The Immigrant Defense Project (IDP) reports that since 2016, ICE operations in and around New York courthouses rose 1700%; and

Whereas, IDP reports that New York City accounts for 75% of ICE courthouse interactions between 2016 and 2018, with Queens and Brooklyn reporting the largest numbers of courthouse arrests and sightings; and

Whereas, In April 2017, the New York State Office of Court Administration (OCA) issued an updated protocol related to law enforcement agency activities in courthouses; and

Whereas, OCA's policy requires law enforcement officials to: identify themselves, inform the judge if a participant in a case before them is a target, and clarifies that OCA personnel remain responsible for "ensuring public safety and decorum in the courthouse at all times;" and

Whereas, In January 2018, ICE released its first policy on enforcement actions in courthouses; and

Whereas, After this release, IDP reports that ICE agents expanded the reach of courthouse arrests, continuing to target friends and family members accompanying individuals to court; and

Whereas, In 2019, the media publication 'Documented' obtained documents through Freedom of Information Law request detailing six instances between February 2017 and August 2018 in which OCA officers or clerks assisted ICE agents in making arrests; and

Whereas, When ICE arrests a defendant during an unrelated court proceeding, ICE is under no obligation to produce them for such court appearance; and

Whereas, The fear of deportation acts as a deterrent for victims of crime, witnesses to crime, and defendants, to engage in the criminal court system; and

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Whereas, In January 2019, New York State Senator Hoylman and New York State Assembly Member Solages introduced the "Protect our Courts Act" (A.2176/S.425), which would exempt individuals from civil arrest while "going to, remaining at, or returning from the place of such court proceeding;" and

Whereas, Absent a signed judicial warrant or judicial order authorizing a civil arrest, A.2176/S.425 would prohibit the civil arrest of any person attending a court proceeding "duly and in good faith;" and

Whereas, The legislation would designate the willful violation of the exemption as contempt of the court and false imprisonment, and would grant individuals the ability to bring a civil action for appropriate equitable and declaratory relief in instances of violation of the exemption; and

Whereas, On April 17, 2019, OCA issued a new rule for all uniformed personnel that requires a judicial warrant for any civil arrest to occur in a New York State court; and

Whereas, The new rule is unprecedented in the nation and a positive step forward in the fight to protect the sanctity of non-federal courts from immigration enforcement; and

Whereas, Though the new rule restricts arrests inside courthouses, the Protect Our Courts Act (A.2176 / S.425) would extend even further by restricting arrests of individuals entering and exiting State courthouses, bar courthouse entry to ICE without a judicial warrant, and grant a civil right of action to sue civil law enforcement for a courthouse arrest without a judicial warrant; and

Whereas, The unchecked interference of federal law enforcement, specifically ICE, in the state court system endangers New Yorkers' access to due process and public safety, generally, by making witnesses to crime and victims of crime less likely to engage in the court system; and

Whereas, Federal interference additionally removes criminal defendants from our jurisdiction, making it impossible to seek justice in their ongoing, non-immigration related cases; now, therefore, be it

Resolved, That the Council of the City of New York commends the New York State Office of Court Administration for promulgating rules that require a judicial warrant for any civil arrest in a New York State

court and calls on the State Legislature to pass, and the Governor to sign, the "Protect Our Courts Act" (A.2176 / S.425), in order to further protect certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding.

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4.30.19