File #: Int 0158-2022, **Version:** *

Int. No. 158

By Council Members Hanif, Krishnan, Rivera, Powers, Cabán, Won, Restler, Hudson, Nurse, Abreu, Sanchez, Gutiérrez, Ossé, Avilés, De La Rosa and Barron

A Local Law to amend the administrative code of the city of New York, in relation to creating a private right of action related to civil immigration detainers

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 9-131 of the administrative code of the city of New York, as amended by local law number 228 for the year 2017, is amended to read as follows:

e. [No private] 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 of New York or the department, or any official or employee thereof.] Any person detained in violation of this section, or their direct relative, may bring an action in any court of competent jurisdiction for a claim of unlawful detention in violation of this section, for any damages, including punitive damages, and for declaratory and injunctive relief and such other remedies as may be appropriate. The court, in issuing any final order in any section brought pursuant to this section, may award costs of litigation, to the prevailing party whenever the court determines such an award is appropriate. This section does not limit or abrogate any claim or cause of action such person has under common law or by other law or rule.

§2. Subdivision e of section 14-154 of the administrative code of the city of New York, as amended by local law number 228 for the year 2017, is amended to read as follows:

e. [No private] 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 of New York or the department, or any official or employee thereof.] Any person detained in violation of this section, or their direct relative, may bring an action in any court of competent jurisdiction for a claim of unlawful detention in violation of this section, for any damages, including punitive damages, and for declaratory and injunctive relief and such other remedies as may be appropriate. The court, in issuing any final order in any section brought pursuant to this section, may award costs of litigation, to the prevailing party whenever the court determines such an award is appropriate. This section does not limit or abrogate any claim or cause of action such person has under common law or by other law or rule.

§3. Subdivision e of section 9-205 of the administrative code of the city of New York, as amended by local law number 228 for the year 2017, is amended to read as follows:

e.   [No private] 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 of New York or the department, or any official or employee thereof.] Any person detained in violation of this section, or their direct relative, may bring an action in any court of competent jurisdiction for a claim of unlawful detention in violation of this section, for any damages, including punitive damages, and for declaratory and injunctive relief and such other remedies as may be appropriate. The court, in issuing any final order in any section brought pursuant to this section, may award costs of litigation, to the prevailing party whenever the court determines such an award is appropriate. This section does not limit or abrogate any claim or cause of action such person has under common law or by other law or rule.

§4. This local law takes effect 60 days after it becomes law.