



## Legislation Text

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Int. No. 1412-A

By Council Members Cabán, Abreu, Avilés, Nurse, Hanif, Ossé, Marte, De La Rosa, Hudson, Sanchez, Bottcher, Banks, Brewer, Powers, Restler, Ayala, Brannan, Krishnan, Riley, Farías, Feliz, Gutiérrez, Won, Dinowitz, Brooks-Powers, Louis, Menin, Lee, Williams, Stevens, Joseph, Salamanca, Salaam, Moya, Epstein and the Public Advocate (Mr. Williams) (in conjunction with the Brooklyn Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to redefining terms concerning immigration enforcement to account for current enforcement practices, and prohibiting the maintenance of an office or quarters on property under the jurisdiction of the department of correction by federal immigration authorities

Be it enacted by the Council as follows:

Section 1. Paragraph 4 of subdivision a of section 9-131 of the administrative code of the city of New York, as added by local law number 58 for the year 2014, is amended to read as follows:

4. “Federal immigration authorities” shall mean any officer[,] or employee of, or person otherwise paid by or acting as an agent of [United States immigration and customs enforcement or any division thereof or any other officer, employee or person otherwise paid by or acting as an agent of the United States department of homeland security who is charged with enforcement of the civil provisions of the immigration and nationality act] or performing duties on behalf of the federal government, whose duties include, in whole or in part: (i) enforcement of the civil provisions of the immigration and nationality act; (ii) enforcement of any provision of federal law, including but not limited to chapter 3 of title 50 of the United States code and section 1459 of title 19 of the United States code, that penalizes a person being found in, or a person’s presence in, failure to depart from, entry into, or reentry into, the United States; (iii) enforcement of any provision of federal law that penalizes conduct related to the registration, travel document, or supervision requirements contained in the immigration and nationality act; or (iv) enforcement of any other provision of federal law where the mayor has

determined that such federal law is being used by federal immigration authorities as a proxy for civil immigration enforcement. The term “federal immigration authorities” shall not include any personnel of the city acting in the course of their employment with the city.

§ 2. Subdivision d of section 9-131 of the administrative code of the city of New York, as added by local law number 62 for the year 2011, is amended to read as follows:

d. No conflict with existing law. This [local law] section supersedes all conflicting mayoral executive orders and memoranda of understanding entered into by the city, as well as all conflicting policies, rules, procedures, and practices of the city [of New York]. Nothing in this [local law] section shall be construed to prohibit any city agency from cooperating with federal immigration authorities when required under federal law. Nothing in this [local law] section shall be interpreted or applied so as to create any power, duty, or obligation in conflict with any federal or state law.

§ 3. Paragraph 2 of subdivision h of section 9-131 of the administrative code of the city of New York, as added by local law number 58 for the year 2014, is amended to read as follows:

2. Federal immigration authorities shall not be permitted to maintain an office or quarters on land over which the department exercises jurisdiction, for [the] any purpose [of investigating possible violations of civil immigration law; provided, however, that the mayor may, by executive order, authorize federal immigration authorities to maintain an office or quarters on such land for purposes unrelated to the enforcement of civil immigration laws].

§ 4. The definition of “immigration enforcement” set forth in subdivision a of section 10-178 of the administrative code of the city of New York, as added by local law number 228 for the year 2017, is amended to read as follows:

Immigration enforcement. The term “immigration enforcement” means the enforcement of [any] the civil [provision] provisions of the immigration and nationality act [and]; enforcement of any provision of [such] federal law, including but not limited to chapter 3 of title 50 of the United States code and section 1459 of title

19 of the United States code, that penalizes a person being found in, or a person's presence in, failure to depart from, entry into, or reentry into, the United States; enforcement of any provision of federal law that penalizes conduct related to the registration, travel document, or supervision requirements contained in the immigration and nationality act; and enforcement of any provision of federal law where the mayor has determined that such federal law is being used by federal immigration authorities as a proxy for civil immigration enforcement.

§ 5. Subdivision b of section 10-178 of the administrative code of the city of New York, as added by local law number 228 for the year 2017, is amended to read as follows:

b. No agency shall subject its officers or employees to the direction and supervision of the secretary of homeland security or the head of any non-local law enforcement agency primarily in furtherance of immigration enforcement.

§ 6. Paragraph 3 of subdivision a of section 14-154 of the administrative code of the city of New York, as amended by local law number 59 for the year 2014, is amended to read as follows:

3. "Federal immigration authorities" shall mean any officer[, ] or employee, or person otherwise paid by or acting as an agent of [United States immigration and customs enforcement or any division thereof or any other officer, employee or person otherwise paid by or acting as an agent of the United States department of homeland security who is charged with enforcement of the civil provisions of the immigration and nationality act] or performing duties on behalf of the federal government, whose duties include, in whole or in part: (i) enforcement of the civil provisions of the immigration and nationality act; (ii) enforcement of any provision of federal law, including but not limited to chapter 3 of title 50 of the United States code and section 1459 of title 19 of the United States code, that penalizes a person being found in, or a person's presence in, failure to depart from, entry into, or reentry into, the United States; (iii) enforcement of any provision of federal law that penalizes conduct related to the registration, travel document, or supervision requirements contained in the immigration and nationality act; or (iv) enforcement of any other provision of federal law where the mayor has determined that such federal law is being used by federal immigration authorities as a proxy for civil

immigration enforcement. The term “federal immigration authorities” shall not include any personnel of the city acting in the course of their employment with the city.

§ 7. Subdivision d of section 14-154 of the administrative code of the city of New York, as amended by local law number 59 for the year 2014, is amended to read as follows:

d. No conflict with existing law. This [local law] section supersedes all conflicting policies, rules, procedures, and practices of the city [of New York]. Nothing in this [local law] section shall be construed to prohibit any city agency from cooperating with federal immigration authorities when required under federal law. Nothing in this [local law] section shall be interpreted or applied so as to create any power, duty, or obligation in conflict with any federal or state law.

§ 8. This local law takes effect immediately.

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