



Dear Neighbors,

The [Public Protection & General Government \(PPGG\)](#) budget bill we passed last week included a large section (Part LL) focused on immigration policy, constitutional rights, protections for students and sensitive locations, and limits on how state and local entities may participate in federal civil immigration enforcement. **Below is a summary of the immigration policies we voted on and approved.** I know there are many people for whom this topic is critically important so I have included significant detail, though for an overview you can read the **bold** language.

# State Budget



## Local Cops, Local Crimes Act

**This section prohibits local governments, local law enforcement agencies, jails, juvenile detention facilities, and certain state youth facilities from entering into, renewing, extending, or remaining in agreements that allow local personnel to carry out federal civil immigration enforcement functions.** These are formal agreements

between the federal government and local law enforcement agencies, referred to as 287(g) agreements. Through these agreements, local police officers or sheriff's deputies may receive federal training and authorization to carry out certain federal civil immigration enforcement activities that would otherwise be handled by federal immigration authorities such as ICE, including: questioning individuals about immigration status, accessing federal immigration databases, issuing immigration detainers, identifying individuals in local jails for possible deportation proceedings, and coordinating transfers into federal immigration custody. **Under this new law, local governments, local agencies, and covered state facilities would be prohibited from participating in these 287g agreements or carrying out these functions through such agreements.**

**The legislation also prohibits these entities from entering into agreements to detain individuals solely for federal civil immigration violations, meaning immigration detention unrelated to criminal charges.** However, the bill does preserve several exceptions. It does not prohibit providing health care services to individuals in federal custody. It also allows facilities and agencies to continue caring for or housing children placed through the federal Office of Refugee Resettlement program, which oversees the placement of certain unaccompanied immigrant children. In addition, the legislation does not prohibit detention agreements involving individuals facing federal criminal charges, as opposed to civil immigration violations alone.

**The bill also prohibits state and local governments from providing public subsidies, tax incentives, grants, or other forms of financial assistance to support private immigration detention facilities.** In addition, before a local government may approve zoning changes, permits, land-use approvals, or similar authorizations needed for the construction or operation of a private immigration detention facility, the legislation requires advance public notice and at least two public hearings. The purpose is to require greater public transparency and local public input before such facilities may be approved or expanded. The legislation also requires that any existing agreements prohibited under the new law be terminated within three months after the law takes effect, including 287(g) agreements and agreements to detain individuals solely for federal civil immigration violations. This section incorporates some of the provisions from Assemblymember Karines Reyes' [New York for All Act \(A3506B\)](#) and the [Dignity Not Detention Act \(A4181\)](#).

### **New York State Bivens Act**

**This section allows individuals to sue government officials in state court if those officials violate rights protected under the United States Constitution while acting in their official capacity.** The legislation creates a state-level legal process through which people may seek remedies when they believe a government official has violated their constitutional rights.

The legislation allows courts to award several types of remedies and damages, including:

- compensatory damages, meaning compensation for actual harm or losses suffered,
- emotional distress damages and damages for pain and suffering,

- punitive damages in cases involving malicious or reckless conduct intended to punish especially harmful behavior,
- injunctive relief requiring a government actor to stop or change certain conduct,
- declaratory relief in which a court formally declares that rights were violated,
- nominal damages recognizing that a legal violation occurred even if financial harm was limited, and
- attorneys' fees for prevailing plaintiffs.

**The bill applies retroactively to January 1, 2025, though claims arising before the law takes effect are limited to nominal and compensatory damages** rather than punitive damages or certain additional remedies. This section incorporates provisions from Assemblymember Gabriella Romero's [New York Civil Rights Act \(A9076A\)](#).

### **Restrictions on State and Municipal Involvement in Immigration Enforcement**

This section establishes statewide restrictions on how state and municipal employees and agencies may participate in federal civil immigration enforcement activities. **Public employees may not use public time, property, facilities, equipment, databases, or other public resources for federal civil immigration enforcement purposes.** This section incorporates provisions from Assemblymember Karines Reyes' [New York for All Act \(A3506B\)](#).

The legislation generally prohibits state and local employees and agencies from:

- sharing personally identifying information with immigration authorities,
- questioning individuals solely based on civil immigration warrants or immigration detainers,
- asking about or collecting immigration status information unless legally required or necessary for a public benefit or election-related purpose,
- providing immigration authorities access to non-public areas without a judicial warrant, court order, or other qualifying legal authority, or
- using immigration authorities as interpreters in law enforcement matters.

**The bill also prohibits schools, municipalities, and public agencies from using their own personnel or resources to assist with civil immigration enforcement activities except where required by law.**

The legislation preserves compliance with valid court orders, judicial warrants, federal information-sharing laws, and other legally required obligations. The bill also expressly allows local governments to adopt stronger local protections if they choose to do so.

### **Public School Protections**

According to this section, **schools may not deny, delay, discourage, or exclude students from enrollment or participation in public education based on the actual or perceived immigration status of the student or their parent or guardian.** Schools also may not

adopt policies that discourage participation in school programs, activities, or services because of immigration status or exclude parents and guardians from school engagement activities for that reason.

The legislation prohibits schools from using school staff, facilities, records, or other school resources for immigration enforcement purposes. Schools also may not disclose or threaten to disclose immigration-status information or share personally identifying information with immigration authorities except where required by a judicial warrant, court order, federal or state law, or where schools are legally required to collect or use certain information in order to administer a government program or carry out another legally authorized responsibility, such as determining eligibility for certain public assistance or educational programs or complying with state or federal reporting requirements.

The bill further states that **civil immigration warrants, immigration detainers, notices to appear, or similar non-judicial immigration documents are not sufficient to allow immigration authorities access to non-public school areas or to remove a student into immigration custody.**

Schools are also required to establish formal procedures for responding to immigration-enforcement requests and for notifying students and families about their rights and protections under the law. This section includes protections from Assemblymember Cruz's [Protect Our Schools Act \(A5373A\)](#), along with broader school-related immigration protections.

### **Sensitive Location Protection Act**

This section incorporates the [Sensitive Location Protection Act \(A9139\)](#) sponsored by Assemblymember Lasher and **allows certain sensitive locations to adopt policies denying immigration enforcement access to non-public areas unless immigration agents present a qualifying judicial warrant or court order signed by a judge.** The legislation protects these sensitive locations from being sued under state law in cases where they refuse immigration enforcement access to non-public areas because immigration agents do not have the required judicial warrant or court order.

Protected locations include child care programs, health care facilities, behavioral health settings, houses of worship, housing accommodations, non-public schools, certain private and state-supported schools, colleges and universities, nursery schools, summer camps, senior centers, parks, playgrounds, recreation centers, athletic fields, and polling places.

The bill authorizes individuals, owners or operators of sensitive locations, the Attorney General, and the Office of Immigrant Trust to seek court relief for alleged violations of these protections.

### **Law Enforcement Face Coverings and Identification Requirements**

**This language generally prohibits law enforcement officers, including certain federal officers operating within New York, from wearing face coverings that conceal their identity while performing their duties in public.** This section incorporates language from legislation sponsored by Assemblymember Tony Simone, including provisions similar to [the Mandating End of Lawless Tactics, or MELT Act \(A8908\)](#), which was introduced in response to concerns about masked immigration enforcement operations and public accountability.

The law includes several exceptions, including:

- medical masks,
- hazardous conditions,
- rescue operations,
- protective or ballistic equipment,
- motorcycle helmets,
- undercover operations,
- religious garments,
- occupational safety requirements, such as respirators or other protective equipment required during exposure to smoke, hazardous chemicals, infectious diseases, or other dangerous conditions,
- workplace accommodations, including legally required accommodations related to a medical condition, disability, or religious practice,
- camouflage used in tactical situations,
- frostbite protection, and
- certain other limited circumstances specifically identified in the law where face coverings are considered necessary for safety, protection, or specialized operational purposes.

The legislation also requires uniformed officers to visibly display their agency or department along with at least one identifier such as a name, badge number, or shield number. Non-uniformed officers interacting with the public must wear a visible agency-issued identifier.

A first willful violation is treated as a violation under the law, while subsequent violations are misdemeanors.

### **Office of Immigrant Trust**

**This section creates a new “Office of Immigrant Trust” within the Department of Law under the authority of the Attorney General.** Elements of Assemblymember Simone’s Reporting of [Arrests, Detentions, Actions, and Removals Act, or RADAR Act \(A9376\)](#), were included in the newly created Office of Immigrant Trust. **The office is responsible for receiving and investigating public complaints alleging knowing, intentional, or willful**

**violations of the immigration-protection provisions established in this budget legislation.**

The Office of Immigrant Trust will have authority to:

- investigate complaints,
- issue subpoenas requiring records or testimony,
- compel witnesses to testify,
- administer oaths,
- inspect records and local correctional facilities,
- speak with detained individuals, and
- take other investigative actions necessary to enforce the law.

Depending on the circumstances, the office may bring civil lawsuits, seek injunctions or declaratory relief through the courts, negotiate assurances of discontinuance requiring entities to stop certain conduct, or seek monitoring and oversight remedies to ensure compliance with the law.

For investigations involving state agencies or state employees operating under the Governor's authority, the Office of Immigrant Trust must first receive a referral from the Governor before opening an investigation.

### **Child Care Pickup Procedures**

**This language requires child care programs to create written procedures for situations where a parent or guardian cannot pick up a child as scheduled, including when a parent or guardian has been detained by federal immigration authorities.**

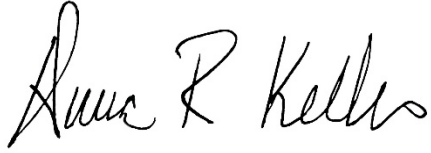
Providers must implement these procedures within 90 days and provide them to families when the procedures are adopted, when a child is admitted, and whenever the procedures are revised. The legislation requires child care providers, in situations where a parent or guardian cannot be reached to pick up a child, to first make reasonable efforts to contact all other individuals authorized by the parent or guardian to pick up the child before contacting the Statewide Central Register (SCR), the state child welfare hotline. The purpose is to help prevent unnecessary child welfare investigations or emergency interventions in situations where another authorized caregiver may still be available to safely pick up the child.

The child care provider must keep the child on site until the child is picked up by someone authorized by the parent, guardian, or law.

**At a moment when immigrant communities are facing fear, uncertainty, and escalating federal hostility, New York has a responsibility to protect due process, civil liberties,**

**access to education, and the basic dignity and safety of all people living in our communities.**

In good health,

A handwritten signature in black ink that reads "Anna R. Kelles". The signature is written in a cursive, flowing style.

Anna Kelles, Ph.D.

Assemblymember, 125th A.D.

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