

REVISED 5-29-26

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A LOCAL LAW enacting amendments to the Town/Village Code in order to promote public safety, peace, and good order

Be it enacted by the Town/Village Board of the Town/Village of xxxxxxxxxxxx as follows:

Section 1. Legislative Findings.

The Town/Village of xxxxxxxxxxxx hereby acknowledges the authority of the federal government to enact and enforce federal immigration laws pursuant to its constitutionally granted authority. The Town/Village further recognizes that state and local governments are bound by the supremacy clause of the U.S. Constitution and are pre-empted from enacting state and local laws that infringe on the federal powers regarding immigration. However, under our federal system, that power is not unlimited.

The Town/Village of xxxxxxxxxxxx further recognizes that under the Tenth Amendment to the U.S. Constitution, those powers not given to the federal government, nor forbidden to the states, belong to the states, local governments, and the people. Among those powers reserved to the states and to local governments is the police power. The police power is a critical power reserved by the states in order to protect public safety, peace, and good order. The police power of local governments in New York State is enumerated in the State Constitution and the Municipal Home Rule Law.

Pursuant to its police power, the State of New York did enact Chapter 55 of the Laws of 2026. Specifically, Part LL of said chapter was enacted to address potential abuses related to federal immigration enforcement that threatens public safety. Chapter 55 (1) prohibits state, local and federal officers from wearing face covering while interacting with the public, (2) requires such officers to visibly display identification, (3) prohibits local governments from entering into 287(g) agreements or similar agreements with the federal government that allow for local law enforcement personnel and facilities to be used for civil immigration enforcement purposes, (4) establishes a remedy whereby New Yorkers can bring a lawsuit against federal, state and local government officials for a violation of their constitutional rights, (5) prohibits the use of local civilian agencies and public school resources, including

employee time, for immigration enforcement, (6) prohibits civilian state, local and school employees (including higher education and K-12) from permitting access to any non-public area of a state-owned or operated facility to immigration authorities without a judicial warrant, including state or municipally owned, or operated facilities such as housing accommodations, parks, childcare facilities, preschools, hospitals, schools, dorms, healthcare facilities, community centers, libraries and shelters.

The Town/Village of xxxxxxxxxxxx has been blessed with a professional police department that has done an outstanding job in protecting the safety, peace, and good order of its residents. Because of their efforts, the Town/Village of xxxxxxxxxxxx is one of the safest communities in the nation. The public is highly supportive of these efforts and the Town/Village of xxxxxxxxxxxx enjoys excellent police-community relations.

The Town/Village Board of the Town/Village of xxxxxxxxxxxx recognizes that across the nation, the federal government through the activities of United States Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS), Customs and Border Patrol (CBP), including the Department of Justice (DOJ), has launched unprecedented immigration enforcement operations. Such efforts have been reported and confirmed as occurring across eastern Long island. Because of the lack of transparency and accountability, these operations in some parts of the country have resulted in rampant fear, disruptions to public safety, violence, injury, and even death undermining the local police power.

Chapter 55 of the Laws 2026 imposes certain duties and responsibilities on local government with regard to public safety. Further, the Town/Village of xxxxxxxxxxxx, under its constitutionally recognized police power, bears the primary responsibility to ensure the safety and well-being of its residents. Under the State Constitution and the State Municipal Home Rule Law, the Town/Village possesses broad authority to enact policies that promote public safety, peace and good order. The Town/Village also possesses broad authority to establish policies for the administration of its police department that promote these goals. Finally, the Town/Village has the duty and responsibility to protect the constitutional rights of its residents, including but not limited to the right of free speech and to petition its government.

Therefore, it is the purpose of this local law to facilitate the implementation of Chapter 55 within the Town/Village of xxxxxxxxxxxx. In addition, through this local law, the Town /Village Board of the Town/Village of xxxxxxxxxxxx seeks to enact policies to foster transparency and accountability

to the public relating to immigration enforcement conducted within the Town/Village. This local law exercises its authority under the police power and enacts policies intended to protect public safety, peace, and good order, where appropriate, without interfering with the legitimate activities of the federal government with regard to its immigration enforcement powers.

Section 2. Federal Authority Recognition and Preemption Avoidance.

A. The Town/Village of xxxxxxxxxx acknowledges the authority of the federal government to enforce federal immigration laws within the United States, including within the town's/village's jurisdiction.

B. Nothing in this local law shall be construed to prohibit, restrict, or interfere with the proper exercise of federal immigration enforcement by an immigration authority in accordance with federal law.

C. This local law is intended to operate within the town's/village's legitimate police powers to protect public safety and ensure transparency in law enforcement operations within its jurisdiction.

Section 3. Definitions.

A. The following definitions shall apply to this local law:

1. "Law enforcement agency" shall have the same meaning as provided in Section 996 (7) of the State General Municipal Law..
2. "Immigration Enforcement" shall have the same meaning as provided in Section 319(4) of the State Executive Law.
3. "Immigration Authority" shall have the same meaning as Section 319 (3) of the State Executive Law.

Section 4. Federal Immigration Enforcement Activity Reporting Requirements.

A. Where the town/village law enforcement agency responds to an incident involving immigration enforcement in the town/village, the chief of the law enforcement agency shall report said incident to the Town Supervisor's Office/Village Mayor's office.

B. The Town Supervisor's Office/Village Mayor's Office shall provide copies of such reports to all members of the Town/Village Board no later than

the next regularly scheduled meeting of the board.

3

C. After providing copies of such reports to the Town/Village Board, the Town Supervisor's/Mayor's Office shall make such reports available to the public, consistent with the State Freedom of Information Act.

D. There shall be established by the Town/Village Board a Community Task Force on Immigration Enforcement. The members of the Task Force shall be appointed by the Town/Village Board and shall fully represent the full range of community stakeholders with an interest in maintaining public safety during immigration enforcement where no judicial warrants are produced. The Town/Village shall consult with the Task Force concerning all relevant matters regarding immigration enforcement within the Town/Village, including but not limited to the local implementation of the provisions of Chapter 55 of the Laws of 2026. The Task Force shall also consider recommendations to the Town/Village Board regarding other policies necessary to insure the safety of the public in response to immigration enforcement.

Section 5. Identification.

In order to provide for the orderly enforcement of Article 10 of the State Civil Rights Law and Section 190.26 of the State Penal Law (criminal impersonation in the first degree), the town/village law enforcement agency shall have the authority to request any unidentified person engaged in immigration enforcement to provide identification to the town/village law enforcement agency.

Section 6. Enforcement.

- A. The Town/Village Attorney, pursuant to a resolution of the Town/Village Board, shall be authorized to institute an action in a court of competent jurisdiction seeking appropriate judicial relief for the purposes of enforcing this local law and enjoining or restraining any violations of this local law.
- B. Notwithstanding any other provision of law, any taxpayer domiciled within the town/village, or any person aggrieved by a violation of this local law shall be authorized to institute an action in a court of competent jurisdiction seeking appropriate judicial relief for the purposes of enforcing this chapter and enjoining or restraining any

violations of this chapter.

4

Section 7. Construction.

- A. Nothing in this local law shall prohibit town/village officers, employees, and agents from cooperating with an immigration authority in the investigation or prosecution of criminal activity when required by law.
- B. Nothing in this local law shall be construed to restrict compliance with federal or state law where such compliance is mandatory.

Section 8. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this local law is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this local law.

Section 9. Effective Date.

This local law shall take effect immediately upon its filing with the Secretary of State of the State of New York.

