

Please see the below statement from Assemblywoman Sandy Galef regarding concerns about A.3049.

In the beginning of February, the NYS Assembly took up five bills dealing with immigration issues. None of these bills directly addressed refugees in NYS, nor the travel ban instituted by President Trump which is being debated in the federal courts. I voted for four of the bills including:

A.4884 – Databases and registries to assist the federal government – This bill would prohibit the creation of registries in NY based on race, color, creed, gender, sexual orientation, religion, or national or ethnic origin.

A.3039 - Dream Act – This bill creates the NYS Dream fund commission and a DREAM fund in order to advance the educational opportunities of the children of immigrants not born in the US by providing scholarships to college bound students that qualify.

A.4882 - NYC Identity card -- This bill makes the information provided for the card application protected and fall under personal privacy laws.

A.4881 –Change 1 year to 364 days – This bill reduces the maximum sentence for misdemeanor offenses from one year to 364 days as a full one year sentence can trigger deportation proceedings.

The fifth bill, A. 3049B, dealt with undocumented immigrants and criminal activity. This bill was fast-tracked through the Assembly and included many issues – some I agreed with but others that I had difficulty in supporting.

This bill can lead to the unintended consequence of protecting serious criminals and prevent them from being deported – a view that I do not believe my constituents support. In the event of a significant crime where an individual is in custody, we should not tie the hands of our law enforcement by severely restricting the duty to closely investigate an individual’s history, which could also include his or her immigration status.

To be clear, I do not support law enforcement arresting or detaining an individual on the sole belief or suspicion that he or she is an undocumented immigrant, just as I abhor persecution or discrimination based on immigration status. However, I felt that parts of A.3049B did not do an adequate job of protecting all New Yorkers – undocumented or not -- from those arrested on serious felony charges, nor did the legislation fully comply with current federal immigration law, thereby creating a conflict with the supremacy clause.

Though A.3049B lays out the criteria for which an individual who has been arrested can be held on an immigration detainer, the specifics of the bill contain a loophole where certain serious alleged felony crimes do not qualify as valid reasons for additional detention. Certain cases of human trafficking or sexual assault, grand larceny and other serious crimes under current law would result in automatic detention of an undocumented individual. However, under this bill those crimes would be exempt unless a judicial warrant is issued. I also had some concern about a section of the bill that would stymie inquiries about immigration status during bail and pre-trial issues and the flight risk such an imposition would create.

For those law-abiding undocumented immigrants, this bill does not pertain to them. For those refugees seeking safe harbor and entry into the United States, this bill does not pertain to them. Rather than

viewing it through a political lens, as a lawmaker, my duty is to consider the technical merits of this legislation and whether or not it held the standard of a good and sound law. As I stated earlier, I voted NO on A.3049B because I believed the legislation would have serious unintended consequences that would undermine the safety of all New Yorkers – here legally or not.

If the federal government takes specific action in the future that would cause me to revisit my vote on this bill, I will certainly do so.