

**Calling Upon The State Legislature To Adopt, And The Governor To Sign, The “Protect Our Courts Act” (A.2176 / S.425), In Order To Protect Certain Interested Parties Or People From Civil Arrest While Going To, Remaining At, Or Returning From The Place Of A Court Proceeding**

Referred to: The Law Enforcement and Public Safety Committee (Chairwoman Eckert and Legislators Collins, Haynes, Heppner, and Ronk)

Legislator Hector Rodriguez and Legislators Archer, Bartels, Delaune, Donaldson, Eckert, Greene, and Nolan offer the following:

WHEREAS, the Immigrant Defense Project (IDP) reports that since 2016, ICE operations in and around New York courthouses rose 1700%, and that ICE expanded its courthouse arrest operations in upstate New York in 2018, including arresting people on the way to court, in the courthouse, and leaving court; and

WHEREAS, the ICE Out of Courts Coalition issued a report that documents the harmful impacts of ICE’s courthouse operations, including discouraging victims, witnesses, and defendants from seeking legal protections; and

WHEREAS, when ICE arrests a defendant during an unrelated court proceeding, ICE is under no obligation to produce them for such court appearance; and

WHEREAS, the fear of deportation acts as a deterrent for victims of crime, witnesses to crime, and defendants, to engage in the criminal court system; and

WHEREAS, in January 2019, New York State Senator Hoylman and New York State Assembly Member Solages introduced the “Protect Our Courts Act” (A.2176/S.425), which would exempt individuals from civil arrest while “going to, remaining at, or returning from the place of such court proceeding;” and

WHEREAS, absent a signed judicial warrant or judicial order authorizing a civil arrest, A.2176/S.425 would prohibit the civil arrest of any person attending a court proceeding “duly and in good faith;” and

WHEREAS, the legislation would designate the willful violation of the exemption as contempt of the court and false imprisonment, and would grant individuals the ability to bring a civil action for appropriate equitable and declaratory relief in instances of violation of the exemption; and

**Resolution No. 177      May 21, 2019**

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WHEREAS, the interference of federal law enforcement, specifically ICE, in the state court system endangers New Yorkers’ access to due process and public safety by making witnesses to crime and victims of crime less likely to engage in the court system; and

WHEREAS, federal interference removes criminal defendants from our jurisdiction, making it impossible to seek justice in their ongoing, non-immigration related cases; now, therefore, be it

RESOLVED, the Ulster County Legislature calls on the State Legislature to adopt, and the Governor to sign, the “Protect Our Courts Act” (A.2176 / S.425), in order to protect certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding; and be it further

RESOLVED, the Clerk of the County Legislature shall forward certified copies of this resolution to Governor Andrew Cuomo, Assembly and Senate Majority and Minority Leaders, all Ulster County elected Assemblymembers and Senators, and the Assembly and Senate Codes Committee Chairs,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 13                      NOES: 8  
(Noes: Legislators Fabiano, Gerentine, Haynes,  
Litts, Lopez, Maio, Ronk, and Wawro)  
(Absent: Legislator James Maloney)  
(Legislator Roberts left at 7:45 PM)

Passed Committee: Law Enforcement and Public Safety on May 6, 2019

FINANCIAL IMPACT:  
NONE

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 21<sup>st</sup> Day of May in the year Two Thousand and Nineteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 24<sup>th</sup> Day of May in the year Two Thousand and Nineteen.

/s/ Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature