



July 9, 2026

BILL ANALYSIS | Homeland Security & Immigration

ANALYSIS OF S9005C: NEW YORK'S NEW SANCTUARY LAW

Julie Kirchner

TOPLINE POINTS

- ★ In May 2026, New York Governor Kathy Hochul signed into law radical sanctuary legislation as part of New York's 2027 budget package designed to obstruct lawful federal immigration enforcement.
- ★ The law (S9005C) prohibits state and local employees from using government resources for federal immigration enforcement purposes, or from collecting or sharing information, or cooperating in any way with federal immigration authorities.
- ★ Additionally, the legislation also bars state and local law enforcement agencies from entering into 287(g) agreements with U.S. Immigration and Customs Enforcement (ICE) and criminalizes the wearing of masks by federal, state, and local law enforcement officers while on public duty, amongst other changes.
- ★ These and other provisions enacted by S9005C represent one of the most extreme efforts by a state to obstruct federal immigration enforcement in recent years.

Overview

On May 27, 2026, New York Governor Kathy Hochul signed into law one of the most sweeping state sanctuary laws to date. The legislation, [S9005C](#), was passed only days earlier by the state legislature as part of the budget package for 2027, which (as is typical for each year) was comprised of multiple appropriations bills and policy bills (also called [Article VII bills](#)) required to implement the budget.

S9005C creates obstacles for immigration enforcement within the state of New York at every level. It prohibits state and local law enforcement agencies from entering into 287(g) agreements and voids existing agreements. It bans state and local jails and prisons from renting detention space



to federal immigration agencies. It authorizes “sensitive locations” to deny federal immigration enforcement officials access to non-public areas. It criminalizes the wearing of masks by federal, state and local law enforcement officers while on duty in public. It creates a new “Office of Immigrant Trust” within the state Department of Law that is responsible investigating alleged violations of these provisions and suing for injunctive or other relief. And finally, it creates a new state-based cause of action for individuals “within the jurisdiction of the U.S.” to sue persons officials for the deprivation of rights under the U.S. Constitution.

Summary of S9005C, Part LL

The latest sanctuary provisions enacted as part of S9005C are found in Part LL of the bill. Part LL is divided into Subparts A through H. Below is a summary of those Subparts.

★ Subpart A: “Local Cops, Local Crimes Act”

- Prohibits local governments, law enforcement agencies, correctional facilities, local correctional facilities, juvenile detention facilities, and juvenile facilities from entering into, modifying, renewing, remaining in, or extending:
 - Any 287(g) agreement, including any formal or informal agreement under which an officer or employee may assist in immigration enforcement or otherwise perform the functions of an immigration officer.
 - Any contract, intergovernmental service agreement, or any other formal or informal agreement to house or detain aliens for civil immigration violations, including agreements under 8 U.S.C. 1103 and 8 U.S.C. 1231(g).
- Exempts agreements by federal law enforcement agencies for the provision of detention space for individuals subject to federal criminal charges, provided that the agreements do not provide detention space to house or detain individuals solely for federal civil immigration violations.
- Prohibits local governments, law enforcement agencies, correctional facilities, local correctional facilities, juvenile detention facilities, and juvenile facilities committed to the Office of Children and Family Services from:
 - Paying, reimbursing, subsidizing, giving any financial incentive or benefit, or defraying in any way costs related to the sale, purchase, construction, development, ownership, management, or operation of an immigration detention facility that is or will be owned, managed or operated, in whole or in part, by a private entity.
 - Otherwise giving any financial incentive or benefit in connection with the sale, purchase, construction, development, ownership, management, or operation of an immigration detention facility.
- Prohibits local governments from approving or issuing a zoning variance, construction permit or certificate, or re-use permit or certificate for existing buildings by any private entity for use as an immigration detention facility unless the local government:
 - Provides notice to the public at least 100 days in advance, and
 - Solicits and hears public comment in a minimum of two public meetings.
- Immediately voids existing 287(g) agreements and requires local agencies that have entered into them to exercise any applicable termination provisions.



★ Subpart B: New York Bivens Act

- Provides that any person who, under the color of any law, statute, ordinance, regulation, custom, or usage of the United States or any other state, subjects or causes to be subjected any person “within the jurisdiction of” the United States to the deprivation of any U.S. Constitutional rights shall be liable to the injured party.
- Authorizes courts to award compensatory damages (including damages for emotional distress and other non-economic damages), punitive damages, injunctive or declaratory relief, nominal damages, and reasonable attorneys’ fees.
- Declares that this provision is effective retroactively to January 1, 2025, but limits damages for actions that took place before the effective date of the legislation.

★ Subpart C: Restrictions on State, County and Municipal Employees Relating to Immigration Enforcement

- Prohibits state and municipal employees from using official resources, including, but not limited to, time spent while on duty or property or facilities owned or operated by or under the control of the state, for immigration enforcement purposes.
- Prohibits state and municipal employees from disclosing to immigration authorities an individual’s personally identifiable information, including, but not limited to, a person’s name, social security number, physical description, any associated addresses, telephone number, financial information, medical information, or place of employment or education
- Prohibits state and municipal employees from questioning, investigating, or interrogating an individual solely on the basis of an immigration detainer, a civil immigration warrant, or for the sole purpose of immigration enforcement.
- Prohibits state and municipal employees from inquiring or collecting information about an individual’s citizenship, immigration status, nationality, or country of origin except to administer a public program or benefit, or when registering an individual to vote.
- Prohibits state and municipal employees from granting access to non-public areas of property or facilities owned or operated or under control of the state or municipality to immigration agents
- Requires each state entity and municipal government to implement policies and procedures in the event that a judicial warrant or court order is presented for access to non-public areas, including the protocol for verifying the warrant or order’s sufficiency prior to permitting access.
- Prohibits state and municipal employees from using immigration officers as translators or interpreters for law enforcement matters relating to individuals that employees interact with as part of their duties.
- Provides that the provisions of this section shall not be construed to prohibit or restrict state or municipal entities from sending or receiving information from the Department of Homeland Security (DHS) or any other federal, state or local government entity regarding the citizenship or immigration status of an individual pursuant to 8 U.S.C. 1373.
- Provides that this law shall not prohibit state or municipal employees from complying with court orders issued by an Article III judge, a federal magistrate, or judicial



warrants issued by an Article III judge or federal magistrate judge, or from complying with the requirements under existing law.

- Provides that nothing in this law shall prevent state and municipal entities from adopting stricter prohibitions on cooperating with immigration enforcement.
- Requires the New York attorney general to publish guidance and training recommendations, by January 1, 2027, aimed at ensuring that state and municipal databases are governed in a manner that limits the availability of information contained therein, to the fullest extent practicable and consistent with law, to anyone for the purpose of immigration enforcement.
- Requires the Office of Employee Relations to develop training covering the requirements of this law within 6 months and make it available to state entities so that state employees receive relevant training regarding the requirements of this law.
- Prohibits county charters or charter laws from adopting provisions that supersede these immigration provisions.

★ **Subpart D: Education**

- Provides that no child shall be denied a free public education, and that no child shall be refused admission into, deterred from participation in, have their admission delayed, or be excluded from any school in the state based on the child's or parent's actual or perceived immigration status.
- Prohibits schools or school personnel from taking actions that have the intent or effect of deterring a student from participating in or denying the student the benefits of any program or activity on account of the student's or parent's actual or perceived immigration status.
- Prohibits schools or school personnel from using policies, procedures or practices that have the intent or effect of excluding parents from engagement activities based on the parent's actual or perceived immigration status.
- Prohibits schools or school personnel from:
 - Using school resources, including time spent on duty, for immigration enforcement purposes.
 - Disclosing any information about the actual or perceived citizenship or immigration status of a student or a student's parent to any other entity, including immigration authorities, except to comply with a court order issued by an Article III judge or a federal magistrate, or a judicial warrant issued by an Article III judge of federal magistrate.
 - Threatening to disclose any information about the actual or perceived citizenship or immigration status of a student or a person associated with such student to any other person or entity, including immigration authorities.
 - Disclosing to immigration authorities personally identifiable information of a student or parent, including name, social security number, physical description, associated addresses, telephone number, financial information, medical information, or place of employment or education except to comply with a court order or warrant issued by an Article III judge or a federal magistrate.
 - Inquiring about a student or parent's citizenship or immigration status, nationality, or country of origin, except to comply with a court order or warrant issued by an



- Article III judge or federal magistrate, or as necessary to administer a public benefit, or when registering an individual to vote, or as otherwise required by law.
- Collecting information from a student or parent regarding citizenship, immigration status, nationality, or national origin, except to comply with a court order or warrant issued by an Article III judge or federal magistrate, or as necessary to administer a public benefit, or when registering an individual to vote, or as otherwise required by law.
 - Designating immigration status, citizenship, nationality, or national origin as directory information.
 - Employing registration and enrollment requirements or procedures that have the intent or effect of disproportionately delaying or denying the enrollment of non-citizen students.
- Prohibits schools or school personnel from granting access to non-public areas of school property or facilities to immigration authorities unless presented with a judicial warrant signed by an Article III judge or federal magistrate authorizing the search or seeking the arrest of an individual present at the time the warrant is presented, or as otherwise required by law.
 - Prohibits schools or school personnel from granting permission for, or facilitate the release, transfer, surrender, escort of, or otherwise deliver, a student into the custody of immigration authorities solely on the basis that a parent has been arrested, detained, or taken into federal custody, unless there is a judicial warrant or court order, issued by a federal or state court, specifically authorizing the removal, detention, or assumption of custody of the student.
 - Prohibits schools or school personnel from assisting immigration authorities in locating, questioning, or detaining a student unless presented with a court order or warrant issued by an Article III judge or federal magistrate, or to comply with the requirements of existing law.
 - Prohibits schools and school personnel from using immigration officers as interpreters or translators for law enforcement matters relating to individuals that they interact with as part of their duties.
 - Provides that the provisions of this law shall not be construed to prohibit or restrict a school or school personnel from sending to or receiving immigration information from DHS or any other federal, state, or local government entity under 8 U.S.C. 1373 and 8 U.S.C. 1644.
 - Allows schools to adopt stricter requirements than set forth in this law.
 - Requires the state to develop and publish model procedures to implement this section.
 - Requires schools, within 60 days of publication of the model procedures, to verify to the commissioner that they have developed and implemented procedures that comply with the department's model procedures.

★ **Subpart E: Sensitive Locations**

- Defines a sensitive location as a publicly or privately owned/operated:
 - Location of any program licensed, regulated, certified, funded, or approved by the Office of Children and Family Services that provides services to children, including childcare;
 - Health care facilities, including a doctor's office, hospital, or any location providing health or behavioral health services;
 - House of worship;



- Housing accommodation, including any building, structure, or portion thereof which is used or is intended, arranged, or designed to be used or occupied as the home, residence or sleeping place of one or more human beings;
 - Non-public school;
 - Private school;
 - Nonprofit or for-profit higher education institution;
 - Nursery school;
 - Summer camp;
 - Senior center;
 - Park, playground, athletic field or recreation center; and
 - Polling location.
- Authorizes sensitive locations to adopt policies and procedures to deny access to non-public areas to any individual seeking access for immigration enforcement purposes, except when presented with a court order or judicial warrant issued by an Article III judge or federal magistrate authorizing them to take into custody the person subject to the warrant or order.
 - Provides that a sensitive location shall not be liable under state law if it denies access to non-public areas to authorities for the purposes of immigration enforcement if no such a court order or judicial warrant is presented.
 - Authorizes the New York Attorney General, the newly created Office of Immigrant Trust (within the Department of Law), individuals, and owners or operators of a sensitive location to apply for an order from the Supreme Court of the State to obtain appropriate injunctive and declaratory relief, with respect to any violation.
 - Authorizes schools to adopt stricter requirements.

★ **Subpart F: Masks Worn by Law Enforcement**

- Prohibits federal, state and local law enforcement officers from wearing any face covering that conceals, disguises or obscures their facial identity while engaging in their public duties. Exempts medical masks, gas masks, self-contained breathing apparatuses, helmets, protective eyewear, transparent face coverings, ballistic gear, among other things.
- Provides that any person who willfully violates this law is, for a first offense, guilty of a violation, and for a second or subsequent offense, a misdemeanor.
- Requires uniformed law enforcement officers, while in public performing official duties, to visibly display:
 - The name of the agency or department employing the officer, and
 - At least one form of identification of the officer, such as the name, badge number, or shield number of the officer.
- Requires law enforcement officers who are not uniformed to wear at least one “visibly identifying agency or department-issued logo, patch, emblem, insignia, or other external identifier clearly identifying such officer as a law enforcement officer.”
- Exempts from these requirements:
 - Officers engaged in active undercover operations, surveillance, or other investigative activities.



- Officers using personal protective equipment required for medical or emergency response purposes, where such equipment temporarily prevents the display of the ID.
- Persons who willfully violate this section shall be guilty of a violation for the first offense and a misdemeanor for a second or subsequent offense.
- Authorizes state and local law enforcement agencies to adopt stricter requirements.

★ **Subpart G: Establishment of the Office of Immigrant Trust**

- Creates the Office of Immigrant Trust within the state Department of Law; requires the state attorney general to appoint the director of the Office.
- Requires the state attorney general to establish appropriate firewalls to guard against conflicts of interest and other professional violations.
- Requires the Office of Immigrant Trust to establish and maintain a process for soliciting and receiving complaints from the public alleging the knowing, intentional, or willful violations by state or local entities, officers, employees, or their contractors of:
 - The restrictions on state, county, and municipal employees with respect to cooperating in immigration enforcement;
 - The Local Cops, Local Crimes Act; and
 - The mandate to provide free public education.
- Authorizes the Office of Immigrant Trust to:
 - Investigate such complaints;
 - Take proof and issue subpoenas;
 - Subpoena and enforce the attendance of witnesses;
 - Administer oaths and examine witnesses under oath;
 - Examine, copy or remove documents or records maintained by any employer or agency;
 - Visit and inspect all local correctional facilities and speak to people detained therein for the purpose of ensuring compliance with the law; and
 - Perform any other functions necessary or appropriate to fulfill the duties and responsibilities of the office.
- Authorizes the state attorney general to have the same powers as the Office of Immigrant Trust, except with respect to:
 - Agencies under the executive authority of the governor;
 - Entities that are statutorily entitled to representation by the Department of Law;
 - Entities whose officers and employees are statutorily entitled to representation by the Department of Law; and
 - Entities subject to the New York Court of Claims.
- Provides the state attorney general authority over these areas if the Governor refers a case to the attorney general.
- Requires the state attorney general to refer suspected violations of the restrictions on cooperating with immigration enforcement and suspected violations of the Local Cops, Local Crimes Act by state employees to the Governor.
- Requires the Governor to review such referrals and determine whether the Office of Immigrant Trust should investigate the matter. If the Office of Immigrant Trust



receives a return referral, the Office shall investigate the alleged violation and may commence a civil action.

- For suspected violations of the restrictions on municipal employees, or violations of the Local Cops, Local Crimes Act committed by municipal employees, the Office may sue for appropriate injunctive or declaratory relief or seek other enumerated remedies.
- For suspected violations of the education portions of the law, the Office shall investigate and if warranted, commence a civil action for appropriate injunctive or declaratory relief, and other remedies.

★ Subpart H: Childcare Providers

- Requires childcare providers to establish written procedures that detail the actions the provider must take it becomes aware that a parent or guardian is unavailable to retrieve a child at the end of the day or if the child is not picked up as scheduled and such child is in need of an alternate pickup plan for any reason, including detention by immigration authorities.
- Provides that this measure *shall not* require the daycare to contact the statewide central register for child abuse and maltreatment unless the provider has made reasonable efforts to contact all known individuals authorized by the parent/guardian to retrieve the child, and that the provider shall retain the child on the premises until such child is picked up by an authorized individual.

Analysis

With the passage of S9005C, the state of New York is adding to its already extensive framework of sanctuary laws. [Executive Order 170](#), originally signed in 2017, generally prohibits law enforcement officers and state employees from collecting immigration information or from cooperating with federal immigration authorities. [Executive Order 170.1](#), signed in 2018, bars immigration agents from making civil immigration arrests within state facilities. [A2176A](#), enacted by the state legislature in 2020, bars federal agents from making civil immigration arrests at state courthouses. These sanctuary laws all remain in effect.

The sanctuary measures contained in S9005C represent a direct challenge to federal immigration law. They conflict with federal law (8 U.S.C. 1373) that prohibits states from restricting the ability of their agencies or local officials to share immigration information with the federal government, even if the text of S9005C pretends otherwise. They also obstruct the ability of state and local agencies from participating [287\(g\) agreements](#), which the federal government has expressly authorized and encouraged. They also challenge the supremacy of federal law and federal law enforcement agencies under the Constitution, attempting to carve out areas where immigration agents may not enforce federal law and otherwise obstruct the mission and goals of federal immigration agencies.

In response, the Department of Justice recently filed a lawsuit against the state of New York, asking the court to enjoin large portions of S9005C. In its [complaint](#), the Department of Justice argues that S9005C impermissibly regulates the federal government, unlawfully attempts to limit how federal agencies may enforce federal law, and violates the Constitution's Supremacy Clause by obstructing the goals and purposes of the immigration laws passed by Congress. The Department of Justice has



succeeded on some of these claims in other states, but as with the adjudication of most state laws, the differences in the text and reasoning of judges vary. It may take months for a judge to issue a decision, which will likely be appealed by either the state or the federal government.

Meanwhile, as S9005C is implemented, the result will be the release of thousands of criminal aliens back into New York communities. Prior to passage of the bill, [14 jurisdictions across nine counties](#) had entered into 287(g) agreements with Immigration and Customs Enforcement (ICE). Those agreements will now be void, and the transfer of those criminal aliens to ICE will be halted. In addition, government employees at all levels will be barred from cooperating in any way with immigration enforcement, including using official resources or time spent on duty. Thus, officials will be barred from even picking up the phone to call ICE or notifying the agency by email that they are about to release criminal aliens and request that ICE assume custody of them. The only option left for local law enforcement agencies will be to release those criminals as their prison terms expire, undermining the public safety of all New York residents. At the end of 2025, there were over [7,000 criminal aliens](#) who were subject to ICE detainers. Under S9005C, presumably all of them will be released.

Similarly, the implementation of S9005C will make immigration enforcement tremendously harder for federal immigration agencies. The prohibitions on government employees in the state from providing any information on aliens to ICE, criminal or otherwise, will create an information blackout, making it nearly impossible for federal law enforcement officers to locate and detain illegal aliens. In addition, the law declares certain locations off-limits to federal law enforcement agents and even criminalizes ICE agents who wear masks in public. As more criminal aliens are released into the public, the only option left for ICE to enforce the law will be to send more agents into the community to locate and detain illegal aliens. This is more dangerous for law enforcement agents and more disruptive to local communities.

Conclusion

New York's new sanctuary law, S9005C, [puts public safety at risk](#) for the sole purpose of appeasing open-borders advocates who do not believe that any alien, including criminal aliens, should be detained or deported. More than simply prohibiting local officials from taking an active part in enforcement efforts, it bans the collection and sharing of virtually all information relating to aliens—including criminal aliens—with federal law enforcement agencies, creating an information blackout. This, in addition to banning 287(g) agreements, blocking federal access to certain locations, and criminalizing law enforcement agents who wear masks, directly undermines the ability of immigration agencies to enforce federal law. The result will be the release of more criminal aliens into New York communities, while making it more difficult for federal agents to locate and deport them.

The Department of Justice has challenged S9005 in federal court, seeking an injunction. However, success is not guaranteed. Congress, which has plenary authority over immigration under the Constitution, must step in and stop sanctuary states like New York from blatantly nullifying federal immigration law. It should prohibit states from obstructing immigration enforcement, prohibit states from barring the collection and sharing of information regarding aliens in state or local custody, prohibit states from banning the participation in 287(g) agreements, and impose



meaningful consequences on jurisdictions that shield criminal illegal aliens from removal—including the withholding of federal funds.

