



The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Re: Removing Qualified Immunity Language in Budget Proposal and Program Bill #20

Dear Governor Hochul,

The undersigned organizations and legislative offices write to express serious concerns about your recently announced budget proposal and program bill to allow New Yorkers to sue ICE in state court.

While we vehemently support efforts to hold federal immigration agents and their collaborators accountable, the current proposal undermines its own stated purpose. By incorporating qualified immunity into New York State law for the first time, this proposal gives New Yorkers a day in court — and makes it all too likely they will lose.

Consider the case of Renee Good, which you invoked in the State of the State. Her family will very likely be blocked by qualified immunity in their pursuit of accountability against the ICE officers who shot and killed her. To overcome qualified immunity, they would need to find a prior court decision with nearly identical facts—an ICE agent shooting someone in a car during an immigration operation under virtually the same circumstances. Without that precedent, the case gets dismissed regardless of whether her rights were violated. This proposal would seal that same fate for New York families both in federal and state court.

While we strongly support the creation of a state cause of action to protect New Yorkers from civil rights violations by federal officials, we oppose legislation that purports to create accountability but, in fact, is designed to block it.

Senator Myrie and Assemblymember Romero have recognized these concerns and amended their own bill, NY Civil Rights Act (S8500B / A9076B), to remove language that would have codified qualified immunity. At a minimum, we urge you to amend your budget proposal (Sec. M) and Program Bill #20 to remove any language incorporating defenses under § 1983, including qualified immunity. Ideally, New York should go further by ending qualified immunity entirely by passing S176/A1402, recognizing that no one should be above the law and that you cannot hold officials accountable by handing them a legal shield.

Without amending your proposals, you run the risk of codifying judicially-created §1983 defenses, including qualified immunity, not only for federal officials who violate New Yorkers' civil rights, but also state and local law enforcement officials. The proposals' language could extend these protections to state and local officials who violate rights while colluding with federal immigration agents, as well as officers who crack down on New Yorkers exercising their First Amendment right to protest against ICE and federal overreach. This would undermine years of advocacy to end qualified immunity and create meaningful accountability for all public officials who abuse their power.

New York State cannot fight federal overreach by handing ICE a legal shield. Any real solution requires both eliminating qualified immunity and passing New York for All, comprehensive legislation that ends all forms of collaboration between state and local law enforcement and ICE. All New Yorkers deserve to feel safe in their communities and to have a meaningful path to justice when their rights are violated. We reject any legislative effort that forces a false tradeoff between protecting immigrant communities and securing accountability for all marginalized New Yorkers.

This existential moment calls for legislation that truly pushes back against a federal government that is harming New Yorkers. We urge you to ensure that both your budget proposal and Program Bill #20 remove any language that, either explicitly or implicitly, codifies qualified immunity—and to go further by supporting S176/A1402, which would end qualified immunity for all public officials in New York. New Yorkers deserve the right to sue—and the chance to win based on the facts and the merits of their case.

Sincerely,

Assembly Speaker Pro Tempore Pamela Hunter

Senator Robert Jackson

Assemblymember Emily Gallagher

Assemblymember Jo Ann Simon

NYC Public Advocate Jumaane D. Williams

NYC Councilmember Harvey Epstein

NYC Councilmember Shahana Hanif

NYC Councilmember Crystal Hudson

NYC Council Member Christopher Marte

District Leader Anthony Beckford

Rochester City Council

Campaign to End Qualified Immunity in New York (EndQINY)

Advocates for Racial Equity at Unitarian Universalist Congregation of the Hudson Valley

African Communities Together
Alliance for Rights and Recovery
Alternate to Economic and Housing Displacement Inc.
America On Trial Inc. (AOT)
Arab American Association of New York
Bend the Arc Jewish Action - Long Island
Brooklyn Defenders
Bully Proof
Campaign Zero
Center for Anti-Violence Education
Center for Community Alternatives (CCA)
Common Cause NY
Center for Constitutional Rights
Center for Law and Justice
The Circle Keepers
Close Rosie's
Committee for Justice (Peekskill)
Community Voices Heard
Democratic Committee Cortland County
DRUM - Desis Rising Up & Moving
ENJAN Kingston
Freedom Agenda
The Freedom Unshackled Coalition
G.A.N.G.S. Coalition
The Gathering for Justice
HALT Solitary Coalition

Immigrant Defense Project
Incarcerated Nation Network
Jews For Racial & Economic Justice (JFREJ)
Jim Owles Liberal Democratic Club
Judson Memorial Church
Justice League NYC|CA
Katal Center for Equity, Health, and Justice
Kings Against Violence Initiative
LatinoJustice PRLDEF
The Legal Aid Society
Malcolm X Grassroots Movement
Mekong NYC
NAACP Legal Defense Fund
National Police Accountability Project
Neighborhood Defender Service of Harlem
New York Civil Liberties Union
New York Communities for Change
New York County Defender Services
New York Lawyers for the Public Interest
New York State Council of Churches
NYC National Action Network Chapter Second Chance Committee
NYS Jails Justice Network
Open Door Judaism
Parents Supporting Parents NY
Public Science Project
Release Aging People in Prison (RAPP) Campaign

Rockland Coalition to End the New Jim Crow
Silberman School of Social Work
Stop Deed Theft Coalition
Stop False Police Reporting
Surveillance Technology Oversight Project
Sweet Philosophy
Tabernacle of Praises
Tarrytown-Sleepy Hollow Human Rights Action (TASHRIA)
Truth Pharm, Inc.
Undocumented Women's Fund
Urban Youth Alliance
VOCAL-NY
VOICE Buffalo
We Build The Block
WESPAC Foundation, Inc.
Westchester Coalition for Police Reform
Women's League
YA-YA Network
Youth Represent

cc: Senate Majority Leader Andrea Stewart Cousins
Assembly Speaker Carl Heastie