

STATE OF NEW YORK

272--A

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. SEAWRIGHT, OTIS, SIMOTAS -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing amendments to section 11 of article 1 of the constitution, in relation to equality of rights and protection against discrimination

Section 1. Resolved (if the Senate concur), That section 11 of article 1 of the constitution be amended to read as follows:

§ 11. ~~[No person shall be denied the equal protection of the laws of this state or any subdivision thereof.]~~ No person shall, because of race, color, ethnicity, nationality, national origin, sex including pregnancy, sexual orientation and gender identity or expression, disability, age, creed or religion, or like grounds used to deprive a class of the people of New York of their equal opportunity to enjoy a full and productive life, be subjected to any discrimination in or to any denial or abridgment of his or her equal civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state. The words "civil rights" mean any legal right that impacts such equal opportunity.

This section shall not be construed to preclude bona fide qualifications for a job, position, benefit or service in a particular capacity if authorized by law with respect to disability, age or religion or any legal requirement of reasonable accommodation with respect to disability, pregnancy or religious practice or to invalidate or prevent the adoption of any law, regulation, program or activity that has as its object the amelioration of conditions of historically disadvantaged individuals or communities, including those this section protects against discrimination in or any denial or abridgment of equal civil rights.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets ~~[-]~~ is old law to be omitted.

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1 If any part of this section, or any action taken to enforce this
2 section, be finally declared invalid under federal law or the United
3 States Constitution, or be finally determined to result in a loss of
4 federal funding to the state or any agency or subdivision of the state,
5 this section shall be implemented to the maximum extent that federal law
6 and the United States Constitution permit, or to the maximum extent
7 possible without the loss of federal funding. Any provision held invalid
8 shall be severable from the remaining portions of this section.

9 § 2. Resolved (if the Senate concur), That the foregoing amendment be
10 referred to the first regular legislative session convening after the
11 next succeeding general election of members of the assembly, and, in
12 conformity with section 1 of article 19 of the constitution, be
13 published for three months previous to the time of such election.