

STATE OF NEW YORK

9293

IN SENATE

May 12, 2022

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the civil rights law, in relation to actions involving public petition and participation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 76-a of the civil rights law, as amended by chapter 250 of the laws of 2020, is amended to read as follows:

1. For purposes of this section:

(a) An "action involving public petition and participation" is a claim based upon:

(1) any communication in a place open to the public or a public forum in connection with an issue of public interest, provided that a protected allegation, as defined in subparagraph three of this paragraph, made within the context of employment shall constitute communication in a public forum; ~~or~~

(2) any other lawful conduct in furtherance of the exercise of the constitutional right of free speech in connection with an issue of public interest, or in furtherance of the exercise of the constitutional right of petition~~[-]~~; or

(3) any "protected allegation," which shall be defined as an allegation made to any employer or its agent by a person protected by the New York state human rights law or the New York city human rights law, or such person's agent, of (i) an unlawful discriminatory practice as defined by the New York state human rights law or the New York city human rights law, where such allegation relates to employment, or (ii) employment discrimination (including retaliation) prohibited by any federal, state, or local law.

(b) "Claim" includes any lawsuit, cause of action, cross-claim, counterclaim, or other judicial pleading or filing requesting relief.

(c) "Communication" shall mean any statement, claim, allegation in a proceeding, decision, protest, writing, argument, contention or other expression.

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

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1 (d) "Public interest" shall be construed broadly, and shall mean any
2 subject other than a purely private matter; provided that a protected
3 allegation, as defined in subparagraph three of paragraph (a) of this
4 subdivision, shall not be considered a purely private matter.
5 § 2. This act shall take effect immediately and shall apply to all
6 actions commenced on and after such effective date.