S T A T E O F N E W Y O R K

6233

2009-2010 Regular Sessions

I N A S S E M B L Y

February 26, 2009

Introduced by M. of A. BARRA, WALKER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the civil rights law, in relation to increasing the monetary and criminal penalties for aggravated harassment or discrimination

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 40-d of the civil rights law, as amended by chapter 191 of the laws of 1982, is amended to read as follows:

S 40-d. Penalty for violation. Any person who shall violate any of the provisions of the foregoing section, or subdivision three of section 240.30 or section 240.31 of the penal law, or who shall aid or incite the violation of any of said provisions shall for [each and every] THE FIRST violation thereof be liable to a penalty of not less than [one] FIVE hundred dollars nor more than [five] TWENTY-FIVE hundred dollars, AND FOR EACH SUBSEQUENT VIOLATION THEREOF BE LIABLE TO A PENALTY OF NOT LESS THAN TWENTY-FIVE HUNDRED DOLLARS NOR MORE THAN TWELVE THOUSAND FIVE HUNDRED DOLLARS, to be recovered by the person aggrieved thereby in any court of competent jurisdiction in the county in which the defendant shall reside. In addition, any person who shall violate any of the provisions of the foregoing section shall be deemed guilty of a class [A misdemeanor] E FELONY FOR THE FIRST VIOLATION THEREOF AND A CLASS D FELONY FOR ANY SUBSEQUENT VIOLATION THEREOF. At or before the commencement of any action under this section, notice thereof shall be served upon the attorney general.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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