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

4627

2013-2014 Regular Sessions

I N S E N A T E

April 16, 2013

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the executive law, in relation to providing for the award of attorneys' fees to prevailing parties in actions based on the human rights law

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

Section 1. The executive law is amended by adding a new section 298-b to read as follows:

S 298-B. ATTORNEYS' FEES FOR PREVAILING PARTIES. 1. THE COURT SHALL AWARD THE PREVAILING PARTY, IN AN ACTION OR PROCEEDING ALLEGING A VIOLATION OF SECTION TWO HUNDRED NINETY-SIX, TWO HUNDRED NINETY-SIX-A OR TWO HUNDRED NINETY-SIX-B OF THIS ARTICLE, ATTORNEYS' FEES, INCLUDING BUT NOT LIMITED TO, EXPERT WITNESS FEES.

2. THE STATE OR ANY DIVISION THEREOF IS PROHIBITED FROM COLLECTING ATTORNEYS' FEES UNDER SUBDIVISION ONE OF THIS SECTION.

3. THE LOSING PARTY SHALL BE LIABLE FOR ALL COSTS AWARDED BY THE COURT PURSUANT TO THIS SECTION.

S 2. This act shall take effect on the one hundred eightieth day after 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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