STATE OF NEW YORK

6354--A

2017-2018 Regular Sessions

IN SENATE

May 11, 2017

Introduced by Sens. KRUEGER, BAILEY, CARLUCCI, DILAN, HOYLMAN, KAMINSKY, KENNEDY, MONTGOMERY, PERALTA, PERSAUD, RIVERA, SANDERS, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- 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 Assembly 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, creed or religion, be subjected to any discrimination in his or her 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.~~] Equality of rights shall not be denied or abridged because of race, color, creed, religion, national origin, citizenship, marital status, age, gender, sex, pregnancy, sexual orientation, gender identity or expression, military status, physical or mental disability, other immutable or ascriptive characteristic, or like grounds for discrimination, exclusion, or disadvantage, by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state.

The protection against discrimination afforded by this section is self-executing. To that end, equal rights for purposes of this section extend to every person whose protection against public and private discrimination is needed to ensure an inclusive society with equal opportunity for personal fulfillment and respect for everyone in New York in all their diversity.

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

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Nothing herein shall be used to invalidate a law, program, or activity that is protected or required under this section. To the extent that enforcement of any part of this section is finally declared invalid as preempted by federal law, whether on constitutional or statutory grounds, or finally determined to result in a loss of federal funding, the state may by law provide that the enforcement of this section will be curtailed to the minimum extent necessary to avoid such preemption or loss of funding.

§ 2. RESOLVED (if the Assembly concur), That the foregoing amendments be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for three months previous to the time of such election.