

# STATE OF NEW YORK

963

2017-2018 Regular Sessions

## IN SENATE

January 5, 2017

Introduced by Sen. GIANARIS -- 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 defining immigration status; and to amend the civil rights law, in relation to defining immigration status and providing a civil remedy for any harm or damage to the property or person of another due to a belief or perception regarding such persons immigration status

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

1 Section 1. Section 292 of the executive law is amended by adding a new  
2 subdivision 35 to read as follows:

3 35. The term "immigration status", when used in this article, means a  
4 person's possession or non-possession of certification, documentation,  
5 or authorization to be present in the United States for a specific or  
6 undetermined period of time, as an alien lawfully admitted for permanent  
7 residence as defined in 8 U.S.C. § 1101(a)(20), a refugee as defined in  
8 8 U.S.C. § 1101(a)(42), an alien who has been granted asylum pursuant to  
9 8 U.S.C. § 1158, an alien that has been lawfully admitted for temporary  
10 residence pursuant to 8 U.S.C. § 1255a, or any other related status.

11 § 2. Subdivision 8 of section 292 of the executive law is amended to  
12 read as follows:

13 8. The term "national origin" shall, for the purposes of this article,  
14 include "ancestry[~~-~~]" and shall also include immigration status as such  
15 term is defined in this article. However, nothing contained herein shall  
16 be construed to prohibit verification of a person's immigration status,  
17 nor shall any adverse action be prohibited when based upon verified  
18 immigration status as required by federal law.

19 § 3. Subdivision 1 of section 79-n of the civil rights law as added by  
20 chapter 277 of the laws of 2010, is amended by adding a new paragraph  
21 (e) to read as follows:

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

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1     (e) The term "immigration status" means a person's possession or non-  
2 possession of certification, documentation, or authorization to be pres-  
3 ent in the United States for a specific or undetermined period of time,  
4 as an alien lawfully admitted for permanent residence as defined in 8  
5 U.S.C. § 1101(a)(20), a refugee as defined in 8 U.S.C. § 1101(a)(42), an  
6 alien who has been granted asylum pursuant to 8 U.S.C. §1158, an alien  
7 that has been lawfully admitted for temporary residence pursuant to 8  
8 U.S.C. § 1255a, or any other related status.

9     § 4. Subdivision 2 of section 79-n of the civil rights law, as added  
10 by chapter 227 of the laws of 2010, is amended to read as follows:

11     2. Any person who intentionally selects a person or property for harm  
12 or causes damage to the property of another or causes physical injury or  
13 death to another in whole or in substantial part because of a belief or  
14 perception regarding the race, color, national origin, immigration  
15 status, ancestry, gender, religion, religious practice, age, disability  
16 or sexual orientation of a person, regardless of whether the belief or  
17 perception is correct, shall be liable, in a civil action or proceeding  
18 maintained by such individual or group of individuals, for injunctive  
19 relief, damages, or any other appropriate relief in law or equity. If it  
20 shall appear to the satisfaction of the court or justice that the  
21 respondent has, in fact, violated this section, an injunction may be  
22 issued by such court or justice, enjoining and restraining any further  
23 violation, without requiring proof that any person has, in fact, been  
24 injured or damaged thereby.

25     § 5. This act shall take effect on the sixtieth day after it shall  
26 have become a law.