

STATE OF NEW YORK

294

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. GIANARIS, BAILEY, BRESLIN, HOYLMAN, PERSAUD, SANDERS, SERRANO, STAVISKY -- 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.

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

LBD05018-01-9

1 § 3. Subdivision 1 of section 79-n of the civil rights law, as added
2 by chapter 227 of the laws of 2010, is amended by adding a new paragraph
3 (e) to read as follows:

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

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

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

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