

STATE OF NEW YORK

4689--A

2019-2020 Regular Sessions

IN SENATE

March 20, 2019

Introduced by Sens. BIAGGI, CARLUCCI, HOYLMAN, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law and the civil rights law, in relation to harassment through electronic communication

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

Section 1. Section 840 of the executive law is amended by adding a new subdivision 6 to read as follows:

6. The council shall, in addition:

(a) Develop, maintain, and disseminate written policies and procedures regarding current internet technology and how such technology may be used to perpetrate harassment or other crimes. Such policies and procedures shall make provisions for the education and training of new and veteran police officers; and

(b) Recommend to the governor, rules and regulations with respect to the establishment and implementation on an ongoing basis of a training program for all current and new police officers regarding the policies and procedures established pursuant to this subdivision, along with recommendations for periodic retraining of police officers.

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

2. Any person who intentionally selects a person or property for harm or causes damage to the property of another ~~[or]~~, causes physical injury or death to another or commits harassment as defined in section 240.25 of the penal law in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, shall be liable, in a civil action or proceeding maintained by such individual

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

LBD01431-05-9

1 or group of individuals, for injunctive relief, damages, or any other
2 appropriate relief in law or equity. If it shall appear to the satisfac-
3 tion of the court or justice that the respondent has, in fact, violated
4 this section, an injunction may be issued by such court or justice,
5 enjoining and restraining any further violation, without requiring proof
6 that any person has, in fact, been injured or damaged thereby.

7 § 3. This act shall take effect on the first of November next succeed-
8 ing the date on which it shall have become a law.