

# STATE OF NEW YORK

517--C

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. KRUEGER, BAILEY, BENJAMIN, BIAGGI, BRESLIN, CARLUCCI, COMRIE, HARCKHAM, HOYLMAN, JACKSON, KAPLAN, LIU, MAY, MAYER, METZGER, PARKER, PERSAUD, SALAZAR, SANDERS, SEPULVEDA, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 an amendment to article 1 of the constitution, in relation to equality of rights and protection against discrimination

1 Section 1. Resolved (if the Assembly concur), That article 1 of the  
2 constitution be amended by adding a new section 19 to read as follows:

3 § 19. (a) No person shall be denied equal rights under the laws of  
4 this state or any subdivision thereof based on that person's race,  
5 color, ethnicity, national origin, disability, or sex including pregnan-  
6 cy and pregnancy outcomes, sexual orientation, gender identity, and  
7 gender expression.

8 (b) No government entity, nor any entity acting in concert with or on  
9 behalf of the government, nor any entity in its provision of public  
10 accommodations, employment, or personnel practices shall discriminate  
11 against any person in either intent or effect based on the character-  
12 istics listed in subdivision (a) of this section.

13 (c) No government entity, nor any entity acting in concert with or on  
14 behalf of the government, nor any entity in the provision of public  
15 accommodations, employment, or personnel practices shall discriminate  
16 against any person based on that person's religion. In interpreting this  
17 section, the courts shall analyze claims of religious discrimination

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

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1 under the same analysis and standards applied to claims under section  
2 three of this article.

3 (d) Nothing in this section shall invalidate or prevent the adoption  
4 of any law, regulation, program, or practice that is designed to remedy  
5 or ameliorate demonstrated past discrimination on the basis of a charac-  
6 teristic listed in this section.

7 (e) This section shall be self-executing. The legislature may expand  
8 upon the entitlement to equal rights and freedom from discrimination  
9 hereby secured.

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