

# STATE OF NEW YORK

272

2019-2020 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. SEAWRIGHT -- read once and referred to the  
Committee on Judiciary

### 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

1 Section 1. Resolved (if the Senate concur), That section 11 of article  
2 1 of the constitution be amended to read as follows:

3 § 11. [~~No person shall be denied the equal protection of the laws of  
4 this state or any subdivision thereof. No person shall, because of race,  
5 color, creed or religion, be subjected to any discrimination in his or  
6 her civil rights by any other person or by any firm, corporation, or  
7 institution, or by the state or any agency or subdivision of the state.~~]

8 Equality of rights shall not be denied or abridged because of race,  
9 color, creed, religion, national origin, citizenship, marital status,  
10 age, gender, sex, pregnancy, sexual orientation, gender identity or  
11 expression, military status, physical or mental disability, other immu-  
12 table or ascriptive characteristic, or like grounds for discrimination,  
13 exclusion, or disadvantage, by any other person or by any firm, corpo-  
14 ration, or institution, or by the state or any agency or subdivision of  
15 the state.

16 Equal rights for purposes of this section extend to every person whose  
17 protection against public and private discrimination is needed to ensure  
18 an inclusive society with equal opportunity for personal fulfillment and  
19 respect for everyone in New York in all their diversity.

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

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

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1 be curtailed to the minimum extent necessary to avoid such preemption or  
2 loss of funding.

3 § 2. Resolved (if the Senate concur), That the foregoing amendment be  
4 referred to the first regular legislative session convening after the  
5 next succeeding general election of members of the assembly, and, in  
6 conformity with section 1 of article 19 of the constitution, be  
7 published for three months previous to the time of such election.