

STATE OF NEW YORK

4689

2019-2020 Regular Sessions

IN SENATE

March 20, 2019

Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the civil rights law and the executive 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:

1 Section 1. The civil rights law is amended by adding a new section 16
2 to read as follows:

3 § 16. Protection of speech and religious rights. No person may will-
4 fully injure or interfere with, nor willfully attempt to injure or
5 interfere with, any other person in such other person's lawful exercise
6 of any right of free speech or religion secured by the constitution or
7 laws of New York state or by the constitution or laws of the United
8 States. In addition to any other cause of action and remedy that may
9 exist, any person aggrieved by a violation of this section shall have a
10 cause of action for injunctive relief.

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

13 6. The council shall, in addition:

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

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

24 § 3. Subdivision 2 of section 79-n of the civil rights law, as added
25 by chapter 227 of the laws of 2010, is amended 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 2. Any person who intentionally selects a person or property for harm
2 or causes damage to the property of another ~~[or]~~, causes physical injury
3 or death to another or commits harassment as defined in section 240.25
4 of the penal law in whole or in substantial part because of a belief or
5 perception regarding the race, color, national origin, ancestry, gender,
6 religion, religious practice, age, disability or sexual orientation of a
7 person, regardless of whether the belief or perception is correct, shall
8 be liable, in a civil action or proceeding maintained by such individual
9 or group of individuals, for injunctive relief, damages, or any other
10 appropriate relief in law or equity. If it shall appear to the satisfac-
11 tion of the court or justice that the respondent has, in fact, violated
12 this section, an injunction may be issued by such court or justice,
13 enjoining and restraining any further violation, without requiring proof
14 that any person has, in fact, been injured or damaged thereby.

15 § 4. This act shall take effect on the first of November next succeed-
16 ing the date on which it shall have become a law.