

# STATE OF NEW YORK

517--A

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. KRUEGER, BAILEY, BENJAMIN, BIAGGI, BRESLIN, CARLUCCI, COMRIE, HOYLMAN, JACKSON, KAPLAN, MAY, MAYER, METZGER, PARKER, PERSAUD, 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

### 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 Assembly concur), That section 11 of article 1 of the constitution be amended to read as follows:

2  
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  
5 race, color, ethnicity, nationality, national origin, sex including  
6 pregnancy, sexual orientation and gender identity or expression, disa-  
7 bility, age, creed or religion, or like grounds used to deprive a class  
8 of the people of New York of their equal opportunity to enjoy a full and  
9 productive life, be subjected to any discrimination in or to any denial  
10 or abridgment of his or her equal civil rights by any other person or by  
11 any firm, corporation, or institution, or by the state or any agency or  
12 subdivision of the state. The words "civil rights" mean any legal right  
13 that impacts such equal opportunity.

14 This section shall not be construed to preclude bona fide qualifica-  
15 tions for a job, position, benefit or service in a particular capacity  
16 if authorized by law with respect to disability, age or religion or any  
17 legal requirement of reasonable accommodation with respect to disabili-  
18 ty, pregnancy or religious practice or to invalidate or prevent the  
19 adoption of any law, regulation, program or activity that has as its  
20 object the amelioration of conditions of historically disadvantaged  
21 individuals or communities, including those this section protects

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

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1 against discrimination in or any denial or abridgment of equal civil  
2 rights.

3 If any part of this section, or any action taken to enforce this  
4 section, be finally declared invalid under federal law or the United  
5 States Constitution, or be finally determined to result in a loss of  
6 federal funding to the state or any agency or subdivision of the state,  
7 this section shall be implemented to the maximum extent that federal law  
8 and the United States Constitution permit, or to the maximum extent  
9 possible without the loss of federal funding. Any provision held invalid  
10 shall be severable from the remaining portions of this section.

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