STATE OF NEW YORK

237

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. QUART, COLTON, RODRIGUEZ, STIRPE -- read once and referred to the Committee on Governmental Operations

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 7 to read as follows:

7. 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 amended by chapter 93 of the laws of 2020, 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 summons a police officer or peace officer without reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property, **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

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

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the belief or perception is correct, shall be liable, in a civil action or proceeding maintained by such individual or group of individuals, for injunctive relief, damages, or any other appropriate relief in law or equity. If it shall appear to the satisfaction of the court or justice that the respondent has, in fact, violated this section, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. For the purposes of this subdivision, a person lacks reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property where a reasonable person would not suspect such violation, conduct, or threat.

§ 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.