

STATE OF NEW YORK

4562

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law and the penal law, in relation to protections against anti-Semitism in the human rights law

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings and determinations. The legislature
2 finds and determines that discrimination and attacks have been unfairly
3 and wrongfully levied and directed against the Jewish people and their
4 faith for generations, from ancient times to the present. Such discrimi-
5 nation and attacks, manifesting themselves through acts of anti-Semi-
6 tism, have proven to be among the most despicable acts of mankind, call-
7 ing witness to countless acts of death, deprivation, injustice and
8 holocaust.

9 The legislature further finds and determines that anti-Semitism sadly
10 remains today, still a persistent, disturbing problem in certain
11 segments of society, political movements, on college campuses, and by
12 select disturbed and/or seriously misguided or hateful individuals.

13 The legislature also finds and determines that acts of anti-Semitism
14 have even very recently resulted in homicidal attacks against Jewish
15 places of worship in Pittsburgh, Pennsylvania and in the defacement and
16 mutilation of publicly displayed photographs in New York City of a prom-
17 inent and respected Jewish member of the United States Supreme Court.

18 The legislature additionally finds and determines that both the feder-
19 al Department of Justice, and the federal Department of Education, have
20 properly concluded that both state and federal law prohibits discrimi-
21 nation against persons of the Jewish faith, as well as members of other
22 religious groups, when such discrimination is based on the actual or
23 perceived religious faith, shared ancestry or ethnic characteristics, or
24 when the discrimination is based on actual or perceived citizenship or

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

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1 residence in a country whose residents share a dominant religion or a
2 distinct religious identity.

3 The legislature further finds and determines that persons of the
4 Jewish faith, and/or of Jewish heritage, are continuing to be threat-
5 ened, harassed or intimidated in their daily lives, work and education
6 (including on their college campuses) and in the practice of their reli-
7 gion, by acts of anti-Semitism, due to the basis of their religious
8 belief, shared ancestry or ethnic characteristics, including but not
9 limited to harassing conduct that creates a hostile environment so
10 severe, pervasive, or persistent as to interfere with or limit their
11 ability to participate in or benefit from the services, activities, or
12 opportunities offered by their daily life, work, schools or practice of
13 their faith and/or religious principles.

14 The legislature finally finds and determines that legislation is
15 therefore necessary to place a definition of anti-Semitism within the
16 state human rights law, to specifically provide that acts of anti-Semi-
17 tism shall constitute a violation of the state human rights law, and to
18 further provide that anti-Semitism that incites, causes or results in
19 any act of violence, or injury to a person, or the damage to or
20 destruction of real or personal property, shall be deemed to constitute
21 a hate crime.

22 § 2. Section 292 of the executive law is amended by adding two new
23 subdivisions 39 and 40 to read as follows:

24 39. The term "creed" means a set of moral, religious or ethical
25 beliefs, and the practices and observances associated with such beliefs,
26 and shall include both traditional religious beliefs associated with
27 recognized, organized religions, as well as belief systems that may not
28 be expressed by such organized religious groups. The protections
29 provided by this article shall not only include protections against
30 discrimination based on creed, including but not limited to discrimi-
31 nation against anyone practicing a belief in any form of Christianity,
32 Judaism, Islam, Hinduism, Buddhism or any other type of religion, but
33 shall also specifically provide for protections against anti-Semitism.

34 40. The term "anti-Semitism" means the public demonstration of nega-
35 tive actions, behaviors or perceptions regarding those persons practic-
36 ing the Jewish religion or exhibiting a Jewish heritage, including:

37 a. hatred or severe disparagement toward the Jewish people or their
38 culture;

39 b. rhetorical, violent and/or physical manifestations directed against
40 Jewish or non-Jewish individuals or property, Jewish community insti-
41 tutions, and/or Jewish religious facilities;

42 c. the calling for, aiding, encouraging, supporting or justifying the
43 killing, harming or defaming of anyone, simply for practicing the Jewish
44 religion or exhibiting a Jewish heritage;

45 d. making false and mendacious, dehumanizing, demonizing, demeaning or
46 stereotypical allegations, about persons practicing the Jewish religion,
47 or about those who exhibit a Jewish heritage, or about the myth about a
48 world Jewish conspiracy, or about Jewish persons allegedly controlling
49 the media, economy, government or other societal institutions;

50 e. accusing those practicing the Jewish religion, or exhibiting a
51 Jewish heritage, whether singularly or collectively, as being wholly
52 responsible for any real or imagined wrongdoing committed by a single
53 Jewish person or group;

54 f. accusing those practicing the Jewish religion, or exhibiting a
55 Jewish heritage, whether singularly or collectively, as being wholly

1 responsible for any real or imagined wrongdoing committed by the state
2 of Israel; and

3 g. accusing those practicing the Jewish religion, or exhibiting a
4 Jewish heritage, whether singularly or collectively, of being more loyal
5 to Israel, or to the alleged priorities of Jewish people worldwide, than
6 to the interests of the people of the state of New York, or to the
7 interests of the people of the United States of America.

8 § 3. Section 297 of the executive law is amended by adding a new
9 subdivision 11 to read as follows:

10 11. In reviewing, investigating, adjudicating or determining whether
11 there has been a violation of this article on the basis of creed, and/or
12 to afford protections against anti-Semitism, as defined by subdivision
13 forty of section two hundred ninety-two of this article, as a result of
14 actions taken against a person because of an individual's actual or
15 perceived Jewish religious practices, or Jewish ancestry, or Jewish
16 ethnic characteristics, the division or the court upon review, shall
17 take into consideration the definition of anti-Semitism contained in
18 subdivision forty of section two hundred ninety-two of this article, as
19 part of its assessment, in any decision, determination, adjudication or
20 judgment as to whether the alleged practice was motivated by anti-Semi-
21 tic intent.

22 § 4. Section 485.05 of the penal law is amended by adding a new subdi-
23 vision 5 to read as follows:

24 5. In addition to any other hate crime provided for in this section,
25 any person who commits an act of anti-Semitism, as defined in subdivi-
26 sion forty of section two hundred ninety-two of the executive law, that
27 incites, causes or results in any act of violence, or injury to a
28 person, or the damage to or destruction of real or personal property,
29 shall be deemed to constitute a hate crime under this section.

30 § 5. Nothing in the act shall be deemed to diminish or infringe upon
31 any right protected under section 3 or 8 of Article I of the Constitu-
32 tion of the State of New York, or by the first amendment to the United
33 States Constitution.

34 § 6. This act shall take effect on the first of November next succeed-
35 ing the date on which it shall have become a law.