STATE OF NEW YORK

760--B

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. SEAWRIGHT, OTIS, QUART, NIOU, GOTTFRIED, GALEF, L. ROSENTHAL, EPSTEIN, GRIFFIN, ROZIC, NOLAN, ABINANTI, BARNWELL, DINOWITZ, THIELE, ASHBY, STERN, ANDERSON, FAHY, BARRON, JACOBSON, MEEKS, O'DONNELL, SIMON, MAGNARELLI, RAJKUMAR -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 11 of article 1 of the constitution, in relation to equal protection

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

§ 11. a. No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No [~~person~~] government entity, nor any person or entity acting in concert with or on behalf of the government, nor any person or entity in its provision of public or private housing, public accommodations and entertainment, and public or private employment, shall[~~, because of~~] discriminate against any person, in either intent or effect, based on that person's race, color, ethnicity, national origin, sex, including pregnancy, sexual orientation, gender identity or expression, disability, creed or religion[~~, be subjected to any discrimination in his or her civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state~~].

b. Discrimination with respect to disability or pregnancy shall include the failure to provide reasonable accommodation to an otherwise qualified individual.

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

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c. No characteristic listed in subdivision a of this section shall justify discrimination based on a characteristic listed in subdivision a of this section.

d. Nothing in this section shall invalidate or prevent the adoption of any law that is designed to remedy or ameliorate past discrimination on the basis of a characteristic listed in subdivision a of this section.

e. This section is intended to take effect without the need for any additional legislation. Existing laws of the state upon the adoption of this section that are not repugnant to this section shall continue to be the law of this state and new laws may expand upon the rights secured herein.

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