

STATE OF NEW YORK

8497

2021-2022 Regular Sessions

IN ASSEMBLY

November 17, 2021

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

AN ACT to amend the executive law, in relation to including correctional
facilities as publicly-assisted housing accommodations for purposes of
the division of human rights

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

1 Section 1. Legislative intent and findings. Whereas recent judicial
2 opinions have created confusion regarding the status of correctional
3 facilities and law enforcement agencies as subjects of the jurisdiction
4 of the New York human rights law, the legislature hereby finds and
5 declares that law enforcement agencies and correctional facilities are
6 subject to the jurisdiction of the law.

7 § 2. Subdivision 10 of section 292 of the executive law, as added by
8 chapter 340 of the laws of 1955, is amended to read as follows:

9 10. The term "housing accommodation" includes any building, structure,
10 or portion thereof which is used or occupied or is intended, arranged or
11 designed to be used or occupied, as the home, residence or sleeping
12 place of one or more human beings, including any type of correctional
13 facility.

14 § 3. Section 292 of the executive law is amended by adding three new
15 subdivisions 39, 40, and 41 to read as follows:

16 39. The term "law enforcement officer" shall mean employees of state
17 or local governments, their agencies, or political subdivisions, who are
18 charged in their official duties with the enforcement of laws and main-
19 tenance of public safety and public order, for example by responding to
20 emergency calls, enforcing traffic laws, investigating potential crimi-
21 nal violations, conducting patrols, policing large public gatherings or
22 public transit facilities, and questioning or arresting individuals
23 suspected of criminal activity. Law enforcement officers shall include,
24 without limitation, sheriffs and the employees of sheriff's departments,

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

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1 town, village, city, county or municipal police officers, security offi-
2 cers employed by transportation authorities, state police and state
3 troopers, and auxiliaries or deputies of any such department or organ-
4 ization, members of the organized militia of the state or any national
5 guard deployed in New York for the purpose of effectuating any kind of
6 public order. For the purposes of this article, services rendered by a
7 law enforcement officer in the course of regular duty shall qualify as
8 public accommodations.

9 40. The term "law enforcement agency" shall include any employer of
10 law enforcement officers in a public or official capacity. For the
11 purposes of this article, services rendered by a law enforcement agency
12 in the course of regular duty shall qualify as public accommodations.

13 41. The term "correctional facility" shall include any correctional
14 facility, detention center owned, reception center, residential treat-
15 ment facility, correctional camp, diagnostic and treatment center,
16 general confinement facility, work release facility, community treatment
17 facility, shock incarceration correctional facility, alcohol and
18 substance abuse treatment facility, alcohol and substance abuse treat-
19 ment correctional annex, vocational and skills training facility, drug
20 treatment campus, residential mental health treatment unit, and residen-
21 tial rehabilitation unit that is operated or leased by the department of
22 corrections, the state of New York or any local government or political
23 subdivision of the state of New York.

24 § 4. Paragraph (a) of subdivision 2 of section 296 of the executive
25 law, as amended by chapter 8 of the laws of 2019, is amended to read as
26 follows:

27 (a) It shall be an unlawful discriminatory practice for any person,
28 being the owner, lessee, proprietor, manager, superintendent, agent or
29 employee of any correctional facility, law enforcement agency, place of
30 public accommodation, resort or amusement, because of the race, creed,
31 color, national origin, sexual orientation, gender identity or
32 expression, military status, sex, disability or marital status of any
33 person, directly or indirectly, to refuse, withhold from or deny to such
34 person any of the accommodations, advantages, facilities or privileges
35 thereof, including the extension of credit, or, directly or indirectly,
36 to publish, circulate, issue, display, post or mail any written or
37 printed communication, notice or advertisement, to the effect that any
38 of the accommodations, advantages, facilities and privileges of any such
39 place shall be refused, withheld from or denied to any person on account
40 of race, creed, color, national origin, sexual orientation, gender iden-
41 tity or expression, military status, sex, disability or marital status,
42 or that the patronage or custom thereat of any person of or purporting
43 to be of any particular race, creed, color, national origin, sexual
44 orientation, gender identity or expression, military status, sex or
45 marital status, or having a disability is unwelcome, objectionable or
46 not acceptable, desired or solicited.

47 § 5. This act shall take effect immediately.