

STATE OF NEW YORK

102--A

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. GIANARIS, BAILEY, BRESLIN, HOYLMAN, PERSAUD, RIVERA, SANDERS, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to defining immigration status; and to amend the civil rights law, in relation to defining immigration status and providing a civil remedy for any harm or damage to the property or person of another due to a belief or perception regarding such person's immigration status

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

1 Section 1. Section 292 of the executive law is amended by adding a new
2 subdivision 40 to read as follows:

3 40. The term "immigration status", when used in this article, means a
4 person's possession or non-possession of certification, documentation,
5 or authorization to be present in the United States for a specific or
6 undetermined period of time, as an alien lawfully admitted for permanent
7 residence as defined in 8 U.S.C. § 1101(a)(20), a refugee as defined in
8 8 U.S.C. § 1101(a)(42), an alien who has been granted asylum pursuant to
9 8 U.S.C. § 1158, an alien that has been lawfully admitted for temporary
10 residence pursuant to 8 U.S.C. § 1255a, or any other related status.

11 § 2. Subdivision 8 of section 292 of the executive law is amended to
12 read as follows:

13 8. The term "national origin" shall, for the purposes of this article,
14 include "ancestry[~~-~~]" and shall also include immigration status as such
15 term is defined in this article. However, nothing contained herein shall
16 be construed to prohibit verification of a person's immigration status,

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

LBD03524-03-2

1 nor shall any adverse action be prohibited when based upon verified
2 immigration status as required by federal law.

3 § 3. Subdivision 1 of section 79-n of the civil rights law, as added
4 by chapter 227 of the laws of 2010, is amended by adding a new paragraph
5 (e) to read as follows:

6 (e) The term "immigration status" means a person's possession or non-
7 possession of certification, documentation, or authorization to be pres-
8 ent in the United States for a specific or undetermined period of time,
9 as an alien lawfully admitted for permanent residence as defined in 8
10 U.S.C. § 1101(a)(20), a refugee as defined in 8 U.S.C. § 1101(a)(42), an
11 alien who has been granted asylum pursuant to 8 U.S.C. §1158, an alien
12 that has been lawfully admitted for temporary residence pursuant to 8
13 U.S.C. § 1255a, or any other related status.

14 § 4. Subdivision 2 of section 79-n of the civil rights law, as amended
15 by chapter 93 of the laws of 2020, is amended to read as follows:

16 2. Any person who intentionally selects a person or property for harm
17 or causes damage to the property of another or causes physical injury or
18 death to another or summons a police officer or peace officer without
19 reason to suspect a violation of the penal law, any other criminal
20 conduct, or an imminent threat to a person or property, in whole or in
21 substantial part because of a belief or perception regarding the race,
22 color, national origin, immigration status, ancestry, gender, religion,
23 religious practice, age, disability or sexual orientation of a person,
24 regardless of whether the belief or perception is correct, shall be
25 liable, in a civil action or proceeding maintained by such individual or
26 group of individuals, for injunctive relief, damages, or any other
27 appropriate relief in law or equity. If it shall appear to the satisfac-
28 tion of the court or justice that the respondent has, in fact, violated
29 this section, an injunction may be issued by such court or justice,
30 enjoining and restraining any further violation, without requiring proof
31 that any person has, in fact, been injured or damaged thereby. For the
32 purposes of this subdivision, a person lacks reason to suspect a
33 violation of the penal law, any other criminal conduct, or an imminent
34 threat to a person or property where a reasonable person would not
35 suspect such violation, conduct, or threat.

36 § 5. This act shall take effect on the sixtieth day after it shall
37 have become a law.