

# STATE OF NEW YORK

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70--A

Cal. No. 452

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sens. HOYLMAN, RAMOS, SALAZAR, ADDABBO, BIAGGI, BRISPORT, COMRIE, COONEY, GOUNARDES, HARCKHAM, HINCHEY, JACKSON, KAPLAN, KAVANAGH, LIU, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the executive law, in relation to enacting the "hate crimes analysis and review act"

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

1 Section 1. This act shall be known and may be cited as the "hate  
2 crimes analysis and review act".

3 § 2. Subdivision 4-c of section 837 of the executive law, as added by  
4 chapter 107 of the laws of 2000, is amended to read as follows:

5 4-c. (a) In cooperation with the chief administrator of the courts as  
6 well as any other public or private agency, including law enforcement  
7 agencies, collect ~~[and]~~, maintain, analyze and make public statistical  
8 and all other information and data with respect to the number of hate  
9 crimes reported to or investigated by the division of state police, and  
10 all other police or peace officers, the number of persons arrested for  
11 the commission of such crimes, the offense for which the person was  
12 arrested, the demographic data of the victim or victims of such crimes  
13 including, but not limited to, race, color, national origin, ancestry,  
14 gender, gender identity or expression, religion, religious practice,  
15 age, disability or sexual orientation of a person, the demographic data  
16 of the person or persons arrested for the commission of such crimes  
17 including, but not limited to, race, color, national origin, ancestry,  
18 gender, gender identity or expression, religion, religious practice,

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

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1 age, disability or sexual orientation of a person, the county within  
2 which the arrest was made and the accusatory instrument filed, the  
3 disposition of the accusatory instrument filed, including, but not  
4 limited to, as the case may be, dismissal, acquittal, the offense to  
5 which the defendant pled guilty, the offense the defendant was convicted  
6 of after trial, and the sentence imposed. Data collected shall be used  
7 for research or statistical purposes only and shall not contain informa-  
8 tion that may reveal the identity of any individual. The division shall  
9 include the statistics and other information required by this subdivi-  
10 sion in [~~the~~] an annual report submitted to the governor [~~and legisla-~~  
11 ~~ture pursuant to subdivision twelve of this section~~], the speaker of the  
12 assembly, the temporary president of the senate, the chair of the assem-  
13 bly codes committee, the chair of the senate codes committee, the attor-  
14 ney general and the chief administrative judge of the office of court  
15 administration. Such annual reports shall be a public record.

16 (b) As used in this section, the term "gender identity or expression"  
17 shall have the same meaning as defined in paragraph (c) of subdivision  
18 four of section 485.05 of the penal law.

19 § 3. This act shall take effect on the ninetieth day after it shall  
20 have become a law.