STATE OF NEW YORK

9465

IN SENATE

May 30, 2022

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the executive law, in relation to establishing the task force on social media and violent extremism; to amend part R of chapter 55 of the laws of 2020, amending the penal law and the criminal procedure law relating to enacting the "Josef Neumann Hate Crimes Domestic Terrorism Act", in relation to the domestic terrorism task force report; and to amend the civil rights law, in relation to bias-related violence or intimidation

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

Section 1. The executive law is amended by adding a new section 70-c to read as follows:

§ 70-c. Task force on social media and violent extremism. 1. Establishment and organization. (a) There is hereby established a task force on social media and violent extremism within the department of law.

(b) The attorney general may appoint or assign a deputy attorney general and/or one or more assistants to serve on the task force.

(c) The mission of the task force on social media and violent extremism shall be to study, investigate, and make recommendations relating to the use, operations, policies, programs, and practices of online social media companies and any role they may have in promoting, facilitating, and providing platforms for individuals and groups to plan and promote acts of violence, including but not limited to, the use of such platforms to: initiate threats against public safety or against a specific group of individuals based on an actual or perceived classification or characteristic; communicate or plan for criminal activity, including but not limited to, hate crimes, acts of domestic terrorism, or acts of domestic terrorism motivated by hate; spread extremist content; and aid in the radicalization and mobilization of extremist individuals or groups.

2. Functions and duties. Subject to appropriations made available therefor, the task force shall have the following duties and responsibilities:

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

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(a) to receive and investigate complaints from any source, or upon its own initiative, allegations involving the use and role of social media platforms in broadcasting, streaming, promoting, or otherwise facilitating acts of violence as described in paragraph (c) of subdivision one of this section;

(b) to determine, with respect to such allegations, whether social media companies may be civilly or criminally liable for their role in promoting, facilitating, or providing a platform for individuals and groups to plan and promote acts of violence as described in paragraph (c) of subdivision one of this section, or whether further investigation by the department of law is warranted or whether a referral to an appropriate federal, state or local law enforcement agency is necessary, and to assist in such investigations, if requested by a federal, state, or local law enforcement agency;

(c) to prepare and make public reports regarding the work of the task force, provided, however that such reports shall not include confidential or other protected information or any information that pertains to or may interfere with ongoing or future investigations;

(d) to review and examine periodically the use, operations, policies, programs, and practices of social media companies and any role they may have in promoting, facilitating, and providing platforms for individuals and groups to plan and promote acts of violence as described in paragraph (c) of subdivision one of this section;

(e) to cooperate with and assist the division of homeland security and emergency services or any other state or local agency as may be appropriate in their efforts to counter acts of violence as described in paragraph (c) of subdivision one of this section;

(f) to review the final report of the domestic terrorism task force established pursuant to section six of part R of chapter fifty-five of the laws of two thousand twenty, setting forth the findings, conclusions, recommendations, and activities of the task force, to examine and evaluate how to prevent mass shootings by domestic terrorists in New York state in furtherance of the goals of the task force on social media and violent extremism;

(g) to recommend remedial action to prevent the use of social media platforms by individuals and groups to plan and promote acts of violence as described in paragraph (c) of subdivision one of this section;

(h) on an annual basis, to submit to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly, no later than December thirty-first, a report summarizing the activities of the task force and recommending specific changes to state law to further the mission of the task force on social media and violent extremism; and

(i) to perform any other functions and duties that are necessary or appropriate to fulfill the duties and responsibilities of the task force.

3. Powers. In executing its duties under subdivision two of this section, the task force shall have the power to:

(a) subpoena and enforce the attendance of witnesses;

(b) administer oaths or affirmations and examine witnesses under oath;

(c) request and receive from the division of homeland security and emergency services, the division of state police, the division of criminal justice services, and from every department, division, board, bureau, commission or other agency of the state, or of any political subdivision thereof, cooperation and assistance in the performance of its duties;

(d) provide technical and other assistance to any district attorney or other local law enforcement official requesting such assistance in the investigation or prosecution of cases involving the role of social media platforms in broadcasting, streaming, promoting, or otherwise facilitating acts of violence as described in paragraph (c) of subdivision one of this section; and

(e) conduct hearings at any place within the state and require the production of any books, records, documents or other evidence he or she may deem relevant or material to an investigation.

§ 2. Subdivision (f) of section 6 of part R of chapter 55 of the laws of 2020, amending the penal law and the criminal procedure law relating to enacting the "Josef Neumann Hate Crimes Domestic Terrorism Act", is amended to read as follows:

(f) The task force shall provide a preliminary report to the governor, the attorney general, and the legislature of its findings, conclusions, recommendations and activities already undertaken by the task force, not later than thirteen months after the effective date of this act, and a final report of its findings, conclusions, recommendations and activities already undertaken by the task force, not later than twenty-two months after the effective date of this act and shall submit with its reports legislative proposals as it deems necessary to implement its recommendations.

§ 3. Section 79-n of the civil rights law, as added by chapter 227 of the laws of 2010, subdivision 2 as amended by chapter 93 of the laws of 2020, is amended to read as follows:

§ 79-n. Bias-related violence or intimidation; civil remedy. 1. The following definitions are applicable to this section:

(a) The term "disability" means a physical or mental impairment that substantially limits a major life activity.

(b) The term "age" means sixty years of age or more.

(c) The term "sexual orientation" means a person's actual or perceived homosexuality, heterosexuality, or bisexuality.

(d) The term "gender" means a person's actual or perceived sex and shall include a person's gender identity or expression.

2. Any person who intentionally selects a person or property for harm or causes damage to the property of another or causes physical injury or death to another, or subjects a person to conduct that would constitute harassment under section 240.25 of the penal law, or summons a police officer or peace officer without reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property, in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or any person who aids or incites any such conduct, shall be liable, in a civil action or proceeding maintained by such individual or group of individuals, for injunctive relief, damages, or any other appropriate relief in law or equity. If it shall appear to the satisfaction of the court or justice that the respondent has, in fact, violated this section, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. For the purposes of this subdivision, a person lacks reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property where a reasonable person would not suspect such violation, conduct, or threat.

3. [~~Whenever~~] **In addition to the remedies in subdivision two of this section, whenever** there shall be a violation of this section **by any person or by any firm, partnership, association, or corporation**, an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction for an injunction to enjoin and restrain the continuance of such activity**, and to seek damages, or any other appropriate relief in law or equity**. In connection with any such application, the attorney general is authorized to take proof and determine the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

4. In any such action or proceeding, the court, in its discretion, may allow the party commencing such action or proceeding, if such party prevails, reasonable attorneys' fees as part of the costs.

5. In addition to the remedies provided in subdivisions two and three of this section, a court may additionally impose a civil penalty of not more than five thousand dollars for each violation of this section.

§ 4. This act shall take effect immediately; provided, however, that section one of this act shall take effect January 1, 2023.