STATE OF NEW YORK

2230--A

Cal. No. 200

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. REYES, DE LA ROSA, J. RIVERA, FERNANDEZ, COLTON, GOTTFRIED, McDONOUGH, GLICK, RICHARDSON, ROZIC, FALL, GRIFFIN, HEVESI, CRUZ, OTIS, VANEL, JACOBSON, PAULIN, BURGOS, MEEKS, GONZALEZ-ROJAS, ANDERSON -- read once and referred to the Committee on Codes -- reported and referred to the Committee on Ways and Means -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on 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:

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

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

4-c. **(a)** In cooperation with the chief administrator of the courts as well as any other public or private agency, including law enforcement agencies, collect [~~and~~]**, maintain,** analyze **and make public** statistical and all other information and data with respect to the number of hate crimes reported to or investigated by the division of state police, and all other police or peace officers, the number of persons arrested for the commission of such crimes, the offense for which the person was arrested**, the demographic data of the victim or victims of such crimes including, but not limited to, race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, the demographic data of the person or persons arrested for the commission of such crimes including, but not limited to, race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person**, the county within which the arrest was made and the accusatory instrument filed, the

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

LBD00071-06-1

disposition of the accusatory instrument filed, including, but not limited to, as the case may be, dismissal, acquittal, the offense to which the defendant pled guilty, the offense the defendant was convicted of after trial, and the sentence imposed. **Data collected shall be used for research or statistical purposes only and shall not contain information that may reveal the identity of any individual.** The division shall include the statistics and other information required by this subdivision in [~~the~~] **an** annual report submitted to the governor [~~and legislature pursuant to subdivision twelve of this section~~]**, the speaker of the assembly, the temporary president of the senate, the chair of the assembly codes committee, the chair of the senate codes committee, the attorney general and the chief administrative judge of the office of court administration. Such annual reports shall be a public record**.

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

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