

STATE OF NEW YORK

8701

IN ASSEMBLY

January 10, 2022

Introduced by M. of A. REYES -- read once and referred to the Committee on Codes

AN ACT to amend the executive law, in relation to the "hate crimes analysis and review act"; and to amend a chapter of the laws of 2021, amending the executive law relating to enacting the "hate crimes analysis and review act", as proposed in legislative bills numbers S. 70-A and A. 2230-A, in relation to the effectiveness thereof

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

1 Section 1. Subdivision 4-c of section 837 of the executive law, as
2 amended by a chapter of the laws of 2021, amending the executive law
3 relating to enacting the "hate crimes analysis and review act", as
4 proposed in legislative bills numbers S. 70-A and A. 2230-A, is amended
5 to read as follows:
6 4-c. (a) In cooperation with the chief administrator of the courts as
7 well as any other public or private agency, including law enforcement
8 agencies, collect, maintain, analyze and make public statistical and all
9 other information and data with respect to the number of hate crimes
10 reported to or investigated by the division of state police, and all
11 other police or peace officers, the number of persons arrested for the
12 commission of such crimes, the offense for which the person was
13 arrested, the demographic data of the victim or victims of such crimes
14 including, but not limited to, race, color, national origin, ancestry,
15 gender, gender identity or expression, religion, religious practice,
16 age, disability or sexual orientation of a person, the demographic data
17 of the person or persons arrested for the commission of such crimes
18 including, but not limited to, race, color, national origin, ancestry,
19 gender, gender identity or expression, religion, religious practice,
20 age, disability or sexual orientation of a person, the county within
21 which the arrest was made and the accusatory instrument filed, the
22 disposition of the accusatory instrument filed, including, but not
23 limited to, as the case may be, dismissal, acquittal, the offense to
24 which the defendant pled guilty, the offense the defendant was convicted
25 of after trial, and the sentence imposed. Data collected shall be used

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

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1 for research or statistical purposes only and shall not contain informa-
2 tion that may reveal the identity of any individual. The division shall
3 include the statistics and other information required by this subdivi-
4 sion in an annual report submitted to the governor, the speaker of the
5 assembly, the temporary president of the senate, the chair of the assem-
6 bly codes committee, the chair of the senate codes committee, the attor-
7 ney general and the chief administrative judge of the office of court
8 administration. Such annual reports shall be a public record.

9 (b) The division shall promulgate regulations related to the use and
10 collection of a "hate crime demographic data form". The regulations
11 shall address the appropriate methods and timing of collection of the
12 demographic data included in paragraph (a) of this subdivision. The
13 division shall consider the manner of collection which will be most
14 conducive to respecting victims while collecting necessary information
15 that will assist the state in providing adequate victim support services
16 and additional programming to decrease the likelihood of such hate
17 crimes occurring, and best practices for collection of the data. Infor-
18 mation disclosed on the hate crime victim demographic data form or the
19 hate crime defendant demographic data form shall be used only to assist
20 the division in complying with paragraph (a) of this subdivision and
21 shall not be used in any administrative or judicial proceeding.

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

25 § 2. Section 3 of a chapter of the laws of 2021, amending the execu-
26 tive law relating to enacting the "hate crimes analysis and review act",
27 as proposed in legislative bills numbers S. 70-A and A. 2230-A, is
28 amended to read as follows:

29 § 3. This act shall take effect on the [~~ninetieth~~] one hundred eight-
30 ieth day after it shall have become a law. Effective immediately, the
31 addition, amendment and/or repeal of any rule or regulation necessary
32 for the implementation of this act on its effective date are authorized
33 to be made and completed on or before such effective date.

34 § 3. This act shall take effect immediately; provided, however, that
35 section one of this act shall take effect on the same date and in the
36 same manner as a chapter of the laws of 2021, amending the executive law
37 relating to enacting the "hate crimes analysis and review act", as
38 proposed in legislative bills numbers S. 70-A and A. 2230-A, takes
39 effect.