

# STATE OF NEW YORK

1268

2021-2022 Regular Sessions

## IN SENATE

January 8, 2021

Introduced by Sens. KRUEGER, BAILEY, BENJAMIN, BIAGGI, BRESLIN, COMRIE, HARCKHAM, HOYLMAN, JACKSON, KAPLAN, LIU, MAY, MAYER, PARKER, PERSAUD, SALAZAR, SANDERS, SEPULVEDA, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

### CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 1 of the constitution, in relation to equality of rights and protection against discrimination

1 Section 1. Resolved (if the Assembly concur), That article 1 of the  
2 constitution be amended by adding a new section 19 to read as follows:

3 § 19. (a) No person shall be denied equal rights under the laws of  
4 this state or any subdivision thereof based on that person's race,  
5 color, ethnicity, national origin, disability, or sex including pregnan-  
6 cy and pregnancy outcomes, sexual orientation, gender identity, and  
7 gender expression.

8 (b) No government entity, nor any entity acting in concert with or on  
9 behalf of the government, nor any entity in its provision of public  
10 accommodations, employment, or personnel practices shall discriminate  
11 against any person in either intent or effect based on the character-  
12 istics listed in subdivision (a) of this section.

13 (c) No government entity, nor any entity acting in concert with or on  
14 behalf of the government, nor any entity in the provision of public  
15 accommodations, employment, or personnel practices shall discriminate  
16 against any person based on that person's religion. In interpreting this  
17 section, the courts shall analyze claims of religious discrimination  
18 under the same analysis and standards applied to claims under section  
19 three of this article.

20 (d) Nothing in this section shall invalidate or prevent the adoption  
21 of any law, regulation, program, or practice that is designed to remedy  
22 or ameliorate demonstrated past discrimination on the basis of a charac-  
23 teristic listed in this section.

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

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1 (e) This section shall be self-executing. The legislature may expand  
2 upon the entitlement to equal rights and freedom from discrimination  
3 hereby secured.

4 § 2. Resolved (if the Assembly concur), That the foregoing amendment  
5 be referred to the first regular legislative session convening after the  
6 next succeeding general election of members of the assembly, and, in  
7 conformity with section 1 of article 19 of the constitution, be  
8 published for three months previous to the time of such election.