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

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

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

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

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

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

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

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

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