

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:

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

3 § 70-c. Task force on social media and violent extremism. 1. Estab-
4 lishment and organization. (a) There is hereby established a task force
5 on social media and violent extremism within the department of law.

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

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

21 2. Functions and duties. Subject to appropriations made available
22 therefor, the task force shall have the following duties and responsi-
23 bilities:

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

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

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

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

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

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

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

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

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

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

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

49 (a) subpoena and enforce the attendance of witnesses;

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

51 (c) request and receive from the division of homeland security and
52 emergency services, the division of state police, the division of crimi-
53 nal justice services, and from every department, division, board,
54 bureau, commission or other agency of the state, or of any political
55 subdivision thereof, cooperation and assistance in the performance of
56 its duties;

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

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

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

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

23 § 3. Section 79-n of the civil rights law, as added by chapter 227 of
24 the laws of 2010, subdivision 2 as amended by chapter 93 of the laws of
25 2020, is amended to read as follows:

26 § 79-n. Bias-related violence or intimidation; civil remedy. 1. The
27 following definitions are applicable to this section:

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

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

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

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

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

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

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

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

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