

STATE OF NEW YORK

2790

2023-2024 Regular Sessions

IN ASSEMBLY

January 27, 2023

Introduced by M. of A. O'DONNELL -- read once and referred to the
Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the definition of national origin; and to amend the civil rights law, in relation to defining immigration status and providing a civil remedy for any harm or damage to the property or person of another due to a belief or perception regarding such person's immigration status

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

1 Section 1. Subdivision 8 of section 292 of the executive law is
2 amended to read as follows:

3 8. The term "national origin" shall, for the purposes of this article,
4 include "ancestry[-]" and shall also include immigration status as such
5 term is defined in subdivision forty-one of this section.

6 § 2. Subdivision 1 of section 79-n of the civil rights law, as amended
7 by chapter 213 of the laws of 2022, is amended by adding a new paragraph
8 (e) to read as follows:

9 (e) The term "immigration status" shall have the same meaning as
10 subdivision forty-one of section two hundred ninety-two of the executive
11 law.

12 § 3. Subdivision 2 of section 79-n of the civil rights law, as amended
13 by chapter 213 of the laws of 2022, is amended to read as follows:

14 2. Any person who intentionally selects a person or property for harm
15 or causes damage to the property of another or causes physical injury or
16 death to another, or subjects a person to conduct that would constitute
17 harassment under section 240.25 of the penal law, or summons a police
18 officer or peace officer without reason to suspect a violation of the
19 penal law, any other criminal conduct, or an imminent threat to a person
20 or property, in whole or in substantial part because of a belief or
21 perception regarding the race, color, national origin, ancestry, immi-
22 gration status, gender, religion, religious practice, age, disability or

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

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1 sexual orientation of a person, regardless of whether the belief or
2 perception is correct, or any person who aids or incites any such
3 conduct, shall be liable, in a civil action or proceeding maintained by
4 such individual or group of individuals, for injunctive relief, damages,
5 or any other appropriate relief in law or equity. If it shall appear to
6 the satisfaction of the court or justice that the respondent has, in
7 fact, violated this section, an injunction may be issued by such court
8 or justice, enjoining and restraining any further violation, without
9 requiring proof that any person has, in fact, been injured or damaged
10 thereby. For the purposes of this subdivision, a person lacks reason to
11 suspect a violation of the penal law, any other criminal conduct, or an
12 imminent threat to a person or property where a reasonable person would
13 not suspect such violation, conduct, or threat.

14 § 4. This act shall take effect on the sixtieth day after it shall
15 have become a law.