STATE OF NEW YORK

6943--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 9, 2023

Introduced by M. of A. MAMDANI, SHRESTHA, FORREST, MITAYNES, GALLAGHER -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the not-for-profit corporation law, in relation to establishing the "Not on our dime!: Ending New York funding of Israeli settler violence act" to prohibit not-for-profit corporations from engaging in unauthorized support of Israeli settlement activity

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

Section 1. Short title. This act shall be known and may be cited as the "Not on our dime!: Ending New York funding of Israeli settler violence act".

§ 2. The not-for-profit corporation law is amended by adding a new section 116 to read as follows:

§ 116. Unauthorized support of Israeli settlement activity.

(a) Definitions. Notwithstanding any other provision of law to the contrary, for the purposes of this section, the following terms shall have the following meanings:

(1) "Unauthorized support of Israeli settlement activity" means aiding and abetting activity by the Israeli armed forces, the government of Israel, or citizen thereof, that is illegal pursuant to the Rome Statute of the International Criminal Court or under any of the international treaties signed at Geneva on the twelfth day of August, nineteen forty-nine, as amended, or any protocol to such convention to which the United States is a party, including:

(i) the unlawful transfer of Israeli civilians into occupied territory;

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

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(ii) acts of violence committed by Israeli citizens against protected persons living in occupied territory, including but not limited to homicide, assault, and other acts of physical violence; use of firearms, explosives, or other deadly force; the killing or harming of animals, livestock, trees, or crops; the destruction, damage, or vandalism of Palestinian property; or blocking access to Palestinian lands by fencing off land, erecting structures, or other means;

(iii) the forced transfer or eviction of protected persons within occupied territory, or the deportation of protected persons from occupied territory;

(iv) the unilateral acquisition and annexation of land in occupied territory; and/or

(v) the appropriation, expropriation, seizure, destruction, demolition, dismantlement, or confiscation, in whole or in part, of private Palestinian land or residential, business, social, or public structures or infrastructure, inhabited or uninhabited, including but not limited to homes, apartment buildings, retail shops, food markets, animal shelters, walls, warehouses, water pipes, water storage facilities, sewage systems, electrical lines, roads, medical facilities, and network facilities.

(2) "Occupied territory" means the Israeli-occupied West Bank, including East Jerusalem and the Gaza Strip.

(3) "Protected persons" includes civilians in occupied territory in accordance with international humanitarian law.

(b) Unauthorized support of Israeli settlement activity prohibited. Unauthorized support of Israeli settlement activity by a not-for-profit corporation shall be prohibited as against public policy and inconsistent with any charitable purpose.

(c) Recovery of civil penalty by attorney general. The attorney general may bring an action in the name and on behalf of the state against any trustee, director, manager, or other officer or agent of a not-for-profit corporation, or against a not-for-profit corporation, foreign or domestic, to recover a sum of not less than one million dollars for knowingly engaging in unauthorized support of Israeli settlement activities in violation of paragraph (b) of this section. Such action shall be brought no later than ten years after the commission of the act upon which such action is based.

(d) Private right of action. An individual damaged by a violation of this section may bring a civil action against any trustee, director, manager, or other officer or agent of a not-for-profit corporation, or against a not-for-profit corporation, foreign or domestic, to enjoin unauthorized support of Israeli settlement activities by a not-for-profit corporation in violation of paragraph (b) of this section and recover actual damages for knowingly engaging in such violations. Such action shall be brought no later than ten years after the commission of the act upon which such action is based. A court may also award attorneys' fees to a prevailing plaintiff.

§ 3. Subparagraph 3-b of paragraph (a) of section 102 of the not-for-profit corporation law, as amended by chapter 23 of the laws of 2014, is amended to read as follows:

(3-b) "Charitable purposes" of a corporation means one or more of the following purposes: charitable, educational, religious, scientific, literary, cultural or for the prevention of cruelty to children or animals. The term "charitable purposes" shall not include any acts committed in violation of section one hundred sixteen of this article.

§ 4. Paragraph (a) of section 112 of the not-for-profit corporation law is amended by adding a new subparagraph 11 to read as follows:

(11) To dissolve a charitable corporation for violations of section one hundred sixteen of this article.

§ 5. This act shall take effect immediately.