STATE OF NEW YORK

9416

IN ASSEMBLY

March 14, 2024

Introduced by M. of A. NOVAKHOV -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the not-for-profit corporation law, in relation to establishing the "Not on our dollar!: Ending New York funding of Hamas violence act" to prohibit not-for-profit corporations from engaging in unauthorized support of Hamas and the unauthorized support of nations known to fund middle-eastern terrorist group 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 dollar!: Ending New York funding of Hamas 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 Hamas and the unauthorized support of nations known to fund middle-eastern terrorist group 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 Hamas and the unauthorized support of nations known to fund middle-eastern terrorist group activity" means aiding and abetting activity by the government of Iran, Qatar, Palestine, nations designated by the United States department of state as state sponsors of terrorism, nations deemed "terrorist safe havens" in the United States' annual country report on terrorism, or the terrorist group Hamas, or citizen thereof, that is illegal 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) acts of violence committed by Hamas against protected persons living in Israel, 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 Israeli property; or

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

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blocking access to Israeli lands by fencing off land, erecting structures, or other means;

(ii) the forced transfer or kidnapping of protected persons within Israel; and/or

(iii) the appropriation, expropriation, seizure, destruction, demolition, dismantlement, or confiscation, in whole or in part, of private Israeli 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) "Protected persons" includes civilians in Israel in accordance with international humanitarian law.

(b) Unauthorized support of Hamas and the unauthorized support of nations known to fund middle-eastern terrorist group activity prohibited. Unauthorized support of Hamas and the unauthorized support of nations known to fund middle-eastern terrorist group 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 Hamas and the unauthorized support of nations known to fund middle-eastern terrorist group 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 Hamas and the unauthorized support of nations known to fund middle-eastern terrorist group 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.