

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:

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

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

5 § 116. Unauthorized support of Hamas and the unauthorized support of
6 nations known to fund middle-eastern terrorist group activity.

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

10 (1) "Unauthorized support of Hamas and the unauthorized support of
11 nations known to fund middle-eastern terrorist group activity" means
12 aiding and abetting activity by the government of Iran, Qatar, Pales-
13 tine, nations designated by the United States department of state as
14 state sponsors of terrorism, nations deemed "terrorist safe havens" in
15 the United States' annual country report on terrorism, or the terrorist
16 group Hamas, or citizen thereof, that is illegal under any of the inter-
17 national treaties signed at Geneva on the twelfth day of August, nine-
18 teen forty-nine, as amended, or any protocol to such convention to which
19 the United States is a party, including:

20 (i) acts of violence committed by Hamas against protected persons
21 living in Israel, including but not limited to homicide, assault, and
22 other acts of physical violence; use of firearms, explosives, or other
23 deadly force; the killing or harming of animals, livestock, trees, or
24 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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1 blocking access to Israeli lands by fencing off land, erecting struc-
2 tures, or other means;

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

5 (iii) the appropriation, expropriation, seizure, destruction, demoli-
6 tion, dismantlement, or confiscation, in whole or in part, of private
7 Israeli land or residential, business, social, or public structures or
8 infrastructure, inhabited or uninhabited, including but not limited to
9 homes, apartment buildings, retail shops, food markets, animal shelters,
10 walls, warehouses, water pipes, water storage facilities, sewage
11 systems, electrical lines, roads, medical facilities, and network facil-
12 ities.

13 (2) "Protected persons" includes civilians in Israel in accordance
14 with international humanitarian law.

15 (b) Unauthorized support of Hamas and the unauthorized support of
16 nations known to fund middle-eastern terrorist group activity prohibit-
17 ed. Unauthorized support of Hamas and the unauthorized support of
18 nations known to fund middle-eastern terrorist group activity by a not-
19 for-profit corporation shall be prohibited as against public policy and
20 inconsistent with any charitable purpose.

21 (c) Recovery of civil penalty by attorney general. The attorney gener-
22 al may bring an action in the name and on behalf of the state against
23 any trustee, director, manager, or other officer or agent of a not-for-
24 profit corporation, or against a not-for-profit corporation, foreign or
25 domestic, to recover a sum of not less than one million dollars for
26 knowingly engaging in unauthorized support of Hamas and the unauthorized
27 support of nations known to fund middle-eastern terrorist group activ-
28 ities in violation of paragraph (b) of this section. Such action shall
29 be brought no later than ten years after the commission of the act upon
30 which such action is based.

31 (d) Private right of action. An individual damaged by a violation of
32 this section may bring a civil action against any trustee, director,
33 manager, or other officer or agent of a not-for-profit corporation, or
34 against a not-for-profit corporation, foreign or domestic, to enjoin
35 unauthorized support of Hamas and the unauthorized support of nations
36 known to fund middle-eastern terrorist group activities by a not-for-
37 profit corporation in violation of paragraph (b) of this section and
38 recover actual damages for knowingly engaging in such violations. Such
39 action shall be brought no later than ten years after the commission of
40 the act upon which such action is based. A court may also award attor-
41 neys' fees to a prevailing plaintiff.

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

45 (3-b) "Charitable purposes" of a corporation means one or more of the
46 following purposes: charitable, educational, religious, scientific,
47 literary, cultural or for the prevention of cruelty to children or
48 animals. The term "charitable purposes" shall not include any acts
49 committed in violation of section one hundred sixteen of this article.

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

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

54 § 5. This act shall take effect immediately.