

STATE OF NEW YORK

1404

2023-2024 Regular Sessions

IN SENATE

January 11, 2023

Introduced by Sens. GIANARIS, BAILEY, BRESLIN, HOYLMAN-SIGAL, PERSAUD, RIVERA, SANDERS, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government 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

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

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

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