STATE OF NEW YORK

4427

2023-2024 Regular Sessions

IN SENATE

February 8, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to the disclosure of certain settlements to the civil rights bureau of the attorney general's office

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

Section 1. The civil practice law and rules is amended by adding a new section 5003-c to read as follows:

§ 5003-c. Settlements related to discrimination, sexual harassment or sexual assault. 1. All settlements related to allegations of discrimination, sexual harassment or sexual assault shall be disclosed to the civil rights bureau of the attorney general's office for the purposes of identifying evidence of patterns of unlawful discrimination. For the purposes of this section, the following terms shall have the following meanings:

a. "Discrimination" shall mean any discriminatory act prohibited under the civil rights law, the human rights law or applicable federal or local anti-discrimination laws.

b. "Sexual harassment" shall mean unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct on the basis of an individual's gender or perceived gender when submission to or rejection of such conduct, explicitly or implicitly, affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment without regard to actual economic injury to or discharge of the individual.

c. "Sexual assault" shall mean unwanted sexual contact.

2. The attorney general's office shall maintain confidential records of all information disclosed under this section and investigate any individual or institution that has entered into three or more settle-

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

LBD08772-01-3

ments related to discrimination, sexual harassment or sexual assault claims.

3. Records shall be safeguarded from coming to the knowledge of and from inspection or examination by any person other than the attorney general or other designated officials in the bureau for the performance of their official duties. Authorized persons shall not divulge information contained therein without the written consent of the attorney general. The authorized disclosure of any such information shall not contain any individually identifiable information for a settling plaintiff.

§ 2. This act shall take effect immediately.