STATE OF NEW YORK

1396--B

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. BICHOTTE HERMELYN, GONZALEZ-ROJAS, SHIMSKY, BURDICK, DICKENS, DAVILA, REYES, SIMON -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to clarifying the standard for intentional discrimination or retaliation claims

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

Section 1. Section 296 of the executive law is amended by adding a new subdivision 23 to read as follows:

23. Notwithstanding any federal or local statute to the contrary, a person or persons bringing intentional discrimination or retaliation claims under this article shall be required to prove that an unlawful motivation was a motivating factor and not "the sole motivating factor" or a "but-for cause" of the challenged treatment.

§ 2. This act shall take effect immediately.

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

LBD01175-09-4