

STATE OF NEW YORK

10593

IN SENATE

May 28, 2026

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public officers law, in relation to the denial of access to public records that relate to civil investigations; to amend the executive law and the civil rights law, relating to the enforcement powers of the attorney general; to amend the education law, in relation to authorizing the attorney general to enforce the provisions of the education law against covered entities who engage in discrimination and the powers and duties of state university trustees; and to amend the public health law, in relation to the compromise of certain claims the state may have

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

1 Section 1. Subparagraphs iii and iv of paragraph (e) of subdivision 2
2 of section 87 of the public officers law, as amended by chapter 155 of
3 the laws of 2022, are amended to read as follows:

4 iii. identify a confidential source or disclose confidential informa-
5 tion relating to a civil or criminal investigation; or

6 iv. reveal civil or criminal investigative techniques or procedures,
7 except routine techniques and procedures;

8 § 2. Section 297 of the executive law is amended by adding a new
9 subdivision 11 to read as follows:

10 11. Where the attorney general determines that an unlawful discrimina-
11 tory practice is repeated or otherwise persistent, the attorney general
12 shall have a cause of action in any court of appropriate jurisdiction
13 for damages, injunctive relief, and such other remedies as may be appro-
14 priate. The attorney general is authorized to take proof, issue subpoe-
15 nas, and administer oaths when investigating whether an action should be
16 filed. The term "repeated" as used in this subdivision shall include
17 repetition of any separate and distinct unlawful discriminatory prac-
18 tice, or conduct that affects more than one person. The term "persist-
19 ent" as used in this subdivision shall include continuance or carrying
20 on of any unlawful discriminatory practice. Nothing in this section
21 shall in any way limit rights or remedies which are otherwise available
22 under law to the attorney general or any other person authorized to
23 bring an action under this section.

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

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1 § 3. Section 40-c of the civil rights law is amended by adding a new
2 subdivision 3 to read as follows:

3 3. Where the attorney general determines that a political subdivision
4 of the state or any private actor has violated this section in a manner
5 that is repeated or otherwise persistent, the attorney general shall
6 have a cause of action in any court of appropriate jurisdiction for
7 damages, injunctive relief, and such other remedies as may be appropri-
8 ate. The attorney general is authorized to take proof, issue subpoenas,
9 and administer oaths when investigating whether an action should be
10 filed. The term "repeated" as used in this subdivision shall include
11 repetition of any separate and distinct violation, or conduct that
12 affects more than one person. The term "persistent" as used in this
13 subdivision shall include continuance or carrying on of any violation.
14 Nothing in this section shall in any way limit rights or remedies which
15 are otherwise available under law to the attorney general or any other
16 person authorized to bring an action under this section.

17 § 4. Section 75 of the executive law is amended by adding a new subdivi-
18 sion 6 to read as follows:

19 6. Protected rights, privileges and immunities. It is unlawful for any
20 covered agency, or any agent thereof, or any person acting on behalf of
21 a covered agency, to engage in a pattern or practice of conduct that
22 deprives persons of rights, privileges, or immunities secured or
23 protected by the constitution or laws of the United States or the state
24 of New York. Whenever the attorney general has reasonable cause to
25 believe that a violation of this section has occurred, the attorney
26 general, for or in the name of the state of New York, may in a civil
27 action obtain any and all appropriate relief to eliminate the pattern or
28 practice. Venue for a civil action brought under this section shall be
29 in New York County or Albany County. Nothing in this section shall in
30 any way limit rights or remedies which are otherwise available under law
31 to the attorney general or any other person.

32 § 5. The education law is amended by adding a new section 2-e to read
33 as follows:

34 § 2-e. Addressing repeated or persistent discrimination. 1. The attor-
35 ney general shall have jurisdiction to investigate and bring any civil
36 action or proceeding in a manner consistent with the authority granted
37 by subdivision twelve of section sixty-three of the executive law,
38 including to take proof, make determinations, and issue subpoenas,
39 which, in the attorney general's judgment, is necessary for the effec-
40 tive enforcement of any provision of this chapter, the violation of
41 which resulted or foreseeably will result in repeated or persistent
42 discrimination based on a person's actual or perceived race, color,
43 weight, national origin, citizenship or immigration status, ethnic
44 group, religion or creed, religious practice, disability, sexual orien-
45 tation, gender expression or gender identity, sex, marital status, fami-
46 lial status, pregnancy, or status as a victim of domestic violence, sex
47 offenses, or stalking, by any covered entity. For the purposes of this
48 section, "covered entity" shall include all public elementary or second-
49 ary schools, school districts, and charter schools; provided, however,
50 nothing in this section shall apply to colleges, universities, or
51 private, religious, or denominational educational institutions. Testi-
52 monial evidence given by school employees in such enforcement matter
53 shall not be admissible against such employee in a disciplinary proceed-
54 ing brought against such employee by the employing school district or
55 other entity.

1 2. Where the attorney general has the authority to bring a civil
2 action or proceeding in connection with the enforcement of this chapter,
3 in lieu thereof, the attorney general may accept an assurance that such
4 act or practice in violation of subdivision one of this section from any
5 person or covered entity has ceased. Evidence of a violation of such
6 assurance shall constitute a prima facie proof of violation of the
7 applicable law in any civil action or proceeding thereafter commenced by
8 the attorney general. Any civil action or proceeding brought in
9 connection with the enforcement of this section shall be commenced with-
10 in six years.

11 3. Nothing in this section shall preclude or limit the rights, reme-
12 di- es or causes of action provided under any law to the attorney general,
13 any person, agency authorized to enforce or bring an action under this
14 chapter, or under any local, state, or federal ordinance, law, or regu-
15 lation including but not limited to, any remedies or rights available
16 under the individuals with disabilities education act, titles VI and VII
17 of the civil rights act of 1964, title IX of the education amendments of
18 1972, section 504 of the rehabilitation act of 1973, or the Americans
19 with disabilities act of 1990.

20 § 6. Subdivision 10 of section 355 of the education law, as amended by
21 chapter 552 of the laws of 1985, is amended to read as follows:

22 10. The state university trustees may authorize the chief administra-
23 tive officer of each medical center of the state university operating
24 in-patient or out-patient hospital facilities or clinic facilities to
25 compromise any claim which the state may have for care, maintenance or
26 treatment received or furnished to patients in such facilities, in prop-
27 er cases, where substantial justice will best be served thereby. Any
28 such compromise shall be [~~subject to the prior written approval of the~~
29 ~~attorney general~~] in accordance with parameters established by the
30 office of the attorney general.

31 § 7. Subdivision 3 of section 2602 of the public health law, as added
32 by chapter 425 of the laws of 1967, is amended to read as follows:

33 3. The commissioner may in [~~his~~] the commissioner's discretion, in
34 proper cases, where substantial justice will best be served thereby,
35 waive such bills or compromise any portion of such bills for the mainte-
36 nance, care and treatment received or furnished to patients in the
37 hospital. Such waiver or compromise shall be made only upon prior
38 approval of the comptroller [~~and the attorney general~~] when [~~they deem~~
39 the comptroller deems] it to be for the best interest of the state.

40 § 8. Subdivision 3 of section 406 of the public health law, as added
41 by chapter 211 of the laws of 1972, is amended to read as follows:

42 3. The commissioner may in [~~his~~] the commissioner's discretion, in
43 proper cases, where substantial justice will best be served thereby,
44 waive bills for the maintenance, care and treatment received or
45 furnished to patients in any of the hospitals or institutions of the
46 department or compromise any portion of such bills. Such waiver or
47 compromise shall be made only upon prior approval of the comptroller
48 [~~and the attorney general~~] when [~~they deem~~] the comptroller deems it to
49 be for the best interest of the state.

50 § 9. Severability. If any provision of this act, or any application of
51 any provision of this act, is held to be invalid, that shall not affect
52 the validity or effectiveness of any other provision of this act, any
53 other application of any provision of this act, or any other provision
54 of any law or code amended by this act.

55 § 10. This act shall take effect immediately.