

STATE OF NEW YORK

10709

IN SENATE

September 30, 2026

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

AN ACT to amend the not-for-profit corporation law, in relation to enacting the "Count me out!: Ending New York funding of designated foreign terrorist organizations act" to prohibit not-for-profit corporations from knowingly providing material support or resources to designated foreign terrorist organizations

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 "Count me out!: Ending New York funding of designated foreign
3 terrorist organizations act".

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

6 § 116. Unauthorized support of designated foreign terrorist organiza-
7 tions.

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

11 (1) "Foreign terrorist organization" means an organization designated
12 by the United States secretary of state as a foreign terrorist organiza-
13 tion pursuant to section 219 of the Immigration and Nationality Act (8
14 U.S.C. § 1189).

15 (2) "Unauthorized support of designated foreign terrorist organiza-
16 tions" means knowingly providing, attempting to provide, or conspiring
17 to provide material support or resources, directly or indirectly, to a
18 designated foreign terrorist organization or to any individual, entity,
19 or government acting on behalf of or under the direction or control of
20 such organization, in violation of federal law.

21 (3) "Material support or resources" shall have the same meaning as
22 provided in 18 U.S.C. § 2339A(b), as amended, including any property,
23 tangible or intangible, or service, including currency or monetary
24 instruments, financial services, lodging, training, expert advice or
25 assistance, safehouses, false documentation or identification, communi-

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

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1 cations equipment, facilities, weapons, lethal substances, explosives,
2 personnel, transportation, or other physical assets, except medicine or
3 religious materials.

4 (b) Unauthorized support of a designated foreign terrorist organiza-
5 tion. Unauthorized support of a designated foreign terrorist organiza-
6 tion by a not-for-profit corporation shall be prohibited as against
7 public policy and inconsistent with any charitable purpose.

8 (c) Recovery of civil penalty by attorney general. The attorney gener-
9 al may bring an action in the name and on behalf of the state against
10 any trustee, director, manager, or other officer or agent of a not-for-
11 profit corporation, or against a not-for-profit corporation, foreign or
12 domestic, to recover a sum of not less than one million dollars for
13 knowingly engaging in unauthorized support of a designated foreign
14 terrorist organization in violation of paragraph (b) of this section.
15 Such action shall be brought no later than ten years after the commis-
16 sion of the act upon which such action is based.

17 (d) Private right of action. An individual damaged by a violation of
18 this section may bring a civil action against any trustee, director,
19 manager, or other officer or agent of a not-for-profit corporation, or
20 against a not-for-profit corporation, foreign or domestic, to enjoin
21 unauthorized support of a designated foreign terrorist organization by a
22 not-for-profit corporation in violation of paragraph (b) of this section
23 and recover actual damages for knowingly engaging in such violations.
24 Such action shall be brought no later than ten years after the commis-
25 sion of the act upon which such action is based. A court may also award
26 attorneys' fees to a prevailing plaintiff.

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

30 (3-b) "Charitable purposes" of a corporation means one or more of the
31 following purposes: charitable, educational, religious, scientific,
32 literary, cultural or for the prevention of cruelty to children or
33 animals. The term "charitable purposes" shall not include any acts
34 committed in violation of section one hundred sixteen of this article.

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

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

39 § 5. This act shall take effect immediately.