STATE OF NEW YORK

6704

2025-2026 Regular Sessions

IN SENATE

March 20, 2025

Introduced by Sen. JACKSON -- 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 waiving the state's eleventh amendment sovereign immunity for violations of federal civil rights law

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

Section 1. The executive law is amended by adding a new section 298-b to read as follows:

§ 298-b. Civil rights remedies restoration. 1. A violation of section five hundred four of the Rehabilitation Act of 1973 (29 U.S.C. 794), section one thousand five hundred fifty-seven of the Patient Protection and Affordable Care Act (42 U.S.C. 18116), title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12132 et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), or the provisions of any other federal statute prohibiting discrimination under a program or activity receiving federal financial assistance, shall constitute a violation of this section.

2. A person who injures another by a violation of this section shall be liable for each offense for all remedies available at law, including, but not limited to, damages for past, current, and future monetary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-monetary losses, and any amount that may be determined by a jury, or a court sitting without a jury, but in no case less than four thousand dollars, and any attorney's fees, costs, and expenses, including, but not limited to, expert witness fees, as determined by the court.

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

LBD11192-01-5

3. In addition to monetary damages pursuant to subdivision two of this section, the court, as it deems appropriate, may grant as relief any permanent or preliminary negative or mandatory injunction, temporary restraining order, order of declaratory judgment, or other relief.

4. Claims for a violation of this section may be filed in any court of competent jurisdiction. Nothing in this section shall limit any rights or remedies which are otherwise available under state law. For the sole purpose of this section, a waiver of the state's eleventh amendment sovereign immunity from suit pursuant to the eleventh amendment of the United States Constitution shall upon the effective date of this section be deemed approved, ratified, validated, and confirmed by the legislature.

§ 2. This act shall take effect immediately.