



Monday, July 20, 2009

Summary - A05710

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A05710 Summary:

BILL NO A05710

SAME AS Same as Uni. S 2406

SPONSOR Gottfried (MS)

COSPNSR Glick, O'Donnell, Brennan, Canestrari, Cook, Eddington, Espaillat, Fields, Hoyt, Ortiz, Peralta, Diaz, Hevesi, Titone, Carrozza, Jeffries, Kellner, Schimel, Kavanagh, Cahill, Englebright, Dinowitz

MLTSPNSR Alessi, Aubry, Benedetto, Bing, Boyland, Bradley, Christensen, Cymbrowitz, Farrell, Gianaris, Gordon, Gunther, Hooper, Jacobs, Jaffee, John, Koon, Lancman, Lavine, Lifton, Lopez V, Lupardo, Magnarelli, Maisel, Markey, McEneny, Miller, Millman, Paulin, Peoples, Perry, Pheffer, Pretlow, Ramos, Rivera N, Robinson, Rosenthal, Sayward, Scarborough, Seminerio, Stirpe, Sweeney, Thiele,

Amd SS291, 292, 295, 296 & 296-a, Exec L; amd S40-c, Civ Rts L; amd S313, Ed L; amd SS485.00, 485.05, 240.30, 240.31 & 240.00, Pen L; amd S200.50, CP L

Prohibits discrimination based on gender identity or expression; defines "gender identity or expression" as having or being perceived as having a gender identity, self image, appearance, behavior or expression whether or not that gender identity, self image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth; further includes offenses regarding gender identity or expression within the list of offenses subject to treatment as hate crimes.

A05710 Actions:

BILL NO A05710

02/19/2009 referred to governmental operations

04/06/2009 reported referred to codes

04/06/2009 reported

04/09/2009 advanced to third reading cal.332

04/21/2009 passed assembly

04/21/2009 delivered to senate

04/21/2009 REFERRED TO INVESTIGATIONS AND GOVERNMENT OPERATIONS

A05710 Votes:

BILL: A05710 DATE: 04/21/2009 MOTION:

YEA/NAY: 097/038

Abbate	NO	Cahill	Y	Englebr	Y	Hooper	Y	Maisel	Y	Powell	ER	Skartad	Y
Alessi	Y	Calhoun	ER	Errigo	NO	Hoyt	Y	Markey	Y	Pretlow	Y	Spano	Y
Alfano	ER	Camara	NO	Espail	ER	Hyer-Sp	Y	Mayerso	Y	Quinn	NO	Stirpe	Y
Amedore	NO	Canestr	Y	Farrell	Y	Jacobs	Y	McDonou	NO	Rabbitt	NO	Sweeney	Y
Arroyo	ER	Carrozz	ER	Fields	Y	Jaffee	Y	McEney	Y	Raia	NO	Tedisco	NO
Aubry	Y	Castro	Y	Finch	NO	Jeffrie	Y	McKevit	NO	Ramos	Y	Thiele	Y
Bacalle	NO	Christe	Y	Fitzpat	NO	John	Y	Meng	Y	Reilich	NO	Titone	Y
Ball	NO	Clark	ER	Gabrysz	Y	Jordan	NO	Miller	Y	Reilly	Y	Titus	Y
Barclay	NO	Colton	Y	Galef	Y	Kavanag	Y	Millman	Y	Rive J	ER	Tobacco	NO
Barra	NO	Conte	Y	Gantt	Y	Kellner	Y	Molinar	NO	Rive N	Y	Towns	Y
Barron	Y	Cook	Y	Gianari	Y	Kolb	NO	Morelle	Y	Rive PM	Y	Townsen	NO
Benedet	ER	Corwin	NO	Giglio	NO	Koon	Y	Nolan	Y	Robinso	Y	Walker	ER
Benjami	NO	Crouch	NO	Glick	Y	Lancman	Y	Oaks	NO	Rosenth	Y	Weinste	Y
Bing	Y	Cusick	NO	Gordon	Y	Latimer	Y	O'Donne	Y	Russell	Y	Weisenb	Y
Boyland	Y	Cymbrow	Y	Gottfri	Y	Lavine	Y	O'Mara	NO	Saladin	NO	Weprin	Y
Boyle	Y	DelMont	Y	Greene	ER	Lentol	Y	Ortiz	Y	Sayward	Y	Wright	Y
Bradley	Y	DenDekk	Y	Gunther	Y	Lifton	Y	Parment	Y	Scarbor	Y	Zebrows	Y
Brennan	Y	Destito	Y	Hawley	NO	Lope PD	NO	Paulin	Y	Schimel	Y	Mr Spkr	Y
Brodsky	Y	Diaz	ER	Hayes	NO	Lope VJ	Y	Peoples	Y	Schimmi	NO		
Brook-K	Y	Dinowit	ER	Heastie	ER	Lupardo	Y	Peralta	Y	Schroed	ER		
Burling	NO	Duprey	Y	Hevesi	Y	Magee	Y	Perry	Y	Scozzaf	Y		
Butler	NO	Eddingt	Y	Hikind	NO	Magnare	Y	Pheffer	Y	Seminer	NO		

A05710 Memo:

BILL NUMBER: A5710

TITLE OF BILL : An act to amend the executive law, the civil rights law and the education law, in relation to prohibiting discrimination based on gender identity or expression; and to amend the penal law and the criminal procedure law, in relation to including offenses regarding gender identity or expression within the list of offenses subject to treatment as hate crimes

PURPOSE OR GENERAL IDEA OF THE BILL :

This bill would prohibit discrimination based on gender identity or expression, and includes offenses regarding gender identity or expression under the hate crimes statute.

SUMMARY OF SPECIFIC PROVISIONS :

Section 1 declares the legislative intent.

Section 3 adds a new subdivision 31 to section 292 of the Executive Law, which provides a definition of "gender identity or expression."

Other sections of the bill add "gender identity or expression" to the existing list of factors that are prohibited as the basis of discrimination, as follows:

Bill	Existing Law Amended	Provisions of section or type of discrimination already prohibited
Sec. 2	Exec. Law S291	Equality of opportunity defined as a civil right
Sec. 4	Exec. Law S295	Division of Human Rights powers and duties
Sec. 5	Exec. Law S296(1)	Employers, licensing agencies, employment agencies and labor organizations
Sec. 6	Exec. Law S296(1-a)	Apprenticeship training programs
Sec. 7	Exec. Law S296(2)	Places of public accommodation, resort or amusement
Sec. 8	Exec. Law S296(2-a)	Publicly-assisted housing
Sec. 9	Exec. Law S296(3-b)	Realtors representing that a change has occurred or may occur in the composition of a neighborhood
Sec. 10	Exec. Law S296(4)	Nonsectarian education corporations or associations
Sec. 11	Exec. Law S296(5)	Private housing accommodations and commercial space, keeping the exemption for small, owner-occupied housing
Sec. 12	Exec. Law S296(9)	Volunteer fire department membership
Sec. 13	Exec. Law S296(13)	Commercial boycotts and blacklists
Sec. 14	Exec. Law S296-a	Credit
Sec. 15	Civil Rights Law S40-c	Civil rights
Sec. 16	Education Law S313(1)	Education institutions, without affecting the rights of religious education institutions
Sec. 17	Education Law S313(3)	Unfair educational practices

Sections 18 through 23 add "gender identity or expression" to the list of factors that can make a crime a "hate crime."

JUSTIFICATION :

The transgender community is still not protected from discrimination under the law. Transgender people whose gender identity, appearance, behavior or expression differs from their genetic sex at birth face discrimination in housing, employment, public accommodations and many other areas of life, and they are particularly vulnerable to hate crimes.

Many people who supported the recent SONDA (Sexual Orientation Non-discrimination Act) believed that it covered transgender discrimination. However, being transgender is not the same as being homosexual.

PRIOR LEGISLATIVE HISTORY :

2003: a8319-A reported to Rules; 2004: A8319-A referred to Governmental Operations; 2005: A.7438 reported to Codes; 2006: A.7438 referred to Governmental Operations; 2007: A.6584 reported to Codes;

2008: A.6584-A passed Assembly.

FISCAL IMPLICATIONS :
Minimal fiscal impact.

EFFECTIVE DATE :
Thirty days after it shall have become law, except sections 18 through 23 will be effective on the first of November next succeeding the date on which it shall have become law.

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