

New York State ASSEMBLY

Sheldon Silver - Speaker

Friday, August 1, 2008

Bill Summary - A06584

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A06584 Summary:

BILL NO A06584A

SAME AS Same as Uni. S 3753-A

SPONSOR Gottfried

COSPNSR Glick, O'Donnell, Brennan, Canestrari, Cook, Eddington, Espailat, Fields, Ortiz, Peralta, Diaz R, Hevesi, Carrozza, Jeffries, Titone, Kellner, Schimel, Kavanagh, Cahill, Young, Englebright

MLTSPNSR Alessi, Aubry, Benedetto, Bing, Boyland, Bradley, Christensen, Cymbrowitz, Diaz L, Dinowitz, Farrell, Gianaris, Gordon T, Gunther, Hooper, Hoyt, Jaffee, John, Koon, Lafayette, Lancman, Lavine, Lifton, Lopez V, Lupardo, Magnarelli, Maisel, Markey, McEneny, McKeVitt, Miller, Millman, Nolan, Paulin, Peoples, Perry, Pheffer, Pretlow, Ramos, Rivera N, Robinson, Rosenthal, Sayward, Scarborough, Seminerio Stirpe, Sweeney, Thiele, Towns, Weisenberg, Wright, Zebrowski K

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.

A06584 Actions:

BILL NO A06584A

03/14/2007 referred to governmental operations

04/24/2007 reported referred to codes

01/09/2008 referred to governmental operations

02/25/2008 amend and recommit to governmental operations

02/25/2008 print number 6584a

04/30/2008 reported referred to codes

05/20/2008 reported

05/22/2008 advanced to third reading cal.1034
 06/03/2008 passed assembly
 06/03/2008 delivered to senate
 06/03/2008 REFERRED TO RULES

A06584 Votes:

BILL: A06584A DATE: 06/03/2008 MOTION:

YEA/NAY: 108/034

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

A06584 Memo:

BILL NUMBER: A6584A

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
Section 2	Exec. Law S291	Equality of opportunity defined as a civil right
Section 4	Exec. Law S295	Division of Human Rights powers and duties
Section 5	Exec. Law S296(1)	Employers, licensing agencies, employment agencies and labor organizations
Section 6	Exec. Law S296(1-a)	Apprenticeship training programs
Section 7	Exec. Law S296(2)	Places of public accommodation, resort or amusement
Section 8	Exec. Law S296(2-a)	Publicly-assisted housing
Section 9	Exec. Law S296(3-b)	Realtors representing that a change has occurred or may occur in the composition of a neighborhood
Section 10	Exec. Law S296(4)	Nonsectarian education corporations or associations
Section 11	Exec. Law S296(5)	Private housing accommodations and commercial space, keeping the exemption for small, owner-occupied housing
Section 12	Exec. Law S296(9)	Volunteer fire department membership
Section 13	Exec. Law S296(13)	Commercial boycotts and blacklists
Section 14	Exec. Law S296-a	Credit
Section 15	Civil Rights Law S40-c	Civil rights
Section 16	Education Law S313(1)	Education institutions, without affecting the rights of religious education institutions
Section 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 :
A.7438/S.4794-A of 2005-06

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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