

STATUS:**S3753 DUANE**

Executive Law

TITLE....Prohibits discrimination based on gender identity or expression and includes offenses regarding gender identity or expression under the hate crimes statute

03/14/07 REFERRED TO INVESTIGATIONS AND GOVERNMENT OPERATIONS

SPONSORS MEMO:

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S3753**SPONSOR:** DUANE**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 Section	Existing Law Amended	Provisions of section or type of discrimination already prohibited
2	Exec. Law <input type="checkbox"/>	Equality of opportunity defined as a civil right
4	Exec. Law <input type="checkbox"/>	Division of Human Rights powers and duties
5	Exec. Law <input type="checkbox"/> (1)	Employers, licensing agencies, employment agencies and labor organizations
6	Exec. Law <input type="checkbox"/> (1-a)	Apprenticeship training programs
7	Exec. Law <input type="checkbox"/> (2)	Places of public accommodation, resort or amusement

8	Exec. Law §(2-a)	Publicly-assisted housing
9	Exec. Law §(3-b)	Realtors representing that a change has occurred or may occur in the composition of a neighborhood
10	Exec. Law §(4)	Nonsectarian education corporations or associations
11	Exec. Law §(5)	Private housing accommodations and commercial space, keeping the exemption for small, owner-occupied housing
12	Exec. Law §(9)	Volunteer fire department membership
13	Exec. Law §(13)	Commercial boycotts and blacklists
14	Exec. Law §-a	Credit
15	Civil Rights Law §-c	Civil rights
16	Education Law §(1)	Education institutions, without affecting the rights of religious education institutions
17	Education Law §(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 legislation (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.

