S T A T E O F N E W Y O R K

1549

2011-2012 Regular Sessions

I N S E N A T E

January 10, 2011

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

AN ACT to amend the civil practice law and rules, in relation to authorizing the imposition of prejudgment interest in certain cases of nonpayment of support

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision (a) of section 5001 of the civil practice law and rules is amended to read as follows:

(a) Actions in which recoverable. Interest shall be recovered upon a sum awarded because of a breach of performance of a contract, [or] because of an act or omission depriving or otherwise interfering with title to, or possession or enjoyment of, property, OR BECAUSE OF A FAILURE TO PAY CHILD SUPPORT OR COMBINED CHILD AND SPOUSAL SUPPORT PURSUANT TO A COURT ORDER, except that in an action of an equitable nature, interest and the rate and date from which it shall be computed shall be in the court's discretion.

S 2. This act shall take effect immediately and shall apply to actions and proceedings commenced on or after such effective date.

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

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