

STATE OF NEW YORK

10046

IN ASSEMBLY

January 30, 2026

Introduced by M. of A. JACKSON -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to permitting courts to award punitive damages against an estate for sexual abuse

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

1 Section 1. The civil practice law and rules is amended by adding a new
2 section 5254 to read as follows:

3 § 5254. Punitive damages against an estate for sexual abuse. Notwith-
4 standing any provision of the estates, powers and trusts law, including
5 but not limited to subparagraph one of paragraph (a) of section 11-3.2
6 of the estates, powers and trusts law, punitive damages may be awarded
7 in any civil action alleging sexual abuse, sexual assault, sexual
8 misconduct, or sex trafficking of a minor or an adult, and in any civil
9 action arising from conduct of a sexual nature that constitutes a crime
10 under state or federal law. Such actions include, but are not limited
11 to, claims brought pursuant to any state or municipal statute creating a
12 civil remedy for gender-motivated violence or sexual misconduct. Puni-
13 tive damages may be sought, awarded, and enforced against the personal
14 representative of the estate of a deceased individual alleged to have
15 committed, directed, enabled, or facilitated the underlying conduct. The
16 standard of proof for an award of punitive damages in actions subject to
17 this section shall be a preponderance of the evidence. No cause of
18 action covered by this section shall be limited, abated, or impaired by
19 the death of the individual liable for the conduct, and punitive damages
20 shall be recoverable to the same extent as if such individual were
21 living.

22 § 2. This act shall take effect immediately and shall apply to all
23 pending actions and actions commenced on or after such date.

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

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