STATE OF NEW YORK

8624

2025-2026 Regular Sessions

IN SENATE

December 19, 2025

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

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:

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

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

§ 2. This act shall take effect immediately and shall apply to all 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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