

1236

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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Introduced by M. of A. SEMINERIO -- read once and referred to the  
Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to estab-  
lishing a bar to recovery by persons injured while committing a felony

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

1     Section 1. The civil practice law and rules is amended by adding a new  
2     section 1411-a to read as follows:  
3     S 1411-A. ASSUMPTION OF RISK BY PERSON ENGAGED IN A FELONIOUS ACT, OR  
4     IN FLIGHT THEREFROM. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THERE  
5     SHALL BE NO RIGHT TO RECOVER DAMAGES FOR ANY PERSONAL INJURY, INJURY TO  
6     PROPERTY OR WRONGFUL DEATH, SUSTAINED BY A CLAIMANT OR DECEDENT WHILE  
7     ENGAGED IN THE COMMISSION OF ANY ACT OR ACTS THAT WOULD CONSTITUTE A  
8     FELONY UNDER THE PENAL LAW, OR IN FLIGHT THEREFROM. THE PROVISIONS OF  
9     THIS SECTION SHALL APPLY TO ALL CLAIMS BROUGHT BY OR ON BEHALF OF THE  
10    CLAIMANT OR DECEDENT, ALL DERIVATIVE CLAIMS BY THE SPOUSE OR OTHER FAMI-  
11    LY MEMBERS OF SUCH CLAIMANT OR DECEDENT, AND ALL CLAIMS FOR CONTRIBUTION  
12    OR COMMON-LAW INDEMNIFICATION, WHETHER BROUGHT IN THE SAME, OR ANOTHER,  
13    ACTION.  
14    S 2. This act shall take effect immediately and shall apply to all  
15    actions and proceedings pending on or commenced on or after such effec-  
16    tive date.

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

LBD01760-01-9