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

3830

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

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

AN ACT to amend the civil practice law and rules, in relation to actions for sexual assault of an infant and providing for the repeal of such provisions upon expiration thereof

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 215-a to read as follows:

S 215-A. ACTIONS FOR SEXUAL ASSAULT OF AN INFANT. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY CAUSE OF ACTION FOR PHYSICAL OR PSYCHOLOGICAL INJURY SUSTAINED BY A PERSON UNDER EIGHTEEN YEARS OF AGE AS A RESULT OF A SEXUAL ASSAULT, WHICH IS BARRED BECAUSE THE STATUTE OF LIMITATIONS HAS EXPIRED, IS HEREBY REVIVED, AND AN ACTION THEREON MAY BE COMMENCED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION. FOR THE PURPOSES OF THIS SECTION, SEXUAL ASSAULT SHALL BE A SEX OFFENSE AS DEFINED UNDER ARTICLE ONE HUNDRED THIRTY OF THE PENAL LAW OR A PREDECESSOR STATUTE AT THE TIME OF THE ACT. ANY SUCH CAUSE OF ACTION PREVIOUSLY DISMISSED BECAUSE OF THE STATUTE OF LIMITATIONS MAY BE BROUGHT UNDER THIS SECTION NOTWITHSTANDING SUCH DISMISSAL. THE PROVISIONS OF THIS SECTION SHALL BE INAPPLICABLE TO ANY CIVIL ACTION GOVERNED BY THE STATUTE OF LIMITATIONS OF ANOTHER JURISDICTION.

S 2. This act shall take effect immediately and shall expire one year after such effective date, when upon such date the provisions of this act shall be deemed repealed; and provided that the provisions of this act shall apply to causes of action pending or commenced on or after the effective date of this act.

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

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