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

5681--A

2009-2010 Regular Sessions

I N S E N A T E

May 27, 2009

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, in relation to the time within which certain actions for injury caused by domestic violence may be commenced

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 TO RECOVER DAMAGES FOR INJURY ARISING FROM ACTS OF DOMESTIC VIOLENCE. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, AN ACTION TO RECOVER DAMAGES FOR INJURY ARISING FROM AN ACT OF DOMESTIC VIOLENCE, INCLUDING DISORDERLY CONDUCT, HARASSMENT, MENACING, RECKLESS ENDANGERMENT, KIDNAPPING, ASSAULT, ATTEMPTED ASSAULT, OR ATTEMPTED MURDER, COMMITTED AGAINST ANY PERSON OVER THE AGE OF SIXTEEN, ANY MARRIED PERSON OR ANY PARENT ACCOMPANIED BY HIS OR HER MINOR CHILD OR CHILDREN IN SITUATIONS IN WHICH SUCH PERSON OR SUCH PERSON'S CHILD IS A VICTIM OF SUCH ACTS, SHALL BE COMMENCED WITHIN TWO YEARS. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THAT A CRIMINAL CHARGE BE BROUGHT OR A CRIMINAL CONVICTION BE OBTAINED AS A CONDITION OF BRINGING A CIVIL CAUSE OF ACTION OR RECEIVING A CIVIL JUDGMENT PURSUANT TO THIS SECTION OR BE CONSTRUED TO REQUIRE THAT ANY OF THE RULES GOVERNING A CRIMINAL PROCEEDING BE APPLICABLE TO ANY SUCH CIVIL ACTION.

S 2. This act shall take effect immediately.

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

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