

1236

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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.

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