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

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 establishing a bar to recovery by persons injured while committing a felony

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 1411-a to read as follows:

S 1411-A. ASSUMPTION OF RISK BY PERSON ENGAGED IN A FELONIOUS ACT, OR IN FLIGHT THEREFROM. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THERE SHALL BE NO RIGHT TO RECOVER DAMAGES FOR ANY PERSONAL INJURY, INJURY TO PROPERTY OR WRONGFUL DEATH, SUSTAINED BY A CLAIMANT OR DECEDENT WHILE ENGAGED IN THE COMMISSION OF ANY ACT OR ACTS THAT WOULD CONSTITUTE A FELONY UNDER THE PENAL LAW, OR IN FLIGHT THEREFROM. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL CLAIMS BROUGHT BY OR ON BEHALF OF THE CLAIMANT OR DECEDENT, ALL DERIVATIVE CLAIMS BY THE SPOUSE OR OTHER FAMILY MEMBERS OF SUCH CLAIMANT OR DECEDENT, AND ALL CLAIMS FOR CONTRIBUTION OR COMMON-LAW INDEMNIFICATION, WHETHER BROUGHT IN THE SAME, OR ANOTHER, ACTION.

S 2. This act shall take effect immediately and shall apply to all actions and proceedings pending on or commenced on or after such effective date.

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

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