

3634

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 27, 2009

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Introduced by M. of A. GIANARIS, DelMONTE, SCHIMMINGER, GALEF, BENJAMIN, ESPAILLAT, GABRYSZAK -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BARRA, BURLING, CALHOUN, CANESTRARI, CHRISTENSEN, COLTON, CONTE, ENGLEBRIGHT, GUNTHER, HOOPER, JOHN, V. LOPEZ, MAGEE, MARKEY, MAYERSOHN, MILLER, O'MARA, ORTIZ, PERRY, PHEFFER, QUINN, SWEENEY, TEDISCO, THIELE, TOWNS, TOWNSEND -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to establishing a complete bar to recovery by persons injured while committing a crime

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 PERSONS CONVICTED OF A CRIME. IN ANY  
4     ACTION TO RECOVER DAMAGES FOR PERSONAL INJURY, WHEN SUCH INJURY OCCURRED  
5     WHILE THE CLAIMANT WAS ENGAGED IN THE COMMISSION OF A CRIME OR IMMEDIATE  
6     FLIGHT THEREFROM, THE CLAIMANT SHALL BE COMPLETELY BARRED FROM RECOVERY  
7     OF ANY DAMAGES FROM THE VICTIM OR ANYONE ACTING ON BEHALF OF THE VICTIM,  
8     IF SUCH CLAIMANT WAS CONVICTED OF SUCH CRIME.  
9     S 2. This act shall take effect immediately and shall apply to inju-  
10    ries occurring 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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