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

3634

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

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:

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 PERSONS CONVICTED OF A CRIME. IN ANY ACTION TO RECOVER DAMAGES FOR PERSONAL INJURY, WHEN SUCH INJURY OCCURRED WHILE THE CLAIMANT WAS ENGAGED IN THE COMMISSION OF A CRIME OR IMMEDIATE FLIGHT THEREFROM, THE CLAIMANT SHALL BE COMPLETELY BARRED FROM RECOVERY OF ANY DAMAGES FROM THE VICTIM OR ANYONE ACTING ON BEHALF OF THE VICTIM, IF SUCH CLAIMANT WAS CONVICTED OF SUCH CRIME.

S 2. This act shall take effect immediately and shall apply to injuries occurring on or after such effective date.

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

LBD05747-01-9