

6134

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 25, 2009

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Introduced by M. of A. WEINSTEIN, CLARK, PAULIN, JACOBS, ORTIZ, GLICK,  
LANCMAN -- Multi-Sponsored by -- M. of A. CHRISTENSEN, COLTON, DINOW-  
ITZ, GALEF, GOTTFRIED, HIKIND, HOOPER, JOHN, KAVANAGH, McENENY, PERAL-  
TA, ROSENTHAL -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to author-  
izing the imposition of prejudgment interest in certain cases of  
nonpayment of support

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision (a) of section 5001 of the civil practice law  
2     and rules is amended to read as follows:  
3     (a) Actions in which recoverable. Interest shall be recovered upon a  
4     sum awarded because of a breach of performance of a contract, [or]  
5     because of an act or omission depriving or otherwise interfering with  
6     title to, or possession or enjoyment of, property, OR BECAUSE OF A FAIL-  
7     URE TO PAY CHILD SUPPORT OR COMBINED CHILD AND SPOUSAL SUPPORT PURSUANT  
8     TO A COURT ORDER, except that in an action of an equitable nature,  
9     interest and the rate and date from which it shall be computed shall be  
10    in the court's discretion.  
11    S 2. This act shall take effect immediately and shall apply to actions  
12    and proceedings 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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