

1296

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and
when printed to be committed to the Committee on Crime Victims, Crime
and Correction

AN ACT to amend the correction law, in relation to releasing employers
from certain liability for hiring certain persons

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

1 Section 1. The correction law is amended by adding a new section 756
2 to read as follows:
3 S 756. RELEASE FROM LIABILITY. AN EMPLOYER WHO REASONABLY ADHERES TO
4 THE PROVISIONS OF THIS ARTICLE SHALL THEREBY BE RELIEVED FROM ALL
5 LIABILITY FOR PERSONAL INJURIES OR DEATH SUSTAINED BY EMPLOYEES, INVI-
6 TEES AND LICENSEES AS A DIRECT RESULT OF A CRIMINAL ACT BY AN EMPLOYEE
7 HIRED IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, AND THE PERSONS
8 ENTITLED TO COMPENSATION UNDER THIS CHAPTER SHALL HAVE RECOURSE THEREFOR
9 ONLY TO THE STATE FUND AND NOT TO THE EMPLOYER. AN EMPLOYER SHALL NOT
10 OTHERWISE BE RELIEVED FROM LIABILITY EXCEPT BY THE PAYMENT THEREOF BY
11 HIMSELF OR HERSELF OR HIS OR HER INSURANCE CARRIER. THE PROVISIONS OF
12 THIS SECTION SHALL NOT APPLY TO THE STATE OF NEW YORK, AS AN EMPLOYER
13 EXCEPT TO THE EXTENT THAT THE FUND HAS PROVIDED INSURANCE COVERAGE ON AN
14 ACTUARIALLY SOUND BASIS TO THE STATE PURSUANT TO THE PROVISIONS OF
15 SECTION EIGHTY-EIGHT-C OF THE WORKERS' COMPENSATION LAW. TO THE EXTENT
16 THAT THE FUND HAS NOT PROVIDED INSURANCE COVERAGE ON AN ACTUARIALLY
17 SOUND BASIS PURSUANT TO SECTION EIGHTY-EIGHT-C OF SUCH LAW, ANY STATE
18 EMPLOYEE OR OTHER PERSON ENTITLED TO COMPENSATION UNDER THIS ARTICLE AS
19 A CONSEQUENCE OF PERSONAL INJURIES OR DEATH OF A STATE EMPLOYEE, LICEN-
20 SEE OR INVITEE SHALL HAVE DIRECT RECOURSE THEREFOR ONLY TO THE STATE.
21 S 2. This act shall take effect immediately and shall apply to causes
22 of action filed on and after such effective date.

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

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