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

8503

2011-2012 Regular Sessions

I N A S S E M B L Y

June 20, 2011

Introduced by M. of A. MARKEY -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to the method of computing periods of limitation for certain counterclaims in a defamation action alleging a sexual offense

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

Section 1. Section 203 of the civil practice law and rules is amended by adding a new subdivision (h) to read as follows:

(H) TIME COMPUTED FOR CERTAIN COUNTERCLAIMS. IN AN ACTION ALLEGING LIBEL, SLANDER OR FALSE WORDS CAUSING SPECIAL DAMAGES WHERE SUCH LIBEL, SLANDER OR FALSE WORDS ALLEGED A SEXUAL OFFENSE, A COUNTERCLAIM ALLEGING SUCH SEXUAL OFFENSE SHALL ACCRUE UPON COMPLETION OF SERVICE OF SUCH AN ACTION UPON DEFENDANT, AND THE STATUTE OF LIMITATIONS CONCERNING SUCH COUNTERCLAIM SHALL BE GOVERNED BY SUBDIVISION THREE OF SECTION TWO HUNDRED FIFTEEN OF THIS ARTICLE.

"SEXUAL OFFENSE", FOR THE PURPOSES OF THIS SECTION, IS DEFINED AS FOLLOWS:

1. AN OFFENSE AS CONTAINED IN ARTICLE ONE HUNDRED THIRTY OF THE PENAL LAW COMMITTED AGAINST A CHILD LESS THAN EIGHTEEN YEARS OF AGE;

2. INCEST AS DEFINED IN SECTION 255.25, 255.26 OR 255.27 OF THE PENAL LAW COMMITTED AGAINST A CHILD LESS THAN EIGHTEEN YEARS OF AGE; OR

3. THE USE OF A CHILD IN A SEXUAL PERFORMANCE AS DEFINED IN SECTION 263.05 OF THE PENAL LAW, OR A PREDECESSOR STATUTE THAT PROHIBITED SUCH CONDUCT AT THE TIME OF THE ACT, WHICH CONDUCT WAS COMMITTED AGAINST A CHILD LESS THAN EIGHTEEN YEARS OF AGE.

S 2. This act shall take effect immediately and shall apply to counterclaims commenced on or after such date.

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

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