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

8065

2013-2014 Regular Sessions

I N A S S E M B L Y

June 17, 2013

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

AN ACT to amend the civil practice law and rules, in relation to prohibiting confidential settlements by the state

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

Section 1. Article 50 of the civil practice law and rules is amended by adding a new rule 5022 to read as follows:

RULE 5022. CONFIDENTIAL SETTLEMENTS BY THE STATE PROHIBITED. (A) EXCEPT AS PROVIDED IN SUBDIVISION (B) OF THIS RULE, ANY PROVISION OF ANY AGREEMENT OR CONTRACT ENTERED INTO BY THE STATE OR ANY DEPARTMENT, BOARD, BUREAU, DIVISION, COMMISSION, COMMITTEE, OR OFFICE THEREOF, THE LEGISLATURE OF THE STATE OF NEW YORK OR ANY HOUSE THEREOF, INCLUDING ANY COMMITTEE, SUBCOMMITTEE, JOINT COMMITTEE, SELECT COMMITTEE, OR COMMISSION THEREOF, THE UNIFIED COURT SYSTEM, OR ANY STATE AUTHORITY AS DEFINED BY SUBDIVISION ONE OF SECTION TWO OF THE PUBLIC AUTHORITIES LAW THAT HAS THE PURPOSE OR EFFECT OF CONCEALING INFORMATION RELATING TO THE SETTLEMENT OR RESOLUTION OF ANY CLAIM OR ACTION, WHETHER SUCH SETTLEMENT OR RESOLUTION ADDRESSES ANY FORMAL OR INFORMAL INTERNAL COMPLAINT OR ANTICIPATED, THREATENED OR COMMENCED LITIGATION, IS HEREBY DECLARED TO BE VOID AND CONTRARY TO PUBLIC POLICY, AND SHALL NOT BE ENFORCED BY THE COURTS OF THIS STATE, OR OTHERWISE.

(B) PROVIDED, HOWEVER, THE NAME OF ANY PERSON WHO CLAIMS TO BE A VICTIM OF SEXUAL ABUSE, SEXUAL ASSAULT OR SEXUAL HARASSMENT WHO IS A PARTY TO A SETTLEMENT AGREEMENT PURSUANT TO SUBDIVISION (A) OF THIS RULE SHALL BE WITHHELD FROM DISCLOSURE AT THE REQUEST OF SUCH PERSON, OR BY ORDER OF THE COURT. IN ADDITION, ANY INFORMATION THAT WOULD CONSTITUTE AN UNWARRANTED INVASION OF PERSONAL PRIVACY UNDER THE PROVISIONS OF SUBDIVISION TWO OF SECTION EIGHTY-NINE OF THE PUBLIC OFFICERS LAW SHALL ALSO BE WITHHELD FROM DISCLOSURE AT THE REQUEST OF SUCH PERSON, OR BY ORDER OF THE COURT.

S 2. This act shall take effect immediately and shall apply to all settlement agreements entered into 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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