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

8139

2013-2014 Regular Sessions

I N A S S E M B L Y

August 30, 2013

Introduced by M. of A. CLARK, GABRYSZAK -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to civil remedies for stalking victims

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 213-d to read as follows:

S 213-D. ACTION BY VICTIM OF CONDUCT CONSTITUTING A STALKING OFFENSE. NOTWITHSTANDING ANY OTHER LIMITATION SET FORTH IN THIS ARTICLE, A CIVIL CLAIM OR CAUSE OF ACTION TO RECOVER FROM A DEFENDANT AS HEREINAFTER DEFINED, FOR THE COMPENSATORY DAMAGES SUFFERED BY A PERSON AS A RESULT OF ACTS BY SUCH DEFENDANT OF STALKING IN THE FOURTH DEGREE AS DEFINED IN SECTION 120.45 OF THE PENAL LAW, OR STALKING IN THE THIRD DEGREE AS DEFINED IN SECTION 120.50 OF THE PENAL LAW, OR STALKING IN THE SECOND DEGREE AS DEFINED IN SECTION 120.55 OF THE PENAL LAW, OR STALKING IN THE FIRST DEGREE AS DEFINED IN SECTION 120.60 OF THE PENAL LAW MAY BE BROUGHT WITHIN FIVE YEARS. IF COMPENSATORY DAMAGES ARE AWARDED, PUNITIVE DAMAGES MAY ALSO BE AWARDED. AS USED IN THIS SECTION, THE TERM "DEFENDANT" SHALL MEAN ONLY A PERSON WHO COMMITS THE ACTS DESCRIBED IN THIS SECTION OR WHO, IN A CRIMINAL PROCEEDING, COULD BE CHARGED WITH CRIMINAL LIABILITY FOR THE COMMISSION OF SUCH ACTS PURSUANT TO SECTION 20.00 OF THE PENAL LAW AND SHALL NOT APPLY TO ANY RELATED CIVIL CLAIM OR CAUSE OF ACTION ARISING FROM SUCH ACTS; AND THE TERM "COMPENSATORY DAMAGES" SHALL INCLUDE DAMAGES FOR ALL THE DEFENDANT'S ACTS PROHIBITED BY SECTIONS 120.45, 120.50 AND 120.55 OF THE PENAL LAW. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THAT A CRIMINAL CHARGE BE BROUGHT OR A CRIMINAL CONVICTION BE OBTAINED AS A CONDITION OF BRINGING A CIVIL CAUSE OF ACTION OR RECEIVING A CIVIL JUDGMENT PURSUANT TO THIS SECTION OR BE CONSTRUED TO REQUIRE THAT ANY OF THE RULES GOVERNING A CRIMINAL PROCEEDING BE APPLICABLE TO ANY SUCH CIVIL ACTION.

S 2. This act shall take effect immediately.

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

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