

2709

2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

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

AN ACT to amend the civil practice law and rules, in relation to actions
for sexual assault of an infant and providing for the repeal of such
provisions upon expiration thereof

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

1 Section 1. The civil practice law and rules is amended by adding a new
2 section 215-a to read as follows:
3 S 215-A. ACTIONS FOR SEXUAL ASSAULT OF AN INFANT. NOTWITHSTANDING ANY
4 PROVISION OF LAW TO THE CONTRARY, ANY CAUSE OF ACTION FOR PHYSICAL OR
5 PSYCHOLOGICAL INJURY SUSTAINED BY A PERSON UNDER EIGHTEEN YEARS OF AGE
6 AS A RESULT OF A SEXUAL ASSAULT, WHICH IS BARRED BECAUSE THE STATUTE OF
7 LIMITATIONS HAS EXPIRED, IS HEREBY REVIVED, AND AN ACTION THEREON MAY BE
8 COMMENCED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION. FOR THE
9 PURPOSES OF THIS SECTION, SEXUAL ASSAULT SHALL BE A SEX OFFENSE AS
10 DEFINED UNDER ARTICLE ONE HUNDRED THIRTY OF THE PENAL LAW OR A PREDECES-
11 SOR STATUTE AT THE TIME OF THE ACT. ANY SUCH CAUSE OF ACTION PREVIOUSLY
12 DISMISSED BECAUSE OF THE STATUTE OF LIMITATIONS MAY BE BROUGHT UNDER
13 THIS SECTION NOTWITHSTANDING SUCH DISMISSAL. THE PROVISIONS OF THIS
14 SECTION SHALL BE INAPPLICABLE TO ANY CIVIL ACTION GOVERNED BY THE STAT-
15 UTE OF LIMITATIONS OF ANOTHER JURISDICTION.
16 S 2. This act shall take effect immediately and shall expire one year
17 after such effective date, when upon such date the provisions of this
18 act shall be deemed repealed; and provided that the provisions of this
19 act shall apply to causes of action pending or commenced on or after the
20 effective date of this act.

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

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