

4800

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 6, 2015

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Introduced by M. of A. CLARK -- 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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. The civil practice law and rules is amended by adding a new  
2     section 213-d to read as follows:  
3     S 213-D. ACTION BY VICTIM OF CONDUCT CONSTITUTING A STALKING OFFENSE.  
4     NOTWITHSTANDING ANY OTHER LIMITATION SET FORTH IN THIS ARTICLE, A CIVIL  
5     CLAIM OR CAUSE OF ACTION TO RECOVER FROM A DEFENDANT AS HEREINAFTER  
6     DEFINED, FOR THE COMPENSATORY DAMAGES SUFFERED BY A PERSON AS A RESULT  
7     OF ACTS BY SUCH DEFENDANT OF STALKING IN THE FOURTH DEGREE AS DEFINED IN  
8     SECTION 120.45 OF THE PENAL LAW, OR STALKING IN THE THIRD DEGREE AS  
9     DEFINED IN SECTION 120.50 OF THE PENAL LAW, OR STALKING IN THE SECOND  
10    DEGREE AS DEFINED IN SECTION 120.55 OF THE PENAL LAW, OR STALKING IN THE  
11    FIRST DEGREE AS DEFINED IN SECTION 120.60 OF THE PENAL LAW MAY BE  
12    BROUGHT WITHIN FIVE YEARS. IF COMPENSATORY DAMAGES ARE AWARDED, PUNITIVE  
13    DAMAGES MAY ALSO BE AWARDED. AS USED IN THIS SECTION, THE TERM "DEFEND-  
14    ANT" SHALL MEAN ONLY A PERSON WHO COMMITS THE ACTS DESCRIBED IN THIS  
15    SECTION OR WHO, IN A CRIMINAL PROCEEDING, COULD BE CHARGED WITH CRIMINAL  
16    LIABILITY FOR THE COMMISSION OF SUCH ACTS PURSUANT TO SECTION 20.00 OF  
17    THE PENAL LAW AND SHALL NOT APPLY TO ANY RELATED CIVIL CLAIM OR CAUSE OF  
18    ACTION ARISING FROM SUCH ACTS; AND THE TERM "COMPENSATORY DAMAGES" SHALL  
19    INCLUDE DAMAGES FOR ALL THE DEFENDANT'S ACTS PROHIBITED BY SECTIONS  
20    120.45, 120.50 AND 120.55 OF THE PENAL LAW. NOTHING IN THIS SECTION  
21    SHALL BE CONSTRUED TO REQUIRE THAT A CRIMINAL CHARGE BE BROUGHT OR A  
22    CRIMINAL CONVICTION BE OBTAINED AS A CONDITION OF BRINGING A CIVIL CAUSE  
23    OF ACTION OR RECEIVING A CIVIL JUDGMENT PURSUANT TO THIS SECTION OR BE  
24    CONSTRUED TO REQUIRE THAT ANY OF THE RULES GOVERNING A CRIMINAL PROCEED-  
25    ING BE APPLICABLE TO ANY SUCH CIVIL ACTION.  
26    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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