

4800

2015-2016 Regular Sessions

I N A S S E M B L Y

February 6, 2015

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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