

3103--A

2015-2016 Regular Sessions

I N   S E N A T E

February 2, 2015

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Introduced by Sens. RITCHIE, FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to the statute of limitation for sex offenses committed against a child; and to amend the civil practice law and rules, in relation to actions for sexual assault of a child

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

1     Section 1. Paragraph (f) of subdivision 3 of section 30.10 of the  
2 criminal procedure law, as separately amended by chapters 3 and 320 of  
3 the laws of 2006, is amended to read as follows:  
4     (f) For purposes of a prosecution involving a sexual offense as  
5 defined in article one hundred thirty of the penal law, other than a  
6 sexual offense delineated in paragraph (a) of subdivision two of this  
7 section, committed against a child less than eighteen years of age,  
8 incest in the first, second or third degree as defined in sections  
9 255.27, 255.26 and 255.25 of the penal law committed against a child  
10 less than eighteen years of age, or use of a child in a sexual perform-  
11 ance as defined in section 263.05 of the penal law, the period of limi-  
12 tation shall not begin to run until the child has reached the age of  
13 [eighteen] THIRTY-THREE or the offense is reported to a law enforcement  
14 agency or statewide central register of child abuse and maltreatment,  
15 whichever occurs earlier.  
16     S 2. The civil practice law and rules is amended by adding a new  
17 section 215-a to read as follows:  
18     S 215-A. ACTIONS FOR SEXUAL ASSAULT OF A CHILD. NOTWITHSTANDING ANY  
19 PROVISION OF LAW WHICH IMPOSES A PERIOD OF LIMITATION TO THE CONTRARY,  
20 EVERY CIVIL CLAIM OR CAUSE OF ACTION BROUGHT BY A PERSON FOR PHYSICAL,  
21 PSYCHOLOGICAL, OR OTHER INJURY OR CONDITION SUFFERED AS AS RESULT OF

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

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1 CONDUCT WHICH WOULD CONSTITUTE A SEXUAL OFFENSE AS DEFINED IN ARTICLE  
2 ONE HUNDRED THIRTY OF THE PENAL LAW COMMITTED AGAINST A CHILD LESS THAN  
3 EIGHTEEN YEARS OF AGE, INCEST AS DEFINED IN SECTION 255.25, 255.26 OR  
4 255.27 OF THE PENAL LAW COMMITTED AGAINST A CHILD LESS THAN EIGHTEEN  
5 YEARS OF AGE, OR THE USE OF A CHILD IN A SEXUAL PERFORMANCE AS DEFINED  
6 IN SECTION 263.05 OF THE PENAL LAW, OR A PREDECESSOR STATUTE THAT  
7 PROHIBITED SUCH CONDUCT AT THE TIME OF THE ACT, WHICH CONDUCT WAS  
8 COMMITTED AGAINST A CHILD LESS THAN EIGHTEEN YEARS OF AGE, WHICH IS  
9 BARRED AS OF THE EFFECTIVE DATE OF THIS SECTION BECAUSE THE APPLICABLE  
10 PERIOD OF LIMITATION HAS EXPIRED IS HEREBY REVIVED, AND ACTION THEREON  
11 MAY BE COMMENCED ON OR BEFORE ONE YEAR AFTER THE EFFECTIVE DATE OF THIS  
12 SECTION.

13 S 3. This act shall take effect immediately.