

5157

2015-2016 Regular Sessions

I N   S E N A T E

May 5, 2015

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Introduced by Sen. ORTT -- read twice and ordered printed, and when  
printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to the  
enforcement of a judgment against certain retirement accounts in the  
case of minor victims of sexual abuse

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

1     Section 1. Paragraph 1 of subdivision (c) of section 5205 of the civil  
2     practice law and rules, as amended by chapter 93 of the laws of 1995, is  
3     amended and a new paragraph 6 is added to read as follows:

4     1. Except as provided in paragraphs four [and], five AND SIX of this  
5     subdivision, all property while held in trust for a judgment debtor,  
6     where the trust has been created by, or the fund so held in trust has  
7     proceeded from, a person other than the judgment debtor, is exempt from  
8     application to the satisfaction of a money judgment.

9     6. ALL TRUST, CUSTODIAL ACCOUNTS, ANNUITIES, INSURANCE CONTRACTS,  
10    MONIES, ASSETS, OR INTERESTS DESCRIBED IN PARAGRAPH TWO OF THIS SUBDIVI-  
11    SION SHALL BE SUBJECT TO THE SATISFACTION OF A MONEY JUDGMENT IN THE  
12    CASE OF A CIVIL CLAIM OR CAUSE OF ACTION TO RECOVER FROM A DEFENDANT,  
13    FOR PHYSICAL, PSYCHOLOGICAL OR OTHER INJURY OR CONDITION SUFFERED BY A  
14    PERSON AS A RESULT OF ACTS BY SUCH DEFENDANT OF RAPE IN THE FIRST DEGREE  
15    AS DEFINED IN SECTION 130.35 OF THE PENAL LAW, OR CRIMINAL SEXUAL ACT IN  
16    THE FIRST DEGREE AS DEFINED IN SECTION 130.50 OF THE PENAL LAW, OR  
17    AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE AS DEFINED IN SECTION 130.70  
18    OF THE PENAL LAW, OR COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE  
19    FIRST DEGREE AS DEFINED IN SECTION 130.75 OF THE PENAL LAW, WHERE THE  
20    VICTIM OF ANY SUCH OFFENSE WAS A MINOR AT THE TIME SUCH OFFENSE WAS  
21    COMMITTED.

22    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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