

5177

2015-2016 Regular Sessions

I N S E N A T E

May 6, 2015

Introduced by Sen. DeFRANCISCO -- 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 estab-
lishing an exception for victims of child sexual abuse to the trust
exemption from application to the satisfaction of a money judgment

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. THIS SUBDIVISION SHALL NOT IMPAIR ANY RIGHTS A VICTIM OF CHILD
10 SEXUAL ABUSE HAS TO ENFORCE A MONEY JUDGMENT AGAINST HIS OR HER ABUSER
11 WHEN SUCH JUDGMENT WAS OBTAINED AS A RESULT OF SUCH SEXUAL ABUSE. FOR
12 PURPOSES OF THIS SUBDIVISION, "CHILD SEXUAL ABUSE" SHALL MEAN CONDUCT
13 PROHIBITED BY ARTICLE ONE HUNDRED THIRTY OR TWO HUNDRED SIXTY-THREE OF
14 THE PENAL LAW COMMITTED AGAINST A CHILD LESS THAN EIGHTEEN YEARS OF AGE.
15 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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