S T A T E O F N E W Y O R K

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 establishing 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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

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

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

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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