

STATE OF NEW YORK

10891

IN ASSEMBLY

May 25, 2018

Introduced by M. of A. SMITH -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law and the civil practice law and rules, in relation to removing the statute of limitations in criminal and civil actions involving sex offenses committed against a minor

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~~] 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 or the offense is reported to a law enforcement agency or~~
14 ~~statewide central register of child abuse and maltreatment, whichever~~
15 ~~occurs earlier]~~ may be commenced at any time.

16 § 2. Section 213-c of the civil practice law and rules, as added by
17 chapter 3 of the laws of 2006, is amended to read as follows:

18 § 213-c. Action by victim of conduct constituting certain sexual
19 offenses. (a) Notwithstanding any other limitation set forth in this
20 article, a civil claim or cause of action to recover from a defendant as
21 hereinafter defined, for physical, psychological or other injury or
22 condition suffered by a person as a result of acts by such defendant of
23 rape in the first degree as defined in section 130.35 of the penal law,
24 or criminal sexual act in the first degree as defined in section 130.50
25 of the penal law, or aggravated sexual abuse in the first degree as
26 defined in section 130.70 of the penal law[~~, or course of sexual conduct~~

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

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1 ~~against a child in the first degree as defined in section 130.75 of the~~
2 ~~penal law~~] may be brought within five years.

3 (b) Notwithstanding the provisions of subdivision (a) of this section,
4 or any other provision of law to the contrary all civil claims or causes
5 of action brought by any person for physical, psychological or other
6 injury or condition suffered as a result of conduct which would consti-
7 tute a sexual offense as defined in article one hundred thirty of the
8 penal law committed against a child less than eighteen years of age,
9 incest as defined in section 255.25, 255.26 or 255.27 of the penal law
10 committed against a child less than eighteen years of age, or the use of
11 a child in a sexual performance as defined in section 263.05 of the
12 penal law, or a predecessor statute that prohibited such conduct at the
13 time of the act, which conduct was committed against a child less than
14 eighteen years of age, such action may be commenced at any time.

15 (c) As used in this section, the term "defendant" shall mean only a
16 person who commits the acts described in this section or who, in a crim-
17 inal proceeding, could be charged with criminal liability for the
18 commission of such acts pursuant to section 20.00 of the penal law and
19 shall not apply to any related civil claim or cause of action arising
20 from such acts. Nothing in this section shall be construed to require
21 that a criminal charge be brought or a criminal conviction be obtained
22 as a condition of bringing a civil cause of action or receiving a civil
23 judgment pursuant to this section or be construed to require that any of
24 the rules governing a criminal proceeding be applicable to any such
25 civil action.

26 § 3. This act shall take effect immediately.