

STATE OF NEW YORK

8412

2019-2020 Regular Sessions

IN ASSEMBLY

June 16, 2019

Introduced by M. of A. SIMOTAS, GALEF, LUPARDO, JAFFEE, REYES -- (at request of the Governor) -- 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 statutes of limitations for certain sex crimes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (a) of subdivision 2 of section 30.10 of the
2 criminal procedure law, as amended by chapter 467 of the laws of 2008,
3 is amended to read as follows:

4 (a) A prosecution for a class A felony, or rape in the first degree as
5 defined in section 130.35 of the penal law, or a crime defined or
6 formerly defined in section 130.50 of the penal law, or aggravated sexual
7 abuse in the first degree as defined in section 130.70 of the penal
8 law, or course of sexual conduct against a child in the first degree as
9 defined in section 130.75 of the penal law, or incest in the first
10 degree as defined in section 255.27 of the penal law may be commenced at
11 any time;

12 § 2. Subdivision 2 of section 30.10 of the criminal procedure law is
13 amended by adding two new paragraphs (a-1) and (a-2) to read as follows:

14 (a-1) A prosecution for rape in the second degree as defined in subdi-
15 vision two of section 130.30 of the penal law, or criminal sexual act in
16 the second degree as defined in subdivision two of section 130.45 of the
17 penal law, or incest in the second degree as defined in section 255.26
18 of the penal law (where the crime committed is rape in the second degree
19 as defined in subdivision two of section 130.30 of the penal law or
20 criminal sexual act in the second degree as defined in subdivision two
21 of section 130.45) must be commenced within twenty years after the
22 commission thereof or within ten years from when the offense is first
23 reported to law enforcement, whichever occurs earlier;

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

LBD12033-01-9

1 (a-2) A prosecution for rape in the third degree as defined in subdivi-
2 vision one or three of section 130.25 of the penal law, or criminal
3 sexual act in the third degree as defined in subdivision one or three of
4 section 130.40 of the penal law must be commenced within ten years after
5 the commission thereof;

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

8 § 213-c. Action by victim of conduct constituting certain sexual

9 offenses. Notwithstanding any other limitation set forth in this arti-

10 cle, ~~[a] except as provided in subdivision (b) of section two hundred~~

11 ~~eight of this article, all~~ civil ~~[claim or cause]~~ claims or causes of

12 action ~~[to recover from a defendant as hereinafter defined,]~~ brought by

13 any person for physical, psychological or other injury or condition

14 suffered by ~~[a]~~ such person as a result of ~~[acts by such defendant of]~~

15 conduct which would constitute rape in the first degree as defined in

16 section 130.35 of the penal law, or rape in the second degree as defined

17 in subdivision two of section 130.30 of the penal law, or rape in the

18 third degree as defined in subdivision one or three of section 130.25 of

19 the penal law, or criminal sexual act in the first degree as defined in

20 section 130.50 of the penal law, or criminal sexual act in the second

21 degree as defined in subdivision two of section 130.45 of the penal law,

22 or criminal sexual act in the third degree as defined in subdivision one

23 or three of section 130.40 of the penal law, or incest in the first

24 degree as defined in section 255.27 of the penal law, or incest in the

25 second degree as defined in section 255.26 of the penal law (where the

26 crime committed is rape in the second degree as defined in subdivision

27 two of section 130.30 of the penal law or criminal sexual act in the

28 second degree as defined in subdivision two of section 130.45), or

29 aggravated sexual abuse in the first degree as defined in section 130.70

30 of the penal law, or course of sexual conduct against a child in the

31 first degree as defined in section 130.75 of the penal law may be

32 brought against any party whose intentional or negligent acts or omis-

33 sions are alleged to have resulted in the commission of the said

34 conduct, within ~~[five]~~ twenty years. ~~[As used in this section, the term~~

35 ~~"defendant" shall mean only a person who commits the acts described in~~

36 ~~this section or who, in a criminal proceeding, could be charged with~~

37 ~~criminal liability for the commission of such acts pursuant to section~~

38 ~~20.00 of the penal law and shall not apply to any related civil claim or~~

39 ~~cause of action arising from such acts.]~~ Nothing in this section shall

40 be construed to require that a criminal charge be brought or a criminal

41 conviction be obtained as a condition of bringing a civil cause of

42 action or receiving a civil judgment pursuant to this section or be

43 construed to require that any of the rules governing a criminal proceed-

44 ing be applicable to any such civil action.

45 § 4. This act shall take effect immediately and shall apply to acts or

46 omissions occurring on or after such effective date and to acts or omis-

47 sions occurring prior to such effective date where the applicable stat-

48 ute of limitations in effect on the date of such act or omission has not

49 yet expired.