STATE OF NEW YORK

5164--B

2019-2020 Regular Sessions

IN SENATE

April 12, 2019

Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, in relation to judgments

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

Section 1. Section 5011 of the civil practice law and rules, as amended by section 52 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

§ 5011. Definition and content of judgment. A judgment is the determination of the rights of the parties in an action or special proceeding and may be either interlocutory or final. A judgment shall refer to, and state the result of, the verdict or decision, or recite the default upon which it is based. A judgment may direct that property be paid into court when the party would not have the benefit or use or control of such property or where special circumstances make it desirable that payment or delivery to the party entitled to it should be withheld. **Estimations, measures, or calculations of past, present, or future damages for lost earnings or impaired earning capacity resulting from personal injury or wrongful death shall not be reduced based on race, creed, color, national origin, religion, sexual orientation, gender identity or expression, military status, sex, familial status, marital status, or status as a victim of domestic violence.** In any case where damages are awarded to an inmate serving a sentence of imprisonment with the state department of corrections and community supervision or to a prisoner confined at a local correctional facility, the court shall give

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

LBD09807-06-0

prompt written notice to the office of victim services, and at the same time shall direct that no payment be made to such inmate or prisoner for a period of thirty days following the date of entry of the order containing such direction.

§ 2. This act shall take effect immediately.