STATE OF NEW YORK

7549--A

2019-2020 Regular Sessions

IN ASSEMBLY

May 9, 2019

Introduced by M. of A. SIMOTAS, DINOWITZ, DeSTEFANO, ORTIZ, ZEBROWSKI, LUPARDO, M. G. MILLER, GALEF, REYES, HEVESI, THIELE, BARNWELL, SCHMITT, McDONOUGH, JAFFEE, BURKE -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to removing the statute of limitations for certain crimes; and to amend the civil practice law and rules, in relation to extending the statute of limitations for certain civil claims

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

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

(a) A prosecution for a class A felony, or rape in the first degree as defined in section 130.35 of the penal law, **or rape in the second degree as defined in section 130.30 of the penal law, or rape in the third degree as defined in section 130.25 of the penal law,** or a crime defined or formerly defined in section 130.50 of the penal law, **or criminal sexual act in the second degree as defined in section 130.45 of the penal law, or criminal sexual act in the third degree as defined in section 130.40 of the penal law,** or aggravated sexual abuse in the first degree as defined in section 130.70 of the penal law, or course of sexual conduct against a child in the first degree as defined in section 130.75 of the penal law**, or incest in the first degree as defined in section 255.27 of the penal law, or incest in the second degree as defined in section 255.26 of the penal law, or incest in the third degree as defined in section 255.25 of the penal law** may be commenced at any time;

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

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

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§ 213-c. Action by victim of conduct constituting certain sexual offenses. Notwithstanding any other limitation set forth in this article, a civil claim or cause of action to recover from a defendant as hereinafter defined, for physical, psychological or other injury or condition suffered by a person as a result of acts by such defendant of rape in the first degree as defined in section 130.35 of the penal law, **rape in the second degree as defined in section 130.30 of the penal law, or rape in the third degree as defined in section 130.25 of the penal law,** or criminal sexual act in the first degree as defined in section 130.50 of the penal law, **or criminal sexual act in the second degree as defined in section 130.45 of the penal law, or criminal sexual act in the third degree as defined in section 130.40 of the penal law,** or aggravated sexual abuse in the first degree as defined in section 130.70 of the penal law, or course of sexual conduct against a child in the first degree as defined in section 130.75 of the penal law**, or incest in the first degree as defined in section 255.27 of the penal law, or incest in the second degree as defined in section 255.26 of the penal law, or incest in the third degree as defined in section 255.25 of the penal law** may be brought within [~~five~~] **ten** years. As used in this section, the term "defendant" shall mean only a person who commits the acts described in this section or who, in a criminal proceeding, could be charged with criminal liability for the commission of such acts pursuant to section 20.00 of the penal law and shall not apply to any related civil claim or cause of action arising from such acts. Nothing in this section shall be construed to require that a criminal charge be brought or a criminal conviction be obtained as a condition of bringing a civil cause of action or receiving a civil judgment pursuant to this section or be construed to require that any of the rules governing a criminal proceeding be applicable to any such civil action.

§ 3. This act shall take effect immediately.