STATE OF NEW YORK

2223

2019-2020 Regular Sessions

IN SENATE

January 23, 2019

Introduced by Sen. ORTT -- 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 the enforcement of a judgment against certain retirement accounts in the case of minor victims of sexual abuse

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. All trust, custodial accounts, annuities, insurance contracts, monies, assets, or interests described in paragraph two of this subdivision shall be subject to the satisfaction of a money judgment in the case of a civil claim or cause of action to recover from a defendant, 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, or criminal sexual act in the first degree as defined in section 130.50 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, where the victim of any such offense was a minor at the time such offense was committed.

§ 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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