

# STATE OF NEW YORK

---

5164

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

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:

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

4 § 5011. Definition and content of judgment. A judgment is the determi-  
5 nation of the rights of the parties in an action or special proceeding  
6 and may be either interlocutory or final. A judgment shall refer to, and  
7 state the result of, the verdict or decision, or recite the default upon  
8 which it is based. A judgment may direct that property be paid into  
9 court when the party would not have the benefit or use or control of  
10 such property or where special circumstances make it desirable that  
11 payment or delivery to the party entitled to it should be withheld.

12 Estimations, measures, or calculations of damages shall not be based on,  
13 and shall not consider, income, race, ethnicity, gender, religion, or  
14 sexual orientation. In any case where damages are awarded to an inmate  
15 serving a sentence of imprisonment with the state department of  
16 corrections and community supervision or to a prisoner confined at a  
17 local correctional facility, the court shall give prompt written notice  
18 to the office of victim services, and at the same time shall direct that  
19 no payment be made to such inmate or prisoner for a period of thirty  
20 days following the date of entry of the order containing such direction.

21 § 2. Section 5031 of the civil practice law and rules is amended by  
22 adding a new subdivision (a-1) to read as follows:

23 (a-1) Estimations, measures, or calculations of damages shall not be  
24 based on, and shall not consider, income, race, ethnicity, gender, reli-  
25 gion, or sexual orientation.

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

LBD09807-01-9

1     § 3. Section 5041 of the civil practice law and rules is amended by  
2 adding a new subdivision (a-1) to read as follows:

3     (a-1) Estimations, measures, or calculations of damages shall not be  
4 based on, and shall not consider, income, race, ethnicity, gender, reli-  
5 gion, or sexual orientation.

6     § 4. This act shall take effect immediately.