

STATE OF NEW YORK

7082

IN SENATE

(Prefiled)

January 8, 2020

Introduced by Sen. HOYLMAN -- 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 extending the statute of limitations for certain child sexual abuse cases

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

1 Section 1. Section 214-g of the civil practice law and rules, as added
2 by chapter 11 of the laws of 2019, is amended to read as follows:
3 § 214-g. Certain child sexual abuse cases. Notwithstanding any
4 provision of law which imposes a period of limitation to the contrary
5 and the provisions of any other law pertaining to the filing of a notice
6 of claim or a notice of intention to file a claim as a condition prece-
7 dent to commencement of an action or special proceeding, every civil
8 claim or cause of action brought against any party alleging intentional
9 or negligent acts or omissions by a person for physical, psychological,
10 or other injury or condition suffered as a result of conduct which would
11 constitute a sexual offense as defined in article one hundred thirty of
12 the penal law committed against a child less than eighteen years of age,
13 incest as defined in section 255.27, 255.26 or 255.25 of the penal law
14 committed against a child less than eighteen years of age, or the use of
15 a child in a sexual performance as defined in section 263.05 of the
16 penal law, or a predecessor statute that prohibited such conduct at the
17 time of the act, which conduct was committed against a child less than
18 eighteen years of age, which is barred as of the effective date of this
19 section because the applicable period of limitation has expired, and/or
20 the plaintiff previously failed to file a notice of claim or a notice of
21 intention to file a claim, is hereby revived, and action thereon may be
22 commenced not earlier than six months after, and not later than [~~one~~
23 year] two years and six months after the effective date of this section.
24 In any such claim or action: (a) in addition to any other defense and
25 affirmative defense that may be available in accordance with law, rule
26 or the common law, to the extent that the acts alleged in such action
27 are of the type described in subdivision one of section 130.30 of the

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

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1 penal law or subdivision one of section 130.45 of the penal law, the
2 affirmative defenses set forth, respectively, in the closing paragraph
3 of such sections of the penal law shall apply; and (b) dismissal of a
4 previous action, ordered before the effective date of this section, on
5 grounds that such previous action was time barred, and/or for failure of
6 a party to file a notice of claim or a notice of intention to file a
7 claim, shall not be grounds for dismissal of a revival action pursuant
8 to this section.

9 § 2. This act shall take effect immediately.