

STATE OF NEW YORK

4725

2021-2022 Regular Sessions

IN ASSEMBLY

February 5, 2021

Introduced by M. of A. SMITH -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law and the civil practice law and rules, in relation to removing the statute of limitations in criminal and civil actions involving sex offenses committed against a minor

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

1 Section 1. Paragraph (f) of subdivision 3 of section 30.10 of the
2 criminal procedure law, as amended by chapter 11 of the laws of 2019, is
3 amended to read as follows:

4 (f) [~~For purposes of a~~] A prosecution involving a sexual offense as
5 defined in article one hundred thirty of the penal law, other than a
6 sexual offense delineated in paragraph (a) of subdivision two of this
7 section, committed against a child less than eighteen years of age,
8 incest in the first, second or third degree as defined in sections
9 255.27, 255.26 and 255.25 of the penal law committed against a child
10 less than eighteen years of age, or use of a child in a sexual perform-
11 ance as defined in section 263.05 of the penal law[~~, the period of limi-~~
12 ~~tation shall not begin to run until the child has reached the age of~~
13 ~~twenty-three or the offense is reported to a law enforcement agency or~~
14 ~~statewide central register of child abuse and maltreatment, whichever~~
15 ~~occurs earlier] may be commenced at any time.~~

16 § 2. Section 213-c of the civil practice law and rules, as amended by
17 chapter 315 of the laws of 2019, is amended to read as follows:

18 § 213-c. Action by victim of conduct constituting certain sexual
19 offenses. (a) Notwithstanding any other limitation set forth in this
20 article, except as provided in subdivision (b) of section two hundred
21 eight of this article, all civil claims or causes of action brought by
22 any person for physical, psychological or other injury or condition
23 suffered by such person as a result of conduct which would constitute

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

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1 rape in the first degree as defined in section 130.35 of the penal law,
2 or rape in the second degree as defined in subdivision two of section
3 130.30 of the penal law, or rape in the third degree as defined in
4 subdivision one or three of section 130.25 of the penal law, or criminal
5 sexual act in the first degree as defined in section 130.50 of the penal
6 law, or criminal sexual act in the second degree as defined in subdivi-
7 sion two of section 130.45 of the penal law, or criminal sexual act in
8 the third degree as defined in subdivision one or three of section
9 130.40 of the penal law, or incest in the first degree as defined in
10 section 255.27 of the penal law, or incest in the second degree as
11 defined in section 255.26 of the penal law (where the crime committed is
12 rape in the second degree as defined in subdivision two of section
13 130.30 of the penal law or criminal sexual act in the second degree as
14 defined in subdivision two of section 130.45), or aggravated sexual
15 abuse in the first degree as defined in section 130.70 of the penal law,
16 or course of sexual conduct against a child in the first degree as
17 defined in section 130.75 of the penal law may be brought against any
18 party whose intentional or negligent acts or omissions are alleged to
19 have resulted in the commission of the said conduct, within twenty
20 years.

21 (b) Notwithstanding the provisions of subdivision (a) of this section,
22 or any other provision of law to the contrary all civil claims or causes
23 of action brought by any person for physical, psychological or other
24 injury or condition suffered as a result of conduct which would consti-
25 tute a sexual offense as defined in article one hundred thirty of the
26 penal law committed against a child less than eighteen years of age,
27 incest as defined in section 255.25, 255.26 or 255.27 of the penal law
28 committed against a child less than eighteen years of age, or the use of
29 a child in a sexual performance as defined in section 263.05 of the
30 penal law, or a predecessor statute that prohibited such conduct at the
31 time of the act, which conduct was committed against a child less than
32 eighteen years of age, such action may be commenced at any time.

33 (c) Nothing in this section shall be construed to require that a crim-
34 inal charge be brought or a criminal conviction be obtained as a condi-
35 tion of bringing a civil cause of action or receiving a civil judgment
36 pursuant to this section or be construed to require that any of the
37 rules governing a criminal proceeding be applicable to any such civil
38 action.

39 § 3. This act shall take effect immediately.