STATE OF NEW YORK

1871

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Judiciary

AN ACT to amend the estates, powers and trusts law, in relation to additional damages recoverable for the use of a deadly weapon

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

Section 1. Section 5-4.3 of the estates, powers and trusts law is amended by adding a new paragraph (a-1) to read as follows:

(a-1) In addition to the damages and expenses recoverable under paragraph (a) of this section, in any action in which the wrongful act involves the intentional and pre-meditated use of a deadly weapon as defined in subdivision twelve of section 10.00 of the penal law, fair compensation for the following damages may also be recovered:

(i) grief or anguish caused by the decedent's death, and for any disorder caused by such grief or anguish;

(ii) loss of love, society, protection, comfort, companionship, and consortium resulting from the decedent's death; and

(iii) loss of nurture, guidance, counsel, advice, training, and education resulting from the decedent's death.

Interest upon the principal sum recovered by the plaintiff from the date of the decedent's death shall be added to and be part of the total sum awarded.

§ 2. This act shall take effect immediately and shall apply to all actions commenced on or after such effective date.

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

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