

# STATE OF NEW YORK

6138

2023-2024 Regular Sessions

## IN ASSEMBLY

April 3, 2023

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

AN ACT to amend the court of claims act, the general municipal law, and  
the education law, in relation to the making technical corrections  
regarding the filing and service of claims of adult sexual assault  
survivors

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

1 Section 1. Subdivision 10 of section 10 of the court of claims act, as  
2 added by chapter 11 of the laws of 2019, is amended to read as follows:

3 10. Notwithstanding any provision of law to the contrary, this section  
4 shall not apply to: (i) any claim to recover damages for physical,  
5 psychological, or other injury or condition suffered as a result of  
6 conduct which would constitute a sexual offense as defined in article  
7 one hundred thirty of the penal law committed against a child less than  
8 eighteen years of age, incest as defined in section 255.27, 255.26 or  
9 255.25 of the penal law committed against a child less than eighteen  
10 years of age, or the use of a child in a sexual performance as defined  
11 in section 263.05 of the penal law committed against a child less than  
12 eighteen years of age; or

13 (ii) any civil claim or cause of action revived pursuant to section  
14 two hundred fourteen-j of the civil practice law and rules.

15 § 2. Paragraph (b) of subdivision 8 of section 50-e of the general  
16 municipal law, as added by chapter 11 of the laws of 2019, is amended to  
17 read as follows:

18 (b) This section shall not apply to: (i) any claim made for physical,  
19 psychological, or other injury or condition suffered as a result of  
20 conduct which would constitute a sexual offense as defined in article  
21 one hundred thirty of the penal law committed against a child less than  
22 eighteen years of age, incest as defined in section 255.27, 255.26 or  
23 255.25 of the penal law committed against a child less than eighteen

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

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1 years of age, or the use of a child in a sexual performance as defined  
2 in section 263.05 of the penal law committed against a child less than  
3 eighteen years of age; or

4 (ii) any civil claim or cause of action revived pursuant to section  
5 two hundred fourteen-j of the civil practice law and rules.

6 § 3. Subdivision 2 of section 3813 of the education law, as amended by  
7 chapter 11 of the laws of 2019, is amended to read as follows:

8 2. Notwithstanding anything to the contrary hereinbefore contained in  
9 this section, no action or special proceeding founded upon tort shall be  
10 prosecuted or maintained against any of the parties named in this  
11 section or against any teacher or member of the supervisory or adminis-  
12 trative staff or employee where the alleged tort was committed by such  
13 teacher or member or employee acting in the discharge of his duties  
14 within the scope of his employment and/or under the direction of the  
15 board of education, trustee or trustees, or governing body of the school  
16 unless a notice of claim shall have been made and served in compliance  
17 with section fifty-e of the general municipal law. Every such action  
18 shall be commenced pursuant to the provisions of section fifty-i of the  
19 general municipal law; provided, however, that this section shall not  
20 apply to: (i) any claim to recover damages for physical, psychological,  
21 or other injury or condition suffered as a result of conduct which would  
22 constitute a sexual offense as defined in article one hundred thirty of  
23 the penal law committed against a child less than eighteen years of age,  
24 incest as defined in section 255.27, 255.26 or 255.25 of the penal law  
25 committed against a child less than eighteen years of age, or the use of  
26 a child in a sexual performance as defined in section 263.05 of the  
27 penal law committed against a child less than eighteen years of age; or

28 (ii) any civil claim or cause of action revived pursuant to section  
29 two hundred fourteen-j of the civil practice law and rules.

30 § 4. This act shall take effect immediately and shall apply to actions  
31 and proceedings pending on or after such effective date.