

STATE OF NEW YORK

6099--B

2023-2024 Regular Sessions

IN SENATE

March 29, 2023

Introduced by Sens. HOYLMAN-SIGAL, CHU, CLEARE, FERNANDEZ, SALAZAR, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, in relation to removing the statute of limitations in civil actions involving certain child sexual assault offenses

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

1 Section 1. Subdivision (b) of section 208 of the civil practice law
2 and rules, as added by chapter 11 of the laws of 2019, is amended to
3 read as follows:
4 (b) Notwithstanding any provision of law which imposes a period of
5 limitation to the contrary and the provisions of any other law pertain-
6 ing to the filing of a notice of claim or a notice of intention to file
7 a claim as a condition precedent to commencement of an action or special
8 proceeding, with respect to all civil claims or causes of action brought
9 by any person for physical, psychological or other injury or condition
10 suffered by such person as a result of conduct which would constitute a
11 sexual offense as defined in article one hundred thirty of the penal law
12 committed against such person who was less than eighteen years of age,
13 sex trafficking as defined in section 230.34 of the penal law, sex traf-
14 ficking of a child as defined in section 230.34-a of the penal law,
15 incest as defined in section 255.27, 255.26 or 255.25 of the penal law
16 committed against such person who was less than eighteen years of age,
17 or the use of such person in a sexual performance as defined in section
18 263.05 of the penal law, or a predecessor statute that prohibited such
19 conduct at the time of the act, which conduct was committed against such

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

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1 person who was less than eighteen years of age, such action may be
2 commenced, against any party whose intentional or negligent acts or
3 omissions are alleged to have resulted in the commission of said
4 conduct, ~~[on or before]~~ by the plaintiff or infant plaintiff ~~[reaches~~
5 ~~the age of fifty-five years]~~ at any time. In any such claim or action,
6 in addition to any other defense and affirmative defense that may be
7 available in accordance with law, rule or the common law, to the extent
8 that the acts alleged in such action are of the type described in subdivi-
9 sion one of section 130.30 of the penal law or subdivision one of
10 section 130.45 of the penal law, the affirmative defenses set forth,
11 respectively, in the closing paragraph of such sections of the penal law
12 shall apply.

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

15 § 213-c. Action by victim of conduct constituting certain sexual
16 offenses. (a) Notwithstanding any other limitation set forth in this
17 article, except as provided in subdivision (b) of section two hundred
18 eight of this article, all civil claims or causes of action brought by
19 any person for physical, psychological or other injury or condition
20 suffered by such person as a result of conduct which would constitute
21 rape in the first degree as defined in section 130.35 of the penal law,
22 or rape in the second degree as defined in subdivision two of section
23 130.30 of the penal law, or rape in the third degree as defined in
24 subdivision one or three of section 130.25 of the penal law, or criminal
25 sexual act in the first degree as defined in section 130.50 of the penal
26 law, or criminal sexual act in the second degree as defined in subdivi-
27 sion two of section 130.45 of the penal law, or criminal sexual act in
28 the third degree as defined in subdivision one or three of section
29 130.40 of the penal law, or incest in the first degree as defined in
30 section 255.27 of the penal law, or incest in the second degree as
31 defined in section 255.26 of the penal law (where the crime committed is
32 rape in the second degree as defined in subdivision two of section
33 130.30 of the penal law or criminal sexual act in the second degree as
34 defined in subdivision two of section 130.45), or aggravated sexual
35 abuse in the first degree as defined in section 130.70 of the penal law,
36 or course of sexual conduct against a child in the first degree as
37 defined in section 130.75 of the penal law may be brought against any
38 party whose intentional or negligent acts or omissions are alleged to
39 have resulted in the commission of the said conduct, within twenty
40 years.

41 (b) Notwithstanding the provisions of subdivision (a) of this section,
42 or any other provision of law to the contrary, all civil claims or caus-
43 es of action brought by any person for physical, psychological or other
44 injury or condition suffered as a result of conduct which would consti-
45 tute a sexual offense as defined in article one hundred thirty of the
46 penal law committed against a child less than eighteen years of age,
47 incest as defined in section 255.25, 255.26 or 255.27 of the penal law
48 committed against a child less than eighteen years of age, or the use of
49 a child in a sexual performance as defined in section 263.05 of the
50 penal law, or a predecessor statute that prohibited such conduct at the
51 time of the act, which conduct was committed against a child less than
52 eighteen years of age, such action may be commenced at any time.

53 (c) Nothing in this section shall be construed to require that a crim-
54 inal charge be brought or a criminal conviction be obtained as a condi-
55 tion of bringing a civil cause of action or receiving a civil judgment
56 pursuant to this section or be construed to require that any of the

1 rules governing a criminal proceeding be applicable to any such civil
2 action.

3 § 2-a. Section 213-c of the civil practice law and rules, as amended
4 by chapter 23 of the laws of 2024, is amended to read as follows:

5 § 213-c. (a) Action by victim of conduct constituting certain sexual
6 offenses. Notwithstanding any other limitation set forth in this arti-
7 cle, except as provided in subdivision (b) of section two hundred eight
8 of this article, all civil claims or causes of action brought by any
9 person for physical, psychological or other injury or condition suffered
10 by such person as a result of conduct which would constitute rape in the
11 first degree as defined in section 130.35 of the penal law, or rape in
12 the second degree as defined in subdivision four, five or six of section
13 130.30 of the penal law, or rape in the second degree as defined in
14 former subdivision two of section 130.30 of the penal law, or rape in
15 the third degree as defined in subdivision one, two, three, seven, eight
16 or nine of section 130.25 of the penal law, or a crime formerly defined
17 in section 130.50 of the penal law, or a crime formerly defined in
18 subdivision two of section 130.45 of the penal law, or a crime formerly
19 defined in subdivision one or three of section 130.40 of the penal law,
20 or incest in the first degree as defined in section 255.27 of the penal
21 law, or incest in the second degree as defined in section 255.26 of the
22 penal law (where the crime committed is rape in the second degree as
23 defined in subdivision four, five or six of section 130.30 of the penal
24 law, or rape in the second degree as formerly defined in subdivision two
25 of section 130.30 of the penal law, or a crime formerly defined in
26 subdivision two of section 130.45 of the penal law), or aggravated sexu-
27 al abuse in the first degree as defined in section 130.70 of the penal
28 law, or course of sexual conduct against a child in the first degree as
29 defined in section 130.75 of the penal law may be brought against any
30 party whose intentional or negligent acts or omissions are alleged to
31 have resulted in the commission of the said conduct, within twenty
32 years.

33 (b) Notwithstanding the provisions of subdivision (a) of this section,
34 or any other provision of law to the contrary, all civil claims or caus-
35 es of action brought by any person for physical, psychological or other
36 injury or condition suffered as a result of conduct which would consti-
37 tute a sexual offense as defined in article one hundred thirty of the
38 penal law committed against a child less than eighteen years of age,
39 incest as defined in section 255.25, 255.26 or 255.27 of the penal law
40 committed against a child less than eighteen years of age, or the use of
41 a child in a sexual performance as defined in section 263.05 of the
42 penal law, or a predecessor statute that prohibited such conduct at the
43 time of the act, which conduct was committed against a child less than
44 eighteen years of age, such action may be commenced at any time.

45 (c) Nothing in this section shall be construed to require that a crim-
46 inal charge be brought or a criminal conviction be obtained as a condi-
47 tion of bringing a civil cause of action or receiving a civil judgment
48 pursuant to this section or be construed to require that any of the
49 rules governing a criminal proceeding be applicable to any such civil
50 action.

51 § 3. Section 214-g of the civil practice law and rules, as amended by
52 chapter 130 of the laws of 2020, is amended to read as follows:

53 § 214-g. Certain child sexual abuse cases. Notwithstanding any
54 provision of law which imposes a period of limitation to the contrary
55 and the provisions of any other law pertaining to the filing of a notice
56 of claim or a notice of intention to file a claim as a condition prece-

1 dent to commencement of an action or special proceeding, every civil
2 claim or cause of action brought against any party alleging intentional
3 or negligent acts or omissions by a person for physical, psychological,
4 or other injury or condition suffered as a result of conduct which would
5 constitute a sexual offense as defined in article one hundred thirty of
6 the penal law committed against a child less than eighteen years of age,
7 sex trafficking as defined in section 230.34 of the penal law, or sex
8 trafficking of a child as defined in section 230.34-a of the penal law,
9 incest as defined in section 255.27, 255.26 or 255.25 of the penal law
10 committed against a child less than eighteen years of age, or the use of
11 a child in a sexual performance as defined in section 263.05 of the
12 penal law, or a predecessor statute that prohibited such conduct at the
13 time of the act, which conduct was committed against a child less than
14 eighteen years of age, which is barred as of the effective date of this
15 section because the applicable period of limitation has expired, and/or
16 the plaintiff previously failed to file a notice of claim or a notice of
17 intention to file a claim, is hereby revived, and action thereon may be
18 commenced [~~not earlier than six months after, and not later than two~~
19 ~~years and six months after the effective date of this section~~] at any
20 time. In any such claim or action: (a) in addition to any other defense
21 and affirmative defense that may be available in accordance with law,
22 rule or the common law, to the extent that the acts alleged in such
23 action are of the type described in subdivision one of section 130.30 of
24 the penal law or subdivision one of section 130.45 of the penal law, the
25 affirmative defenses set forth, respectively, in the closing paragraph
26 of such sections of the penal law shall apply; and (b) dismissal of a
27 previous action, ordered before the effective date of this section, on
28 grounds that such previous action was time barred, and/or for failure of
29 a party to file a notice of claim or a notice of intention to file a
30 claim, shall not be grounds for dismissal of a revival action pursuant
31 to this section.

32 § 4. This act shall take effect immediately; provided, however, that
33 section two-a of this act shall take effect on the same date and in the
34 same manner as chapter 23 of the laws of 2024 takes effect.