STATE OF NEW YORK

4408

2023-2024 Regular Sessions

IN SENATE

February 8, 2023

Introduced by Sen. FERNANDEZ -- 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 certain actions against law enforcement officers

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

Section 1. The civil practice law and rules is amended by adding a new section 214-k to read as follows:

§ 214-k. Certain actions against law enforcement officers. (a) A claim arising out of an alleged sexual offense by a law enforcement officer if the alleged offense occurred while the officer was employed by a law enforcement agency is exempted from all state and local notice of claim requirements.

(b) Notwithstanding any other limitation set forth in this article, except as provided in subdivision (b) of section two hundred eight of this article, all civil claims or causes of action brought by any person for physical, psychological or other injury or condition suffered by such person as a result of conduct by a law enforcement officer which occurred on or after the plaintiff's eighteenth birthday and while such officer was employed by a law enforcement agency which would constitute a sexual offense, such action may be commenced against such law enforcement officer within the later of:

1. Ten years after the date of judgment against a law enforcement officer in a criminal case for a sexual offense where the judgment against such law enforcement officer arose out of the same set of operative facts as the allegation in the present claim; or

2. Ten years after the law enforcement officer is no longer employed by the law enforcement agency that employed the officer when the alleged sexual offense occurred.

(c) Notwithstanding the provisions of subdivision (b) of this section, a claim seeking to recover damages arising out of an alleged sexual

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

LBD08742-01-3

offense by a law enforcement officer, if the alleged sexual offense occurred on or after the plaintiff's eighteenth birthday and while the officer was employed by a law enforcement agency, that has not been litigated to finality or compromised by an executed written settlement agreement and that would otherwise be barred because the applicable statute of limitations, any state or local government notice of claim deadline, or any other applicable time limit has expired, is hereby revived and may be commenced if filed within either of the following periods of time:

1. Ten years from the date of the last act, attempted act, or assault with the intent to commit an act, of a sexual offense against the plaintiff; or

2. Three years from the date the plaintiff discovers or reasonably should have discovered that an injury or illness resulted from an act, attempted act, or assault with the intent to commit an act, of a sexual offense against the plaintiff.

(d) As used in this section, the following terms shall have the following meanings:

1. "Sexual offense" means a sexual offense as defined in article one hundred thirty of the penal law, or incest as defined in section 255.27, 255.26 or 255.25 of the penal law.

2. "Law enforcement officer" means a police officer or peace officer as such terms are defined in section 1.20 of the criminal procedure law.

3. "Law enforcement agency" means any entity which employs a law enforcement officer.

§ 2. This act shall take effect immediately.