

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:

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

3 § 214-k. Certain actions against law enforcement officers. (a) A claim
4 arising out of an alleged sexual offense by a law enforcement officer if
5 the alleged offense occurred while the officer was employed by a law
6 enforcement agency is exempted from all state and local notice of claim
7 requirements.

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

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

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

24 (c) Notwithstanding the provisions of subdivision (b) of this section,
25 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.

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

10 1. Ten years from the date of the last act, attempted act, or assault
11 with the intent to commit an act, of a sexual offense against the plain-
12 tiff; or

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

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

19 1. "Sexual offense" means a sexual offense as defined in article one
20 hundred thirty of the penal law, or incest as defined in section 255.27,
21 255.26 or 255.25 of the penal law.

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

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

26 § 2. This act shall take effect immediately.