

# STATE OF NEW YORK

116

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. CLEARE, BORRELLO, FERNANDEZ, JACKSON, KRUEGER, MARTINEZ, MURRAY, MYRIE, PALUMBO, ROLISON, SALAZAR, WEBER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to the statute of limitations in criminal prosecution of certain sex trafficking crimes; to amend the civil practice law and rules, in relation to the statute of limitations for civil actions related to certain sex trafficking offenses, reviving such actions otherwise barred by the existing statute of limitations and granting trial preference to such actions; to amend the judiciary law, in relation to the rules reviving certain sexual offense actions; to amend the general municipal law, in relation to providing that the notice of claim provisions shall not apply to actions related to certain sex trafficking offenses; to amend the court of claims act, in relation to providing that the notice of intention to file provisions shall not apply to actions related to certain sex trafficking offenses; and to amend the education law, in relation to providing that the notice of claim provisions shall not apply to actions related to certain sex trafficking offenses

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

1 Section 1. Paragraph (a) of subdivision 2 of section 30.10 of the  
2 criminal procedure law, as amended by chapter 315 of the laws of 2019,  
3 is amended to read as follows:

4 (a) A prosecution for a class A felony, or rape in the first degree as  
5 defined in section 130.35 of the penal law, or a crime defined or  
6 formerly defined in section 130.50 of the penal law, or aggravated sexual  
7 abuse in the first degree as defined in section 130.70 of the penal  
8 law, or course of sexual conduct against a child in the first degree as  
9 defined in section 130.75 of the penal law, or sex trafficking as

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

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1 defined in section 230.34 of the penal law, or sex trafficking of a  
2 child as defined in section 230.34-a of the penal law, or incest in the  
3 first degree as defined in section 255.27 of the penal law may be  
4 commenced at any time;

5 § 2. Paragraph (f) of subdivision 3 of section 30.10 of the criminal  
6 procedure law, as amended by chapter 11 of the laws of 2019, is amended  
7 to read as follows:

8 (f) For purposes of a prosecution involving a sexual offense as  
9 defined in article one hundred thirty of the penal law~~], other than a~~  
10 ~~sexual offense delineated in paragraph (a) of subdivision two of this~~  
11 ~~section,~~ committed against a child less than eighteen years of age, the  
12 period of limitation shall not begin to run until the child has reached  
13 the age of twenty-three or the offense is reported to a law enforcement  
14 agency or statewide central register of child abuse and maltreatment,  
15 whichever occurs earlier. This paragraph shall not apply to sexual  
16 offenses delineated in paragraph (a) of subdivision two of this section  
17 committed against a child less than eighteen years of age, sex traffick-  
18 ing as defined in section 230.34 of the penal law committed against a  
19 child less than eighteen years of age, sex trafficking of a child as  
20 defined in section 230.34-a of the penal law, incest in the first,  
21 second or third degree as defined in sections 255.27, 255.26 and 255.25  
22 of the penal law committed against a child less than eighteen years of  
23 age, or use of a child in a sexual performance as defined in section  
24 263.05 of the penal law~~], the period of limitation shall not begin to~~  
25 ~~run until the child has reached the age of twenty-three or the offense~~  
26 ~~is reported to a law enforcement agency or statewide central register of~~  
27 ~~child abuse and maltreatment, whichever occurs earlier].~~

28 § 3. Subdivision (b) of section 208 of the civil practice law and  
29 rules, as added by chapter 11 of the laws of 2019, is amended to read as  
30 follows:

31 (b) Notwithstanding any provision of law which imposes a period of  
32 limitation to the contrary and the provisions of any other law pertain-  
33 ing to the filing of a notice of claim or a notice of intention to file  
34 a claim as a condition precedent to commencement of an action or special  
35 proceeding, with respect to all civil claims or causes of action brought  
36 by any person for physical, psychological or other injury or condition  
37 suffered by such person as a result of conduct which would constitute a  
38 sexual offense as defined in article one hundred thirty of the penal law  
39 committed against such person who was less than eighteen years of age,  
40 sex trafficking as defined in section 230.34 of the penal law committed  
41 against such person who was less than eighteen years of age, sex traf-  
42 ficking of a child as defined in section 230.34-a of the penal law,  
43 incest as defined in section 255.27, 255.26 or 255.25 of the penal law  
44 committed against such person who was less than eighteen years of age,  
45 or the use of such person in a sexual performance as defined in section  
46 263.05 of the penal law, or a predecessor statute that prohibited such  
47 conduct at the time of the act, which conduct was committed against such  
48 person who was less than eighteen years of age, such action may be  
49 commenced, against any party whose intentional or negligent acts or  
50 omissions are alleged to have resulted in the commission of said  
51 conduct, on or before the plaintiff or infant plaintiff reaches the age  
52 of fifty-five years. In any such claim or action, in addition to any  
53 other defense and affirmative defense that may be available in accord-  
54 ance with law, rule or the common law, to the extent that the acts  
55 alleged in such action are of the type described in subdivision one of  
56 section 130.30 of the penal law or subdivision one of the former section

1 130.45 of the penal law, the affirmative defenses set forth, respective-  
2 ly, in the closing paragraph of such sections of the penal law shall  
3 apply.

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

6 § 214-g. (a) Certain child sexual abuse cases. Notwithstanding any  
7 provision of law which imposes a period of limitation to the contrary  
8 and the provisions of any other law pertaining to the filing of a notice  
9 of claim or a notice of intention to file a claim as a condition prece-  
10 dent to commencement of an action or special proceeding, every civil  
11 claim or cause of action brought against any party alleging intentional  
12 or negligent acts or omissions by a person for physical, psychological,  
13 or other injury or condition suffered as a result of conduct which would  
14 constitute a sexual offense as defined in article one hundred thirty of  
15 the penal law committed against a child less than eighteen years of age,  
16 incest as defined in section 255.27, 255.26 or 255.25 of the penal law  
17 committed against a child less than eighteen years of age, or the use of  
18 a child in a sexual performance as defined in section 263.05 of the  
19 penal law, or a predecessor statute that prohibited such conduct at the  
20 time of the act, which conduct was committed against a child less than  
21 eighteen years of age, which is barred as of the effective date of this  
22 section because the applicable period of limitation has expired, and/or  
23 the plaintiff previously failed to file a notice of claim or a notice of  
24 intention to file a claim, is hereby revived, and action thereon may be  
25 commenced not earlier than six months after, and not later than two  
26 years and six months after the effective date of this section. In any  
27 such claim or action: (a) in addition to any other defense and affirma-  
28 tive defense that may be available in accordance with law, rule or the  
29 common law, to the extent that the acts alleged in such action are of  
30 the type described in subdivision one of section 130.30 of the penal law  
31 or subdivision one of the former section 130.45 of the penal law, the  
32 affirmative defenses set forth, respectively, in the closing paragraph  
33 of such sections of the penal law shall apply; and (b) dismissal of a  
34 previous action, ordered before the effective date of this section, on  
35 grounds that such previous action was time barred, and/or for failure of  
36 a party to file a notice of claim or a notice of intention to file a  
37 claim, shall not be grounds for dismissal of a revival action pursuant  
38 to this section.

39 (b) Notwithstanding any provision of law which imposes a period of  
40 limitation to the contrary and the provisions of any other law pertain-  
41 ing to the filing of a notice of claim or a notice of intention to file  
42 a claim as a condition precedent to commencement of an action or special  
43 proceeding, every civil claim or cause of action brought against any  
44 party alleging intentional or negligent acts or omissions by a person  
45 for physical, psychological, or other injury or condition suffered as a  
46 result of conduct which would constitute sex trafficking as defined in  
47 section 230.34 of the penal law committed against a child less than  
48 eighteen years of age or sex trafficking of a child as defined in  
49 section 230.34-a of the penal law, which is barred as of the effective  
50 date of this subdivision because the applicable period of limitation has  
51 expired, and/or the plaintiff previously failed to file a notice of  
52 claim or a notice of intention to file a claim, is hereby revived, and  
53 action thereon may be commenced not earlier than six months after, and  
54 not later than one year and six months after the effective date of this  
55 subdivision. In any such claim or action, dismissal of a previous  
56 action, ordered before the effective date of this subdivision, on

1 grounds that such previous action was time barred, and/or for failure of  
2 a party to file a notice of claim or a notice of intention to file a  
3 claim, shall not be grounds for dismissal of a revival action pursuant  
4 to this subdivision.

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

7 § 213-c. Action by victim of conduct constituting certain sexual  
8 offenses. Notwithstanding any other limitation set forth in this article  
9 or any other provision of law which imposes a period of limitation to  
10 the contrary, except as provided in subdivision (b) of section two  
11 hundred eight of this article, all civil claims or causes of action  
12 brought by any person for physical, psychological or other injury or  
13 condition suffered by such person as a result of conduct which would  
14 constitute rape in the first degree as defined in section 130.35 of the  
15 penal law, or rape in the second degree as defined in subdivision four,  
16 five or six of section 130.30 of the penal law, or rape in the second  
17 degree as defined in former subdivision two of section 130.30 of the  
18 penal law, or rape in the third degree as defined in subdivision one,  
19 two, three, seven, eight or nine of section 130.25 of the penal law, or  
20 a crime formerly defined in section 130.50 of the penal law, or a crime  
21 formerly defined in subdivision two of section 130.45 of the penal law,  
22 or a crime formerly defined in subdivision one or three of section  
23 130.40 of the penal law, or incest in the first degree as defined in  
24 section 255.27 of the penal law, or incest in the second degree as  
25 defined in section 255.26 of the penal law (where the crime committed is  
26 rape in the second degree as defined in subdivision four, five or six of  
27 section 130.30 of the penal law, or rape in the second degree as former-  
28 ly defined in subdivision two of section 130.30 of the penal law, or a  
29 crime formerly defined in subdivision two of section 130.45 of the penal  
30 law), or aggravated sexual abuse in the first degree as defined in  
31 section 130.70 of the penal law, or course of sexual conduct against a  
32 child in the first degree as defined in section 130.75 of the penal law,  
33 or sex trafficking as defined in section 230.34 of the penal law, or sex  
34 trafficking of a child as defined in section 230.34-a of the penal law  
35 may be brought against any party whose intentional or negligent acts or  
36 omissions are alleged to have resulted in the commission of the said  
37 conduct, within twenty years. Nothing in this section shall be construed  
38 to require that a criminal charge be brought or a criminal conviction be  
39 obtained as a condition of bringing a civil cause of action or receiving  
40 a civil judgment pursuant to this section or be construed to require  
41 that any of the rules governing a criminal proceeding be applicable to  
42 any such civil action.

43 § 6. The civil practice law and rules is amended by adding a new  
44 section 214-k to read as follows:

45 § 214-k. Certain sexual offense actions. Notwithstanding any  
46 provision of law which imposes a period of limitation to the contrary  
47 and the provisions of any other law pertaining to the filing of a notice  
48 of claim or a notice of intention to file a claim as a condition prece-  
49 dent to commencement of an action or special proceeding, every civil  
50 claim or cause of action brought against any party alleging intentional  
51 or negligent acts or omissions by a person for physical, psychological,  
52 or other injury or condition suffered as a result of conduct which would  
53 constitute sex trafficking as defined in section 230.34 of the penal law  
54 committed against such person who was eighteen years of age or older,  
55 which is barred as of the effective date of this section because the  
56 applicable period of limitation has expired, and/or the plaintiff previ-

1 ously failed to file a notice of claim or a notice of intention to file  
2 a claim, is hereby revived, and action thereon may be commenced not  
3 earlier than six months after, and not later than one year and six  
4 months after the effective date of this section. In any such claim or  
5 action, dismissal of a previous action, ordered before the effective  
6 date of this section, on grounds that such previous action was time  
7 barred, and/or for failure of a party to file a notice of claim or a  
8 notice of intention to file a claim, shall not be grounds for dismissal  
9 of a revival action pursuant to this section.

10 § 7. Paragraph 7 of subdivision (a) of rule 3403 of the civil practice  
11 law and rules, as amended by chapter 203 of the laws of 2022, is amended  
12 to read as follows:

13 7. any action which has been revived pursuant to subdivision (a) or  
14 (b) of section two hundred fourteen-g [~~ex~~], two hundred fourteen-j, or  
15 two hundred fourteen-k of this chapter.

16 § 8. Section 219-e of the judiciary law, as added by chapter 203 of  
17 the laws of 2022, is amended to read as follows:

18 § 219-e. Rules reviving certain actions; sexual offenses. The chief  
19 administrator of the courts shall promulgate rules for the timely adju-  
20 dication of revived actions brought pursuant to section two hundred  
21 fourteen-j and section two hundred fourteen-k of the civil practice law  
22 and rules.

23 § 9. Paragraph (b) of subdivision 8 of section 50-e of the general  
24 municipal law, as added by chapter 153 of the laws of 2024, is amended  
25 to read as follows:

26 (b) This section shall not apply to: (i) any claim made for physical,  
27 psychological, or other injury or condition suffered as a result of  
28 conduct which would constitute a sexual offense as defined in article  
29 one hundred thirty of the penal law committed against a child less than  
30 eighteen years of age, sex trafficking as defined in section 230.34 of  
31 the penal law committed against a child less than eighteen years of age,  
32 sex trafficking of a child as defined in section 230.34-a of the penal  
33 law, incest as defined in section 255.27, 255.26 or 255.25 of the penal  
34 law committed against a child less than eighteen years of age, or the  
35 use of a child in a sexual performance as defined in section 263.05 of  
36 the penal law committed against a child less than eighteen years of age;  
37 or

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

40 § 10. Subdivision 5 of section 50-i of the general municipal law, as  
41 added by chapter 11 of the laws of 2019, is amended to read as follows:

42 5. Notwithstanding any provision of law to the contrary, this section  
43 shall not apply to any claim made against a city, county, town, village,  
44 fire district or school district for physical, psychological, or other  
45 injury or condition suffered as a result of conduct which would consti-  
46 tute a sexual offense as defined in article one hundred thirty of the  
47 penal law committed against a child less than eighteen years of age, sex  
48 trafficking as defined in section 230.34 of the penal law committed  
49 against a child less than eighteen years of age, sex trafficking of a  
50 child as defined in section 230.34-a of the penal law, incest as defined  
51 in section 255.27, 255.26 or 255.25 of the penal law committed against a  
52 child less than eighteen years of age, or the use of a child in a sexual  
53 performance as defined in section 263.05 of the penal law committed  
54 against a child less than eighteen years of age.

55 § 11. Subdivision 10 of section 10 of the court of claims act, as  
56 added by chapter 153 of the laws of 2024, is amended to read as follows:



1 10. Notwithstanding any provision of law to the contrary, this section  
2 shall not apply to: (i) any claim to recover damages for physical,  
3 psychological, or other injury or condition suffered as a result of  
4 conduct which would constitute a sexual offense as defined in article  
5 one hundred thirty of the penal law committed against a child less than  
6 eighteen years of age, incest as defined in section 255.27, 255.26 or  
7 255.25 of the penal law committed against a child less than eighteen  
8 years of age, sex trafficking as defined in section 230.34 of the penal  
9 law committed against a child less than eighteen years of age, sex traf-  
10 ficking of a child as defined in section 230.34-a of the penal law, or  
11 the use of a child in a sexual performance as defined in section 263.05  
12 of the penal law committed against a child less than eighteen years of  
13 age; or

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

16 § 12. Subdivision 2 of section 3813 of the education law, as amended  
17 by chapter 153 of the laws of 2024, is amended to read as follows:

18 2. Notwithstanding anything to the contrary hereinbefore contained in  
19 this section, no action or special proceeding founded upon tort shall be  
20 prosecuted or maintained against any of the parties named in this  
21 section or against any teacher or member of the supervisory or adminis-  
22 trative staff or employee where the alleged tort was committed by such  
23 teacher or member or employee acting in the discharge of [~~his~~] their  
24 duties within the scope of [~~his~~] their employment and/or under the  
25 direction of the board of education, trustee or trustees, or governing  
26 body of the school unless a notice of claim shall have been made and  
27 served in compliance with section fifty-e of the general municipal law.  
28 Every such action shall be commenced pursuant to the provisions of  
29 section fifty-i of the general municipal law; provided, however, that  
30 this section shall not apply to: (i) any claim to recover damages for  
31 physical, psychological, or other injury or condition suffered as a  
32 result of conduct which would constitute a sexual offense as defined in  
33 article one hundred thirty of the penal law committed against a child  
34 less than eighteen years of age, sex trafficking of a child as defined  
35 in section 230.34-a of the penal law committed against a child less than  
36 eighteen years of age, incest as defined in section 255.27, 255.26 or  
37 255.25 of the penal law committed against a child less than eighteen  
38 years of age, or the use of a child in a sexual performance as defined  
39 in section 263.05 of the penal law committed against a child less than  
40 eighteen years of age; or

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

43 § 13. Severability. If any clause, sentence, paragraph, section or  
44 part of this act shall be adjudged by any court of competent jurisdic-  
45 tion to be invalid and after exhaustion of all further judicial review,  
46 the judgment shall not affect, impair or invalidate the remainder there-  
47 of, but shall be confined in its operation to the clause, sentence,  
48 paragraph, section or part of this act directly involved in the contro-  
49 versy in which the judgment shall have been rendered.

50 § 14. This act shall take effect immediately and shall apply to acts  
51 or omissions occurring on or after such effective date and to acts or  
52 omissions occurring prior to such effective date where the applicable  
53 statute of limitations in effect on the date of such act or omission has  
54 not yet expired.