

STATE OF NEW YORK

9781

IN SENATE

April 6, 2026

Introduced by Sens. SEPULVEDA, CLEARE, FERNANDEZ, MYRIE, SALAZAR, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

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 incest as defined in section 255.27, 255.26 or 255.25 of the penal law
14 committed against such person who was less than eighteen years of age,
15 or the use of such person in a sexual performance as defined in section
16 263.05 of the penal law, or a predecessor statute that prohibited such
17 conduct at the time of the act, which conduct was committed against such
18 person who was less than eighteen years of age, such action may be
19 commenced, against any party whose intentional or negligent acts or
20 omissions are alleged to have resulted in the commission of said
21 conduct, [~~on or before~~ by the plaintiff or infant plaintiff [~~reaches~~
22 ~~the age of fifty five years~~ at any time. In any such claim or action,
23 in addition to any other defense and affirmative defense that may be
24 available in accordance with law, rule or the common law, to the extent
25 that the acts alleged in such action are of the type described in subdi-
26 vision one of section 130.30 of the penal law or subdivision one of the

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

LBD04163-01-5

1 former section 130.45 of the penal law, the affirmative defenses set
2 forth, respectively, in the closing paragraph of such sections of the
3 penal law shall apply.

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

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

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

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

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

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

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

31 § 4. This act shall take effect immediately.