

STATE OF NEW YORK

9960--A

Cal. No. 884

IN SENATE

April 17, 2026

Introduced by Sens. MYRIE, ADDABBO, CLEARE, GALLIVAN, GOUNARDES, HARCKHAM, PERSAUD, RHOADS, SCARCELLA-SPANTON, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the penal law, in relation to establishing the crimes of benefiting from a labor trafficking venture, benefiting from a sex trafficking venture and aggravated benefiting from a sex trafficking venture; to amend the social services law, in relation to establishing a right of action for victims of benefiting from a trafficking venture; and to amend the civil practice law and rules and the judiciary law, in relation to reviving such actions otherwise barred by the existing statute of limitations, granting trial preference to such actions, and directing the chief administrator of the courts to promulgate rules for the timely adjudication of certain revived actions

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "trafficking survivor recovery and accountability act".
3 § 2. Legislative intent. The legislature finds that survivors of sexual
4 exploitation and trafficking, as well as labor trafficking, including
5 those induced through fraud, material misrepresentation, or knowing
6 concealment, and where the exploitation or trafficking was sustained by
7 third parties who derived financial, professional, or reputational benefit
8 from its continuation, have been systematically denied meaningful
9 civil redress under existing law, not because the underlying conduct was
10 lawful, but because the redress available to such survivors was fragmented
11 across overlapping common-law theories of fraud, intentional
12 infliction of emotional distress, civil conspiracy, and aiding and abetting
13 tortious conduct, each subject to limitations periods that ran
14 before survivors were positioned, psychologically or practically, to
15 identify the conduct as actionable or to overcome the financial,

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

LBD15580-11-6

1 social, and evidentiary obstacles and age and power disparities to seek-
2 ing redress against the perpetrators and the networks that enabled or
3 benefitted from their exploitation. Delayed disclosure in cases involv-
4 ing fraudulent inducement and third-party enabler networks often follow
5 dependency relationships engineered through misrepresentation, financial
6 and reputational coercion that persists long after the conduct itself,
7 and the systematic insulation of beneficiary parties through corporate,
8 fiduciary, and trust structures designed to defeat accountability. This
9 act consolidates and clarifies remedies that existed at best only in
10 principle by providing a defined statutory framework, a uniform burden
11 of proof, and a bounded revival or retroactivity period in which survi-
12 vors may seek redress against perpetrators, their enablers, and the
13 estates and successor entities through which the proceeds of such
14 conduct have been preserved. Civil provisions of this act are retroac-
15 tive not only to recognize the harm done, and to deter future such harm
16 to, sex trafficking victims, labor trafficking victims, and victims of
17 sexual exploitation, but also to make possible the redress for injus-
18 tices inflicted upon victims of sex trafficking, labor trafficking, and
19 sexual exploitation who have suffered physical, psychological and other
20 injuries and conditions, and who have for far too long been denied the
21 compensation to which they were entitled because of prejudicial atti-
22 tudes toward victims of sex trafficking, labor trafficking, and sexual
23 exploitation. Criminal provisions of this act recognize that our current
24 laws do not account for the networks and systems that allow for, benefit
25 from, and perpetrate harm to victims of sex trafficking, labor traffick-
26 ing, and sexual exploitation, and it is the legislature's intent that
27 this act help deter and remediate the extreme harm done by sex traffick-
28 ing, labor trafficking, and sexual exploitation.

29 § 3. The penal law is amended by adding three new sections 135.35-a,
30 230.34-b, and 230.34-c to read as follows:

31 § 135.35-a Benefiting from a labor trafficking venture.

32 1. A person is guilty of benefiting from a labor trafficking venture
33 by obtaining anything of value due to such person participating in what
34 such person knew or reasonably should have known was a labor trafficking
35 venture.

36 2. For the purposes of this section:

37 (a) "labor trafficking venture" means any one person, individually, or
38 two or more persons associated in fact, whether or not a legal entity,
39 engaged in conduct which is a violation of paragraph (a) or (c) of
40 subdivision three of section 135.35 of this article.

41 (b) "participating in" means to knowingly assist, support or facili-
42 tate a labor trafficking venture.

43 Benefiting from a labor trafficking venture is a class D felony.

44 § 230.34-b Benefiting from a sex trafficking venture.

45 1. A person is guilty of benefiting from a sex trafficking venture by
46 obtaining anything of value due to such person participating in what
47 such person knew or reasonably should have known was a sex trafficking
48 venture.

49 2. For the purposes of this section:

50 (a) "sex trafficking venture" means any one person, individually, or
51 two or more persons associated in fact, whether or not a legal entity,
52 engaged in conduct which is a violation of section 230.34 of this arti-
53 cle other than paragraphs (a) and (c) of subdivision five of such
54 section.

55 (b) "participating in" means to knowingly assist, support or facili-
56 tate a sex trafficking venture.

1 Benefiting from a sex trafficking venture is a class C felony.

2 § 230.34-c Aggravated benefiting from a sex trafficking venture.

3 1. A person is guilty of aggravated benefiting from a sex trafficking
4 venture by obtaining anything of value due to such person participating
5 in what such person knew or reasonably should have known was a sex traf-
6 ficking venture.

7 2. For the purposes of this section:

8 (a) "sex trafficking venture" means any one person, individually, or
9 two or more persons associated in fact, whether or not a legal entity,
10 engaged in conduct which is a violation of paragraph (a) or (c) of
11 subdivision five of section 230.34 or 230.34-a of this article.

12 (b) "participating in" means to knowingly assist, support or facili-
13 tate a sex trafficking venture.

14 Aggravated benefiting from a sex trafficking venture is a class B
15 felony.

16 § 4. Subdivision (a) of section 483-aa of the social services law, as
17 added by chapter 74 of the laws of 2007, is amended to read as follows:

18 (a) "Human trafficking victim" means a person who is a victim of sex
19 trafficking as defined in section 230.34 of the penal law [~~ex~~], a victim
20 of benefiting from a sex trafficking venture as defined in section
21 230.34-b of the penal law, a victim of aggravated benefiting from a sex
22 trafficking venture as defined in section 230.34-c of the penal law, a
23 victim of labor trafficking as defined in section 135.35 of the penal
24 law, or a victim of benefiting from a labor trafficking venture as
25 defined in section 135.35-a of the penal law.

26 § 5. Paragraph (i) of subdivision (c) of section 483-bb of the social
27 services law, as amended by chapter 311 of the laws of 2021, is amended
28 and two new paragraphs (viii) and (ix) are added to read as follows:

29 (i) (A) An individual who is a victim of the conduct prohibited by
30 section 230.33, 230.34, 230.34-a, 230.34-b, 230.34-c, 135.35, 135.35-a
31 or 135.37 of the penal law may bring a civil action against the perpe-
32 trator or [~~whoever~~] any person or entity, including but not limited to
33 individuals, corporations, partnerships, trusts, or estates, who or that
34 knowingly [~~advances or profits from, or whoever should have known he or~~
35 ~~she was advancing or profiting from, an act in violation of section~~
36 benefit, or attempt or conspire to benefit, financially or by receiving
37 anything of value from participation in a venture which that person knew
38 or should have known was engaged in an act in violation of section
39 230.33, 230.34, 230.34-a, 135.35, 135.35-a or 135.37 of the penal law or
40 from sexual exploitation by fraud to recover actual, compensatory and
41 punitive damages, injunctive relief, any combination of those or any
42 other appropriate relief, as well as reasonable attorney's fees. Such
43 damages shall not be subject to discharge in bankruptcy proceedings.
44 Such civil action may proceed regardless of whether the defendant was
45 charged or convicted of a criminal offense and shall be determined under
46 a preponderance of the evidence standard based on conduct prohibited by
47 the enumerated sections or described in this subdivision.

48 (B) For purposes of this paragraph, the term "sexual exploitation by
49 fraud" shall mean inducing an individual through material false state-
50 ments, misstatements or omissions to engage in or continue to engage in
51 sexual acts by a person or entity that receives anything of value from,
52 in connection with, or arising out of those acts.

53 (C) For purposes of this paragraph, the term "anything of value"
54 includes but is not limited to money, financial benefit, property,
55 services, debt forgiveness, promises of compensation, business opportu-
56 nities, or any other tangible or intangible benefit.

1 (viii) In any action brought pursuant to this subdivision, the trier
2 of fact may award additional punitive damages upon a showing that the
3 defendant's conduct was willful, wanton, reckless, malicious, or in
4 conscious disregard of the rights and safety of the plaintiff.

5 (ix) Notwithstanding any other provision of law to the contrary:

6 (A) in no action brought pursuant to this subdivision shall the death
7 of the human trafficking victim or the sexual exploitation by fraud
8 victim bringing the action or the death of a person or dissolution of an
9 entity, including but not limited to corporations, partnerships, trusts,
10 or estates, against whom the action was brought be a defense against
11 such action.

12 (B) an action may be brought pursuant to this subdivision by the
13 personal representative, estate, successors, assignees, or distributees
14 of a human trafficking victim or a sexual exploitation by fraud victim.

15 (C) in any action brought pursuant to this subdivision against the
16 personal representative, estate, successors, assignees, or distributees
17 of a deceased person liable therefor, the trier of fact may award any
18 damages, including but not limited to punitive damages, permitted under
19 this subdivision.

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

22 § 214-k. Action by certain victims of trafficking. Notwithstanding
23 any provision of law which imposes a period of limitation to the contra-
24 ry and the provisions of any other law pertaining to the filing of a
25 notice of claim or a notice of intention to file a claim as a condition
26 precedent to commencement of an action or special proceeding, every
27 civil claim or cause of action brought against any party alleging inten-
28 tional or negligent acts or omissions by a person for physical, psycho-
29 logical, or other injury or condition suffered as a result of conduct
30 which would constitute benefiting from a sex trafficking venture or
31 aggravated benefiting from a sex trafficking venture as defined in arti-
32 cle two hundred thirty of the penal law, or benefiting from a labor
33 trafficking venture as defined in article one hundred thirty-five of the
34 penal law, which is barred as of the effective date of this section
35 because the applicable period of limitation has expired, and/or the
36 plaintiff previously failed to file a notice of claim or a notice of
37 intention to file a claim, is hereby revived, and action thereon may be
38 commenced not earlier than one month after, and not later than one year
39 after the effective date of this section. In any such claim or action,
40 dismissal of a previous action, ordered before the effective date of
41 this section, on grounds that such previous action was time barred,
42 and/or for failure of a party to file a notice of claim or a notice of
43 intention to file a claim, shall not be grounds for dismissal of a
44 revival action pursuant to this section. No civil claim or action
45 brought against any party alleging intentional or negligent acts or
46 omission by a person for physical, psychological or other injury or
47 condition suffered as a result of conduct which would constitute bene-
48 fitting from a sex trafficking venture or aggravated benefiting from a
49 sex trafficking venture as defined in article two hundred thirty of the
50 penal law or from sexual exploitation by fraud defined in section four
51 hundred eighty-three-bb of the social services law shall be dismissed on
52 the ground that the conduct did not form the basis for a civil claim or
53 action at the time it was committed; provided, however, it is commenced
54 not earlier than one month after, and not later than one year after the
55 effective date of this section. The provisions of paragraph (i) of
56 subdivision (c) of section four hundred eighty-three-bb of the social

1 services law shall apply to all such claims and causes of action
2 asserted retroactively.

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

6 7. any action which has been revived pursuant to section two hundred
7 fourteen-g [~~o~~], two hundred fourteen-j or two hundred fourteen-k of
8 this chapter.

9 § 8. The judiciary law is amended by adding a new section 219-f to
10 read as follows:

11 § 219-f. Rules reviving certain actions; benefiting from a trafficking
12 venture and for other purposes. The chief administrator of the courts
13 shall promulgate rules for the timely adjudication of revived and
14 retroactively commenced actions brought pursuant to section two hundred
15 fourteen-k of the civil practice law and rules.

16 § 9. Severability clause. If any clause, sentence, paragraph, subdivi-
17 sion, section or part of this act shall be adjudged by any court of
18 competent jurisdiction to be invalid, such judgment shall not affect,
19 impair, or invalidate the remainder thereof, but shall be confined in
20 its operation to the clause, sentence, paragraph, subdivision, section
21 or part thereof directly involved in the controversy in which such judg-
22 ment shall have been rendered. It is hereby declared to be the intent of
23 the legislature that this act would have been enacted even if such
24 invalid provisions had not been included herein.

25 § 10. This act shall take effect immediately.