STATE OF NEW YORK

9558

IN ASSEMBLY

January 14, 2026

Introduced by M. of A. E. BROWN -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, the civil practice law and rules, the public health law, and the insurance law, in relation to extending and clarifying the statute of limitations for certain actions involving child abuse, medical neglect, and medical negligence involving minors; and to repeal certain provisions of the criminal procedure law relating thereto

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

Section 1. Legislative findings. The legislature finds that survivors of child abuse, including abuse involving medical neglect or medical negligence committed against minors, frequently experience delayed discovery of injury and causation due to psychological trauma, familial coercion, professional authority, concealment, or collusion by parents, caregivers, or other trusted individuals.

The legislature further finds that such abuse and negligence may constitute a continuous course of conduct beginning in childhood and extending into adulthood through ongoing treatment, misdiagnosis, failure to disclose material facts, or continued concealment.

The legislature further finds that existing statutes of limitations, insurance practices, and jurisdictional doctrines may operate to bar otherwise meritorious claims solely due to the passage of time, notwithstanding delayed discovery caused by such conduct.

It is therefore the intent of the legislature to expand and clarify the statute of limitations applicable to such actions, recognize continuous courses of abuse or medical negligence, address concealment and collusion, and ensure meaningful access to justice.

§ 2. Paragraphs (a), (a-1) and (a-2) of subdivision 2 of section 30.10 of the criminal procedure law, paragraph (a) as amended and paragraphs (a-1) and (a-2) as added by chapter 315 of the laws of 2019, are amended to read as follows:

2. Except as otherwise provided in subdivision three **of this section**:

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

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(a) A prosecution for a class A felony, or rape in the first degree as defined in section 130.35 of the penal law, or a crime defined or formerly defined in section 130.50 of the penal law, or aggravated sexual abuse in the first degree as defined in section 130.70 of the penal law, or course of sexual conduct against a child in the first degree as defined in section 130.75 of the penal law, or incest in the first degree as defined in section 255.27 of the penal law may be commenced at any time;

(a-1) A prosecution for rape in the second degree as defined in subdivision two of section 130.30 of the penal law, **or a prosecution for rape in the third degree as defined in section 130.25 of the penal law, or criminal sexual act in the third degree as formerly defined in section 130.40 of the penal law** or criminal sexual act in the second degree as **formerly** defined in [~~**subdivision two of**~~] section 130.45 of the penal law, or incest in the second degree as defined in section 255.26 of the penal law (where the crime committed is rape in the second degree as defined in subdivision two of section 130.30 of the penal law or criminal sexual act in the second degree as **formerly** defined in [~~**subdivision two of**~~] section 130.45)**, or course of sexual conduct against a child in the second degree as defined in section 130.80 of the penal law** must be commenced [~~**within twenty years after the commission thereof or within ten years from when the offense is first reported to law enforcement, whichever occurs earlier**~~] **at any time before the plaintiff reaches the age of fifty-five years**;

[~~**(a-2) A prosecution for rape in the third degree as defined in subdivision one or three of section 130.25 of the penal law, or criminal sexual act in the third degree as defined in subdivision one or three of section 130.40 of the penal law must be commenced within ten years after the commission thereof;**~~]

§ 3. Paragraph (e) of subdivision 3 of section 30.10 of the criminal procedure law is REPEALED.

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

(f) For purposes of a prosecution involving a sexual offense as defined in article one hundred thirty of the penal law, other than a sexual offense delineated in paragraph (a) of subdivision two of this section, committed against a child less than eighteen years of age, incest in the first, second or third degree as defined in sections 255.27, 255.26 and 255.25 of the penal law committed against a child less than eighteen years of age, or use of a child in a sexual performance as defined in section 263.05 of the penal law, [~~**the period of limitation shall not begin to run until the child has reached the age of twenty-three or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier**~~] **may be commenced at any time before the child reaches fifty-five years of age**.

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

§ 213-c. Action by victim of conduct constituting certain sexual offenses. 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 which would constitute rape in the first degree as defined in section 130.35 of the penal law, or rape in

the second degree as defined in subdivision four, five or six of section 130.30 of the penal law, or rape in the second degree as defined in former [~~subdivision two of section 130.30 of the penal law, or rape in the third degree as defined in subdivision one, two, three, seven, eight or nine of section 130.25 of the penal law, or a crime formerly defined in section 130.50 of the penal law, or a crime formerly defined in [subdivision two of~~] section 130.45 of the penal law, or a crime formerly defined in subdivision one or three of section 130.40 of the penal law, or incest in the first degree as defined in section 255.27 of the penal law, or incest in the second degree as defined in section 255.26 of the penal law (where the crime committed is rape in the second degree as defined in subdivision four, five or six of section 130.30 of the penal law, or rape in the second degree as formerly defined in subdivision two of section 130.30 of the penal law, or a crime formerly defined in [~~subdivision two of~~] section 130.45 of the penal law), or aggravated sexual abuse in the first degree as defined in section 130.70 of the penal law, or course of sexual conduct against a child in the first degree as defined in section 130.75 of the penal law may be brought against any party whose intentional or negligent acts or omissions are alleged to have resulted in the commission of the said conduct, [~~within twenty years~~] **at any time before the victim reaches the age of fifty-five years**. Nothing in this section shall be construed to require that a criminal charge be brought or a criminal conviction be obtained as a condition of bringing a civil cause of action or receiving a civil judgment pursuant to this section or be construed to require that any of the rules governing a criminal proceeding be applicable to any such civil action.

§ 6. Paragraph (b) of subdivision 8 of section 215 of the civil practice law and rules, as added by chapter 23 of the laws of 2024, is amended to read as follows:

(b) Whenever it is shown that a criminal action against the same defendant has been commenced with respect to the event or occurrence from which a claim governed by this section arises, and such criminal action is for rape in the first degree as defined in section 130.35 of the penal law, or a crime formerly defined in section 130.50 of the penal law, or aggravated sexual abuse in the first degree as defined in section 130.70 of the penal law, or course of sexual conduct against a child in the first degree as defined in section 130.75 of the penal law, the plaintiff shall have [~~at least five years from the termination of the criminal action as defined in section 1.20 of the criminal procedure law in which to commence the civil action, notwithstanding that the time in which to commence such action has already expired or has less than a year remaining~~] **any time until such plaintiff reaches the age of fifty-five years to commence such action**.

§ 7. Section 214-j of the civil practice law and rules, as added by chapter 203 of the laws of 2022, is amended to read as follows:

§ 214-j. Certain sexual offense actions. Notwithstanding any provision of law which imposes a period of limitation to the contrary and the provisions of any other law pertaining to the filing of a notice of claim or a notice of intention to file a claim as a condition precedent to commencement of an action or special proceeding, every civil claim or cause of action brought against any party alleging intentional or negligent acts or omissions by a person for physical, psychological, or other injury or condition suffered as a result of conduct which would constitute a sexual offense as defined in article one hundred thirty of the penal law committed against such person who was eighteen years of age or

older, or incest as defined in section 255.26 or 255.27 of the penal law committed against such person who was eighteen years of age or older, which is barred as of the effective date of this section because the applicable period of limitation has expired, and/or the plaintiff previously failed to file a notice of claim or a notice of intention to file a claim, is hereby revived, and action thereon may be commenced [~~not earlier than six months after, and not later than one year and six months after the effective date of this section~~] at any time before the plaintiff reaches the age of fifty-five years. In any such claim or action, dismissal of a previous action, ordered before the effective date of this section, on grounds that such previous action was time barred, and/or for failure of a party to file a notice of claim or a notice of intention to file a claim, shall not be grounds for dismissal of a revival action pursuant to this section.

§ 8. The civil practice law and rules is amended by adding two new sections 214-k and 214-l to read as follows:

§ 214-k. Actions arising from child abuse, medical neglect, or medical negligence involving minors. 1. Notwithstanding any other provision of law, an action to recover damages for injury resulting from child abuse, including physical abuse, emotional abuse, medical neglect, or medical negligence committed against a person when such person was under eighteen years of age, may be commenced at any time before the plaintiff reaches the age of fifty-five years.

2. The limitations period for such action shall be tolled until the plaintiff discovers, or reasonably should have discovered, the injury and its causal connection to the abuse, neglect, or medical negligence.

3. In determining when the plaintiff reasonably should have discovered such injury and causal connection, the court shall consider any concealment, misrepresentation, coercion, or continued negligent treatment by the alleged abuser or negligent provider, or by any person acting in concert with such abuser or provider.

4. For purposes of this section, acts or omissions that begin during minority and continue into adulthood, including continued treatment, misdiagnosis, failure to disclose material information, or ongoing concealment, shall be deemed part of a single continuous course of abuse, neglect, or medical negligence.

§ 214-l. Jurisdiction; continuous treatment; estates. 1. Where acts or omissions giving rise to a claim under section two hundred fourteen-k of this article occurred in more than one jurisdiction, New York courts shall have jurisdiction where the plaintiff resided in this state for a substantial portion of childhood or received a substantial portion of the treatment or medical control in this state.

2. Where treatment, medical advice, or medical control by the same provider extends over a prolonged period and involves acts or omissions in more than one jurisdiction, such conduct shall be treated as a continuous course of treatment for purposes of accrual.

3. An action authorized by section two hundred fourteen-k of this article may be maintained against the alleged abuser or negligent provider, or against the personal representative of such person's estate, in accordance with the estates, powers and trusts law.

§ 9. The public health law is amended by adding a new section 2999-k to read as follows:

§ 2999-k. The department of health shall promulgate regulations addressing medical misconduct involving minors where the provider is a parent, guardian, family member, or caregiver who holds medical licensure or other professional credentials.

§ 10. Section 3420 of the insurance law is amended by adding a new subsection (k) to read as follows:

(k) (1) Every policy of medical malpractice insurance issued or delivered in this state shall provide coverage for acts or omissions constituting medical negligence involving a minor, whether or not a formal provider-patient relationship was documented, a fee was charged, or services were rendered in a traditional clinical setting.

(2) Any policy provision purporting to exclude or limit coverage for claims authorized by section two hundred fourteen-k of the civil practice law and rules on the ground that no formal billing arrangement or documented provider-patient relationship existed shall be void.

(3) This subsection shall apply to any policy of medical malpractice insurance in effect at the time of the alleged act or omission and shall be construed liberally in favor of coverage.

§ 11. Severability clause. If any provision of this act or its application to any person, legal entity, or circumstance is held invalid, the remainder of this act or the application of the provision to other persons, legal entities or circumstances shall not be affected.

§ 12. This act shall take effect immediately and shall apply to actions commenced on or after such date, including actions previously barred solely by the expiration of the statute of limitations, provided such actions are commenced within two years of the effective date of this act.