

## BILL TEXT:

## STATE OF NEW YORK

898

2005-2006 Regular Sessions

## IN ASSEMBLY

January 18, 2005

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

AN ACT to amend the civil practice law and rules, in relation to actions for sexual assault of an infant and providing for the repeal of such provisions upon expiration thereof

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 215-a to read as follows:

3 § 215-a. Actions for sexual assault of an infant. Notwithstanding any  
4 provision of law to the contrary, any cause of action for physical or  
5 psychological injury sustained by a person under eighteen years of age  
6 as a result of a sexual assault, which is barred because the statute of  
7 limitations has expired, is hereby revived, and an action thereon may be  
8 commenced within one year of the effective date of this section. For the  
9 purposes of this section, sexual assault shall be a sex offense as  
10 defined under article one hundred thirty of the penal law or a predeces-  
11 sor statute at the time of the act. Any such cause of action previously  
12 dismissed because of the statute of limitations may be brought under  
13 this section notwithstanding such dismissal. The provisions of this  
14 section shall be inapplicable to any civil action governed by the stat-  
15 ute of limitations of another jurisdiction.

16 § 2. This act shall take effect immediately and shall expire one year  
17 after such effective date, when upon such date the provisions of this  
18 act shall be deemed repealed; and provided that the provisions of this  
19 act shall apply to causes of action pending or commenced on or after the  
20 effective date of this act.

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

LBD02444-02-5

## SPONSORS MEMO:

NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(e)

BILL NUMBER: A898

SPONSOR: Lentol

**TITLE OF BILL:** An act to amend the civil practice law and rules, in relation to actions for sexual assault of an infant and providing for the repeal of such provisions upon expiration thereof

**PURPOSE OR GENERAL IDEA OF BILL:.**

Revives causes of action for the sexual assault of an infant which have been barred by the statute of limitations.

**SUMMARY OF SPECIFIC PROVISIONS:**

The Civil Practice Law and Rules is amended by adding a new section 215-a.

**JUSTIFICATION:**

This bill provides victims of child sexual assault a one-year window of opportunity to revive or file cases which have been barred or dismissed because the statute of limitations has expired.

Because of the psychological trauma caused by childhood sexual assault, decades may elapse before a victim comes forward to file charges. This bill would even the legal playing field by lifting the statute of limitations for one year in order to provide victims of childhood sexual assault an opportunity to have their case heard in a court of law.

**PRIOR LEGISLATIVE HISTORY:**

A.234 of 2003-04

**EFFECTIVE DATE:**

This act shall take effect immediately and shall expire one year after such effective date, when upon such date the provisions of this act shall be deemed repealed; and provided that the provisions of this act shall apply to causes of action pending or commenced on or after the effective date of this act.

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