

BILL TEXT:

STATE OF NEW YORK

6434

2005-2006 Regular Sessions

IN ASSEMBLY

March 11, 2005

Introduced by M. of A. McDONOUGH, SCOZZAFAVA, ERRIGO, ALFANO, BARRA, O'CONNELL -- Multi-Sponsored by -- M. of A. ACAMPORA, BACALLES, BARCLAY, BURLING, BUTLER, KOLB, MANNING, RAIA, SEDDIO, THIELE, TOWNSEND -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law and the civil practice law and rules, in relation to abolishing the statute of limitations for sexual offenses committed against children

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

1 Section 1. Paragraph (f) of subdivision 3 of section 30.10 of the
2 criminal procedure law, as added by chapter 122 of the laws of 1996, is
3 amended to read as follows:

4 (f) [~~For purposes of a prosecution involving a sexual offense as~~] A
5 prosecution for any sex offense defined in article one hundred thirty of
6 the penal law committed against a child less than eighteen years of age,
7 incest as defined in section 255.25 of the penal law committed against a
8 child less than eighteen years of age, or use of a child in a sexual
9 performance as defined in section 263.05 of the penal law, [~~the period~~
10 ~~of limitation shall not begin to run until the child has reached the age~~
11 ~~of eighteen or the offense is reported to a law enforcement agency or~~
12 ~~statewide central register of child abuse and maltreatment, whichever~~
13 ~~occurs earlier~~] may be commenced at any time.

14 § 2. The civil practice law and rules is amended by adding a new
15 section 214-f to read as follows:

16 § 214-f. Actions based on childhood sexual abuse or exploitation. 1.
17 All claims or causes of action brought by any person for recovery of
18 damages for injury or condition suffered as a result of childhood sexual
19 abuse or exploitation may be commenced at any time.

20 2. The injured party need not establish which act, in a series of
21 continuing acts of childhood sexual abuse or exploitation, caused the
22 injury or condition that is the subject of the suit.

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

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1 3. As used in this section, "childhood sexual abuse or exploitation"
2 means any act committed by the perpetrator against the injured party
3 which act occurred when the injured party was an infant and which act
4 would have been proscribed by article one hundred thirty of the penal
5 law, or which act would have constituted incest as defined in section
6 255.25 of the penal law, or which act would have constituted the use of
7 a child in a sexual performance as defined in section 263.05 of the
8 penal law, or which act would have violated any prior law of this state
9 of similar effect at the time the act was committed.
10 4. This section shall apply to all causes of action commenced on or
11 after the effective date of this section, regardless of when the cause
12 of action arose.
13 § 3. This act shall take effect immediately.

SPONSORS MEMO:

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

BILL NUMBER: A6434

SPONSOR: McDonough (MS)

TITLE OF BILL: An act to amend the criminal procedure law and the civil practice law and rules, in relation to abolishing the statute of limitations for sexual offenses committed against children

PURPOSE OR GENERAL IDEA OF BILL: This bill would eliminate the current statute of limitation laws regarding sexual child abuse.

SUMMARY OF SPECIFIC PROVISIONS: Section 1. Paragraph (f) of subdivision 3 of 30.10 of the criminal procedure law, as added by chapter 122 of the laws of 1996, is amended to read as follows: A prosecution for any sex offense defined in article one hundred thirty of the penal law committed a child less than eighteen years of age may be commenced at any time.

Section 2. The civil practice law and rules is amended by adding a new section 214-f to read as follows: All claims or causes of action brought by any person for recovery of damages for injury or condition suffered as a result of childhood sexual abuse or exploitation may be commenced at any time.

JUSTIFICATION: Limitations on the prosecution for sex offenses contradict one of the major repercussions that young victims encounter, repression of memory. The victims of these heinous acts, do not have to be forced to further distress; this bill can solve the statute of limitations problem.

PRIOR LEGISLATIVE HISTORY: None.

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This act shall take effect immediately.
