

## BILL TEXT:

## STATE OF NEW YORK

9512

## IN ASSEMBLY

January 17, 2006

Introduced by M. of A. GIANARIS, DelMONTE, SCHIMMINGER, GALEF -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BARRA, BENJAMIN, BURLING, CALHOUN, CANESTRARI, CASALE, CHRISTENSEN, COLTON, CONTE, ENGLEBRIGHT, GUNTHER, KARBEN, LAFAYETTE, LAVELLE, LOPEZ, MAGEE, MARKEY, MAYERSOHN, MILLER, NOLAN, O'MARA, ORTIZ, ORTLOFF, PERRY, PHEFFER, QUINN, STEPHENS, SWEENEY, TEDISCO, THIELE, TOKASZ, TOWNS, TOWNSEND, WIRTH -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to establishing a complete bar to recovery by persons injured while committing a crime

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 1411-a to read as follows:  
3 § 1411-a. Assumption of risk by persons convicted of a crime. In any  
4 action to recover damages for personal injury, when such injury occurred  
5 while the claimant was engaged in the commission of a crime or immediate  
6 flight therefrom, the claimant shall be completely barred from recovery  
7 of any damages from the victim or anyone acting on behalf of the victim,  
8 if such claimant was convicted of such crime.  
9 § 2. This act shall take effect immediately and shall apply to inju-  
10 ries occurring on or after such effective date.

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

LBD09380-01-5

## SPONSORS MEMO:

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

BILL NUMBER: A9512

SPONSOR: Gianaris (MS)

TITLE OF BILL: An act to amend the civil practice law and rules, in relation to establishing a complete bar to recovery by persons injured while committing a crime

**SUMMARY OF SPECIFIC PROVISIONS:** Section 1411-a of the civil practice law and rules bars the recovery of damages for personal injury by one convicted of a crime when injury occurred during the commission of said crime.

**JUSTIFICATION:** In many instances, criminals have successfully sued for injuries they have received during the commission of a crime. Not only does this make a mockery of our justice system, but it also deters good Samaritans from assisting those innocent victims in the process of being violated.

**PRIOR LEGISLATIVE HISTORY:**

02/10/2000 Referred to Codes.  
01/03/2001 Referred to Codes.  
01/09/2002 Referred to Codes.  
04/07/2003 Referred to Codes.  
01/07/2004 Referred to Codes.

**FISCAL IMPLICATIONS:** None.

**EFFECTIVE DATE:** This act shall take effect immediately and shall apply to injuries occurring on or after such effective date.

---