

LAWS OF NEW YORK, 2019

CHAPTER 11

1 AN ACT to amend the criminal procedure law, in relation to the statute
2 of limitations in criminal prosecution of a sexual offense committed
3 against a child; to amend the civil practice law and rules, in
4 relation to the statute of limitations for civil actions related to a
5 sexual offense committed against a child, reviving such actions other-
6 wise barred by the existing statute of limitations and granting trial
7 preference to such actions; to amend the general municipal law, in
8 relation to providing that the notice of claim provisions shall not
9 apply to such actions; to amend the court of claims act, in relation
10 to providing that the notice of intention to file provisions shall not
11 apply to such actions; to amend the education law, in relation to
12 providing that the notice of claim provisions shall not apply to such
13 actions; and to amend the judiciary law, in relation to judicial
14 training relating to sexual abuse of minors and rules reviving civil
15 actions relating to sexual offenses committed against children

16

17 Became a law February 14, 2019, with the approval of the Governor.

18 Passed by a majority vote, three-fifths being present.

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20 The People of the State of New York, represented in Senate and Assem-
21 bly, do enact as follows:

22

23 Section 1. Paragraph (f) of subdivision 3 of section 30.10 of the
24 criminal procedure law, as separately amended by chapters 3 and 320 of

25 the laws of 2006, is amended to read as follows:

26 (f) For purposes of a prosecution involving a sexual offense as
27 defined in article one hundred thirty of the penal law, other than a
28 sexual offense delineated in paragraph (a) of subdivision two of this
29 section, committed against a child less than eighteen years of age,
30 incest in the first, second or third degree as defined in sections
31 255.27, 255.26 and 255.25 of the penal law committed against a child
32 less than eighteen years of age, or use of a child in a sexual perform-
33 ance as defined in section 263.05 of the penal law, the period of limi-
34 tation shall not begin to run until the child has reached the age of
35 [eighteen] twenty-three or the offense is reported to a law enforcement
36 agency or statewide central register of child abuse and maltreatment,
37 whichever occurs earlier.

38 § 2. The opening paragraph of section 208 of the civil practice law
39 and rules is designated subdivision (a) and a new subdivision (b) is
40 added to read as follows:

41 (b) Notwithstanding any provision of law which imposes a period of
42 limitation to the contrary and the provisions of any other law pertain-
43 ing to the filing of a notice of claim or a notice of intention to file
44 a claim as a condition precedent to commencement of an action or special
45 proceeding, with respect to all civil claims or causes of action brought
46 by any person for physical, psychological or other injury or condition
47 suffered by such person as a result of conduct which would constitute a
48 sexual offense as defined in article one hundred thirty of the penal law
49 committed against such person who was less than eighteen years of age,

50

51 EXPLANATION--Matter in italics is new; matter in brackets [] is old law

52 to be omitted.

2

3 incest as defined in section 255.27, 255.26 or 255.25 of the penal law
4 committed against such person who was less than eighteen years of age,
5 or the use of such person in a sexual performance as defined in section
6 263.05 of the penal law, or a predecessor statute that prohibited such
7 conduct at the time of the act, which conduct was committed against such
8 person who was less than eighteen years of age, such action may be
9 commenced, against any party whose intentional or negligent acts or
10 omissions are alleged to have resulted in the commission of said
11 conduct, on or before the plaintiff or infant plaintiff reaches the age
12 of fifty-five years. In any such claim or action, in addition to any
13 other defense and affirmative defense that may be available in accord-
14 ance with law, rule or the common law, to the extent that the acts
15 alleged in such action are of the type described in subdivision one of
16 section 130.30 of the penal law or subdivision one of section 130.45 of
17 the penal law, the affirmative defenses set forth, respectively, in the
18 closing paragraph of such sections of the penal law shall apply.

19 § 3. The civil practice law and rules is amended by adding a new
20 section 214-g to read as follows:

21 § 214-g. Certain child sexual abuse cases. Notwithstanding any
22 provision of law which imposes a period of limitation to the contrary
23 and the provisions of any other law pertaining to the filing of a notice
24 of claim or a notice of intention to file a claim as a condition prece-
25 dent to commencement of an action or special proceeding, every civil
26 claim or cause of action brought against any party alleging intentional
27 or negligent acts or omissions by a person for physical, psychological,
28 or other injury or condition suffered as a result of conduct which would
29 constitute a sexual offense as defined in article one hundred thirty of
30 the penal law committed against a child less than eighteen years of age,

31 incest as defined in section 255.27, 255.26 or 255.25 of the penal law
32 committed against a child less than eighteen years of age, or the use of
33 a child in a sexual performance as defined in section 263.05 of the
34 penal law, or a predecessor statute that prohibited such conduct at the
35 time of the act, which conduct was committed against a child less than
36 eighteen years of age, which is barred as of the effective date of this
37 section because the applicable period of limitation has expired, and/or
38 the plaintiff previously failed to file a notice of claim or a notice of
39 intention to file a claim, is hereby revived, and action thereon may be
40 commenced not earlier than six months after, and not later than one year
41 and six months after the effective date of this section. In any such
42 claim or action: (a) in addition to any other defense and affirmative
43 defense that may be available in accordance with law, rule or the common
44 law, to the extent that the acts alleged in such action are of the type
45 described in subdivision one of section 130.30 of the penal law or
46 subdivision one of section 130.45 of the penal law, the affirmative
47 defenses set forth, respectively, in the closing paragraph of such
48 sections of the penal law shall apply; and (b) dismissal of a previous
49 action, ordered before the effective date of this section, on grounds
50 that such previous action was time barred, and/or for failure of a party
51 to file a notice of claim or a notice of intention to file a claim,
52 shall not be grounds for dismissal of a revival action pursuant to this
53 section.

54 § 4. Subdivision (a) of rule 3403 of the civil practice law and rules
55 is amended by adding a new paragraph 7 to read as follows:

56 7. any action which has been revived pursuant to section two hundred
57 fourteen-g of this chapter.

3 § 5. Subdivision 8 of section 50-e of the general municipal law, as
4 amended by chapter 24 of the laws of 1988, is amended to read as
5 follows:

6 8. Inapplicability of section. (a) This section shall not apply to
7 claims arising under the provisions of the workers' compensation law,
8 the volunteer firefighters' benefit law, or the volunteer ambulance
9 workers' benefit law or to claims against public corporations by their
10 own infant wards.

11 (b) This section shall not apply to any claim made for physical,
12 psychological, or other injury or condition suffered as a result of
13 conduct which would constitute a sexual offense as defined in article
14 one hundred thirty of the penal law committed against a child less than
15 eighteen years of age, incest as defined in section 255.27, 255.26 or
16 255.25 of the penal law committed against a child less than eighteen
17 years of age, or the use of a child in a sexual performance as defined
18 in section 263.05 of the penal law committed against a child less than
19 eighteen years of age.

20 § 6. Section 50-i of the general municipal law is amended by adding a
21 new subdivision 5 to read as follows:

22 5. Notwithstanding any provision of law to the contrary, this section
23 shall not apply to any claim made against a city, county, town, village,
24 fire district or school district for physical, psychological, or other
25 injury or condition suffered as a result of conduct which would consti-
26 tute a sexual offense as defined in article one hundred thirty of the
27 penal law committed against a child less than eighteen years of age,
28 incest as defined in section 255.27, 255.26 or 255.25 of the penal law
29 committed against a child less than eighteen years of age, or the use of
30 a child in a sexual performance as defined in section 263.05 of the
31 penal law committed against a child less than eighteen years of age.

32 § 7. Section 10 of the court of claims act is amended by adding a new
33 subdivision 10 to read as follows:

34 10. Notwithstanding any provision of law to the contrary, this section
35 shall not apply to any claim to recover damages for physical, psycholog-
36 ical, or other injury or condition suffered as a result of conduct which
37 would constitute a sexual offense as defined in article one hundred
38 thirty of the penal law committed against a child less than eighteen
39 years of age, incest as defined in section 255.27, 255.26 or 255.25 of
40 the penal law committed against a child less than eighteen years of age,
41 or the use of a child in a sexual performance as defined in section
42 263.05 of the penal law committed against a child less than eighteen
43 years of age.

44 § 8. Subdivision 2 of section 3813 of the education law, as amended by
45 chapter 346 of the laws of 1978, is amended to read as follows:

46 2. Notwithstanding anything to the contrary hereinbefore contained in
47 this section, no action or special proceeding founded upon tort shall be
48 prosecuted or maintained against any of the parties named in this
49 section or against any teacher or member of the supervisory or adminis-
50 trative staff or employee where the alleged tort was committed by such
51 teacher or member or employee acting in the discharge of his duties
52 within the scope of his employment and/or under the direction of the
53 board of education, trustee or trustees, or governing body of the school
54 unless a notice of claim shall have been made and served in compliance
55 with section fifty-e of the general municipal law. Every such action
56 shall be commenced pursuant to the provisions of section fifty-i of the
57 general municipal law; provided, however, that this section shall not
58 apply to any claim to recover damages for physical, psychological, or

3 other injury or condition suffered as a result of conduct which would
4 constitute a sexual offense as defined in article one hundred thirty of
5 the penal law committed against a child less than eighteen years of age,
6 incest as defined in section 255.27, 255.26 or 255.25 of the penal law
7 committed against a child less than eighteen years of age, or the use of
8 a child in a sexual performance as defined in section 263.05 of the
9 penal law committed against a child less than eighteen years of age.

10 § 9. Section 219-c of the judiciary law, as added by chapter 506 of
11 the laws of 2011, is amended to read as follows:

12 § 219-c. Crimes involving sexual assault and the sexual abuse of
13 minors; judicial training. The office of court administration shall
14 provide training for judges and justices with respect to crimes involv-
15 ing sexual assault, and the sexual abuse of minors.

16 § 10. The judiciary law is amended by adding a new section 219-d to
17 read as follows:

18 § 219-d. Rules reviving certain actions; sexual offenses against chil-
19 dren. The chief administrator of the courts shall promulgate rules for
20 the timely adjudication of revived actions brought pursuant to section
21 two hundred fourteen-g of the civil practice law and rules.

22 § 11. The provisions of this act shall be severable, and if any
23 clause, sentence, paragraph, subdivision or part of this act shall be
24 adjudged by any court of competent jurisdiction to be invalid, such
25 judgment shall not affect, impair, or invalidate the remainder thereof,
26 but shall be confined in its operation to the clause, sentence, para-
27 graph, subdivision or part thereof directly involved in the controversy
28 in which such judgment shall have been rendered.

29 § 12. This act shall take effect immediately; except that section nine
30 of this act shall take effect six months after this act shall have
31 become a law; provided, however, that training for cases brought pursu-

32 ant to section 214-g of the civil practice law and rules, as added by
33 section three of this act, shall commence three months after this act
34 shall have become a law; and section ten of this act shall take effect
35 three months after this act shall have become a law.

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37 The Legislature of the STATE OF NEW YORK ss:

38 Pursuant to the authority vested in us by section 70-b of the Public
39 Officers Law, we hereby jointly certify that this slip copy of this
40 session law was printed under our direction and, in accordance with such
41 section, is entitled to be read into evidence.

42

43 ANDREA STEWART-COUSINS

CARL E. HEASTIE

44 Temporary President of the Senate

Speaker of the Assembly