



Legislation Text

File #: Int 0584-2003, **Version:** *

Int. No. 584

By Council Members Clarke, Vallone, Jr., Addabbo, Baez, Barron, Boyland, Brewer, Fidler, Foster, Gennaro, Gentile, Gioia, Katz, Liu, Lopez, Martinez, Quinn, Recchia, Reed, Rivera, Sanders, Sears, Serrano, Stewart, Vann, Weprin, Yassky, Felder, Nelson and Gonzalez

A Local Law to amend the administrative code of the city of New York, in relation to civil actions by survivors of sex crimes.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. Many survivors of sexual assault, especially when young, are shamed, intimidated or otherwise prevented from reporting abuse until well into adulthood. In addition, it may take many years to apprehend a rapist, especially a serial rapist. Advances in DNA technology have also made it easier for law enforcement agencies to obtain DNA evidence from a sexual assault survivor, or the scene of a crime, and to adequately preserve that evidence for longer periods of time.

Under state law, however, the statute of limitations for criminal prosecution of rape or criminal sexual assault in the first degree is only five years. Similarly, the statute of limitations under the city's Survivors of Violent Crime Protection Act is normally six years. As a result, when survivors of sexual assault come forward, some find that a short statute of limitations has allowed their tormentors to escape criminal or civil prosecution. While only the state legislature can lengthen or eliminate the statute of limitations for felony sexual offenses, the Council can change the statute of limitations under city law for civil actions for such offenses.

The Council finds that extending the statute of limitations for civil actions for sexual offenses will improve the ability of survivors of sexual assault to hold sexual predators accountable for their actions. Accordingly, the Council declares that it is reasonable and necessary to eliminate the statute of limitations for civil actions for conduct that would constitute a felony sexual offense.

§2. Subdivision a of section 10-404 of chapter four of title ten of the administrative code of the city of New York is amended to read as follows:

a. A civil action under this chapter must be commenced within six years after the occurrence of the alleged crime of violence as defined in section 10-402 of this chapter [occurred.]; provided that if such alleged crime of violence would constitute a felony under article 130 of the New York penal law, no such time limitations shall apply; provided also that [I]if[, however,] due to injury or disability resulting from an act or acts giving rise to a cause of action under this chapter, or due to infancy as defined in the civil procedure law and rules, a person entitled to commence an action under this chapter is unable to do so at the time such cause of action accrues, then the time within which the action must be commenced shall be extended to six years after the inability to commence the action ceases.

§3. This law shall take effect immediately upon its enactment.

LS# 2733
RBU
10/3/2003