



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan Introduces Child Victims Protection & Accountability Act

JIM RANNEY November 9, 2018

| ISSUE: **CHILD SEXUAL ABUSE**



Senator Patrick M. Gallivan (R-C-I, Elma) has introduced legislation to better protect childhood victims of sexual abuse and to hold those responsible for such actions accountable, while also providing protection to not-for-profit employees who disclose abuse. The Child Victims Protection and Accountability Act (S.9190) sets forth enhanced statutory protections for victims and requires designated persons, including members of the clergy, to report suspected cases of abuse directly to law enforcement, under certain circumstances.

The bill also amends labor laws to prohibit retaliatory action against employees of non-profit organizations who report abuse.

"The sexual abuse of a child is among the most heinous crimes imaginable, but existing law does not go far enough to protect victims and hold perpetrators accountable," Senator Gallivan said. "This legislation repeals the criminal statute of limitations for such crimes and extends the civil statute of limitations, giving victims more time to seek restitution. It also adds members of the clergy to the list of mandated reporters and protects whistleblowers who provide information about alleged abuse. I urge my colleagues in the Legislature to support this comprehensive bill when session resumes in January."

The legislation is comprised of three main parts:

Part A: This section amends the criminal procedure law to remove any period of limitation for criminal action regarding a sexual offense committed against a child under 18 years of age. It also extends the statute of limitation under the civil practice law to recover damages for physical, psychological or other injuries caused by a sexual offense against a person under 18 years of age until the alleged victim reaches the age of 50.

Part B: This section amends the social services law, governing persons required to report allegations of familial child abuse and maltreatment to the New York State Office of Children and Family Services to include members of the clergy. It also adds members of the clergy to the list of mandated reporters in non-familial cases and requires them to report allegations of child abuse directly to law enforcement.

Part C: This section amends the labor law, which provides protection to non-public employees who report acts of abuse. It encourages employees of certain not-for-profit organizations to disclose alleged abuse to public bodies or officials, including law

enforcement, by providing enhanced protections for whistleblowers.

The legislation also requires training for judges and justices regarding crimes involving the sexual abuse of minors.

“All allegations of child sexual abuse must be taken seriously and should never go unreported,” Senator Gallivan said. “This legislation will ensure that those in positions of authority are held accountable and will give victims the ability to seek prosecution of their abuser.”

The legislation will be considered when the Senate returns to session in January.

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#### RELATED LEGISLATION

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### **2017-S9190**

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- Introduced
  
- ◦ In Committee Assembly
- In Committee Senate

- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate

- Delivered to Governor

- Signed By Governor

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Enacts the "child victims protection and accountability act"

November 07, 2018

In Senate Committee [Rules](#)

Sponsored by [Patrick M. Gallivan](#)

Do you support this bill?