



NEW YORK STATE SENATOR

Ruben Diaz

Why shouldn't the spotlight be on public offenders, too?

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WHAT YOU SHOULD KNOW

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Why shouldn't the spotlight be on public offenders, too?

You should know that there is a debate raging in the New York State Legislature about eliminating the statute of limitations on sex abuse crimes for criminal and civil actions for certain sex offenses committed against a child less than eighteen years of age.

It is important for you to know that sexual abuse of children is found in every religious, racial, ethnic and socio-economic community. This is a disgrace, and we must do everything we can to institute reform, protect and assist victims, hold those responsible accountable, and prevent future abuse.

You should also know that the proposed bills in the Senate and the Assembly would provide a one-year window period, allowing for lawsuits in old cases to be brought forward in court.

This law would exempt public institutions and their employees, leaving the vast majority of potential plaintiffs who were abused in the past by public officials or public school teachers without the same right to sue those responsible.

In New York State, before anyone files a lawsuit against a town, city or public agency or government employees, the plaintiff must file what is called a Notice of Claim within 90 days of the incident.

A Notice of Claim is required in addition to any statute of limitation deadlines, and the failure to comply with Notice of Claim requirements results in the dismissal of civil lawsuits.

Under the current proposed legislation, there is no such risk of dismissal against non-public institutions nor their employees.

The current advocates for this new law to eliminate the statute of limitations must know that in no way, shape or form would they permit an amendment to the Notice of Claim requirement.

If they would permit that same one-year window for victims of sexual abuse by public officials or public school teachers, they would be opening the flood gates for billions of dollars worth of civil law suits, crashing budgets from small towns to bigger cities like New York.

The voters would certainly reap revenge on those who supported that legislation because it would inflict an outrageous tax burden on its citizens.

This silent conspiracy among the advocates of this bill must be addressed. They should not attempt to bask in the glow of their self-righteousness while they insulate publicly employed perpetrators from the same retro-active civil liability.

I have to ask myself: How come the Daily News or any other publication, editorial board, or pundit isn't making this demand, too. Why shouldn't the spotlight be on those public offenders, too? Where is the fairness in this proposed legislation?

I am Senator Reverend Rubén Díaz, and this is what you should know.