

4784

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the civil rights law, in relation to the publication requirement after a legal name change

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 63 of the civil rights law, as amended by chapter
2 258 of the laws of 2006, is amended to read as follows:
3 S 63. Order. If the court to which the petition is presented is satis-
4 fied thereby, or by the affidavit and certificate presented therewith,
5 that the petition is true, and that there is no reasonable objection to
6 the change of name proposed, and if the petition be to change the name
7 of an infant, that the interests of the infant will be substantially
8 promoted by the change, the court shall make an order authorizing the
9 petitioner to assume the name proposed. The order shall further recite
10 the date and place of birth of the applicant and, if the applicant was
11 born in the state of New York, such order shall set forth the number of
12 his OR HER birth certificate or that no birth certificate is available.
13 The order shall be directed to be entered and the papers on which it was
14 granted to be filed [prior to the publication hereinafter directed] in
15 the clerk's office of the county in which the petitioner resides if he
16 OR SHE be an individual, or in the office of the clerk of the civil
17 court of the city of New York if the order be made by that court. Such
18 order shall also direct the publication, at least once, within sixty
19 days after the making of the order, in a designated newspaper in the
20 county in which the order is directed to be entered [and] ONLY if the
21 petition is made by a person subject to the provisions of subdivision
22 two of section sixty-two of this article, AND in a designated newspaper
23 in any county wherein such person was convicted if different from the
24 county in which the order is otherwise directed to be entered, of a
25 notice in substantially the following form: Notice is hereby given that

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

LBD09743-01-9

1 an order entered by the court,..... county, on the
2 day of....., bearing Index Number....., a copy of which
3 may be examined at the office of the clerk, located at
4, in room number....., grants me the right to assume
5 the name of My present address
6 is.....; the date of my birth is;
7 the place of my birth is; my present name is
8

9 S 2. Section 64 of the civil rights law, as amended by chapter 258 of
10 the laws of 2006 and the closing paragraph as separately amended by
11 chapters 258, 320 and 481 of the laws of 2006, is amended to read as
12 follows:

13 S 64. Effect. If the order shall be fully complied with, and within
14 ninety days after the making of the order, an affidavit of the publica-
15 tion thereof shall be filed, IF REQUIRED BY SECTION SIXTY-THREE OF THIS
16 ARTICLE, in the office in which the order is entered, the petitioner
17 shall be known by the name which is thereby authorized to be assumed. If
18 the surname of a parent be changed as provided in this article, any
19 minor child of such parent at the time of such change may thereafter
20 assume such changed surname.

21 Upon compliance with the order and the filing of the affidavit of the
22 publication WHERE APPLICABLE, as provided in this section, the clerk of
23 the court in which the order has been entered shall certify that the
24 order has been complied with; and, if the petition states that the peti-
25 tioner stands convicted of a violent felony offense as defined in
26 section 70.02 of the penal law or a felony defined in article one
27 hundred twenty-five of such law or any of the following provisions of
28 such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26,
29 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06,
30 subdivision two of section 230.30 or 230.32, such clerk (1) shall deliv-
31 er, by first class mail, a copy of such certified order to the division
32 of criminal justice services at its office in the county of Albany and
33 (2) upon the clerk of the court reviewing the petitioner's application
34 for name change and subsequent in-court inquiry, may, in the clerk's
35 discretion, deliver, by first class mail, the petitioner's new name with
36 such certified order to the court of competent jurisdiction which
37 imposed the orders of support. Such certification shall appear on the
38 original order and on any certified copy thereof and shall be entered in
39 the clerk's minutes of the proceeding.

40 S 3. This act shall take effect on the ninetieth day after it shall
41 have become a law and shall apply to orders issued on and after such
42 effective date.