

6981

I N S E N A T E

March 3, 2010

Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and
when printed to be committed to the Committee on Children and Families

AN ACT to amend the family court act and the criminal procedure law, in
relation to family offenses alleged to have been committed by juve-
niles under the age of eighteen

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

1 Section 1. The opening paragraph of subdivision 1 of section 812 of
2 the family court act, as amended by chapter 476 of the laws of 2009, is
3 amended to read as follows:
4 The family court and the criminal courts shall have concurrent juris-
5 diction over any proceeding concerning acts which would constitute
6 disorderly conduct, harassment in the first degree, harassment in the
7 second degree, aggravated harassment in the second degree, sexual
8 misconduct, forcible touching, sexual abuse in the third degree, sexual
9 abuse in the second degree as set forth in subdivision one of section
10 130.60 of the penal law, stalking in the first degree, stalking in the
11 second degree, stalking in the third degree, stalking in the fourth
12 degree, criminal mischief, menacing in the second degree, menacing in
13 the third degree, reckless endangerment, assault in the second degree,
14 assault in the third degree or an attempted assault between spouses or
15 former spouses, or between parent and child or between members of the
16 same family or household except that if the respondent would not be
17 criminally responsible by reason of age pursuant to section 30.00 of the
18 penal law, then the family court shall have exclusive jurisdiction over
19 such proceeding. *FAMILY OFFENSES ALLEGED TO HAVE BEEN COMMITTED BY A*
20 *CHILD UNDER THE AGE OF EIGHTEEN AGAINST A PARENT OR GUARDIAN SHALL BE*
21 *ADDRESSED IN ACCORDANCE WITH ARTICLE SEVEN, RATHER THAN THIS ARTICLE, OF*
22 *THIS ACT.* Notwithstanding a complainant's election to proceed in family
23 court, the criminal court shall not be divested of jurisdiction to hear
24 a family offense proceeding pursuant to this section. For purposes of
25 this article, "disorderly conduct" includes disorderly conduct not in a
26 public place. For purposes of this article, "members of the same family
27 or household" shall mean the following:

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

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1 S 2. The opening paragraph of subdivision 1 of section 530.11 of the
2 criminal procedure law, as amended by chapter 476 of the laws of 2009,
3 is amended to read as follows:

4 The family court and the criminal courts shall have concurrent juris-
5 diction over any proceeding concerning acts which would constitute
6 disorderly conduct, harassment in the first degree, harassment in the
7 second degree, aggravated harassment in the second degree, sexual
8 misconduct, forcible touching, sexual abuse in the third degree, sexual
9 abuse in the second degree as set forth in subdivision one of section
10 130.60 of the penal law, stalking in the first degree, stalking in the
11 second degree, stalking in the third degree, stalking in the fourth
12 degree, criminal mischief, menacing in the second degree, menacing in
13 the third degree, reckless endangerment, assault in the second degree,
14 assault in the third degree or an attempted assault between spouses or
15 former spouses, or between parent and child or between members of the
16 same family or household except that if the respondent would not be
17 criminally responsible by reason of age pursuant to section 30.00 of the
18 penal law, then the family court shall have exclusive jurisdiction over
19 such proceeding. FAMILY OFFENSES ALLEGED TO HAVE BEEN COMMITTED BY A
20 CHILD UNDER THE AGE OF EIGHTEEN AGAINST A PARENT OR GUARDIAN SHALL BE
21 ADDRESSED IN ACCORDANCE WITH ARTICLE SEVEN OF THE FAMILY COURT ACT.
22 Notwithstanding a complainant's election to proceed in family court, the
23 criminal court shall not be divested of jurisdiction to hear a family
24 offense proceeding pursuant to this section. For purposes of this
25 section, "disorderly conduct" includes disorderly conduct not in a
26 public place. For purposes of this section, "members of the same family
27 or household" with respect to a proceeding in the criminal courts shall
28 mean the following:

29 S 3. This act shall take effect on the ninetieth day after it shall
30 have become a law and shall apply to petitions filed on or after such
31 effective date.