

1605

2011-2012 Regular Sessions

I N S E N A T E

January 10, 2011

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

AN ACT to amend the civil practice law and rules, in relation to provid-
ing personal information during disclosure by a person to whom an
order of protection has been issued

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

1 Section 1. The civil practice law and rules is amended by adding a new
2 section 3104-a to read as follows:
3 S 3104-A. PROTECTION OF DOMESTIC VIOLENCE VICTIMS AT DISCLOSURE
4 PROCEEDINGS. (A) MOTION FOR PROTECTION SERVICES. UPON MOTION OF ANY
5 PARTY OR WITNESS, WHO IS ALSO A CRIME VICTIM OR VICTIM OF DOMESTIC
6 VIOLENCE AS DEFINED IN SECTION FOUR HUNDRED FIFTY-NINE-A OF THE SOCIAL
7 SERVICES LAW, OR WHO HAS A VALID ORDER OF PROTECTION OR TEMPORARY ORDER
8 OF PROTECTION AGAINST A PARTY OR WITNESS IN THE PROCEEDING, AND ON
9 NOTICE TO ALL PARTIES, OR ON ITS OWN INITIATIVE WITHOUT NOTICE, THE
10 COURT IN WHICH AN ACTION IS PENDING SHALL ORDER THAT A DOMESTIC VIOLENCE
11 VICTIM OR CRIME VICTIM BE FURTHER PROTECTED WITHIN THE ORDER OF
12 PROTECTION AND THAT THE VICTIM WITH AN ORDER OF PROTECTION SHALL NOT BE
13 ORDERED OR COMPELLED TO ANSWER QUESTIONS OF A PERSONAL NATURE, INCLUDING
14 BUT NOT LIMITED TO RESIDENCY, EMPLOYMENT, FAMILY RELATIONSHIPS, WHICH
15 MAY ALSO BE INCLUDED IN THE ORDER OF PROTECTION, OR ANY OTHER INFORMA-
16 TION WITH REGARD TO THEIR SAFETY OR OTHER PERSONS WHO ARE ALSO MENTIONED
17 IN THE ORDER OF PROTECTION. PERSONS WHO HAVE ORDERS OF PROTECTION SHALL
18 NOT BE PENALIZED FOR NOT ANSWERING THESE QUESTIONS. THE PROVISIONS OF
19 THIS SECTION SHALL ALSO APPLY TO: (I) ANY VICTIM WHO IS IN THE PROCESS
20 OF OBTAINING AN ORDER OF PROTECTION; OR (II) ANY VICTIM WHO HAS PREVI-
21 OUSLY HAD AN ORDER OF PROTECTION AGAINST A PARTY OR WITNESS OF THE
22 PROCEEDING.
23 (B) SCOPE OF PROTECTION SERVICES. THE COURT SHALL ORDER THE NECESSARY
24 PROTECTIONS NEEDED TO ENSURE THE SAFETY OF THE CRIME VICTIM OR VICTIM OF
25 DOMESTIC VIOLENCE, UPON REASONABLE NOTICE TO THE PARTIES AND UPON OPPOR-
26 TUNITY TO BE HEARD.
27 S 2. This act shall take effect immediately.

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

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