S T A T E O F N E W Y O R K

1871

2011-2012 Regular Sessions

I N S E N A T E

January 13, 2011

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

AN ACT to amend the education law, in relation to requiring domestic violence awareness in the curriculum and to amend the domestic relations law, the public health law and the state finance law, in relation to increasing fees charged for the issuance of a marriage license and filing of certificates of dissolution of marriage for the purposes of establishing and maintaining domestic violence programs

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

Section 1. The education law is amended by adding a new section 804-e to read as follows:

S 804-E. DOMESTIC VIOLENCE AWARENESS. 1. ALL SCHOOLS SHALL BE AUTHORIZED TO INCLUDE INSTRUCTION WITH REGARDS TO DOMESTIC VIOLENCE AWARENESS.

2. INSTRUCTION REGARDING DOMESTIC VIOLENCE AWARENESS SHALL BE INCLUDED IN THE HEALTH EDUCATION PROVIDED FOR ALL PUPILS AND SHALL BE TAUGHT BY TEACHERS HOLDING A CERTIFICATE TO TEACH HEALTH. SUCH INSTRUCTION SHALL BE DESIGNED ACCORDING TO THE NEEDS AND ABILITIES OF THE PUPILS AT SUCCESSIVE GRADE LEVELS WITH THE PURPOSE OF DEVELOPING AWARENESS OF DOMESTIC VIOLENCE ISSUES AND PROMOTING KNOWLEDGE OF PREVENTION, IDENTIFICATION AND SCREENING PROTECTIONS PROVIDED BY STATEWIDE AND COMMUNITY BASED ORGANIZATIONS.

3. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS TO ESTABLISH A CURRICULUM FOR INSTRUCTION REGARDING DOMESTIC VIOLENCE AWARENESS TO BE AVAILABLE IN SCHOOL DISTRICTS. THE CONTENTS MAY BE VARIED TO MEET THE NEEDS OF PARTICULAR SCHOOL DISTRICTS, OR PORTIONS THEREOF, AND NEED NOT BE UNIFORM THROUGHOUT THE STATE.

4. SCHOOL AUTHORITIES SHALL BE AUTHORIZED TO PROVIDE THE NEEDED FACILITIES, TIME, AND PLACE FOR THE INSTRUCTION SET FORTH IN THIS SECTION AND TO PROVIDE LEARNING AIDS AND CURRICULUM RESOURCE MATERIALS WHICH

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

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CONTRIBUTE TO EFFECTIVE TEACHING METHODS AND LEARNING IN HEALTH EDUCATION REGARDING DOMESTIC VIOLENCE AWARENESS.

S 2. Paragraph a of subdivision 2 of section 14-a of the domestic relations law, as amended by chapter 413 of the laws of 1991, is amended to read as follows:

a. Such town and city clerks shall be entitled to a fee for such certificate, payable at the time of issuance of the marriage license, in a sum not exceeding [ten] FIFTEEN dollars, to be fixed in the case of town clerks by the town board, and in the case of city clerks by the common council or governing body of such cities. The town and city clerks shall, upon request of any applicant whose name appears thereon, issue a similar certificate of marriage, as set forth above, and similarly expanded with additional facts upon the express additional request, for all marriages heretofore indexed and recorded in the office of the town or city clerks. For such certificate of marriage, the town and city clerks shall be entitled to a fee not exceeding [ten] FIFTEEN dollars, to be fixed in the case of town clerks by the town board, and in the case of city clerks by the common council or governing body of such city.

S 3. Section 14-a of the domestic relations law is amended by adding a new subdivision 6 to read as follows:

6. ON OR BEFORE THE FIFTEENTH DAY OF EACH MONTH, FIVE DOLLARS OF ALL AMOUNTS RECEIVED FROM THE FEES PROVIDED FOR IN THIS SECTION SHALL BE TRANSMITTED TO THE STATE COMPTROLLER FOR DEPOSIT INTO THE DOMESTIC VIOLENCE AWARENESS TRUST FUND PROVIDED FOR IN SECTION EIGHTY-ONE OF THE STATE FINANCE LAW.

S 4. Subdivision 3 of section 15 of the domestic relations law, as amended by section 5 of part W2 of chapter 62 of the laws of 2003, is amended to read as follows:

3. If it shall appear upon an application for a marriage license that either party is under the age of sixteen years, the town or city clerk shall require, in addition to any consents provided for in this section, the written approval and consent of a justice of the supreme court or of a judge of the family court, having jurisdiction over the town or city in which the application is made, to be attached to or endorsed upon the application, before the license is issued. The application for such approval and consent shall be heard by the judge at chambers. All papers and records pertaining to any such application shall be sealed by him and withheld from inspection, except by order of a court of competent jurisdiction. Before issuing any licenses herein provided for, the town or city clerk shall be entitled to a fee of [thirty] THIRTY-FIVE dollars, which sum shall be paid by the applicants before or at the time the license is issued. Any town or city clerk who shall issue a license to marry any persons one or both of whom shall not be at the time of the marriage under such license legally competent to marry without first requiring the parties to such marriage to make such affidavits and statements or who shall not require the production of documentary proof of age or the procuring of the approval and consents provided for by this article, which shall show that the parties authorized by said license to be married are legally competent to marry, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the sum of one hundred dollars for each and every offense. On or before the fifteenth day of each month, each town and city clerk, except in the city of New York, shall transmit to the state commissioner of health [twenty-two] TWENTY-SEVEN dollars and fifty cents of the amount received for each fee collected, TWENTY-TWO DOLLARS AND FIFTY CENTS OF which shall be paid

into the vital records management account as provided by section ninety-seven-cccc of the state finance law AND FIVE DOLLARS OF WHICH SHALL BE DEPOSITED INTO THE DOMESTIC VIOLENCE AWARENESS TRUST FUND PROVIDED FOR IN SECTION EIGHTY-ONE OF THE STATE FINANCE LAW. In any city the balance of all fees collected for the issuing of a marriage license, or for solemnizing a marriage, so far as collected for services rendered by any officer or employee of such city, shall be paid monthly into the city treasury and may by ordinance be credited to any fund therein designated, and said ordinance, when duly enacted, shall have the force of law in such city. Notwithstanding any other provisions of this article, the clerk of any city with the approval of the governing body of such city is hereby authorized to designate, in writing filed in the city clerk's office, a deputy clerk, if any, and/or other city employees in such office to receive applications for, examine applications, investigate and issue marriage licenses in the absence or inability of the clerk of said city to act, and said deputy and/or employees so designated are hereby vested with all the powers and duties of said city clerk relative thereto. Such deputy and/or employees shall perform said duties without additional compensation.

S 5. Subdivision 4 of section 15 of the domestic relations law, as amended by chapter 424 of the laws of 1990, is amended to read as follows:

4. Notwithstanding any other provision of this section, the city clerk of the city of New York, before issuing any licenses herein provided for, shall be entitled to a fee of [twenty-five] THIRTY dollars, which sum shall be paid by the applicants before or at the time the license is issued and [all] TWENTY-FIVE DOLLARS OF THE AMOUNT RECEIVED FROM such fees [so received] shall be paid monthly into the city treasury.

S 6. Section 15 of the domestic relations law is amended by adding a new subdivision 5 to read as follows:

5. ON OR BEFORE THE FIFTEENTH DAY OF EACH MONTH, FIVE DOLLARS OF THE AMOUNT RECEIVED FROM THE FEES PROVIDED IN THIS SECTION SHALL BE TRANSMITTED TO THE STATE COMPTROLLER FOR DEPOSIT INTO THE DOMESTIC VIOLENCE AWARENESS TRUST FUND PROVIDED FOR IN SECTION EIGHTY-ONE OF THE STATE FINANCE LAW.

S 7. Subdivisions 6 and 7 of section 4139 of the public health law, as amended by section 1 of part W2 of chapter 62 of the laws of 2003, are amended to read as follows:

6. The commissioner shall be entitled to a fee of [thirty] THIRTY-FIVE dollars for each certification, certified copy or certified transcript of certificate of dissolution of marriage furnished.

7. For a search of the files where no such certification, certified copy, or certified transcript is furnished, or for a certification that a search discloses no record of a dissolution of marriage, the commissioner shall be entitled to a fee of [thirty] THIRTY-FIVE dollars.

S 8. Section 4139 of the public health law is amended by adding a new subdivision 9 to read as follows:

9. ON OR BEFORE THE FIFTEENTH DAY OF EACH MONTH, FIVE DOLLARS OF THE AMOUNT RECEIVED FROM THE FEES PROVIDED FOR IN THIS SECTION SHALL BE TRANSMITTED TO THE STATE COMPTROLLER FOR DEPOSIT INTO THE DOMESTIC VIOLENCE AWARENESS TRUST FUND PROVIDED FOR IN SECTION EIGHTY-ONE OF THE STATE FINANCE LAW.

S 9. The state finance law is amended by adding a new section 81 to read as follows:

S 81. DOMESTIC VIOLENCE AWARENESS TRUST FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER AND THE COMMISSIONER

OF TAXATION AND FINANCE A SEPARATE AND DISTINCT FUND TO BE KNOWN AS THE DOMESTIC VIOLENCE AWARENESS TRUST FUND. SUCH FUND SHALL CONSIST OF ANY MONIES COLLECTED FROM THAT PORTION OF MARRIAGE LICENSE FEES AND CERTIFICATES OF DISSOLUTION OF MARRIAGE SPECIFICALLY PROVIDED FOR DEPOSIT INTO SUCH FUND AND FUNDS FROM ANY OTHER SOURCE INCLUDING BUT NOT LIMITED TO, FEDERAL FUNDS, DONATIONS FROM PRIVATE INDIVIDUALS, CORPORATIONS OR FOUNDATIONS AND ANY INTEREST EARNINGS WHICH MAY ACCRUE FROM THE INVESTMENT OF MONIES IN THE FUND, FOR THE IMPLEMENTATION OF PROGRAMS PROVIDED FOR IN THIS SECTION. ALL FUNDS RECEIVED BY THE COMPTROLLER ON BEHALF OF THE FUND SHALL BE DEPOSITED BY THE COMPTROLLER TO THE CREDIT OF THE FUND.

2. DONATIONS FROM PRIVATE INDIVIDUALS, CORPORATIONS, OR FOUNDATIONS DEPOSITED IN THE FUND MAY BE INVESTED BY THE COMPTROLLER PURSUANT TO THE PROVISIONS OF SECTION NINETY-EIGHT-A OF THIS ARTICLE. ANY INCOME FROM SUCH INVESTMENTS SHALL BE DEPOSITED TO THE CREDIT OF THE FUND.

3. MONIES OF THE FUND, WHEN ALLOCATED, SHALL BE AVAILABLE TO THE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE FOR THE ESTABLISHMENT AND MAINTENANCE OF DOMESTIC VIOLENCE PROGRAMS.

4. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE DIRECTOR OF THE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE.

5. MONIES FROM THE ADDITIONAL MARRIAGE LICENSE FEES AND CERTIFICATES OF DISSOLUTION OF MARRIAGE SPECIFICALLY DEPOSITED INTO THE FUND AS PROVIDED BY LAW SHALL BE A SUPPLEMENTAL SOURCE OF FUNDING FOR DOMESTIC VIOLENCE PROGRAMS AND SHALL NOT BE USED TO REPLACE OR TO DIMINISH THE APPROPRIATION OF FUNDS OUT OF THE GENERAL FUND OR FROM ANY SOURCE OF MONEY TO SUCH PROGRAMS OR TO THE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE. FURTHERMORE, NOTHING CONTAINED IN THIS SECTION IS INTENDED TO PROHIBIT THE APPROPRIATION OF OTHER FUNDS OUT OF THE STATE GENERAL FUND TO THE OFFICE OR TO OTHER DOMESTIC VIOLENCE PROGRAMS; PROVIDED, HOWEVER THAT SUCH PROGRAMS MAY USE THE FUNDING PROVIDED BY THE FUND TO REPLACE FUNDING FROM OTHER SOURCES.

S 10. This act shall take effect April 1, 2012.