

528--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. FUSCHILLO, DeFRANCISCO, JOHNSON, LARKIN, LAVALLE, NOZZOLIO, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil rights law, in relation to verification of a name change

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

1 Section 1. The civil rights law is amended by adding a new section
2 61-a to read as follows:

3 S 61-A. VERIFICATION. 1. PRIOR TO THE ISSUANCE OF ANY ORDER GRANTING A
4 CHANGE OF NAME, THE COURT IN WHICH THE PETITION HAS BEEN FILED SHALL
5 TAKE ALL REASONABLE STEPS TO VERIFY THE INFORMATION PROVIDED BY THE
6 PETITIONER PURSUANT TO SECTION SIXTY-ONE OF THIS ARTICLE.

7 2. THE OFFICE OF COURT ADMINISTRATION SHALL PROMULGATE SUCH RULES,
8 REGULATIONS AND FEE SCHEDULE AS ARE NECESSARY TO IMPLEMENT THIS SECTION.
9 IN PROMULGATING SUCH RULES AND REGULATIONS, THE OFFICE SHALL TAKE INTO
10 ACCOUNT THE LEGISLATURE'S INTENT THAT THE PROCESS OF VERIFICATION AS
11 DESCRIBED IN SUBDIVISION ONE OF THIS SECTION SHALL BE MEANT TO PREVENT
12 THE PETITIONER FROM USING NAME CHANGE TO EVADE LEGAL PROCESS OR OBLI-
13 GATION.

14 S 2. Subdivision 2 of section 61 of the civil rights law, as amended
15 by section 54 of subpart B of part C of chapter 62 of the laws of 2011,
16 is amended to read as follows:

17 2. If the petitioner stands convicted of a violent felony offense as
18 defined in section 70.02 of the penal law or a felony defined in article
19 one hundred twenty-five of such law or any of the following provisions
20 of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26,

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

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1 255.27, article two hundred sixty-three, SECTIONS 135.10, 135.25,
2 230.05, 230.06, subdivision two of section 230.30 or SECTION 230.32,
3 [and is currently confined as an inmate in any correctional facility or
4 currently under the supervision of the department of corrections and
5 community supervision or a county probation department as a result of
6 such conviction,] the petition shall for each such conviction specify
7 such felony conviction, the date of such conviction or convictions, and
8 the court in which such conviction or convictions were entered.

9 S 3. Subdivision 2 of section 62 of the civil rights law, as amended
10 by section 55 of subpart B of part C of chapter 62 of the laws of 2011,
11 is amended to read as follows:

12 2. If the petition be to change the name of a person [currently
13 confined as an inmate in any correctional facility or currently under
14 the supervision of the department of corrections and community super-
15 vision or a county probation department as a result of a conviction for]
16 WHO STANDS CONVICTED OF a violent felony offense as defined in section
17 70.02 of the penal law or a felony defined in article one hundred twen-
18 ty-five of such law or any of the following provisions of such law
19 sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26, 255.27, article
20 two hundred sixty-three, SECTIONS 135.10, 135.25, 230.05, 230.06, subdi-
21 vision two of section 230.30 or SECTION 230.32, notice of the time and
22 place when and where the petition will be presented shall be served, in
23 like manner as a notice of a motion upon an attorney in an action, upon
24 the district attorney of every county in which such person has been
25 convicted of such felony and upon the court or courts in which the
26 sentence for such felony was entered. Unless a shorter period of time is
27 ordered by the court, said notice shall be served upon each such
28 district attorney and court or courts not less than sixty days prior to
29 the date on which such petition is noticed to be heard.

30 S 4. This act shall take effect on the one hundred eightieth day after
31 it shall have become a law.