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

4214--A

2011-2012 Regular Sessions

I N S E N A T E

March 23, 2011

Introduced by Sens. GIANARIS, OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary 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 family court act and the criminal procedure law, in relation to parental failure to pay child support

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

Section 1. Subdivision 2 of section 454 of the family court act is amended by adding a new paragraph (j) to read as follows:

(J) THE COURT MAY REFER THE PROCEEDING TO A CRIMINAL COURT OF COMPETENT JURISDICTION IF, (I) AN ARREST WARRANT HAS BEEN ISSUED FOR A VIOLATION OF ANY PROVISION OF THIS ACT RELATED TO CHILD SUPPORT OR OF SECTION 215.50, 215.51, 215.52, 260.05 OR 260.06 OF THE PENAL LAW, (II) NO ARREST HAS BEEN MADE, (III) ONE YEAR HAS ELAPSED SINCE THE ISSUANCE OF SUCH ARREST WARRANT, AND (IV) THE SUPPORT ARREARS HAS NOT BEEN PAID.

S 2. Subdivision 1 of section 10.20 of the criminal procedure law is amended to read as follows:

1. Superior courts have trial jurisdiction of all offenses. They have:

(a) Exclusive trial jurisdiction of felonies; and

(b) Trial jurisdiction of misdemeanors concurrent with that of the local criminal courts; and

(c) Trial jurisdiction of petty offenses, but only when such an offense is charged in an indictment which also charges a crime; AND

(D) JURISDICTION OVER SUCH CHILD SUPPORT ENFORCEMENT MATTERS REFERRED TO THE LOCAL CRIMINAL COURT BY A FAMILY COURT JUDGE PURSUANT TO SUBDIVISION TWO OF SECTION FOUR HUNDRED FIFTY-FOUR OF THE FAMILY COURT ACT.

S 3. Subdivision 1 of section 10.30 of the criminal procedure law is amended to read as follows:

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

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1. Local criminal courts have trial jurisdiction of all offenses other than felonies. They have:

(a) Exclusive trial jurisdiction of petty offenses except for the superior court jurisdiction thereof prescribed in paragraph (c) of subdivision one of section 10.20; [and]

(b) Trial jurisdiction of misdemeanors concurrent with that of the superior courts but subject to divestiture thereof by the latter in any particular case; AND

(C) JURISDICTION OVER SUCH CHILD SUPPORT ENFORCEMENT MATTERS REFERRED TO THE LOCAL CRIMINAL COURT BY A FAMILY COURT JUDGE PURSUANT TO SUBDIVISION TWO OF SECTION FOUR HUNDRED FIFTY-FOUR OF THE FAMILY COURT ACT.

S 4. This act shall take effect immediately.