

1728--C

Cal. No. 107

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. ESPAILLAT, HOYLMAN, KRUEGER, MONTGOMERY, PERKINS, RIVERA, SAMPSON, SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the criminal procedure law, the domestic relations law and the judiciary law, in relation to translation services for certain orders by courts of competent jurisdiction

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

1 Section 1. Section 530.12 of the criminal procedure law is amended by
2 adding a new subdivision 16 to read as follows:
3 16. THE COURT OF COMPETENT JURISDICTION SHALL PROVIDE TRANSLATION
4 SERVICES OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, AS
5 PROVIDED BY PARAGRAPH (T) OF SUBDIVISION TWO OF SECTION TWO HUNDRED
6 TWELVE OF THE JUDICIARY LAW, TO ANY DEFENDANT AND/OR PERSON PROTECTED BY
7 SUCH ORDER OF PROTECTION WHO IS NOT FLUENT IN THE ENGLISH LANGUAGE. SUCH
8 TRANSLATION, OR THE INABILITY TO TRANSLATE INTO A DEFENDANT'S NATIVE
9 LANGUAGE, SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.
10 S 2. Section 530.13 of the criminal procedure law is amended by adding
11 a new subdivision 10 to read as follows:
12 10. THE COURT OF COMPETENT JURISDICTION SHALL PROVIDE TRANSLATION
13 SERVICES OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, AS
14 PROVIDED BY PARAGRAPH (T) OF SUBDIVISION TWO OF SECTION TWO HUNDRED
15 TWELVE OF THE JUDICIARY LAW, TO ANY DEFENDANT AND/OR PERSON PROTECTED BY

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

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1 SUCH ORDER OF PROTECTION WHO IS NOT FLUENT IN THE ENGLISH LANGUAGE. SUCH
2 TRANSLATION, OR THE INABILITY TO TRANSLATE INTO A DEFENDANT'S NATIVE
3 LANGUAGE, SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.

4 S 3. Subdivision 3 of section 240 of the domestic relations law is
5 amended by adding a new paragraph a-1 to read as follows:

6 A-1. THE COURT OF COMPETENT JURISDICTION SHALL PROVIDE TRANSLATION
7 SERVICES OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, AS
8 PROVIDED BY PARAGRAPH (T) OF SUBDIVISION TWO OF SECTION TWO HUNDRED
9 TWELVE OF THE JUDICIARY LAW, TO ANY RESPONDENT AND/OR PERSON PROTECTED
10 BY SUCH ORDER OF PROTECTION WHO IS NOT FLUENT IN THE ENGLISH LANGUAGE.
11 SUCH TRANSLATION, OR THE INABILITY TO TRANSLATE INTO A RESPONDENT'S
12 NATIVE LANGUAGE, SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE
13 ORDER.

14 S 4. Section 252 of the domestic relations law is amended by adding a
15 new subdivision 1-a to read as follows:

16 1-A. THE COURT OF COMPETENT JURISDICTION SHALL PROVIDE TRANSLATION
17 SERVICES OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, AS
18 PROVIDED BY PARAGRAPH (T) OF SUBDIVISION TWO OF SECTION TWO HUNDRED
19 TWELVE OF THE JUDICIARY LAW, TO ANY RESPONDENT AND/OR PERSON PROTECTED
20 BY SUCH ORDER OF PROTECTION WHO IS NOT FLUENT IN THE ENGLISH LANGUAGE.
21 SUCH TRANSLATION, OR THE INABILITY TO TRANSLATE INTO A RESPONDENT'S
22 NATIVE LANGUAGE, SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE
23 ORDER.

24 S 5. Subdivision 2 of section 212 of the judiciary law is amended by
25 adding a new paragraph (t) to read as follows:

26 (T) (I) PROVIDE TRANSLATION SERVICES TO ALL COURTS TO ASSIST IN THE
27 TRANSLATION OF ALL ORDERS OF PROTECTION OR TEMPORARY ORDERS OF
28 PROTECTION WHERE THE PETITIONER OR RESPONDENT, OR VICTIM OR DEFENDANT,
29 IS NOT FLUENT IN THE ENGLISH LANGUAGE.

30 (II) SUCH TRANSLATION SERVICES SHALL BE MADE AVAILABLE TO ALL FAMILY
31 COURTS AND CRIMINAL COURTS THAT ISSUE ORDERS OF PROTECTION OR TEMPORARY
32 ORDERS OF PROTECTION, AND SHALL BE MADE AVAILABLE IN THE TEN MOST
33 FREQUENTLY USED LANGUAGES IN NEW YORK STATE, AS WELL AS ANY ADDITIONAL
34 LANGUAGES THAT THE CHIEF ADMINISTRATOR OF THE COURTS DEEMS APPROPRIATE.

35 (III) TRANSLATION SERVICES MAY BE PROVIDED THROUGH THE USE OF COMPUTER
36 SOFTWARE, BUT MUST ALSO BE AVAILABLE THROUGH AUDIO MEANS FOR THE VISUAL-
37 LY IMPAIRED.

38 (IV) TRANSLATION SERVICES SHALL NOT AFFECT THE VALIDITY OR ENFORCEA-
39 BILITY OF ANY ORDER.

40 S 6. The chief administrator of the courts may promulgate rules and
41 regulations in order to effectuate the provisions of this act.

42 S 7. This act shall take effect on the ninetieth day after it shall
43 have become a law and shall apply to orders of protection issued on or
44 after such effective date.