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2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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

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:

1 Section 1. Subdivision 2 of section 454 of the family court act is
2 amended by adding a new paragraph (j) to read as follows:
3 (J) THE COURT MAY REFER THE PROCEEDING TO A CRIMINAL COURT OF COMPE-
4 TENT JURISDICTION IF, (I) AN ARREST WARRANT HAS BEEN ISSUED FOR A
5 VIOLATION OF ANY PROVISION OF THIS ACT RELATED TO CHILD SUPPORT OR OF
6 SECTION 215.50, 215.51, 215.52, 260.05 OR 260.06 OF THE PENAL LAW, (II)
7 NO ARREST HAS BEEN MADE, (III) ONE YEAR HAS ELAPSED SINCE THE ISSUANCE
8 OF SUCH ARREST WARRANT, AND (IV) THE SUPPORT ARREARS HAS NOT BEEN PAID.
9 S 2. Subdivision 1 of section 10.20 of the criminal procedure law is
10 amended to read as follows:
11 1. Superior courts have trial jurisdiction of all offenses. They have:
12 (a) Exclusive trial jurisdiction of felonies; and
13 (b) Trial jurisdiction of misdemeanors concurrent with that of the
14 local criminal courts; and
15 (c) Trial jurisdiction of petty offenses, but only when such an
16 offense is charged in an indictment which also charges a crime; AND
17 (D) JURISDICTION OVER SUCH CHILD SUPPORT ENFORCEMENT MATTERS REFERRED
18 TO THE LOCAL CRIMINAL COURT BY A FAMILY COURT JUDGE PURSUANT TO SUBDIVI-
19 SION TWO OF SECTION FOUR HUNDRED FIFTY-FOUR OF THE FAMILY COURT ACT.
20 S 3. Subdivision 1 of section 10.30 of the criminal procedure law is
21 amended to read as follows:
22 1. Local criminal courts have trial jurisdiction of all offenses
23 other than felonies. They have:

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

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1 (a) Exclusive trial jurisdiction of petty offenses except for the
2 superior court jurisdiction thereof prescribed in paragraph (c) of
3 subdivision one of section 10.20; [and]
4 (b) Trial jurisdiction of misdemeanors concurrent with that of the
5 superior courts but subject to divestiture thereof by the latter in any
6 particular case; AND
7 (C) JURISDICTION OVER SUCH CHILD SUPPORT ENFORCEMENT MATTERS REFERRED
8 TO THE LOCAL CRIMINAL COURT BY A FAMILY COURT JUDGE PURSUANT TO SUBDIVI-
9 SION TWO OF SECTION FOUR HUNDRED FIFTY-FOUR OF THE FAMILY COURT ACT.
10 S 4. This act shall take effect immediately.