

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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

AN ACT to amend the criminal procedure law and the family court act, in relation to orders of protection

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

1 Section 1. The opening paragraph of subdivision 1 of section 530.14 of
2 the criminal procedure law, as added by chapter 644 of the laws of 1996,
3 is amended to read as follows:

4 Mandatory and permissive suspension of firearms license and ineligi-
5 bility for such a license upon issuance of temporary order of
6 protection. Whenever a temporary order of protection is issued pursuant
7 to subdivision one of section 530.12 or subdivision one of section
8 530.13 of this article THE COURT SHALL INQUIRE OF THE DEFENDANT AS TO
9 THE EXISTENCE AND LOCATION OF ANY FIREARM OWNED OR POSSESSED BY THE
10 DEFENDANT AND:

11 S 2. The opening paragraph of subdivision 2 of section 530.14 of the
12 criminal procedure law, as added by chapter 644 of the laws of 1996, is
13 amended to read as follows:

14 Mandatory and permissive revocation or suspension of firearms license
15 and ineligibility for such a license upon issuance of an order of
16 protection. Whenever an order of protection is issued pursuant to subdi-
17 vision five of section 530.12 or subdivision four of section 530.13 of
18 this article THE COURT SHALL INQUIRE OF THE DEFENDANT AS TO THE EXIST-
19 ENCE AND LOCATION OF ANY FIREARM OWNED OR POSSESSED BY THE DEFENDANT
20 AND:

21 S 3. The opening paragraph of subdivision 3 of section 530.14 of the
22 criminal procedure law, as amended by chapter 597 of the laws of 1998,
23 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 Mandatory and permissive revocation or suspension of firearms license
2 and ineligibility for such a license upon a finding of a willful failure
3 to obey an order of protection. Whenever a defendant has been found
4 pursuant to subdivision eleven of section 530.12 or subdivision eight of
5 section 530.13 of this article to have willfully failed to obey an order
6 of protection issued by a court of competent jurisdiction in this state
7 or another state, territorial or tribal jurisdiction, in addition to any
8 other remedies available pursuant to subdivision eleven of section
9 530.12 or subdivision eight of section 530.13 of this article THE COURT
10 SHALL INQUIRE OF THE DEFENDANT AS TO THE EXISTENCE AND LOCATION OF ANY
11 FIREARM OWNED OR POSSESSED BY THE DEFENDANT AND:

12 S 4. The opening paragraph of subdivision 1 of section 842-a of the
13 family court act, as added by chapter 644 of the laws of 1996, is
14 amended to read as follows:

15 Mandatory and permissive suspension of firearms license and ineligi-
16 bility for such a license upon the issuance of a temporary order of
17 protection. Whenever a temporary order of protection is issued pursuant
18 to section eight hundred twenty-eight of this article THE COURT SHALL
19 INQUIRE OF THE RESPONDENT AS TO THE EXISTENCE AND LOCATION OF ANY
20 FIREARM OWNED OR POSSESSED BY THE RESPONDENT AND:

21 S 5. The opening paragraph of subdivision 2 of section 842-a of the
22 family court act, as added by chapter 644 of the laws of 1996, is
23 amended to read as follows:

24 Mandatory and permissive revocation or suspension of firearms license
25 and ineligibility for such a license upon the issuance of an order of
26 protection. Whenever an order of protection is issued pursuant to
27 section eight hundred forty-one of this part THE COURT SHALL INQUIRE OF
28 THE RESPONDENT AS TO THE EXISTENCE AND LOCATION OF ANY FIREARM OWNED OR
29 POSSESSED BY THE RESPONDENT AND:

30 S 6. The opening paragraph of subdivision 3 of section 842-a of the
31 family court act, as amended by chapter 597 of the laws of 1998, is
32 amended to read as follows:

33 Mandatory and permissive revocation or suspension of firearms license
34 and ineligibility for such a license upon a finding of a willful failure
35 to obey an order of protection. Whenever a respondent has been found,
36 pursuant to section eight hundred forty-six-a of this part to have will-
37 fully failed to obey an order of protection issued by this court or an
38 order of protection issued by a court of competent jurisdiction in
39 another state, territorial or tribal jurisdiction, in addition to any
40 other remedies available pursuant to section eight hundred forty-six-a
41 of this part THE COURT SHALL INQUIRE OF THE RESPONDENT AS TO THE EXIST-
42 ENCE AND LOCATION OF ANY FIREARM OWNED OR POSSESSED BY THE RESPONDENT
43 AND:

44 S 7. This act shall take effect immediately.