

5220

2013-2014 Regular Sessions

I N S E N A T E

May 14, 2013

Introduced by Sen. FELDER -- (at request of the Office of Court Administration) -- 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 domestic relations law, in relation to conditions of orders of protection in matrimonial proceedings and violations of orders of protection and temporary orders of protection and probation in matrimonial and family court proceedings

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

1 Section 1. Section 430 of the family court act is amended by adding a
2 new subdivision (d) to read as follows:
3 (D) IF A RESPONDENT IS BROUGHT BEFORE THE COURT FOR FAILURE TO OBEY A
4 TEMPORARY ORDER OF PROTECTION ISSUED PURSUANT TO THIS SECTION, SUCH
5 ALLEGED VIOLATION SHALL BE GOVERNED BY SECTIONS EIGHT HUNDRED
6 FORTY-TWO-A, EIGHT HUNDRED FORTY-SIX, EIGHT HUNDRED FORTY-SIX-A AND
7 EIGHT HUNDRED FORTY-SEVEN OF THIS ACT; PROVIDED, HOWEVER, THAT AN
8 ALLEGED VIOLATION CONSISTING OF NONPAYMENT OF SUPPORT IN VIOLATION OF AN
9 ORDER ISSUED UNDER THIS ARTICLE SHALL BE GOVERNED BY PARTS FIVE AND
10 SEVEN OF THIS ARTICLE.
11 S 2. Section 446-a of the family court act, as added by chapter 1 of
12 the laws of 2013, is amended to read as follows:
13 S 446-a. Firearms; surrender and license suspension, revocation and
14 ineligibility; ISSUANCE OR VIOLATION OF ORDER OF PROTECTION OR TEMPORARY
15 ORDER OF PROTECTION. Upon the issuance of an order of protection or
16 temporary order of protection, or upon a violation of such order, the
17 court shall make a determination regarding the suspension and revocation
18 of a license to carry, possess, repair or dispose of a firearm or
19 firearms, ineligibility for such a license and the surrender of firearms
20 in accordance with section eight hundred forty-two-a of this act. IF A
21 RESPONDENT IS BROUGHT BEFORE THE COURT FOR FAILURE TO OBEY AN ORDER OF

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

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1 PROTECTION ISSUED PURSUANT TO THIS ARTICLE, SUCH ALLEGED VIOLATION SHALL
2 BE GOVERNED BY SECTIONS EIGHT HUNDRED FORTY-TWO-A, EIGHT HUNDRED FORTY-
3 SIX, EIGHT HUNDRED FORTY-SIX-A AND EIGHT HUNDRED FORTY-SEVEN OF THIS
4 ACT; PROVIDED, HOWEVER, THAT AN ALLEGED VIOLATION CONSISTING OF NONPAY-
5 MENT OF SUPPORT IN VIOLATION OF AN ORDER ISSUED UNDER THIS ARTICLE SHALL
6 BE GOVERNED BY PARTS FIVE AND SEVEN OF THIS ARTICLE.

7 S 3. Section 550 of the family court act is amended by adding a new
8 subdivision (d) to read as follows:

9 (D) IF A RESPONDENT IS BROUGHT BEFORE THE COURT FOR FAILURE TO OBEY A
10 TEMPORARY ORDER OF PROTECTION ISSUED PURSUANT TO THIS SECTION, SUCH
11 ALLEGED VIOLATION SHALL BE GOVERNED BY SECTIONS EIGHT HUNDRED
12 FORTY-TWO-A, EIGHT HUNDRED FORTY-SIX, EIGHT HUNDRED FORTY-SIX-A AND
13 EIGHT HUNDRED FORTY-SEVEN OF THIS ACT; PROVIDED, HOWEVER, THAT AN
14 ALLEGED VIOLATION CONSISTING OF NONPAYMENT OF SUPPORT IN VIOLATION OF AN
15 ORDER ISSUED UNDER THIS ARTICLE OR ARTICLE FOUR OF THIS ACT SHALL BE
16 GOVERNED BY PARTS FIVE AND SEVEN OF ARTICLE FOUR OF THIS ACT.

17 S 4. Section 552 of the family court act, as added by chapter 1 of the
18 laws of 2013, is amended to read as follows:

19 S 552. Firearms; surrender and license suspension, revocation and
20 ineligibility; ISSUANCE OR VIOLATION OF ORDER OF PROTECTION OR TEMPORARY
21 ORDER OF PROTECTION. Upon the issuance of an order of protection or
22 temporary order of protection, or upon a violation of such order, the
23 court shall make a determination regarding the suspension and revocation
24 of a license to carry, possess, repair or dispose of a firearm or
25 firearms, ineligibility for such a license and the surrender of firearms
26 in accordance with section eight hundred forty-two-a of this act. IF A
27 RESPONDENT IS BROUGHT BEFORE THE COURT FOR FAILURE TO OBEY AN ORDER OF
28 PROTECTION ISSUED PURSUANT TO THIS ARTICLE, SUCH ALLEGED VIOLATION SHALL
29 BE SUBJECT TO SECTIONS EIGHT HUNDRED FORTY-TWO-A, EIGHT HUNDRED
30 FORTY-SIX, EIGHT HUNDRED FORTY-SIX-A AND EIGHT HUNDRED FORTY-SEVEN OF
31 THIS ACT; PROVIDED, HOWEVER, THAT AN ALLEGED VIOLATION CONSISTING OF
32 NONPAYMENT OF SUPPORT IN VIOLATION OF AN ORDER ISSUED UNDER THIS ARTICLE
33 OR ARTICLE FOUR OF THIS ACT SHALL BE GOVERNED BY PARTS FIVE AND SEVEN OF
34 ARTICLE FOUR OF THIS ACT.

35 S 5. Section 655 of the family court act is amended by adding a new
36 subdivision (e) to read as follows:

37 (E) IF A RESPONDENT IS BROUGHT BEFORE THE COURT FOR FAILURE TO OBEY A
38 TEMPORARY ORDER OF PROTECTION ISSUED PURSUANT TO THIS SECTION, SUCH
39 ALLEGED VIOLATION SHALL BE GOVERNED BY SECTIONS EIGHT HUNDRED
40 FORTY-TWO-A, EIGHT HUNDRED FORTY-SIX, EIGHT HUNDRED FORTY-SIX-A AND
41 EIGHT HUNDRED FORTY-SEVEN OF THIS ACT.

42 S 6. Section 656-a of the family court act, as added by chapter 1 of
43 the laws of 2013, is amended to read as follows:

44 S 656-a. Firearms; surrender and license suspension, revocation and
45 ineligibility; ISSUANCE OR VIOLATION OF ORDER OF PROTECTION OR TEMPORARY
46 ORDER OF PROTECTION. Upon the issuance of an order of protection or
47 temporary order of protection, or upon a violation of such order, the
48 court shall make a determination regarding the suspension and revocation
49 of a license to carry, possess, repair or dispose of a firearm or
50 firearms, ineligibility for such a license and the surrender of firearms
51 in accordance with section eight hundred forty-two-a of this act. IF A
52 RESPONDENT IS BROUGHT BEFORE THE COURT FOR FAILURE TO OBEY AN ORDER OF
53 PROTECTION ISSUED PURSUANT TO THIS ARTICLE, SUCH ALLEGED VIOLATION SHALL
54 BE GOVERNED BY SECTIONS EIGHT HUNDRED FORTY-TWO-A, EIGHT HUNDRED FORTY-
55 SIX, EIGHT HUNDRED FORTY-SIX-A AND EIGHT HUNDRED FORTY-SEVEN OF THIS
56 ACT.

1 S 7. Subdivision (c) of section 841 of the family court act, as
2 amended by chapter 222 of the laws of 1994, is amended to read as
3 follows:

4 (c) placing the respondent on probation for a period not exceeding
5 [one year] TWO YEARS OR, IF AN ORDER OF PROTECTION HAS BEEN ISSUED FOR
6 FIVE YEARS PURSUANT TO SECTION EIGHT HUNDRED FORTY-TWO OF THIS ARTICLE,
7 A PERIOD NOT EXCEEDING FIVE YEARS, and requiring respondent to partic-
8 ipate in a batterer's education program designed to help end violent
9 behavior, which may include referral to drug and alcohol counseling, and
10 to pay the costs thereof if respondent has the means to do so, provided
11 however that nothing contained herein shall be deemed to require payment
12 of the costs of any such program by the petitioner, the state or any
13 political subdivision thereof; or

14 S 8. Section 846-a of the family court act, as amended by chapter 1 of
15 the laws of 2013, is amended to read as follows:

16 S 846-a. Powers on failure to obey order. If a respondent is brought
17 before the court for failure to obey any lawful order issued under this
18 article or an order of protection or temporary order of protection
19 issued pursuant to this act or issued by a court of competent jurisdic-
20 tion of another state, territorial or tribal jurisdiction and if, after
21 hearing, the court is satisfied by competent proof that the respondent
22 has willfully failed to obey [any] such order, the court [may] SHALL DO
23 ONE OR MORE OF THE FOLLOWING:

24 1. modify an existing order or temporary order of protection to add
25 reasonable conditions of behavior to the existing order[,] OR TEMPORARY
26 ORDER OR make a new order of protection OR TEMPORARY ORDER OF PROTECTION
27 in accordance with section eight hundred forty-two of this part, [may]
28 OR order the forfeiture of bail in a manner consistent with article five
29 hundred forty of the criminal procedure law if bail has been ordered
30 pursuant to this act[, may];

31 2. PLACE THE RESPONDENT ON PROBATION IN ACCORDANCE WITH SUBDIVISION
32 (C) OF SECTION EIGHT HUNDRED FORTY-ONE OF THIS ARTICLE UPON SUCH CONDI-
33 TIONS AS THE COURT SHALL DIRECT, WHICH MAY INCLUDE, BUT NOT BE LIMITED
34 TO, A DIRECTION THAT THE RESPONDENT PARTICIPATE IN A BATTERER'S EDUCA-
35 TION PROGRAM DESIGNED TO HELP END VIOLENT BEHAVIOR, WHICH MAY INCLUDE
36 REFERRAL TO DRUG AND ALCOHOL COUNSELING, AND TO PAY THE COSTS THEREOF IF
37 THE RESPONDENT HAS THE MEANS TO DO SO, PROVIDED, HOWEVER, THAT NOTHING
38 IN THIS SUBDIVISION SHALL BE DEEMED TO REQUIRE PAYMENT OF THE COSTS OF
39 ANY SUCH PROGRAM BY THE PETITIONER, THE STATE OR ANY POLITICAL SUBDIVI-
40 SION THEREOF;

41 3. IF THE RESPONDENT IS ALREADY ON PROBATION PURSUANT TO SUCH SECTION,
42 REVOKE SUCH ORDER OF PROBATION, MODIFY THE CONDITIONS OF SUCH PROBATION
43 AND/OR ORDER ANY OTHER REMEDY UNDER THIS SECTION, PROVIDED, HOWEVER,
44 THAT PENDING THE DETERMINATION OF A VIOLATION OF PROBATION, THE PERIOD
45 OF PROBATION SHALL BE TOLLED AS OF THE DATE OF FILING OF THE VIOLATION
46 PETITION OR MOTION;

47 4. ORDER THE RESPONDENT TO PAY RESTITUTION IN ACCORDANCE WITH SUBDIVI-
48 SION (E) OF SECTION EIGHT HUNDRED FORTY-ONE OF THIS ARTICLE OR, IF THE
49 RESPONDENT HAS ALREADY BEEN SO ORDERED AND HAS VIOLATED SUCH ORDER,
50 MODIFY SUCH ORDER OF RESTITUTION AND/OR ORDER ANY OTHER REMEDY UNDER
51 THIS SECTION;

52 5. order the respondent to pay the [petitioner's] reasonable and
53 necessary counsel fees AND DISBURSEMENTS OF ANY OTHER PARTY OR PARTIES
54 AND/OR THE CHILD'S ATTORNEY in connection with the violation petition
55 [where the court finds that the violation of its order was willful, and
56 may];

6. ORDER THE RESPONDENT TO PROVIDE, EITHER DIRECTLY OR BY MEANS OF MEDICAL AND HEALTH INSURANCE, FOR EXPENSES INCURRED FOR MEDICAL CARE AND TREATMENT ARISING FROM THE INCIDENT OR INCIDENTS FORMING THE BASIS FOR THE ISSUANCE OF THE ORDER OR ITS VIOLATION;

7. SUSPEND OR MODIFY AN ORDER OF VISITATION BETWEEN RESPONDENT AND HIS OR HER CHILD OR CHILDREN OR DIRECT THAT SUCH VISITATION BE SUPERVISED BY A PERSON OR AGENCY DESIGNATED BY THE COURT AND UNDER CONDITIONS SPECIFIED BY THE COURT;

8. commit the respondent to jail for a term not to exceed six months. Such commitment may be served upon certain specified days or parts of days as the court may direct, and the court may, at any time within the term of such sentence, revoke such [suspension] DIRECTION and commit the respondent for the remainder of the original sentence, or suspend the remainder of such sentence[. If]; AND

9. IN ACCORDANCE WITH SUBDIVISION THREE OF SECTION EIGHT HUNDRED FORTY-TWO-A OF THIS ARTICLE, IMMEDIATELY REVOKE ANY LICENSE POSSESSED BY RESPONDENT TO CARRY, POSSESS, REPAIR AND DISPOSE OF FIREARMS PURSUANT TO SECTION 400.00 OF THE PENAL LAW, ORDER THE RESPONDENT INELIGIBLE FOR SUCH A LICENSE, AND ARRANGE FOR THE IMMEDIATE SURRENDER PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW, AND DISPOSAL OF ANY FIREARM SUCH RESPONDENT OWNS OR POSSESSES, IF the court determines that the willful failure to obey such order involves violent behavior constituting the crimes of menacing, reckless endangerment, assault or attempted assault [and if such a respondent is licensed to carry, possess, repair and dispose of firearms pursuant to section 400.00 of the penal law, the court may also immediately revoke such license and may arrange for the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, and disposal of any firearm such respondent owns or possesses]. If the willful failure to obey such order involves [the infliction of physical injury as defined in subdivision nine of section 10.00 of the penal law or the use or threatened use of a deadly weapon or dangerous instrument, as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law] ANY OF THE BEHAVIORS OR ACTIONS ENUMERATED IN PARAGRAPH (A) OR (B) OF SUBDIVISION THREE OF SECTION 842-A OF THIS ARTICLE, such revocation and immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law [six] and disposal of any firearm owned or possessed by respondent shall be mandatory, pursuant to subdivision eleven of section 400.00 of the penal law.

S 9. Subparagraphs 4, 5, 6, 7 and 8 of paragraph a of subdivision 3 of section 240 of the domestic relations law, subparagraphs 4, 5, 6 and 8 as amended by chapter 597 of the laws of 1998, subparagraph 7 as added and subparagraph 8 as renumbered by chapter 532 of the laws of 2008, are amended to read as follows:

(4) to permit a designated party to enter the residence during a specified period of time in order to remove personal belongings not in issue in a proceeding or action under this chapter or the family court act; [or]

(5) to refrain from acts of commission or omission that create an unreasonable risk to the health, safety or welfare of a child[.];

(6) to pay the reasonable counsel fees and disbursements involved in obtaining or enforcing the order of the person who is protected by such order if such order is issued or enforced[.];

(7) TO REQUIRE THE RESPONDENT TO PARTICIPATE IN A BATTERER'S EDUCATION PROGRAM DESIGNED TO HELP END VIOLENT BEHAVIOR, WHICH MAY INCLUDE REFERRAL TO DRUG AND ALCOHOL COUNSELING, AND TO PAY THE COSTS THEREOF IF THE PERSON HAS THE MEANS TO DO SO, PROVIDED HOWEVER THAT NOTHING CONTAINED HEREIN SHALL BE DEEMED TO REQUIRE PAYMENT OF THE COSTS OF ANY SUCH PROGRAM BY THE PARTY OR PARTIES PROTECTED BY THE ORDER, THE STATE OR ANY POLITICAL SUBDIVISION THEREOF;

(8) TO PROVIDE, EITHER DIRECTLY OR BY MEANS OF MEDICAL AND HEALTH INSURANCE, FOR EXPENSES INCURRED FOR MEDICAL CARE AND TREATMENT ARISING FROM THE INCIDENT OR INCIDENTS FORMING THE BASIS FOR THE ISSUANCE OF THE ORDER;

(9) to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the person protected by the order or a minor child residing in such person's household. "Companion animal," as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law[.]; OR

[(8)] (10) to observe such other conditions as are necessary to further the purposes of protection.

S 10. Paragraph h of subdivision 3 of section 240 of the domestic relations law, as amended by chapter 1 of the laws of 2013, is amended and a new subdivision 3-d is added to read as follows:

h. Upon issuance of an order of protection or temporary order of protection or upon a violation of such order, the court shall make a determination regarding the suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms, ineligibility for such a license and the surrender of firearms in accordance with sections eight hundred forty-two-a and eight hundred forty-six-a of the family court act, as applicable. Upon issuance of an order of protection pursuant to this section [or upon a finding of a violation thereof], the court also may direct payment of restitution in an amount not to exceed ten thousand dollars in accordance with subdivision (e) of section eight hundred forty-one of such act; provided, however, that in no case shall an order of restitution be issued where the court determines that the party against whom the order would be issued has already compensated the injured party or where such compensation is incorporated in a final judgment or settlement of the action. UPON A FINDING OF A WILLFUL VIOLATION OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, THE COURT SHALL MAKE AN ORDER IN ACCORDANCE WITH SUBDIVISION THREE-D OF THIS SECTION.

3-D. IF A PARTY IS BROUGHT BEFORE THE COURT FOR FAILURE TO OBEY AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT OR BY A COURT OF COMPETENT JURISDICTION OF ANOTHER STATE, TERRITORIAL OR TRIBAL JURISDICTION AND IF, AFTER HEARING, THE COURT IS SATISFIED BY COMPETENT PROOF THAT SUCH PARTY HAS WILLFULLY FAILED TO OBEY SUCH ORDER, THE COURT SHALL DO ONE OR MORE OF THE FOLLOWING:

A. MODIFY AN EXISTING ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION TO ADD REASONABLE CONDITIONS OF BEHAVIOR TO THE EXISTING ORDER OR TEMPORARY ORDER OR MAKE A NEW ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION;

B. PLACE THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ON PROBATION IN ACCORDANCE WITH SUBDIVISION (C) OF SECTION EIGHT HUNDRED FORTY-ONE OF THE FAMILY COURT ACT UPON SUCH CONDITIONS AS THE COURT SHALL DIRECT, WHICH MAY INCLUDE, BUT NOT BE

1 LIMITED TO, A DIRECTION THAT THE PARTY FOUND TO HAVE VIOLATED THE ORDER
2 OF PROTECTION OR TEMPORARY ORDER OF PROTECTION PARTICIPATE IN A
3 BATTERER'S EDUCATION PROGRAM DESIGNED TO HELP END VIOLENT BEHAVIOR,
4 WHICH MAY INCLUDE REFERRAL TO DRUG AND ALCOHOL COUNSELING, AND TO PAY
5 THE COSTS THEREOF IF THE PARTY HAS THE MEANS TO DO SO; PROVIDED, HOWEV-
6 ER, THAT NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO REQUIRE PAYMENT
7 OF THE COSTS OF ANY SUCH PROGRAM BY ANY OTHER PARTY, THE STATE OR ANY
8 POLITICAL SUBDIVISION THEREOF;

9 C. IF THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
10 TEMPORARY ORDER OF PROTECTION IS ALREADY ON PROBATION PURSUANT TO SUCH
11 SECTION, REVOKE SUCH ORDER OF PROBATION, MODIFY THE CONDITIONS OF SUCH
12 PROBATION AND/OR ORDER ANY OTHER REMEDY UNDER THIS SUBDIVISION,
13 PROVIDED, HOWEVER, THAT PENDING THE DETERMINATION OF A VIOLATION OF
14 PROBATION, THE PERIOD OF PROBATION SHALL BE TOLLED AS OF THE DATE OF
15 FILING OF THE VIOLATION PETITION OR MOTION;

16 D. ORDER THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
17 TEMPORARY ORDER OF PROTECTION TO PAY RESTITUTION IN ACCORDANCE WITH
18 PARAGRAPH H OF SUBDIVISION THREE OF THIS SECTION OR, IF SUCH PARTY HAS
19 ALREADY BEEN SO ORDERED AND HAS VIOLATED SUCH ORDER, MODIFY SUCH ORDER
20 AND/OR ORDER ANY OTHER REMEDY UNDER THIS SUBDIVISION;

21 E. ORDER THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
22 TEMPORARY ORDER OF PROTECTION TO PAY THE REASONABLE AND NECESSARY COUN-
23 SEL FEES AND DISBURSEMENTS OF ANY OTHER PARTY OR PARTIES AND/OR THE
24 CHILD'S ATTORNEY IN CONNECTION WITH THE VIOLATION PETITION;

25 F. ORDER THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
26 TEMPORARY ORDER OF PROTECTION TO PROVIDE, EITHER DIRECTLY OR BY MEANS OF
27 MEDICAL AND HEALTH INSURANCE, FOR EXPENSES INCURRED FOR MEDICAL CARE AND
28 TREATMENT ARISING FROM THE INCIDENT OR INCIDENTS FORMING THE BASIS FOR
29 THE ISSUANCE OF THE ORDER OR ITS VIOLATION;

30 G. SUSPEND OR MODIFY AN ORDER OF VISITATION BETWEEN THE PARTY FOUND TO
31 HAVE VIOLATED THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION
32 AND HIS OR HER CHILD OR CHILDREN OR DIRECT THAT SUCH VISITATION BE
33 SUPERVISED BY A PERSON OR AGENCY DESIGNATED BY THE COURT AND UNDER
34 CONDITIONS SPECIFIED BY THE COURT;

35 H. COMMIT THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
36 TEMPORARY ORDER OF PROTECTION TO JAIL FOR A TERM NOT TO EXCEED SIX
37 MONTHS. SUCH COMMITMENT MAY BE SERVED UPON CERTAIN SPECIFIED DAYS OR
38 PARTS OF DAYS AS THE COURT MAY DIRECT, AND THE COURT MAY, AT ANY TIME
39 WITHIN THE TERM OF SUCH SENTENCE, REVOKE SUCH DIRECTION AND COMMIT SUCH
40 PARTY FOR THE REMAINDER OF THE ORIGINAL SENTENCE, OR SUSPEND THE REMAIN-
41 DER OF SUCH SENTENCE; AND

42 I. IN ACCORDANCE WITH SUBDIVISION THREE OF SECTION EIGHT HUNDRED
43 FORTY-TWO-A OF THE FAMILY COURT ACT, SUSPEND OR REVOKE ANY LICENSE OF
44 THE PARTY FOUND TO HAVE VIOLATED THE ORDER TO CARRY, POSSESS, REPAIR AND
45 DISPOSE OF FIREARMS PURSUANT TO SECTION 400.00 OF THE PENAL LAW IMME-
46 DIATELY, ORDER SUCH PARTY INELIGIBLE TO RECEIVE SUCH A LICENSE AND ORDER
47 THE IMMEDIATE SURRENDER, PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE
48 OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05
49 OF THE PENAL LAW, AND DISPOSAL OF ANY FIREARM SUCH PARTY OWNS OR
50 POSSESSES.

51 S 11. Paragraphs (f), (g) and (h) of subdivision 1 of section 252 of
52 the domestic relations law, paragraphs (f) and (h) as amended by chapter
53 349 of the laws of 1995, paragraph (g) as added and (h) as relettered by
54 chapter 532 of the laws of 2008, are amended to read as follows:

1 (f) to pay the reasonable counsel fees and disbursements involved in
2 obtaining or enforcing the order of the person who is protected by such
3 order if such order is issued or enforced; [or]

4 (g) TO REQUIRE THE RESPONDENT TO PARTICIPATE IN A BATTERER'S EDUCATION
5 PROGRAM DESIGNED TO HELP END VIOLENT BEHAVIOR, WHICH MAY INCLUDE REFER-
6 RAL TO DRUG AND ALCOHOL COUNSELING, AND TO PAY THE COSTS THEREOF IF THE
7 PERSON HAS THE MEANS TO DO SO, PROVIDED HOWEVER THAT NOTHING CONTAINED
8 HEREIN SHALL BE DEEMED TO REQUIRE PAYMENT OF THE COSTS OF ANY SUCH
9 PROGRAM BY THE PARTY OR PARTIES PROTECTED BY THE ORDER, THE STATE OR ANY
10 POLITICAL SUBDIVISION THEREOF;

11 (H) TO PROVIDE, EITHER DIRECTLY OR BY MEANS OF MEDICAL AND HEALTH
12 INSURANCE, FOR EXPENSES INCURRED FOR MEDICAL CARE AND TREATMENT ARISING
13 FROM THE INCIDENT OR INCIDENTS FORMING THE BASIS FOR THE ISSUANCE OF THE
14 ORDER;

15 (I) to refrain from intentionally injuring or killing, without justi-
16 fication, any companion animal the respondent knows to be owned,
17 possessed, leased, kept or held by the person protected by the order or
18 a minor child residing in such person's household. "Companion animal,"
19 as used in this section, shall have the same meaning as in subdivision
20 five of section three hundred fifty of the agriculture and markets
21 law[.]; OR

22 [(h)] (J) to observe such other conditions as are necessary to further
23 the purposes of protection.

24 S 12. Subdivision 9 of section 252 of the domestic relations law, as
25 amended by chapter 1 of the laws of 2013, is amended to read as follows:

26 9. Upon issuance of an order of protection or temporary order of
27 protection or upon a violation of such order, the court shall, WHERE
28 APPLICABLE, make a determination regarding the suspension and revocation
29 of a license to carry, possess, repair or dispose of a firearm or
30 firearms, ineligibility for such a license and the surrender of firearms
31 in accordance with sections eight hundred forty-two-a and eight hundred
32 forty-six-a of the family court act, as applicable. Upon issuance of an
33 order of protection pursuant to this section [or upon a finding of a
34 violation thereof], the court also may direct payment of restitution in
35 an amount not to exceed ten thousand dollars in accordance with subdivi-
36 sion (e) of section eight hundred forty-one of such act; provided,
37 however, that in no case shall an order of restitution be issued where
38 the court determines that the party against whom the order would be
39 issued has already compensated the injured party or where such compen-
40 sation is incorporated in a final judgment or settlement of the action.
41 UPON A FINDING OF A WILLFUL VIOLATION OF AN ORDER OF PROTECTION OR
42 TEMPORARY ORDER OF PROTECTION, THE COURT SHALL MAKE AN ORDER IN ACCORD-
43 ANCE WITH SUBDIVISION THREE-D OF SECTION TWO HUNDRED FORTY OF THIS CHAP-
44 TER.

45 S 13. This act shall take effect on the ninetieth day after it shall
46 have become a law and shall apply to violations of orders of protection
47 and temporary orders of protection committed on or after such effective
48 date.