

5941

2015-2016 Regular Sessions

I N S E N A T E

June 12, 2015

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

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
16 SUCH ORDER OF PROTECTION WHO IS NOT FLUENT IN THE ENGLISH LANGUAGE. SUCH
17 TRANSLATION, OR THE INABILITY TO TRANSLATE INTO A DEFENDANT'S NATIVE
18 LANGUAGE, SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.
19 S 3. Subdivision 3 of section 240 of the domestic relations law is
20 amended by adding a new paragraph a-1 to read as follows:
21 A-1. THE COURT OF COMPETENT JURISDICTION SHALL PROVIDE TRANSLATION
22 SERVICES OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, AS
23 PROVIDED BY PARAGRAPH (T) OF SUBDIVISION TWO OF SECTION TWO HUNDRED
24 TWELVE OF THE JUDICIARY LAW, TO ANY RESPONDENT AND/OR PERSON PROTECTED

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

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

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

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

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

17 (T) (I) PROVIDE TRANSLATION SERVICES TO ALL COURTS TO ASSIST IN THE
18 TRANSLATION OF ALL ORDERS OF PROTECTION OR TEMPORARY ORDERS OF
19 PROTECTION WHERE THE PETITIONER OR RESPONDENT, OR VICTIM OR DEFENDANT,
20 IS NOT FLUENT IN THE ENGLISH LANGUAGE.

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

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

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

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

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