

STATE OF NEW YORK

3361

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

Introduced by M. of A. McKEVITT, GRAF, KOLB -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act, in relation to concurrent jurisdiction over certain family offenses

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 812 of
2 the family court act, as amended by chapter 526 of the laws of 2013, is
3 amended to read as follows:

4 The family court and the criminal courts shall have concurrent juris-
5 diction over any proceeding concerning acts which would constitute
6 disorderly conduct, criminal trespass in the third degree, unlawful
7 imprisonment in the second degree, harassment in the first degree,
8 harassment in the second degree, aggravated harassment in the second
9 degree, sexual misconduct, forcible touching, sexual abuse in the third
10 degree, sexual abuse in the second degree as set forth in subdivision
11 one of section 130.60 of the penal law, stalking in the first degree,
12 stalking in the second degree, stalking in the third degree, stalking in
13 the fourth degree, criminal mischief, menacing in the second degree,
14 menacing in the third degree, reckless endangerment, criminal
15 obstruction of breathing or blood circulation, strangulation in the
16 second degree, strangulation in the first degree, assault in the second
17 degree, assault in the third degree, an attempted assault, identity
18 theft in the first degree, identity theft in the second degree, identity
19 theft in the third degree, grand larceny in the fourth degree, grand
20 larceny in the third degree or coercion in the second degree as set
21 forth in subdivisions one, two and three of section 135.60 of the penal
22 law between spouses or former spouses, or between parent and child or
23 between members of the same family or household except that if the
24 respondent would not be criminally responsible by reason of age pursuant
25 to section 30.00 of the penal law, then the family court shall have

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

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1 exclusive jurisdiction over such proceeding. Notwithstanding a
2 complainant's election to proceed in family court, the criminal court
3 shall not be divested of jurisdiction to hear a family offense proceed-
4 ing pursuant to this section. In any proceeding pursuant to this arti-
5 cle, a court shall not deny an order of protection, or dismiss a peti-
6 tion, solely on the basis that the acts or events alleged are not
7 relatively contemporaneous with the date of the petition, the conclusion
8 of the fact-finding or the conclusion of the dispositional hearing. For
9 purposes of this article, "disorderly conduct" includes disorderly
10 conduct not in a public place. For purposes of this article, "members of
11 the same family or household" shall mean the following:
12 § 2. This act shall take effect on the first of November next succeed-
13 ing the date on which it shall have become a law.