

STATE OF NEW YORK

6786

2019-2020 Regular Sessions

IN SENATE

October 21, 2019

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

AN ACT to amend the family court act, in relation to disorderly conduct

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 109 of the laws of 2019, 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, unlawful dissemination or publication of an intimate
7 image, harassment in the first degree, harassment in the second degree,
8 aggravated harassment in the second degree, sexual misconduct, forcible
9 touching, sexual abuse in the third degree, sexual abuse in the second
10 degree as set forth in subdivision one of section 130.60 of the penal
11 law, stalking in the first degree, stalking in the second degree, stalk-
12 ing in the third degree, stalking in the fourth degree, criminal
13 mischief, menacing in the second degree, menacing in the third degree,
14 reckless endangerment, criminal obstruction of breathing or blood circu-
15 lation, strangulation in the second degree, strangulation in the first
16 degree, assault in the second degree, assault in the third degree, an
17 attempted assault, identity theft in the first degree, identity theft in
18 the second degree, identity theft in the third degree, grand larceny in
19 the fourth degree, grand larceny in the third degree, coercion in the
20 second degree or coercion in the third degree as set forth in subdivi-
21 sions one, two and three of section 135.60 of the penal law between
22 spouses or former spouses, or between parent and child or between
23 members of the same family or household except that if the respondent
24 would not be criminally responsible by reason of age pursuant to section
25 30.00 of the penal law, then the family court shall have exclusive
26 jurisdiction over such proceeding. Notwithstanding a complainant's

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

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1 election to proceed in family court, the criminal court shall not be
2 divested of jurisdiction to hear a family offense proceeding pursuant to
3 this section. In any proceeding pursuant to this article, a court shall
4 not deny an order of protection, or dismiss a petition, solely on the
5 basis that the acts or events alleged are not relatively contemporaneous
6 with the date of the petition, the conclusion of the fact-finding or the
7 conclusion of the dispositional hearing. For purposes of this article,
8 "disorderly conduct" includes disorderly conduct not in a public place
9 and does not require an intent to cause public inconvenience, annoyance
10 or alarm but merely an intent to cause inconvenience, annoyance or
11 alarm. For purposes of this article, "members of the same family or
12 household" shall mean the following:

13 § 2. This act shall take effect immediately.