

STATE OF NEW YORK

6126

2021-2022 Regular Sessions

IN ASSEMBLY

March 10, 2021

Introduced by M. of A. SIMON -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules and the criminal procedure law, in relation to notifying certain individuals of their ability to apply for an extreme risk protection order

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The civil practice law and rules is amended by adding a new
2 section 6348 to read as follows:

3 § 6348. Notice of ability to apply for an extreme risk protection
4 order. Where an order of protection or a temporary order of protection
5 is applied for, issued, modified, or extended under article four, five,
6 six, seven, eight, or ten of the family court act, or section two
7 hundred forty or two hundred fifty-two of the domestic relations law,
8 for the protection of a petitioner, as defined by paragraph (b) or (c)
9 of subdivision two of section sixty-three hundred forty of this article,
10 the court shall issue a notice accompanying such order or application
11 for such order to such petitioner which shall notify such petitioner of
12 his or her ability to apply for an extreme risk protection order under
13 this article.

14 § 2. Section 530.12 of the criminal procedure law is amended by adding
15 a new subdivision 16 to read as follows:

16 16. Where an order of protection or a temporary order of protection is
17 applied for, issued, modified, or extended under this section, for the
18 protection of a petitioner, as defined by paragraph (b) or (c) of subdi-
19 vision two of section sixty-three hundred forty of the civil practice
20 law and rules, the court shall issue a notice accompanying such order to
21 such petitioner which shall notify such petitioner of his or her ability
22 to apply for an extreme risk protection order under article
23 sixty-three-A of the civil practice law and rules.

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

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1 § 3. Section 530.13 of the criminal procedure law is amended by adding
2 a new subdivision 10 to read as follows:

3 10. Where an order of protection or a temporary order of protection is
4 applied for, issued, modified, or extended under this section, for the
5 protection of a petitioner, as defined by paragraph (b) or (c) of subdi-
6 vision two of section sixty-three hundred forty of the civil practice
7 law and rules, the court shall issue a notice accompanying such order to
8 such petitioner which shall notify such petitioner of his or her ability
9 to apply for an extreme risk protection order under article
10 sixty-three-A of the civil practice law and rules.

11 § 4. This act shall take effect on the thirtieth day after it shall
12 have become a law.