

STATE OF NEW YORK

9430

IN SENATE

May 26, 2022

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

AN ACT to amend the civil practice law and rules, in relation to application 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. Section 6341 of the civil practice law and rules, as added
2 by chapter 19 of the laws of 2019, is amended to read as follows:

3 § 6341. Application for an extreme risk protection order. In accord-
4 ance with this article, a petitioner may file an application, which
5 shall be sworn, and accompanying supporting documentation, setting forth
6 the facts and circumstances justifying the issuance of an extreme risk
7 protection order. Provided however, a police officer, as defined in
8 section 1.20 of the criminal procedure law, shall file an application
9 for an extreme risk order of protection when there is probable cause to
10 believe the respondent is likely to engage in conduct that would result
11 in serious harm to himself, herself or others, as defined in paragraphs
12 one and two of subdivision (a) of section 9.39 of the mental hygiene
13 law. Such application shall be sworn, and submitted with accompanying
14 supporting documentation setting forth the facts and circumstances
15 justifying the issues of an extreme risk protection order. Such applica-
16 tion and supporting documentation shall be filed in the supreme court in
17 the county in which the respondent resides. The chief administrator of
18 the courts shall adopt forms that may be used for purposes of such
19 applications and the court's consideration of such applications. Such
20 application form shall include inquiry as to whether the petitioner
21 knows, or has reason to believe, that the respondent owns, possesses or
22 has access to a firearm, rifle or shotgun and if so, a request that the
23 petitioner list or describe such firearms, rifles and shotguns, and the
24 respective locations thereof, with as much specificity as possible.

25 § 2. This act shall take effect immediately.

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

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