S T A T E O F N E W Y O R K

1870--A

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. PHEFFER, SWEENEY -- Multi-Sponsored by -- M. of A. TOWNS -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the family court act, in relation to the issuance of orders of protection for the benefit of witnesses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 352.3 of the family court act is amended by adding a new subdivision 1-a to read as follows:

(1-A) UPON THE ISSUANCE OF AN ORDER PURSUANT TO SECTION 315.3 OR THE ENTRY OF AN ORDER OF DISPOSITION PURSUANT TO SECTION 352.2, A COURT MAY, FOR GOOD CAUSE SHOWN, ENTER AN ORDER OF PROTECTION AGAINST ANY RESPONDENT REQUIRING THAT THE RESPONDENT REFRAIN FROM ENGAGING IN CONDUCT, AGAINST ANY DESIGNATED WITNESS SPECIFICALLY NAMED BY THE COURT IN SUCH ORDER, THAT WOULD CONSTITUTE INTIMIDATION OF A WITNESS PURSUANT TO SECTION 215.15, 215.16 OR 215.17 OF THE PENAL LAW OR AN ATTEMPT THEREOF, PROVIDED THAT THE COURT MAKES A FINDING THAT THE RESPONDENT DID PREVIOUSLY, OR IS LIKELY TO IN THE FUTURE, INTIMIDATE OR ATTEMPT TO INTIMIDATE SUCH WITNESS IN SUCH MANNER.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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