

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

2511

2009-2010 Regular Sessions

I N A S S E M B L Y

January 16, 2009

Introduced by M. of A. PRETLOW, GALEF, PHEFFER, CLARK, SCHIMMINGER --
Multi-Sponsored by -- M. of A. ABBATE, AUBRY, BRENNAN, CANESTRARI,
CHRISTENSEN, GLICK, GOTTFRIED, HOOPER, JOHN, MAYERSOHN, MCENENY,
ORTIZ, PERRY, SEMINERIO -- read once and referred to the Committee on
Codes

AN ACT to amend the criminal procedure law and the family court act, in
relation to authorizing order of protection to contain provision for
personal security devices

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

1 Section 1. Subdivision 1 of section 530.12 of the criminal procedure
2 law is amended by adding a new paragraph (d-1) to read as follows:
3 (D-1) TO PAY THE FEES INVOLVED IN OBTAINING AND MAINTAINING A HOME
4 SECURITY SYSTEM, A PERSONAL ALARM, A CELLULAR TELEPHONE OR ANY OTHER
5 PERSONAL PROTECTION OR SECURITY DEVICE, PROVIDED HOWEVER THAT NOTHING
6 CONTAINED IN THIS PARAGRAPH SHALL DIMINISH OR RESTRICT ANY OTHER SUPPORT
7 THAT MAY BE SO ORDERED;
8 S 2. Subdivision 1 of section 530.13 of the criminal procedure law is
9 amended by adding a new paragraph (a-1) to read as follows:
10 (A-1) PAY THE FEES INVOLVED IN OBTAINING AND MAINTAINING A HOME SECU-
11 RITY SYSTEM, A PERSONAL ALARM, A CELLULAR TELEPHONE OR ANY OTHER
12 PERSONAL PROTECTION OR SECURITY DEVICE, PROVIDED HOWEVER THAT NOTHING
13 CONTAINED IN THIS PARAGRAPH SHALL DIMINISH OR RESTRICT ANY OTHER SUPPORT
14 THAT MAY BE SO ORDERED;
15 S 3. Subdivision 4 of section 530.13 of the criminal procedure law is
16 amended by adding a new paragraph (a-1) to read as follows:
17 (A-1) PAY THE FEES INVOLVED IN OBTAINING AND MAINTAINING A HOME SECU-
18 RITY SYSTEM, A PERSONAL ALARM, A CELLULAR TELEPHONE OR ANY OTHER
19 PERSONAL PROTECTION OR SECURITY DEVICE, PROVIDED HOWEVER THAT NOTHING
20 CONTAINED IN THIS PARAGRAPH SHALL DIMINISH OR RESTRICT ANY OTHER SUPPORT
21 THAT MAY BE SO ORDERED;

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

LBD01356-01-9

1 S 4. Subdivision (g) of section 446 of the family court act, as
2 amended by chapter 948 of the laws of 1984, is amended and a new subdivi-
3 vision (g-1) is added to read as follows:

4 (g) to provide, either directly or by means of medical and health
5 insurance, for expenses incurred for medical care and treatment arising
6 from the incident or incidents forming the basis for the issuance of the
7 order[.];

8 (G-1) TO PAY THE FEES INVOLVED IN OBTAINING AND MAINTAINING A HOME
9 SECURITY SYSTEM, A PERSONAL ALARM, A CELLULAR TELEPHONE OR ANY OTHER
10 PERSONAL PROTECTION OR SECURITY DEVICE, PROVIDED HOWEVER THAT NOTHING
11 CONTAINED IN THIS SUBDIVISION SHALL DIMINISH OR RESTRICT ANY OTHER
12 SUPPORT THAT MAY BE SO ORDERED;

13 S 5. Subdivision (h) of section 656 of the family court act, as
14 amended by chapter 948 of the laws of 1984, is amended and a new subdivi-
15 vision (h-1) is added to read as follows:

16 (h) to pay the reasonable counsel fees and disbursements involved in
17 obtaining or enforcing the order of the person who is protected by such
18 order if such order is issued or enforced[.];

19 (H-1) TO PAY THE FEES INVOLVED IN OBTAINING AND MAINTAINING A HOME
20 SECURITY SYSTEM, A PERSONAL ALARM, A CELLULAR TELEPHONE OR ANY OTHER
21 PERSONAL PROTECTION OR SECURITY DEVICE, PROVIDED HOWEVER THAT NOTHING
22 CONTAINED IN THIS SUBDIVISION SHALL DIMINISH OR RESTRICT ANY OTHER
23 SUPPORT THAT MAY BE SO ORDERED;

24 S 6. Subdivisions (g) and (h) of section 842 of the family court act,
25 as amended by chapter 222 of the laws of 1994, are amended and a new
26 subdivision (h-1) is added to read as follows:

27 (g) to require the respondent to participate in a batterer's education
28 program designed to help end violent behavior, which may include refer-
29 ral to drug and alcohol [counseling] COUNSELING, and to pay the costs
30 thereof if the person has the means to do so, provided however that
31 nothing contained [herein] IN THIS SUBDIVISION shall be deemed to
32 require payment of the costs of any such program by the petitioner, the
33 state or any political subdivision thereof; [and]

34 (h) to provide, either directly or by means of medical and health
35 insurance, for expenses incurred for medical care and treatment arising
36 from the incident or incidents forming the basis for the issuance of the
37 order[.];

38 (H-1) TO PAY THE FEES INVOLVED IN OBTAINING AND MAINTAINING A HOME
39 SECURITY SYSTEM, A PERSONAL ALARM, A CELLULAR TELEPHONE OR ANY OTHER
40 PERSONAL PROTECTION OR SECURITY DEVICE, PROVIDED HOWEVER THAT NOTHING
41 CONTAINED IN THIS SUBDIVISION SHALL DIMINISH OR RESTRICT ANY OTHER
42 SUPPORT THAT MAY BE SO ORDERED;

43 S 7. Paragraph (f) of subdivision 1 of section 1056 of the family
44 court act, as amended by chapter 622 of the laws of 1990, is amended and
45 a new paragraph (f-1) is added to read as follows:

46 (f) to provide, either directly or by means of medical and health
47 insurance, for expenses incurred for medical care and treatment arising
48 from the incident or incidents forming the basis for the issuance of the
49 order[.];

50 (F-1) TO PAY THE FEES INVOLVED IN OBTAINING AND MAINTAINING A HOME
51 SECURITY SYSTEM, A PERSONAL ALARM, A CELLULAR TELEPHONE OR ANY OTHER
52 PERSONAL PROTECTION OR SECURITY DEVICE, PROVIDED HOWEVER THAT NOTHING
53 CONTAINED IN THIS PARAGRAPH SHALL DIMINISH OR RESTRICT ANY OTHER SUPPORT
54 THAT MAY BE SO ORDERED;

55 S 8. This act shall take effect immediately.