

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

9368--A

I N A S S E M B L Y

(PREFILED)

January 6, 2010

Introduced by M. of A. GABRYSZAK, HYER-SPENCER -- Multi-Sponsored by --
M. of A. PHEFFER, SKARTADOS, WEISENBERG -- read once and referred to
the Committee on Election Law -- committee discharged, bill amended,
ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to authorizing registra-
tion records of victims of domestic violence to be kept confidential
in certain cases

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

1 Section 1. The election law is amended by adding a new section 5-508
2 to read as follows:
3 S 5-508. CONFIDENTIALITY OF REGISTRATION RECORDS IN CERTAIN CASES. 1.
4 FOR PURPOSES OF THIS SECTION:
5 (A) "VICTIM OF DOMESTIC VIOLENCE" MEANS ANY PERSON WHO IS A VICTIM OF
6 A VIOLENT FELONY, AS DEFINED IN SECTION 70.02 OF THE PENAL LAW, OR
7 DISORDERLY CONDUCT, HARASSMENT IN THE FIRST DEGREE, HARASSMENT IN THE
8 SECOND DEGREE, AGGRAVATED HARASSMENT IN THE SECOND DEGREE, AGGRAVATED
9 HARASSMENT IN THE THIRD DEGREE, STALKING IN THE FOURTH DEGREE, CRIMINAL
10 MISCHIEF, MENACING IN THE SECOND DEGREE, MENACING IN THE THIRD DEGREE,
11 RECKLESS ENDANGERMENT, ASSAULT IN THE THIRD DEGREE OR AN ATTEMPTED
12 ASSAULT; AND
13 (I) SUCH ACT OR ACTS HAVE RESULTED IN ACTUAL PHYSICAL OR EMOTIONAL
14 INJURY OR HAVE CREATED A SUBSTANTIAL RISK OF PHYSICAL OR EMOTIONAL HARM
15 TO SUCH PERSON OR SUCH PERSON'S CHILD; AND
16 (II) SUCH ACT OR ACTS ARE OR ARE ALLEGED TO HAVE BEEN COMMITTED BY A
17 FAMILY OR HOUSEHOLD MEMBER.
18 (B) "FAMILY OR HOUSEHOLD MEMBERS" MEAN THE FOLLOWING INDIVIDUALS:
19 (I) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;
20 (II) PERSONS LEGALLY MARRIED TO ONE ANOTHER;
21 (III) PERSONS FORMERLY MARRIED TO ONE ANOTHER REGARDLESS OF WHETHER
22 THEY STILL RESIDE IN THE SAME HOUSEHOLD;
23 (IV) PERSONS WHO HAVE A CHILD IN COMMON REGARDLESS OF WHETHER SUCH
24 PERSONS ARE MARRIED OR HAVE LIVED TOGETHER AT ANY TIME;

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

LBD05508-04-0

1 (V) PERSONS WHO ARE NOT RELATED BY CONSANGUINITY OR AFFINITY AND WHO
2 ARE OR HAVE BEEN IN AN INTIMATE RELATIONSHIP REGARDLESS OF WHETHER SUCH
3 PERSONS HAVE LIVED TOGETHER AT ANY TIME. FACTORS THE COURT MAY CONSIDER
4 IN DETERMINING WHETHER A RELATIONSHIP IS AN "INTIMATE RELATIONSHIP"
5 INCLUDE BUT ARE NOT LIMITED TO: THE NATURE OR TYPE OF RELATIONSHIP,
6 REGARDLESS OF WHETHER THE RELATIONSHIP IS SEXUAL IN NATURE; THE FREQUEN-
7 CY OF INTERACTION BETWEEN THE PERSONS; AND THE DURATION OF THE RELATION-
8 SHIP. NEITHER A CASUAL ACQUAINTANCE NOR ORDINARY FRATERNIZATION BETWEEN
9 TWO INDIVIDUALS IN BUSINESS OR SOCIAL CONTEXTS SHALL BE DEEMED TO
10 CONSTITUTE AN "INTIMATE RELATIONSHIP".

11 2. UPON APPLICATION MADE TO THE SUPREME COURT, IN THE COUNTY WHEREIN A
12 VICTIM OF DOMESTIC VIOLENCE IS REGISTERED PURSUANT TO THIS ARTICLE, THE
13 COURT MAY ISSUE AN ORDER REQUIRING THAT ANY REGISTRATION RECORD KEPT OR
14 MAINTAINED IN ACCORDANCE WITH THIS ARTICLE WITH RESPECT TO SUCH AN INDIV-
15 VIDUAL BE KEPT SEPARATE AND APART FROM OTHER REGISTRATION RECORDS AND
16 NOT BE MADE AVAILABLE FOR INSPECTION OR COPYING BY THE PUBLIC OR ANY
17 OTHER PERSON, EXCEPT ELECTION OFFICIALS ACTING WITHIN THE COURSE AND
18 SCOPE OF THEIR OFFICIAL DUTIES AND ONLY AS PERTINENT AND NECESSARY IN
19 CONNECTION THEREWITH.

20 S 2. This act shall take effect immediately.