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

4930

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. MONTGOMERY -- 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 providing personal information during disclosure by a person to whom an order of protection has been issued

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

Section 1. The civil practice law and rules is amended by adding a new section 3104-a to read as follows:

S 3104-A. PROTECTION OF DOMESTIC VIOLENCE VICTIMS AT DISCLOSURE PROCEEDINGS. (A) MOTION FOR PROTECTION SERVICES. UPON MOTION OF ANY PARTY OR WITNESS, WHO IS ALSO A CRIME VICTIM OR VICTIM OF DOMESTIC VIOLENCE AS DEFINED IN SECTION FOUR HUNDRED FIFTY-NINE-A OF THE SOCIAL SERVICES LAW, OR WHO HAS A VALID ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION AGAINST A PARTY OR WITNESS IN THE PROCEEDING, AND ON NOTICE TO ALL PARTIES, OR ON ITS OWN INITIATIVE WITHOUT NOTICE, THE COURT IN WHICH AN ACTION IS PENDING SHALL ORDER THAT A DOMESTIC VIOLENCE VICTIM OR CRIME VICTIM BE FURTHER PROTECTED WITHIN THE ORDER OF PROTECTION AND THAT THE VICTIM WITH AN ORDER OF PROTECTION SHALL NOT BE ORDERED OR COMPELLED TO ANSWER QUESTIONS OF A PERSONAL NATURE, INCLUDING BUT NOT LIMITED TO RESIDENCY, EMPLOYMENT, FAMILY RELATIONSHIPS, WHICH MAY ALSO BE INCLUDED IN THE ORDER OF PROTECTION, OR ANY OTHER INFORMATION WITH REGARD TO THEIR SAFETY OR OTHER PERSONS WHO ARE ALSO MENTIONED IN THE ORDER OF PROTECTION. PERSONS WHO HAVE ORDERS OF PROTECTION SHALL NOT BE PENALIZED FOR NOT ANSWERING THESE QUESTIONS. THE PROVISIONS OF THIS SECTION SHALL ALSO APPLY TO: (I) ANY VICTIM WHO IS IN THE PROCESS OF OBTAINING AN ORDER OF PROTECTION; OR (II) ANY VICTIM WHO HAS PREVIOUSLY HAD AN ORDER OF PROTECTION AGAINST A PARTY OR WITNESS OF THE PROCEEDING.

(B) SCOPE OF PROTECTION SERVICES. THE COURT SHALL ORDER THE NECESSARY PROTECTIONS NEEDED TO ENSURE THE SAFETY OF THE CRIME VICTIM OR VICTIM OF DOMESTIC VIOLENCE, UPON REASONABLE NOTICE TO THE PARTIES AND UPON OPPORTUNITY TO BE HEARD.

S 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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