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

6360--A

2009-2010 Regular Sessions

I N S E N A T E

December 28, 2009

Introduced by Sen. SCHNEIDERMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, in relation to orders of attachment in certain cases

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 6205 to read as follows:

S 6205. ORDER OF ATTACHMENT IN CERTAIN CASES. AN ORDER OF ATTACHMENT MAY BE GRANTED IN AID OF EXECUTION TO A PARTY THAT HAS BEEN AWARDED A MONEY JUDGMENT AGAINST A FOREIGN STATE, AS DEFINED IN 28 UNITED STATES CODE SECTION 1603, IN ACCORDANCE WITH AND SUBJECT TO THE LIMITATIONS OF 28 UNITED STATES CODE SECTION 1610 AND OTHER APPLICABLE LAW.

S 2. Subdivision (a) of section 6211 of the civil practice law and rules, as amended by chapter 860 of the laws of 1977, is amended to read as follows:

(a) When granted; contents. An order of attachment may be granted without notice, before or after service of summons and at any time prior to judgment, OR AS PROVIDED IN SECTION SIXTY-TWO HUNDRED FIVE OF THIS ARTICLE. It shall specify the amount to be secured by the order of attachment including any interest, costs and sheriff's fees and expenses, be indorsed with the name and address of the plaintiff's attorney and shall be directed to the sheriff of any county or of the city of New York where any property in which the defendant has an interest is located or where a garnishee may be served. The order shall direct the sheriff to levy within his jurisdiction, at any time before final judgment, upon such property in which the defendant has an interest and upon such debts owing to the defendant as will satisfy the amount specified in the order of attachment.

S 3. 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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