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

10663

I N A S S E M B L Y

April 13, 2010

Introduced by M. of A. HYER-SPENCER -- 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 notification of service of ex parte orders of protection

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

Section 1. The criminal procedure law is amended by adding a new section 530.13-A to read as follows:

S 530.13-A NOTIFICATION OF SERVICE OF EX PARTE ORDER OF PROTECTION.

1. A COMPLAINANT WHO IS GRANTED AN EX PARTE ORDER OF PROTECTION BY THE COURT AND A COMPLAINANT WHO REQUESTS THAT AN EX PARTE ORDER OF PROTECTION BE GRANTED BY THE COURT, WHO WISHES TO BE NOTIFIED WHEN AN EX PARTE ORDER OF PROTECTION IS SERVED ON THE PERSON AGAINST WHOM THE COMPLAINT IS MADE, SHALL NOTIFY THE COURT CLERK OF THE MANNER IN WHICH HE OR SHE WISHES TO BE NOTIFIED. NOTIFICATION BY MAIL, TELEPHONE, E-MAIL OR OTHER MEANS OF ELECTRONIC COMMUNICATION SHALL BE USED BY THE COURT, IF REQUESTED, AND IF THE COURT HAS THE EQUIPMENT TO MAKE SUCH COMMUNICATION. THE COURT SHALL INFORM ALL COMPLAINANTS, WHO ARE GRANTED AN EX PARTE ORDER OF PROTECTION AND WHO REQUEST AN EX PARTE ORDER OF PROTECTION, OF THEIR RIGHT TO BE NOTIFIED WHEN THE ORDER OF PROTECTION IS SERVED.

2. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, ANY POLICE OFFICER, PEACE OFFICER OR OTHER PERSON WHO SERVES AN EX PARTE ORDER OF PROTECTION ON A PERSON AGAINST WHOM A COMPLAINT HAS BEEN MADE SHALL IMMEDIATELY NOTIFY THE CLERK OF THE COURT WHICH MADE SAID ORDER THAT THE SERVICE HAS BEEN MADE. AFTER NOTIFICATION TO THE CLERK OF THE COURT THAT SERVICE OF AN EX PARTE ORDER OF PROTECTION HAS BEEN MADE, OR UPON SERVICE OF SUCH ORDER BY A COURT EMPLOYEE, UPON A PERSON AGAINST WHOM A COMPLAINT HAS BEEN MADE, THE CLERK OF THE COURT WHICH MADE SUCH ORDER SHALL NOTIFY THE COMPLAINANT, IMMEDIATELY, IN THE MANNER SPECIFIED BY THE COMPLAINANT, THAT SUCH SERVICE HAS BEEN MADE.

S 2. The family court act is amended by adding a new section 153-d to read as follows:

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

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S 153-D. NOTIFICATION OF SERVICE OF EX PARTE ORDER OF PROTECTION. 1. A COMPLAINANT WHO IS GRANTED AN EX PARTE ORDER OF PROTECTION BY THE COURT AND A COMPLAINANT WHO REQUESTS THAT AN EX PARTE ORDER OF PROTECTION BE GRANTED BY THE COURT, WHO WISHES TO BE NOTIFIED WHEN AN EX PARTE ORDER OF PROTECTION IS SERVED ON THE PERSON AGAINST WHOM THE COMPLAINT IS MADE, SHALL NOTIFY THE COURT CLERK OF THE MANNER IN WHICH HE OR SHE WISHES TO BE NOTIFIED. NOTIFICATION BY MAIL, TELEPHONE, E-MAIL OR OTHER MEANS OF ELECTRONIC COMMUNICATION SHALL BE USED BY THE COURT, IF REQUESTED, AND IF THE COURT HAS THE EQUIPMENT TO MAKE SUCH COMMUNICATION. THE COURT SHALL INFORM ALL COMPLAINANTS, WHO ARE GRANTED AN EX PARTE ORDER OF PROTECTION AND WHO REQUEST AN EX PARTE ORDER OF PROTECTION, OF THEIR RIGHT TO BE NOTIFIED WHEN THE ORDER OF PROTECTION IS SERVED.

2. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, ANY POLICE OFFICER, PEACE OFFICER OR OTHER PERSON WHO SERVES AN EX PARTE ORDER OF PROTECTION ON A PERSON AGAINST WHOM A COMPLAINT HAS BEEN MADE SHALL IMMEDIATELY NOTIFY THE CLERK OF THE COURT WHICH MADE SAID ORDER THAT THE SERVICE HAS BEEN MADE. AFTER NOTIFICATION TO THE CLERK OF THE COURT THAT SERVICE OF AN EX PARTE ORDER OF PROTECTION HAS BEEN MADE, OR UPON SERVICE OF SUCH ORDER BY A COURT EMPLOYEE, UPON A PERSON AGAINST WHOM A COMPLAINT HAS BEEN MADE, THE CLERK OF THE COURT WHICH MADE SUCH ORDER SHALL NOTIFY THE COMPLAINANT, IMMEDIATELY, IN THE MANNER SPECIFIED BY THE COMPLAINANT, THAT SUCH SERVICE HAS BEEN MADE.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.