

10663

I N   A S S E M B L Y

April 13, 2010

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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:

1     Section 1. The criminal procedure law is amended by adding a new  
2     section 530.13-A to read as follows:  
3     S 530.13-A NOTIFICATION OF SERVICE OF EX PARTE ORDER OF PROTECTION.  
4     1. A COMPLAINANT WHO IS GRANTED AN EX PARTE ORDER OF PROTECTION BY THE  
5     COURT AND A COMPLAINANT WHO REQUESTS THAT AN EX PARTE ORDER OF  
6     PROTECTION BE GRANTED BY THE COURT, WHO WISHES TO BE NOTIFIED WHEN AN EX  
7     PARTE ORDER OF PROTECTION IS SERVED ON THE PERSON AGAINST WHOM THE  
8     COMPLAINT IS MADE, SHALL NOTIFY THE COURT CLERK OF THE MANNER IN WHICH  
9     HE OR SHE WISHES TO BE NOTIFIED. NOTIFICATION BY MAIL, TELEPHONE, E-MAIL  
10    OR OTHER MEANS OF ELECTRONIC COMMUNICATION SHALL BE USED BY THE COURT,  
11    IF REQUESTED, AND IF THE COURT HAS THE EQUIPMENT TO MAKE SUCH COMMUNI-  
12    CATION. THE COURT SHALL INFORM ALL COMPLAINANTS, WHO ARE GRANTED AN EX  
13    PARTE ORDER OF PROTECTION AND WHO REQUEST AN EX PARTE ORDER OF  
14    PROTECTION, OF THEIR RIGHT TO BE NOTIFIED WHEN THE ORDER OF PROTECTION  
15    IS SERVED.  
16    2. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY,  
17    ANY POLICE OFFICER, PEACE OFFICER OR OTHER PERSON WHO SERVES AN EX PARTE  
18    ORDER OF PROTECTION ON A PERSON AGAINST WHOM A COMPLAINT HAS BEEN MADE  
19    SHALL IMMEDIATELY NOTIFY THE CLERK OF THE COURT WHICH MADE SAID ORDER  
20    THAT THE SERVICE HAS BEEN MADE. AFTER NOTIFICATION TO THE CLERK OF THE  
21    COURT THAT SERVICE OF AN EX PARTE ORDER OF PROTECTION HAS BEEN MADE, OR  
22    UPON SERVICE OF SUCH ORDER BY A COURT EMPLOYEE, UPON A PERSON AGAINST  
23    WHOM A COMPLAINT HAS BEEN MADE, THE CLERK OF THE COURT WHICH MADE SUCH  
24    ORDER SHALL NOTIFY THE COMPLAINANT, IMMEDIATELY, IN THE MANNER SPECIFIED  
25    BY THE COMPLAINANT, THAT SUCH SERVICE HAS BEEN MADE.  
26    S 2. The family court act is amended by adding a new section 153-d to  
27    read as follows:

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

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

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

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