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

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1281

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009
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Introduced by M. of A. WRIGHT -- read once and referred to the Committee
   on Judiciary

AN ACT to amend the executive law and the judiciary law, in relation to
   requiring the division of criminal justice services to track the
   number of permanent orders of protection issued annually

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

 1   Section 1. Section 837 of the executive law is amended by adding a new
 2 subdivision 4-d to read as follows:
 3   4-D. IN COOPERATION WITH THE CHIEF ADMINISTRATOR OF THE COURTS AS WELL
 4 AS ANY OTHER PUBLIC OR PRIVATE AGENCY, INCLUDING LAW ENFORCEMENT AGEN-
 5 CIES, COLLECT AND ANALYZE STATISTICAL AND ALL OTHER INFORMATION AND DATA
 6 WITH RESPECT TO THE NUMBER OF PERMANENT ORDERS OF PROTECTION ISSUED, THE
 7 NUMBER OF PERMANENT ORDERS OF PROTECTION REPORTED TO OR INVESTIGATED BY
 8 THE DIVISION OF STATE POLICE, AND ALL OTHER POLICE OR PEACE OFFICERS AS
 9 VIOLATED, THE NUMBER OF PERSONS ARRESTED FOR VIOLATING SUCH ORDERS OF
10 PROTECTION, ANY ADDITIONAL OFFENSES FOR WHICH THE PERSON WAS ARRESTED
11 FOR WHILE VIOLATING SUCH ORDERS OF PROTECTION, THE COUNTY WITHIN WHICH
12 THE ARREST WAS MADE AND THE ACCUSATORY INSTRUMENT FILED, THE DISPOSITION
13 OF THE ACCUSATORY INSTRUMENT FILED, INCLUDING, BUT NOT LIMITED TO, AS
14 THE CASE MAY BE, DISMISSAL, ACQUITTAL, THE OFFENSE TO WHICH THE DEFEND-
15 ANT PLED GUILTY, THE OFFENSE THE DEFENDANT WAS CONVICTED OF AFTER TRIAL,
16 AND THE SENTENCE IMPOSED. THE DIVISION SHALL INCLUDE THE STATISTICS AND
17 OTHER INFORMATION REQUIRED BY THIS SUBDIVISION IN THE ANNUAL REPORT
18 SUBMITTED TO THE GOVERNOR AND LEGISLATURE PURSUANT TO SUBDIVISION TWELVE
19 OF THIS SECTION.
20   S 2. Section 216 of the judiciary law is amended by adding a new
21 subdivision 5 to read as follows:
22   5. THE CHIEF ADMINISTRATOR OF THE COURTS SHALL COLLECT DATA IN
23 RELATION TO THE NUMBER OF PERMANENT ORDERS OF PROTECTION ISSUED IN ALL

1 COURTS   PURSUANT   TO SUBDIVISION FOUR-D OF SECTION EIGHT   HUNDRED
2 THIRTY-SEVEN OF THE EXECUTIVE LAW, INCLUDING BUT NOT LIMITED TO THE
3 FOLLOWING INFORMATION:
4   (A) THE NUMBER OF PERMANENT ORDERS OF PROTECTION ISSUED;
5   (B) THE NUMBER OF PERMANENT ORDERS OF PROTECTION REPORTED AS VIOLATED;
6   (C) THE NUMBER OF PERSONS ARRESTED FOR VIOLATING SUCH ORDERS OF
7 PROTECTION;
8   (D) ANY ADDITIONAL OFFENSES WHICH SUCH PERSONS WERE ARRESTED FOR WHILE
9 VIOLATING SUCH ORDERS OF PROTECTION;
10   (E) THE COUNTY WITHIN WHICH THE ACCUSATORY INSTRUMENT WAS FILED;
11   (F) THE DISPOSITION; AND
12   (G) IN THE CASE OF DISMISSAL, THE REASONS THEREFOR.
13   IN EXECUTING THIS REQUIREMENT, THE CHIEF ADMINISTRATOR MAY ADOPT RULES
14 REQUIRING APPROPRIATE LAW ENFORCEMENT, DISTRICT ATTORNEYS AND COURTS TO
15 IDENTIFY ACTIONS AND PROCEEDINGS INVOLVING ORDERS OF PROTECTION AND,
16 WITH RESPECT TO SUCH ACTIONS AND PROCEEDINGS, TO REPORT, IN SUCH FORM
17 AND MANNER AS THE CHIEF ADMINISTRATOR SHALL PRESCRIBE, THE INFORMATION
18 SPECIFIED HEREIN.
19   S 3. This act shall take effect on the one hundred twentieth day after
20 it shall have become a law; provided that the chief administrator of the
21 courts is authorized to promulgate any and all rules and regulations and
22 take any other measures necessary to implement this act on its effective
23 date on or before such date.