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

2511

2009-2010 Regular Sessions

I N A S S E M B L Y

January 16, 2009

Introduced by M. of A. PRETLOW, GALEF, PHEFFER, CLARK, SCHIMMINGER -- Multi-Sponsored by -- M. of A. ABBATE, AUBRY, BRENNAN, CANESTRARI, CHRISTENSEN, GLICK, GOTTFRIED, HOOPER, JOHN, MAYERSOHN, McENENY, ORTIZ, PERRY, SEMINERIO -- 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 authorizing order of protection to contain provision for personal security devices

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

Section 1. Subdivision 1 of section 530.12 of the criminal procedure law is amended by adding a new paragraph (d-1) to read as follows:

(D-1) TO PAY THE FEES INVOLVED IN OBTAINING AND MAINTAINING A HOME SECURITY SYSTEM, A PERSONAL ALARM, A CELLULAR TELEPHONE OR ANY OTHER PERSONAL PROTECTION OR SECURITY DEVICE, PROVIDED HOWEVER THAT NOTHING CONTAINED IN THIS PARAGRAPH SHALL DIMINISH OR RESTRICT ANY OTHER SUPPORT THAT MAY BE SO ORDERED;

S 2. Subdivision 1 of section 530.13 of the criminal procedure law is amended by adding a new paragraph (a-1) to read as follows:

(A-1) PAY THE FEES INVOLVED IN OBTAINING AND MAINTAINING A HOME SECURITY SYSTEM, A PERSONAL ALARM, A CELLULAR TELEPHONE OR ANY OTHER PERSONAL PROTECTION OR SECURITY DEVICE, PROVIDED HOWEVER THAT NOTHING CONTAINED IN THIS PARAGRAPH SHALL DIMINISH OR RESTRICT ANY OTHER SUPPORT THAT MAY BE SO ORDERED;

S 3. Subdivision 4 of section 530.13 of the criminal procedure law is amended by adding a new paragraph (a-1) to read as follows:

(A-1) PAY THE FEES INVOLVED IN OBTAINING AND MAINTAINING A HOME SECURITY SYSTEM, A PERSONAL ALARM, A CELLULAR TELEPHONE OR ANY OTHER PERSONAL PROTECTION OR SECURITY DEVICE, PROVIDED HOWEVER THAT NOTHING CONTAINED IN THIS PARAGRAPH SHALL DIMINISH OR RESTRICT ANY OTHER SUPPORT THAT MAY BE SO ORDERED;

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

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S 4. Subdivision (g) of section 446 of the family court act, as amended by chapter 948 of the laws of 1984, is amended and a new subdivision (g-1) is added to read as follows:

(g) to provide, either directly or by means of medical and health insurance, for expenses incurred for medical care and treatment arising from the incident or incidents forming the basis for the issuance of the order[.];

(G-1) TO PAY THE FEES INVOLVED IN OBTAINING AND MAINTAINING A HOME SECURITY SYSTEM, A PERSONAL ALARM, A CELLULAR TELEPHONE OR ANY OTHER PERSONAL PROTECTION OR SECURITY DEVICE, PROVIDED HOWEVER THAT NOTHING CONTAINED IN THIS SUBDIVISION SHALL DIMINISH OR RESTRICT ANY OTHER SUPPORT THAT MAY BE SO ORDERED;

S 5. Subdivision (h) of section 656 of the family court act, as amended by chapter 948 of the laws of 1984, is amended and a new subdivision (h-1) is added to read as follows:

(h) to pay the reasonable counsel fees and disbursements involved in obtaining or enforcing the order of the person who is protected by such order if such order is issued or enforced[.];

(H-1) TO PAY THE FEES INVOLVED IN OBTAINING AND MAINTAINING A HOME SECURITY SYSTEM, A PERSONAL ALARM, A CELLULAR TELEPHONE OR ANY OTHER PERSONAL PROTECTION OR SECURITY DEVICE, PROVIDED HOWEVER THAT NOTHING CONTAINED IN THIS SUBDIVISION SHALL DIMINISH OR RESTRICT ANY OTHER SUPPORT THAT MAY BE SO ORDERED;

S 6. Subdivisions (g) and (h) of section 842 of the family court act, as amended by chapter 222 of the laws of 1994, are amended and a new subdivision (h-1) is added to read as follows:

(g) to require the respondent to participate in a batterer's education program designed to help end violent behavior, which may include referral to drug and alcohol [counselling] COUNSELING, and to pay the costs thereof if the person has the means to do so, provided however that nothing contained [herein] IN THIS SUBDIVISION shall be deemed to require payment of the costs of any such program by the petitioner, the state or any political subdivision thereof; [and]

(h) to provide, either directly or by means of medical and health insurance, for expenses incurred for medical care and treatment arising from the incident or incidents forming the basis for the issuance of the order[.];

(H-1) TO PAY THE FEES INVOLVED IN OBTAINING AND MAINTAINING A HOME SECURITY SYSTEM, A PERSONAL ALARM, A CELLULAR TELEPHONE OR ANY OTHER PERSONAL PROTECTION OR SECURITY DEVICE, PROVIDED HOWEVER THAT NOTHING CONTAINED IN THIS SUBDIVISION SHALL DIMINISH OR RESTRICT ANY OTHER SUPPORT THAT MAY BE SO ORDERED;

S 7. Paragraph (f) of subdivision 1 of section 1056 of the family court act, as amended by chapter 622 of the laws of 1990, is amended and a new paragraph (f-1) is added to read as follows:

(f) to provide, either directly or by means of medical and health insurance, for expenses incurred for medical care and treatment arising from the incident or incidents forming the basis for the issuance of the order[.];

(F-1) TO PAY THE FEES INVOLVED IN OBTAINING AND MAINTAINING A HOME SECURITY SYSTEM, A PERSONAL ALARM, A CELLULAR TELEPHONE OR ANY OTHER PERSONAL PROTECTION OR SECURITY DEVICE, PROVIDED HOWEVER THAT NOTHING CONTAINED IN THIS PARAGRAPH SHALL DIMINISH OR RESTRICT ANY OTHER SUPPORT THAT MAY BE SO ORDERED;

S 8. This act shall take effect immediately.