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2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. SCARBOROUGH, ERRIGO, COOK, GUNTHER, TITUS, JAFFEE, ESPAILLAT, ROSENTHAL, EDDINGTON, GABRYSZAK, MILLMAN, ZEBROWSKI -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, CLARK, GLICK, GOTTFRIED, GREENE, HYER-SPENCER, MAISEL, MAYERSOHN, PHEFFER, REILLY, ROBINSON, TOWNS, WEISENBERG -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil rights law, in relation to sealing certain court papers upon applications for a change of name

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

- 1 Section 1. Section 64-a of the civil rights law, as added by chapter
2 447 of the laws of 1994, is amended to read as follows:
3 S 64-a. Exemption from publication requirements. 1. If the court shall
4 find that the publication of an applicant's change of name would jeopardize such applicant's personal safety, the provisions of sections
5 sixty-three and sixty-four of this article requiring publication shall
6 be waived and shall be inapplicable. The court shall order the records
7 of such change of name proceeding to be sealed, to be opened only by
8 order of the court for good cause shown or at the request of the applicant.
9 cant.
10 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, PENDING SUCH A FINDING
11 IN SUBDIVISION ONE WHERE AN APPLICANT SEEKS RELIEF UNDER THIS SECTION,
12 THE COURT SHALL IMMEDIATELY ORDER THE APPLICANT'S CURRENT NAME, PROPOSED
13 NEW NAME, RESIDENTIAL AND BUSINESS ADDRESSES, TELEPHONE NUMBERS, AND ANY
14 OTHER INFORMATION CONTAINED IN ANY PLEADINGS OR PAPERS SUBMITTED TO THE
15 COURT TO BE SAFEGUARDED AND SEALED IN ORDER TO PREVENT THEIR INADVERTENT
16 OR UNAUTHORIZED USE OR DISCLOSURE WHILE THE MATTER IS PENDING.
17 S 2. This act shall take effect immediately.
18

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

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