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

4591

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. COOK -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to statutory stays on appeal in certain cases

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

Section 1. Subdivision (a) of section 5519 of the civil practice law and rules is amended by adding a new closing paragraph to read as follows:

NOTWITHSTANDING THE FOREGOING, THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO A JUDGMENT, ORDER OR DECREE ISSUED IN A MATRIMONIAL ACTION THAT INCLUDES PROVISIONS FOR MAINTENANCE OR CHILD SUPPORT, AS THOSE TERMS ARE DEFINED IN SECTION TWO HUNDRED THIRTY-SIX OF THE DOMESTIC RELATIONS LAW.

S 2. This act shall take effect immediately and shall apply to all matrimonial actions whenever commenced; except that, where enforcement of a judgment, order or decree has been stayed pursuant to subdivision (a) of section 5519 of the civil practice law and rules prior to such effective date, such stay shall continue in effect in accordance with law then in effect.

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

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