

9368

I N A S S E M B L Y

(PREFILED)

January 6, 2010

Introduced by M. of A. GABRYSZAK -- read once and referred to the  
Committee on Election Law

AN ACT to amend the election law, in relation to authorizing registra-  
tion records of victims of domestic violence to be kept confidential  
in certain cases

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

- 1 Section 1. The election law is amended by adding a new section 5-508  
2 to read as follows:  
3 S 5-508. CONFIDENTIALITY OF REGISTRATION RECORDS IN CERTAIN CASES. 1.  
4 FOR PURPOSES OF THIS SECTION:  
5 (A) "VICTIM OF DOMESTIC VIOLENCE" MEANS ANY PERSON OVER THE AGE OF  
6 SIXTEEN, ANY MARRIED PERSON, OR ANY PARENT ACCOMPANIED BY HIS OR HER  
7 MINOR CHILD OR CHILDREN IN SITUATIONS IN WHICH SUCH PERSON OR SUCH  
8 PERSON'S CHILD IS A VICTIM OF AN ACT WHICH WOULD CONSTITUTE A VIOLATION  
9 OF THE PENAL LAW, INCLUDING, BUT NOT LIMITED TO, ACTS CONSTITUTING  
10 DISORDERLY CONDUCT, HARASSMENT, MENACING, RECKLESS ENDANGERMENT, KIDNAP-  
11 PING, ASSAULT, ATTEMPTED ASSAULT, OR ATTEMPTED MURDER; AND  
12 (I) SUCH ACT OR ACTS HAVE RESULTED IN ACTUAL PHYSICAL OR EMOTIONAL  
13 INJURY OR HAVE CREATED A SUBSTANTIAL RISK OF PHYSICAL OR EMOTIONAL HARM  
14 TO SUCH PERSON OR SUCH PERSON'S CHILD; AND  
15 (II) SUCH ACT OR ACTS ARE OR ARE ALLEGED TO HAVE BEEN COMMITTED BY A  
16 FAMILY OR HOUSEHOLD MEMBER.  
17 (B) "FAMILY OR HOUSEHOLD MEMBERS" MEAN THE FOLLOWING INDIVIDUALS:  
18 (I) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;  
19 (II) PERSONS LEGALLY MARRIED TO ONE ANOTHER;  
20 (III) PERSONS FORMERLY MARRIED TO ONE ANOTHER REGARDLESS OF WHETHER OR  
21 NOT THEY STILL RESIDE IN THE SAME HOUSEHOLD;  
22 (IV) PERSONS WHO HAVE A CHILD IN COMMON REGARDLESS OF WHETHER OR NOT  
23 SUCH PERSONS ARE MARRIED OR HAVE LIVED TOGETHER AT ANY TIME;  
24 (V) PERSONS WHO ARE NOT RELATED BY CONSANGUINITY OR AFFINITY AND WHO  
25 ARE OR HAVE BEEN IN AN INTIMATE RELATIONSHIP REGARDLESS OF WHETHER SUCH  
26 PERSONS HAVE LIVED TOGETHER AT ANY TIME. FACTORS THE COURT MAY CONSIDER

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

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1 IN DETERMINING WHETHER A RELATIONSHIP IS AN "INTIMATE RELATIONSHIP"  
2 INCLUDE BUT ARE NOT LIMITED TO: THE NATURE OR TYPE OF RELATIONSHIP,  
3 REGARDLESS OF WHETHER THE RELATIONSHIP IS SEXUAL IN NATURE; THE FREQUEN-  
4 CY OF INTERACTION BETWEEN THE PERSONS; AND THE DURATION OF THE RELATION-  
5 SHIP. NEITHER A CASUAL ACQUAINTANCE NOR ORDINARY FRATERNIZATION BETWEEN  
6 TWO INDIVIDUALS IN BUSINESS OR SOCIAL CONTEXTS SHALL BE DEEMED TO  
7 CONSTITUTE AN "INTIMATE RELATIONSHIP".

8 (VI) ANY OTHER CATEGORY OF INDIVIDUALS DEEMED TO BE A VICTIM OF DOMES-  
9 TIC VIOLENCE AS DEFINED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES  
10 IN REGULATION.

11 2. UPON APPLICATION MADE TO A COUNTY COURT, IN THE COUNTY WHEREIN A  
12 VICTIM OF DOMESTIC VIOLENCE IS REGISTERED PURSUANT TO THIS ARTICLE, OR  
13 THE SUPREME COURT, IN THE CITY OF NEW YORK, THE COURT MAY ISSUE AN ORDER  
14 REQUIRING THAT ANY REGISTRATION RECORD KEPT OR MAINTAINED IN ACCORDANCE  
15 WITH THIS ARTICLE WITH RESPECT TO SUCH AN INDIVIDUAL BE KEPT SEPARATE  
16 AND APART FROM OTHER REGISTRATION RECORDS AND NOT BE MADE AVAILABLE FOR  
17 INSPECTION OR COPYING BY THE PUBLIC OR ANY OTHER PERSON, EXCEPT ELECTION  
18 OFFICIALS ACTING WITHIN THE COURSE AND SCOPE OF THEIR OFFICIAL DUTIES  
19 AND ONLY AS PERTINENT AND NECESSARY IN CONNECTION THEREWITH.

20 S 2. This act shall take effect immediately.