

1647--A

Cal. No. 23

2009-2010 Regular Sessions

I N S E N A T E

February 4, 2009

Introduced by Sens. SCHNEIDERMAN, FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the criminal procedure law and the family court act, in relation to orders of protection

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

1 Section 1. The opening paragraph of subdivision 1 of section 530.14 of
2 the criminal procedure law, as added by chapter 644 of the laws of 1996,
3 is amended to read as follows:
4 Mandatory and permissive suspension of firearms license and ineligi-
5 bility for such a license upon issuance of temporary order of
6 protection. Whenever a temporary order of protection is issued pursuant
7 to subdivision one of section 530.12 or subdivision one of section
8 530.13 of this article THE COURT SHALL INQUIRE OF THE DEFENDANT AS TO
9 THE EXISTENCE AND LOCATION OF ANY FIREARM OWNED OR POSSESSED BY THE
10 DEFENDANT AND:
11 S 2. The opening paragraph of subdivision 2 of section 530.14 of the
12 criminal procedure law, as added by chapter 644 of the laws of 1996, is
13 amended to read as follows:
14 Mandatory and permissive revocation or suspension of firearms license
15 and ineligibility for such a license upon issuance of an order of
16 protection. Whenever an order of protection is issued pursuant to subdivi-
17 sion five of section 530.12 or subdivision four of section 530.13 of
18 this article THE COURT SHALL INQUIRE OF THE DEFENDANT AS TO THE EXIST-
19 ENCE AND LOCATION OF ANY FIREARM OWNED OR POSSESSED BY THE DEFENDANT
20 AND:

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

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1 S 3. The opening paragraph of subdivision 3 of section 530.14 of the
2 criminal procedure law, as amended by chapter 597 of the laws of 1998,
3 is amended to read as follows:

4 Mandatory and permissive revocation or suspension of firearms license
5 and ineligibility for such a license upon a finding of a willful failure
6 to obey an order of protection. Whenever a defendant has been found
7 pursuant to subdivision eleven of section 530.12 or subdivision eight of
8 section 530.13 of this article to have willfully failed to obey an order
9 of protection issued by a court of competent jurisdiction in this state
10 or another state, territorial or tribal jurisdiction, in addition to any
11 other remedies available pursuant to subdivision eleven of section
12 530.12 or subdivision eight of section 530.13 of this article THE COURT
13 SHALL INQUIRE OF THE DEFENDANT AS TO THE EXISTENCE AND LOCATION OF ANY
14 FIREARM OWNED OR POSSESSED BY THE DEFENDANT AND:

15 S 4. The opening paragraph of subdivision 1 of section 842-a of the
16 family court act, as added by chapter 644 of the laws of 1996, is
17 amended to read as follows:

18 Mandatory and permissive suspension of firearms license and ineligi-
19 bility for such a license upon the issuance of a temporary order of
20 protection. Whenever a temporary order of protection is issued pursuant
21 to section eight hundred twenty-eight of this article THE COURT SHALL
22 INQUIRE OF THE RESPONDENT AS TO THE EXISTENCE AND LOCATION OF ANY
23 FIREARM OWNED OR POSSESSED BY THE RESPONDENT AND:

24 S 5. This act shall take effect immediately.