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

3474

2009-2010 Regular Sessions

I N S E N A T E

March 19, 2009

Introduced by Sens. MORAHAN, DeFRANCISCO, O. JOHNSON, LARKIN, MAZIARZ, SEWARD, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the military law, in relation to extending certain benefits afforded with respect to judicial proceedings where the minor dependent of a military member is involved as a party

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

Section 1. Section 304 of the military law, as amended by chapter 507 of the laws of 1991, is amended to read as follows:

S 304. Proceedings to be stayed unless interest unaffected by military service. At any stage thereof, any action or proceeding in any court or in any adjudicatory or licensing proceeding before any state agency, including any public benefit corporation or public authority, or any political subdivision of the state, in which a person in military service *OR A MINOR DEPENDENT OF A MILITARY MEMBER* is involved as a party, during the period of such service or within sixty days thereafter may, in the discretion of the court or adjudicatory or licensing agency before which it is pending, on its own motion, and shall, on application to it by such person or some person on his *OR HER* behalf, be stayed as provided in this [act] *ARTICLE*, unless, in the opinion of the court or adjudicatory or licensing agency, the ability of plaintiff to prosecute the action, or the defendant to conduct his *OR HER* defense, or in any adjudicatory or licensing proceeding the ability of the party to represent his *OR HER* interest, is not materially affected by reason of his *OR HER* military service *OR MILITARY SERVICE OF THE PARENT OR GUARDIAN OF SUCH MINOR DEPENDENT*.

S 2. This act shall take effect immediately.

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

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