

3683

2009-2010 Regular Sessions

I N S E N A T E

March 27, 2009

Introduced by Sen. SAMPSON -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the family court act and the domestic relations law, in relation to violations of orders of protection and temporary orders of protection and probation in family offense cases

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

1 Section 1. Section 446 of the family court act is amended by adding a
2 new closing paragraph to read as follows:

3 A VIOLATION OF AN ORDER OF PROTECTION ISSUED PURSUANT TO THIS SECTION
4 SHALL BE DEALT WITH IN ACCORDANCE WITH PART FIVE OF THIS ARTICLE OR
5 SECTIONS EIGHT HUNDRED FORTY-SIX, EIGHT HUNDRED FORTY-SIX-A AND EIGHT
6 HUNDRED FORTY-SEVEN OF THIS ACT.

7 S 2. Section 551 of the family court act is amended by adding a new
8 closing paragraph to read as follows:

9 A VIOLATION OF AN ORDER OF PROTECTION ISSUED PURSUANT TO THIS SECTION
10 SHALL BE DEALT WITH IN ACCORDANCE WITH PART FIVE OF ARTICLE FOUR OR
11 SECTIONS EIGHT HUNDRED FORTY-SIX, EIGHT HUNDRED FORTY-SIX-A AND EIGHT
12 HUNDRED FORTY-SEVEN OF THIS ACT.

13 S 3. Section 656 of the family court act is amended by adding a new
14 closing paragraph to read as follows:

15 A VIOLATION OF AN ORDER OF PROTECTION ISSUED PURSUANT TO THIS SECTION
16 SHALL BE DEALT WITH IN ACCORDANCE WITH SECTIONS EIGHT HUNDRED FORTY-SIX,
17 EIGHT HUNDRED FORTY-SIX-A AND EIGHT HUNDRED FORTY-SEVEN OF THIS ACT.

18 S 4. Subdivision (c) of section 841 of the family court act, as
19 amended by chapter 222 of the laws of 1994, is amended to read as
20 follows:

21 (c) placing the respondent on probation for a period not exceeding
22 [one year, and requiring] TWO YEARS OR, IF AN ORDER OF PROTECTION HAS
23 BEEN ISSUED FOR FIVE YEARS PURSUANT TO SECTION EIGHT HUNDRED FORTY-TWO

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

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1 OF THIS PART, FIVE YEARS. THE ORDER MAY REQUIRE respondent to partic-
2 ipate in a batterer's education program designed to help end violent
3 behavior, which may include referral to drug and alcohol counseling, and
4 to pay the costs thereof if respondent has the means to do so, provided
5 however that nothing contained herein shall be deemed to require payment
6 of the costs of any such program by the petitioner, the state or any
7 political subdivision thereof; or

8 S 5. Section 846-a of the family court act, as amended by chapter 597
9 of the laws of 1998, is amended to read as follows:

10 S 846-a. Powers on failure to obey order. If a respondent is brought
11 before the court for failure to obey any lawful order issued under this
12 article or an order of protection OR TEMPORARY ORDER OF PROTECTION
13 issued UNDER THIS ACT OR ISSUED by a court of competent jurisdiction of
14 another state, territorial or tribal jurisdiction in a proceeding and
15 if, after hearing, the court is satisfied by competent proof that the
16 respondent has willfully failed to obey [any] such order, the court may
17 DO ONE OR MORE OF THE FOLLOWING:

18 1. modify an existing order OR TEMPORARY ORDER OF PROTECTION to add
19 reasonable conditions of behavior to the existing order [of protection,]
20 OR TEMPORARY ORDER OR make a new order of protection in accordance with
21 [section eight hundred forty-two, may order the forfeiture of bail in a
22 manner consistent with article five hundred forty of the criminal proce-
23 dure law if bail has been ordered pursuant to] this act[, may];

24 2. PLACE THE RESPONDENT ON PROBATION IN ACCORDANCE WITH SUBDIVISION
25 (C) OF SECTION EIGHT HUNDRED FORTY-ONE OF THIS PART UPON SUCH CONDITIONS
26 AS THE COURT SHALL DIRECT, WHICH MAY INCLUDE, BUT NOT BE LIMITED TO, A
27 DIRECTION THAT THE RESPONDENT PARTICIPATE IN A BATTERER'S EDUCATION
28 PROGRAM DESIGNED TO HELP END VIOLENT BEHAVIOR, WHICH MAY INCLUDE REFER-
29 RAL TO DRUG AND ALCOHOL COUNSELING, AND TO PAY THE COSTS THEREOF IF THE
30 RESPONDENT HAS THE MEANS TO DO SO, PROVIDED, HOWEVER, THAT NOTHING IN
31 THIS SUBDIVISION SHALL BE DEEMED TO REQUIRE PAYMENT OF THE COSTS OF ANY
32 SUCH PROGRAM BY THE PETITIONER, THE STATE OR ANY POLITICAL SUBDIVISION
33 THEREOF;

34 3. IF THE RESPONDENT IS ALREADY ON PROBATION PURSUANT TO SUCH SECTION,
35 REVOKE SUCH ORDER OF PROBATION OR MODIFY THE CONDITIONS OF SUCH
36 PROBATION, PROVIDED, HOWEVER, THAT PENDING THE DETERMINATION OF A
37 VIOLATION OF PROBATION, THE PERIOD OF PROBATION SHALL BE TOLLED AS OF
38 THE DATE OF FILING OF THE VIOLATION PETITION OR MOTION;

39 4. ORDER THE RESPONDENT TO PAY RESTITUTION IN ACCORDANCE WITH SUBDIVI-
40 SION (E) OF SECTION EIGHT HUNDRED FORTY-ONE OF THIS PART OR, IF THE
41 RESPONDENT HAS ALREADY BEEN SO ORDERED AND HAS VIOLATED SUCH ORDER,
42 MODIFY SUCH ORDER OF RESTITUTION;

43 5. order the respondent to pay the [petitioner's] reasonable and
44 necessary counsel fees AND DISBURSEMENTS OF ANY OTHER PARTY OR PARTIES
45 AND/OR THE CHILD'S ATTORNEY in connection with the violation petition
46 [where the court finds that the violation of its order was willful, and
47 may];

48 6. ORDER THE RESPONDENT TO PROVIDE, EITHER DIRECTLY OR BY MEANS OF
49 MEDICAL AND HEALTH INSURANCE, FOR EXPENSES INCURRED FOR MEDICAL CARE AND
50 TREATMENT ARISING FROM THE INCIDENT OR INCIDENTS FORMING THE BASIS FOR
51 THE ISSUANCE OF THE ORDER OR ITS VIOLATION;

52 7. SUSPEND AN ORDER OF VISITATION BETWEEN RESPONDENT AND HIS OR HER
53 CHILD OR CHILDREN OR DIRECT THAT SUCH VISITATION BE SUPERVISED BY A
54 PERSON OR AGENCY DESIGNATED BY THE COURT AND UNDER CONDITIONS SPECIFIED
55 BY THE COURT;

1 8. commit the respondent to jail for a term not to exceed six months.
2 Such commitment may be served upon certain specified days or parts of
3 days as the court may direct, and the court may, at any time within the
4 term of such sentence, revoke such [suspension] DIRECTION and commit the
5 respondent for the remainder of the original sentence, or suspend the
6 remainder of such sentence[. If]; AND

7 9. REVOKE OR, IN THE CASE OF A VIOLATION OF A TEMPORARY ORDER OF
8 PROTECTION, SUSPEND ANY LICENSE OF THE RESPONDENT TO CARRY, POSSESS,
9 REPAIR AND DISPOSE OF FIREARMS PURSUANT TO SECTION 400.00 OF THE PENAL
10 LAW IMMEDIATELY, AND ARRANGE FOR THE IMMEDIATE SURRENDER AND DISPOSAL OF
11 ANY FIREARM SUCH RESPONDENT OWNS OR POSSESSES, IF the court determines
12 that the willful failure to obey such order involves violent behavior
13 constituting the crimes of menacing, reckless endangerment, STALKING,
14 assault or attempted assault [and if such a respondent is licensed to
15 carry, possess, repair and dispose of firearms pursuant to section
16 400.00 of the penal law, the court may also immediately revoke such
17 license and may arrange for the immediate surrender and disposal of any
18 firearm such respondent owns or possesses]. If the willful failure to
19 obey such order involves the infliction of serious physical injury as
20 defined in subdivision ten of section 10.00 of the penal law or the use
21 or threatened use of a deadly weapon or dangerous instrument, as those
22 terms are defined in subdivisions twelve and thirteen of section 10.00
23 of the penal law, such revocation and immediate surrender and disposal
24 of any firearm owned or possessed by respondent shall be mandatory,
25 pursuant to subdivision eleven of section 400.00 of the penal law.

26 S 6. The first undesignated paragraph and the closing paragraph of
27 subdivision 3 of section 240 of the domestic relations law, as added by
28 chapter 606 of the laws of 1999, are amended and a new subdivision 3-d
29 is added to read as follows:

30 G. Any party moving for a temporary order of protection pursuant to
31 this subdivision during hours when the court is open shall be entitled
32 to file such motion or pleading containing such prayer for emergency
33 relief on the same day that such person first appears at such court, and
34 a hearing on the motion or portion of the pleading requesting such emer-
35 gency relief shall be held on the same day or the next day that the
36 court is in session following the filing of such motion or pleading.

37 H. Upon issuance of an order of protection or temporary order of
38 protection [or upon a violation of such order], the court may make an
39 order in accordance with section eight hundred forty-two-a of the family
40 court act directing the surrender of firearms, revoking or suspending a
41 party's firearms license, and/or directing that such party be ineligible
42 to receive a firearms license. Upon issuance of an order of protection
43 pursuant to this section [or upon a finding of a violation thereof], the
44 court also may direct payment of restitution in an amount not to exceed
45 ten thousand dollars in accordance with subdivision (e) of section eight
46 hundred forty-one of such act; provided, however, that in no case shall
47 an order of restitution be issued where the court determines that the
48 party against whom the order would be issued has already compensated the
49 injured party or where such compensation is incorporated in a final
50 judgment or settlement of the action. UPON A FINDING OF A WILLFUL
51 VIOLATION OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION,
52 THE COURT MAY MAKE AN ORDER IN ACCORDANCE WITH SUBDIVISION THREE-D OF
53 THIS SECTION.

54 3-D. IF A PARTY IS BROUGHT BEFORE THE COURT FOR FAILURE TO OBEY AN
55 ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT
56 OR BY A COURT OF COMPETENT JURISDICTION OF ANOTHER STATE, TERRITORIAL OR

1 TRIBAL JURISDICTION IN A PROCEEDING AND IF, AFTER HEARING, THE COURT IS
2 SATISFIED BY COMPETENT PROOF THAT SUCH PARTY HAS WILLFULLY FAILED TO
3 OBEY SUCH ORDER, THE COURT MAY DO ONE OR MORE OF THE FOLLOWING:

4 A. MODIFY AN EXISTING ORDER OF PROTECTION OR TEMPORARY ORDER OF
5 PROTECTION TO ADD REASONABLE CONDITIONS OF BEHAVIOR TO THE EXISTING
6 ORDER OR TEMPORARY ORDER OR MAKE A NEW ORDER OF PROTECTION OR TEMPORARY
7 ORDER OF PROTECTION IN ACCORDANCE WITH SUBDIVISION THREE OF THIS
8 SECTION;

9 B. PLACE THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
10 TEMPORARY ORDER OF PROTECTION ON PROBATION IN ACCORDANCE WITH SUBDIVI-
11 SION (C) OF SECTION EIGHT HUNDRED FORTY-ONE OF THE FAMILY COURT ACT UPON
12 SUCH CONDITIONS AS THE COURT SHALL DIRECT, WHICH MAY INCLUDE, BUT NOT BE
13 LIMITED TO, A DIRECTION THAT THE PARTY FOUND TO HAVE VIOLATED THE ORDER
14 OF PROTECTION OR TEMPORARY ORDER OF PROTECTION PARTICIPATE IN A
15 BATTERER'S EDUCATION PROGRAM DESIGNED TO HELP END VIOLENT BEHAVIOR,
16 WHICH MAY INCLUDE REFERRAL TO DRUG AND ALCOHOL COUNSELING, AND TO PAY
17 THE COSTS THEREOF IF THE PARTY HAS THE MEANS TO DO SO; PROVIDED, HOWEV-
18 ER, THAT NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO REQUIRE PAYMENT
19 OF THE COSTS OF ANY SUCH PROGRAM BY ANY OTHER PARTY, THE STATE OR ANY
20 POLITICAL SUBDIVISION THEREOF;

21 C. IF THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
22 TEMPORARY ORDER OF PROTECTION IS ALREADY ON PROBATION PURSUANT TO
23 SECTION EIGHT HUNDRED FORTY-ONE OF THE FAMILY COURT ACT REVOKE SUCH
24 ORDER OF PROBATION OR MODIFY THE CONDITIONS OF SUCH PROBATION, PROVIDED,
25 HOWEVER, THAT PENDING THE DETERMINATION OF A VIOLATION OF PROBATION, THE
26 PERIOD OF PROBATION SHALL BE TOLLED AS OF THE DATE OF FILING OF THE
27 VIOLATION PETITION OR MOTION;

28 D. ORDER THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
29 TEMPORARY ORDER OF PROTECTION TO PAY RESTITUTION IN ACCORDANCE WITH
30 PARAGRAPH H OF SUBDIVISION THREE OF THIS SECTION OR, IF SUCH PARTY HAS
31 ALREADY BEEN SO ORDERED AND HAS VIOLATED SUCH ORDER, MODIFY SUCH ORDER;

32 E. ORDER THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
33 TEMPORARY ORDER OF PROTECTION TO PAY THE REASONABLE AND NECESSARY COUN-
34 SEL FEES AND DISBURSEMENTS OF ANY OTHER PARTY OR PARTIES AND/OR THE
35 CHILD'S ATTORNEY IN CONNECTION WITH THE VIOLATION PETITION;

36 F. ORDER THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
37 TEMPORARY ORDER OF PROTECTION TO PROVIDE, EITHER DIRECTLY OR BY MEANS OF
38 MEDICAL AND HEALTH INSURANCE, FOR EXPENSES INCURRED FOR MEDICAL CARE AND
39 TREATMENT ARISING FROM THE INCIDENT OR INCIDENTS FORMING THE BASIS FOR
40 THE ISSUANCE OF THE ORDER OR ITS VIOLATION;

41 G. SUSPEND AN ORDER OF VISITATION BETWEEN THE PARTY FOUND TO HAVE
42 VIOLATED THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION AND
43 HIS OR HER CHILD OR CHILDREN OR DIRECT THAT SUCH VISITATION BE SUPER-
44 VISED BY A PERSON OR AGENCY DESIGNATED BY THE COURT AND UNDER CONDITIONS
45 SPECIFIED BY THE COURT;

46 H. COMMIT THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
47 TEMPORARY ORDER OF PROTECTION TO JAIL FOR A TERM NOT TO EXCEED SIX
48 MONTHS. SUCH COMMITMENT MAY BE SERVED UPON CERTAIN SPECIFIED DAYS OR
49 PARTS OF DAYS AS THE COURT MAY DIRECT, AND THE COURT MAY, AT ANY TIME
50 WITHIN THE TERM OF SUCH SENTENCE, REVOKE SUCH DIRECTION AND COMMIT SUCH
51 PARTY FOR THE REMAINDER OF THE ORIGINAL SENTENCE, OR SUSPEND THE REMAIN-
52 DER OF SUCH SENTENCE; AND

53 I. IN ACCORDANCE WITH PARAGRAPH H OF SUBDIVISION THREE OF THIS SECTION
54 AND SECTION EIGHT HUNDRED FORTY-SIX-A OF THE FAMILY COURT ACT, IMME-
55 DIATELY REVOKE OR, IN THE CASE OF A VIOLATION OF A TEMPORARY ORDER OF
56 PROTECTION, SUSPEND ANY LICENSE TO CARRY, POSSESS, REPAIR AND DISPOSE OF

1 FIREARMS PURSUANT TO SECTION 400.00 OF THE PENAL LAW OF THE PARTY FOUND
2 TO HAVE VIOLATED THE ORDER, AND ARRANGE FOR THE IMMEDIATE SURRENDER AND
3 DISPOSAL OF ANY FIREARM SUCH PARTY OWNS OR POSSESSES, IF THE COURT
4 DETERMINES THAT THE WILLFUL FAILURE TO OBEY SUCH ORDER INVOLVES VIOLENT
5 BEHAVIOR CONSTITUTING THE CRIMES OF MENACING, RECKLESS ENDANGERMENT,
6 STALKING, ASSAULT OR ATTEMPTED ASSAULT. IF THE WILLFUL FAILURE TO OBEY
7 SUCH ORDER INVOLVES THE INFLECTION OF SERIOUS PHYSICAL INJURY AS DEFINED
8 IN SUBDIVISION TEN OF SECTION 10.00 OF THE PENAL LAW OR THE USE OR
9 THREATENED USE OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT, AS THOSE
10 TERMS ARE DEFINED IN SUBDIVISIONS TWELVE AND THIRTEEN OF SECTION 10.00
11 OF THE PENAL LAW, SUCH REVOCATION AND IMMEDIATE SURRENDER AND DISPOSAL
12 OF ANY FIREARM OWNED OR POSSESSED BY SUCH PARTY SHALL BE MANDATORY,
13 PURSUANT TO SUBDIVISION ELEVEN OF SECTION 400.00 OF THE PENAL LAW.

14 S 7. Subdivision 9 of section 252 of the domestic relations law, as
15 added by chapter 606 of the laws of 1999, is amended and a new subdivi-
16 sion 10 is added to read as follows:

17 9. Upon issuance of an order of protection or temporary order of
18 protection [or upon a violation of such order], the court may [take]
19 MAKE an order in accordance with section eight hundred forty-two-a of
20 the family court act directing the surrender of firearms, revoking or
21 suspending a party's firearms license, and/or directing that such party
22 be ineligible to receive a firearms license. Upon issuance of an order
23 of protection pursuant to this section [or upon a finding of a violation
24 thereof], the court also may direct payment of restitution in an amount
25 not to exceed ten thousand dollars in accordance with subdivision (e) of
26 section eight hundred forty-one of such act; provided, however, that in
27 no case shall an order of restitution be issued where the court deter-
28 mines that the party against whom the order would be issued has already
29 compensated the injured party or where such compensation is incorporated
30 in a final judgement or settlement of the action. UPON A FINDING OF A
31 WILLFUL VIOLATION OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF
32 PROTECTION, THE COURT MAY MAKE AN ORDER IN ACCORDANCE WITH SUBDIVISION
33 TEN OF THIS SECTION.

34 10. IF A PARTY IS BROUGHT BEFORE THE COURT FOR FAILURE TO OBEY AN
35 ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT
36 OR BY A COURT OF COMPETENT JURISDICTION OF ANOTHER STATE, TERRITORIAL OR
37 TRIBAL JURISDICTION IN A PROCEEDING AND IF, AFTER HEARING, THE COURT IS
38 SATISFIED BY COMPETENT PROOF THAT SUCH PARTY HAS WILLFULLY FAILED TO
39 OBEY ANY SUCH ORDER, THE COURT MAY DO ONE OR MORE OF THE FOLLOWING:

40 A. MODIFY AN EXISTING ORDER OF PROTECTION OR TEMPORARY ORDER OF
41 PROTECTION TO ADD REASONABLE CONDITIONS OF BEHAVIOR TO THE EXISTING
42 ORDER OR TEMPORARY ORDER OR MAKE A NEW ORDER OF PROTECTION OR TEMPORARY
43 ORDER OF PROTECTION IN ACCORDANCE WITH THIS SECTION;

44 B. PLACE THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
45 TEMPORARY ORDER OF PROTECTION ON PROBATION IN ACCORDANCE WITH SUBDIVI-
46 SION (C) OF SECTION EIGHT HUNDRED FORTY-ONE OF THE FAMILY COURT ACT UPON
47 SUCH CONDITIONS AS THE COURT SHALL DIRECT, WHICH MAY INCLUDE, BUT NOT BE
48 LIMITED TO, A DIRECTION THAT THE PARTY FOUND TO HAVE VIOLATED THE ORDER
49 OF PROTECTION OR TEMPORARY ORDER OF PROTECTION PARTICIPATE IN A
50 BATTERER'S EDUCATION PROGRAM DESIGNED TO HELP END VIOLENT BEHAVIOR,
51 WHICH MAY INCLUDE REFERRAL TO DRUG AND ALCOHOL COUNSELING, AND TO PAY
52 THE COSTS THEREOF IF THE PARTY HAS THE MEANS TO DO SO; PROVIDED, HOWEV-
53 ER, THAT NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO REQUIRE PAYMENT
54 OF THE COSTS OF ANY SUCH PROGRAM BY ANY OTHER PARTY, THE STATE OR ANY
55 POLITICAL SUBDIVISION THEREOF;

1 C. IF THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
2 TEMPORARY ORDER OF PROTECTION IS ALREADY ON PROBATION PURSUANT TO SUCH
3 SECTION, REVOKE SUCH ORDER OF PROBATION OR MODIFY THE CONDITIONS OF SUCH
4 PROBATION, PROVIDED, HOWEVER, THAT PENDING THE DETERMINATION OF A
5 VIOLATION OF PROBATION, THE PERIOD OF PROBATION SHALL BE TOLLED AS OF
6 THE DATE OF FILING OF THE VIOLATION PETITION OR MOTION;

7 D. ORDER THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
8 TEMPORARY ORDER OF PROTECTION TO PAY RESTITUTION IN ACCORDANCE WITH
9 SUBDIVISION NINE OF THIS SECTION OR, IF SUCH PARTY HAS ALREADY BEEN SO
10 ORDERED AND HAS WILLFULLY VIOLATED SUCH ORDER, MODIFY SUCH ORDER;

11 E. ORDER THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
12 TEMPORARY ORDER OF PROTECTION TO PAY THE REASONABLE AND NECESSARY COUN-
13 SEL FEES AND DISBURSEMENTS OF ANY OTHER PARTY OR PARTIES AND/OR THE
14 CHILD'S ATTORNEY IN CONNECTION WITH THE VIOLATION PETITION;

15 F. ORDER THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
16 TEMPORARY ORDER OF PROTECTION TO PROVIDE, EITHER DIRECTLY OR BY MEANS OF
17 MEDICAL AND HEALTH INSURANCE, FOR EXPENSES INCURRED FOR MEDICAL CARE AND
18 TREATMENT ARISING FROM THE INCIDENT OR INCIDENTS FORMING THE BASIS FOR
19 THE ISSUANCE OF THE ORDER OR ITS VIOLATION;

20 G. SUSPEND AN ORDER OF VISITATION BETWEEN THE PARTY FOUND TO HAVE
21 VIOLATED THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION AND
22 HIS OR HER CHILD OR CHILDREN OR DIRECT THAT SUCH VISITATION BE SUPER-
23 VISED BY A PERSON OR AGENCY DESIGNATED BY THE COURT AND UNDER CONDITIONS
24 SPECIFIED BY THE COURT;

25 H. COMMIT THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
26 TEMPORARY ORDER OF PROTECTION TO JAIL FOR A TERM NOT TO EXCEED SIX
27 MONTHS. SUCH COMMITMENT MAY BE SERVED UPON CERTAIN SPECIFIED DAYS OR
28 PARTS OF DAYS AS THE COURT MAY DIRECT, AND THE COURT MAY, AT ANY TIME
29 WITHIN THE TERM OF SUCH SENTENCE, REVOKE SUCH DIRECTION AND COMMIT SUCH
30 PARTY FOR THE REMAINDER OF THE ORIGINAL SENTENCE, OR SUSPEND THE REMAIN-
31 DER OF SUCH SENTENCE; AND

32 I. IN ACCORDANCE WITH SUBDIVISION NINE OF THIS SECTION AND SECTION
33 EIGHT HUNDRED FORTY-SIX-A OF THE FAMILY COURT ACT, IMMEDIATELY REVOKE,
34 OR IN THE CASE OF A VIOLATION OF A TEMPORARY ORDER OF PROTECTION,
35 SUSPEND ANY LICENSE TO CARRY, POSSESS, REPAIR AND DISPOSE OF FIREARMS
36 PURSUANT TO SECTION 400.00 OF THE PENAL LAW OF THE PARTY FOUND TO HAVE
37 VIOLATED THE ORDER, AND ARRANGE FOR THE IMMEDIATE SURRENDER AND DISPOSAL
38 OF ANY FIREARM SUCH PARTY OWNS OR POSSESSES, IF THE COURT DETERMINES
39 THAT THE WILLFUL FAILURE TO OBEY SUCH ORDER INVOLVES VIOLENT BEHAVIOR
40 CONSTITUTING THE CRIMES OF MENACING, RECKLESS ENDANGERMENT, STALKING,
41 ASSAULT OR ATTEMPTED ASSAULT. IF THE WILLFUL FAILURE TO OBEY SUCH ORDER
42 INVOLVES THE INFLICTION OF SERIOUS PHYSICAL INJURY AS DEFINED IN SUBDI-
43 VISION TEN OF SECTION 10.00 OF THE PENAL LAW OR THE USE OR THREATENED
44 USE OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT, AS THOSE TERMS ARE
45 DEFINED IN SUBDIVISIONS TWELVE AND THIRTEEN OF SECTION 10.00 OF THE
46 PENAL LAW, SUCH REVOCATION AND IMMEDIATE SURRENDER AND DISPOSAL OF ANY
47 FIREARM OWNED OR POSSESSED BY SUCH PARTY SHALL BE MANDATORY, PURSUANT TO
48 SUBDIVISION ELEVEN OF SECTION 400.00 OF THE PENAL LAW.

49 S 7. This act shall take effect on the ninetieth day after it shall
50 have become a law; provided, however, that section four of this act
51 shall apply to family offenses committed on or after such date.