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

4049

2009-2010 Regular Sessions

I N S E N A T E

April 8, 2009

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the executive law, in relation to the fair treatment standards for crime victims

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

Section 1. The executive law is amended by adding a new section 645-a to read as follows:

S 645-A. INFORMATION RELATIVE TO ORDERS OF PROTECTION. EVERY COURT CLERK SHALL BE RESPONSIBLE FOR PROVIDING INFORMATION TO INDIVIDUALS PETITIONING FOR EX PARTE ORDERS OF PROTECTION REGARDING NOTIFICATION OF SERVICE OF THESE ORDERS OF PROTECTION. SUCH NOTIFICATION TO THE PETITIONER IS REQUIRED IF THE PETITIONER HAS REGISTERED A TELEPHONE NUMBER WITH THE STATE'S VICTIM NOTIFICATION SYSTEM, ESTABLISHED UNDER SUBDIVISION TWO OF SECTION TWO HUNDRED FIFTY-NINE-I OF THIS CHAPTER. THE PETITIONER SHALL BE INFORMED OF HIS OR HER OPTION TO RECEIVE NOTIFICATION OF SERVICE OF AN EX PARTE ORDER OF PROTECTION OR SUMMONS ON THE RESPONDENT BY THE COURT CLERK AND SHALL BE PROVIDED INFORMATION ON HOW TO RECEIVE NOTIFICATION OF SERVICE OF EX PARTE ORDERS OF PROTECTION OR SUMMONS TO COURT. THE LOCAL LAW ENFORCEMENT AGENCY OR ANY OTHER GOVERNMENT AGENCY RESPONSIBLE FOR SERVING EX PARTE ORDERS OF PROTECTION OR SUMMONS TO COURT SHALL RECORD THE SERVICE OF THESE ORDERS OF PROTECTION INTO A LAW ENFORCEMENT DATABASE, OR SIMILAR ELECTRONIC RECORD KEEPING SYSTEM, AT THE TIME WHEN SERVICE OCCURS. THE PROVISION OF THIS SECTION SHALL ONLY APPLY TO THOSE COURT CLERKS ABLE TO ACCESS A STATEWIDE VICTIM NOTIFICATION SYSTEM DESIGNED TO PROVIDE NOTIFICATION OF SERVICE OF ORDERS OF PROTECTION.

S 2. Subdivision 2 of section 646-a of the executive law is amended by adding a new paragraph (h) to read as follows:

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

LBD05980-01-9

(H) THE RIGHTS OF CRIME VICTIMS TO BE PROVIDED WITH INFORMATION REGARDING SERVICE OF EX PARTE ORDERS OF PROTECTION OR SUMMONS TO COURT AS PROVIDED BY SECTION SIX HUNDRED FORTY-FIVE-A OF THIS ARTICLE.

S 3. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.