

4709

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. LEIBELL -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the family court act, in relation to the issuance of orders of protection for the benefit of witnesses

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

1 Section 1. Subdivision 1 of section 352.3 of the family court act, as
2 amended by chapter 532 of the laws of 2008, is amended to read as
3 follows:
4 (1) Upon the issuance of an order pursuant to section 315.3 or the
5 entry of an order of disposition pursuant to section 352.2, a court may
6 enter an order of protection against any respondent for good cause
7 shown. The order may require that the respondent: (a) stay away from the
8 home, school, business or place of employment of the victims of the
9 alleged offense; or (b) refrain from harassing, intimidating, threaten-
10 ing or otherwise interfering with (I) the victim or victims of the
11 alleged offense and such members of the family or household of such
12 victim or victims as shall be specifically named by the court in such
13 order; OR (II) SUCH DESIGNATED WITNESS AS SHALL BE SPECIFICALLY NAMED BY
14 THE COURT IN SUCH ORDER; PROVIDED THAT THE COURT MAKES A FINDING THAT
15 THE RESPONDENT DID PREVIOUSLY, OR IS LIKELY TO IN THE FUTURE, HARASS,
16 INTIMIDATE, THREATEN, OR OTHERWISE INTERFERE WITH SUCH WITNESS; or (c)
17 refrain from intentionally injuring or killing, without justification,
18 any companion animal the respondent knows to be owned, possessed,
19 leased, kept or held by the person protected by the order or a minor
20 child residing in such person's household. "Companion animal", as used
21 in this subdivision, shall have the same meaning as in subdivision five
22 of section three hundred fifty of the agriculture and markets law.
23 S 2. This act shall take effect immediately and shall apply to orders
24 of protection issued on or after such date.

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

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