

4930

2009-2010 Regular Sessions

I N   S E N A T E

April 27, 2009

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Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and  
when printed to be committed to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to provid-  
ing personal information during disclosure by a person to whom an  
order of protection has been issued

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

1     Section 1. The civil practice law and rules is amended by adding a new  
2     section 3104-a to read as follows:  
3     S 3104-A. PROTECTION OF DOMESTIC VIOLENCE VICTIMS AT DISCLOSURE  
4     PROCEEDINGS. (A) MOTION FOR PROTECTION SERVICES. UPON MOTION OF ANY  
5     PARTY OR WITNESS, WHO IS ALSO A CRIME VICTIM OR VICTIM OF DOMESTIC  
6     VIOLENCE AS DEFINED IN SECTION FOUR HUNDRED FIFTY-NINE-A OF THE SOCIAL  
7     SERVICES LAW, OR WHO HAS A VALID ORDER OF PROTECTION OR TEMPORARY ORDER  
8     OF PROTECTION AGAINST A PARTY OR WITNESS IN THE PROCEEDING, AND ON  
9     NOTICE TO ALL PARTIES, OR ON ITS OWN INITIATIVE WITHOUT NOTICE, THE  
10    COURT IN WHICH AN ACTION IS PENDING SHALL ORDER THAT A DOMESTIC VIOLENCE  
11    VICTIM OR CRIME VICTIM BE FURTHER PROTECTED WITHIN THE ORDER OF  
12    PROTECTION AND THAT THE VICTIM WITH AN ORDER OF PROTECTION SHALL NOT BE  
13    ORDERED OR COMPELLED TO ANSWER QUESTIONS OF A PERSONAL NATURE, INCLUDING  
14    BUT NOT LIMITED TO RESIDENCY, EMPLOYMENT, FAMILY RELATIONSHIPS, WHICH  
15    MAY ALSO BE INCLUDED IN THE ORDER OF PROTECTION, OR ANY OTHER INFORMA-  
16    TION WITH REGARD TO THEIR SAFETY OR OTHER PERSONS WHO ARE ALSO MENTIONED  
17    IN THE ORDER OF PROTECTION. PERSONS WHO HAVE ORDERS OF PROTECTION SHALL  
18    NOT BE PENALIZED FOR NOT ANSWERING THESE QUESTIONS. THE PROVISIONS OF  
19    THIS SECTION SHALL ALSO APPLY TO: (I) ANY VICTIM WHO IS IN THE PROCESS  
20    OF OBTAINING AN ORDER OF PROTECTION; OR (II) ANY VICTIM WHO HAS PREVI-  
21    OUSLY HAD AN ORDER OF PROTECTION AGAINST A PARTY OR WITNESS OF THE  
22    PROCEEDING.  
23    (B) SCOPE OF PROTECTION SERVICES. THE COURT SHALL ORDER THE NECESSARY  
24    PROTECTIONS NEEDED TO ENSURE THE SAFETY OF THE CRIME VICTIM OR VICTIM OF  
25    DOMESTIC VIOLENCE, UPON REASONABLE NOTICE TO THE PARTIES AND UPON OPPOR-  
26    TUNITY TO BE HEARD.  
27    S 2. This act shall take effect immediately.

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

LBD11549-01-9