

5945--A

Cal. No. 86

2009-2010 Regular Sessions

I N S E N A T E

June 19, 2009

Introduced by Sens. FOLEY, PARKER, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the election law, in relation to authorizing registration records of victims of domestic violence to be kept confidential in certain cases

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

- 1 Section 1. The election law is amended by adding a new section 5-508
2 to read as follows:
3 S 5-508. CONFIDENTIALITY OF REGISTRATION RECORDS IN CERTAIN CASES. 1.
4 FOR PURPOSES OF THIS SECTION:
5 (A) "VICTIM OF DOMESTIC VIOLENCE" MEANS ANY PERSON WHO IS A VICTIM OF
6 A VIOLENT FELONY, AS DEFINED IN SECTION 70.02 OF THE PENAL LAW, OR
7 DISORDERLY CONDUCT, HARASSMENT IN THE FIRST DEGREE, HARASSMENT IN THE
8 SECOND DEGREE, AGGRAVATED HARASSMENT IN THE SECOND DEGREE, AGGRAVATED
9 HARASSMENT IN THE THIRD DEGREE, STALKING IN THE FOURTH DEGREE, CRIMINAL
10 MISCHIEF, MENACING IN THE SECOND DEGREE, MENACING IN THE THIRD DEGREE,
11 RECKLESS ENDANGERMENT, ASSAULT IN THE THIRD DEGREE OR AN ATTEMPTED
12 ASSAULT; AND
13 (I) SUCH ACT OR ACTS HAVE RESULTED IN ACTUAL PHYSICAL OR EMOTIONAL
14 INJURY OR HAVE CREATED A SUBSTANTIAL RISK OF PHYSICAL OR EMOTIONAL HARM
15 TO SUCH PERSON OR SUCH PERSON'S CHILD; AND
16 (II) SUCH ACT OR ACTS ARE OR ARE ALLEGED TO HAVE BEEN COMMITTED BY A
17 FAMILY OR HOUSEHOLD MEMBER.
18 (B) "FAMILY OR HOUSEHOLD MEMBERS" MEAN THE FOLLOWING INDIVIDUALS:

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

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1 (I) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;
2 (II) PERSONS LEGALLY MARRIED TO ONE ANOTHER;
3 (III) PERSONS FORMERLY MARRIED TO ONE ANOTHER REGARDLESS OF WHETHER
4 THEY STILL RESIDE IN THE SAME HOUSEHOLD;
5 (IV) PERSONS WHO HAVE A CHILD IN COMMON REGARDLESS OF WHETHER SUCH
6 PERSONS ARE MARRIED OR HAVE LIVED TOGETHER AT ANY TIME;
7 (V) PERSONS WHO ARE NOT RELATED BY CONSANGUINITY OR AFFINITY AND WHO
8 ARE OR HAVE BEEN IN AN INTIMATE RELATIONSHIP REGARDLESS OF WHETHER SUCH
9 PERSONS HAVE LIVED TOGETHER AT ANY TIME. FACTORS THE COURT MAY CONSIDER
10 IN DETERMINING WHETHER A RELATIONSHIP IS AN "INTIMATE RELATIONSHIP"
11 INCLUDE BUT ARE NOT LIMITED TO: THE NATURE OR TYPE OF RELATIONSHIP,
12 REGARDLESS OF WHETHER THE RELATIONSHIP IS SEXUAL IN NATURE; THE FREQUEN-
13 CY OF INTERACTION BETWEEN THE PERSONS; AND THE DURATION OF THE RELATION-
14 SHIP. NEITHER A CASUAL ACQUAINTANCE NOR ORDINARY FRATERNIZATION BETWEEN
15 TWO INDIVIDUALS IN BUSINESS OR SOCIAL CONTEXTS SHALL BE DEEMED TO
16 CONSTITUTE AN "INTIMATE RELATIONSHIP".
17 2. UPON APPLICATION MADE TO THE SUPREME COURT, IN THE COUNTY WHEREIN A
18 VICTIM OF DOMESTIC VIOLENCE IS REGISTERED PURSUANT TO THIS ARTICLE, THE
19 COURT MAY ISSUE AN ORDER REQUIRING THAT ANY REGISTRATION RECORD KEPT OR
20 MAINTAINED IN ACCORDANCE WITH THIS ARTICLE WITH RESPECT TO SUCH AN INDIV-
21 VIDUAL BE KEPT SEPARATE AND APART FROM OTHER REGISTRATION RECORDS AND
22 NOT BE MADE AVAILABLE FOR INSPECTION OR COPYING BY THE PUBLIC OR ANY
23 OTHER PERSON, EXCEPT ELECTION OFFICIALS ACTING WITHIN THE COURSE AND
24 SCOPE OF THEIR OFFICIAL DUTIES AND ONLY AS PERTINENT AND NECESSARY IN
25 CONNECTION THEREWITH.
26 S 2. This act shall take effect immediately.