

7639

I N S E N A T E

April 28, 2010

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the executive law, in relation to victims of domestic violence

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

1 Section 1. The executive law is amended by adding a new section 577 to
2 read as follows:
3 S 577. VIOLENT FELON REMOVED FROM DEED WITH VICTIM. 1. FOR THE
4 PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING
5 MEANINGS:
6 (A) "VIOLENT FELONY OFFENSE" SHALL HAVE THE SAME MEANING SET FORTH IN
7 SUBDIVISION ONE OF SECTION 70.02 OF THE PENAL LAW;
8 (B) "VICTIM OF DOMESTIC VIOLENCE" SHALL MEAN ANY PERSON WHO IS A
9 VICTIM OF AN ACT WHICH WOULD CONSTITUTE A VIOLENT FELONY OFFENSE; AND
10 (I) SUCH ACT OR ACTS HAVE RESULTED IN ACTUAL PHYSICAL OR EMOTIONAL
11 INJURY OR HAVE CREATED A SUBSTANTIAL RISK OF PHYSICAL OR EMOTIONAL HARM
12 TO SUCH PERSON OR SUCH PERSON'S CHILD; AND
13 (II) SUCH ACT OR ACTS ARE OR ARE ALLEGED TO HAVE BEEN COMMITTED BY A
14 FAMILY OR HOUSEHOLD MEMBER.
15 2. ANY VICTIM OF DOMESTIC VIOLENCE WHO HOLDS TITLE TO REAL PROPERTY
16 WITH THE PERSON WHO WAS CONVICTED OF THE VIOLENT FELONY OFFENSE WHICH
17 CONSTITUTED THE DOMESTIC VIOLENCE AGAINST SUCH VICTIM MAY APPLY TO THE
18 COUNTY CLERK IN THE COUNTY IN WHICH SUCH REAL PROPERTY IS LOCATED TO
19 REMOVE THE NAME OF SUCH VIOLENT FELONY OFFENDER FROM THE DEED OF SUCH
20 REAL PROPERTY. APPLICATION SHALL BE MADE IN A MANNER AND FORM TO BE
21 DETERMINED BY SUCH COUNTY CLERK.
22 S 2. This act shall take effect immediately.

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

LBD16995-02-0