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

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Cal. No. 107

2011-2012 Regular Sessions

I N A S S E M B L Y

January 19, 2011

Introduced by M. of A. O'DONNELL, COOK, DINOWITZ, GALEF, ORTIZ, PEOPLES-STOKES, WEINSTEIN, KAVANAGH, N. RIVERA, SCHIMEL, DESTITO, PAULIN -- Multi-Sponsored by -- M. of A. GLICK, GOTTFRIED, McENENY, PHEFFER, RODRIGUEZ -- read once and referred to the Committee on Codes -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the criminal procedure law and the family court act, in relation to orders of protection

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

Section 1. The opening paragraph of subdivision 1 of section 530.14 of the criminal procedure law, as added by chapter 644 of the laws of 1996, is amended to read as follows:

Mandatory and permissive suspension of firearms license and ineligibility for such a license upon issuance of temporary order of protection. Whenever a temporary order of protection is issued pursuant to subdivision one of section 530.12 or subdivision one of section 530.13 of this article THE COURT SHALL INQUIRE OF THE DEFENDANT AS TO THE EXISTENCE AND LOCATION OF ANY FIREARM OWNED OR POSSESSED BY THE DEFENDANT AND:

S 2. The opening paragraph of subdivision 2 of section 530.14 of the criminal procedure law, as added by chapter 644 of the laws of 1996, is amended to read as follows:

Mandatory and permissive revocation or suspension of firearms license and ineligibility for such a license upon issuance of an order of protection. Whenever an order of protection is issued pursuant to subdivision five of section 530.12 or subdivision four of section 530.13 of this article THE COURT SHALL INQUIRE OF THE DEFENDANT AS TO THE EXIST-

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

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ENCE AND LOCATION OF ANY FIREARM OWNED OR POSSESSED BY THE DEFENDANT AND:

S 3. The opening paragraph of subdivision 3 of section 530.14 of the criminal procedure law, as amended by chapter 597 of the laws of 1998, is amended to read as follows:

Mandatory and permissive revocation or suspension of firearms license and ineligibility for such a license upon a finding of a willful failure to obey an order of protection. Whenever a defendant has been found pursuant to subdivision eleven of section 530.12 or subdivision eight of section 530.13 of this article to have willfully failed to obey an order of protection issued by a court of competent jurisdiction in this state or another state, territorial or tribal jurisdiction, in addition to any other remedies available pursuant to subdivision eleven of section 530.12 or subdivision eight of section 530.13 of this article THE COURT SHALL INQUIRE OF THE DEFENDANT AS TO THE EXISTENCE AND LOCATION OF ANY FIREARM OWNED OR POSSESSED BY THE DEFENDANT AND:

S 4. The opening paragraph of subdivision 1 of section 842-a of the family court act, as added by chapter 644 of the laws of 1996, is amended to read as follows:

Mandatory and permissive suspension of firearms license and ineligibility for such a license upon the issuance of a temporary order of protection. Whenever a temporary order of protection is issued pursuant to section eight hundred twenty-eight of this article THE COURT SHALL INQUIRE OF THE RESPONDENT AS TO THE EXISTENCE AND LOCATION OF ANY FIREARM OWNED OR POSSESSED BY THE RESPONDENT AND:

S 5. The opening paragraph of subdivision 2 of section 842-a of the family court act, as added by chapter 644 of the laws of 1996, is amended to read as follows:

Mandatory and permissive revocation or suspension of firearms license and ineligibility for such a license upon the issuance of an order of protection. Whenever an order of protection is issued pursuant to section eight hundred forty-one of this part THE COURT SHALL INQUIRE OF THE RESPONDENT AS TO THE EXISTENCE AND LOCATION OF ANY FIREARM OWNED OR POSSESSED BY THE RESPONDENT AND:

S 6. The opening paragraph of subdivision 3 of section 842-a of the family court act, as amended by chapter 597 of the laws of 1998, is amended to read as follows:

Mandatory and permissive revocation or suspension of firearms license and ineligibility for such a license upon a finding of a willful failure to obey an order of protection. Whenever a respondent has been found, pursuant to section eight hundred forty-six-a of this part to have willfully failed to obey an order of protection issued by this court or an order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, in addition to any other remedies available pursuant to section eight hundred forty-six-a of this part THE COURT SHALL INQUIRE OF THE RESPONDENT AS TO THE EXISTENCE AND LOCATION OF ANY FIREARM OWNED OR POSSESSED BY THE RESPONDENT AND:

S 7. This act shall take effect immediately.