

3517

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

Introduced by M. of A. PRETLOW -- Multi-Sponsored by -- M. of A. SWEENEY
-- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law and the executive law, in relation to authorizing a court to file non-family offense temporary orders of protection and orders of protection with the computerized registry established for such information

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

1 Section 1. Subdivision 5 of section 530.13 of the criminal procedure
2 law, as amended by chapter 462 of the laws of 2002, is amended to read
3 as follows:
4 5. The court shall inquire as to the existence of any other orders of
5 protection between the defendant and the person or persons for whom the
6 order of protection is sought. An order of protection issued under this
7 section shall plainly state the date that such order expires. Orders of
8 protection issued to protect victims of domestic violence, as defined in
9 section four hundred fifty-nine-a of the social services law, shall be
10 on uniform statewide forms that shall be promulgated by the chief admin-
11 istrator of the courts in a manner to ensure the compatibility of such
12 forms with the statewide registry of orders of protection and warrants
13 established pursuant to section two hundred twenty-one-a of the execu-
14 tive law. A copy of an order of protection or a temporary order of
15 protection issued pursuant to subdivision one, two, three, or four of
16 this section shall be filed by the clerk of the court with the sheriff's
17 office in the county in which such victim or victims reside, or, if the
18 victim or victims reside within a city, with the police department of
19 such city, AND SHALL BE FILED WITH THE COMPUTERIZED REGISTRY OF ORDERS
20 OF PROTECTION AND ARREST WARRANTS ESTABLISHED PURSUANT TO SECTION TWO
21 HUNDRED TWENTY-ONE-A OF THE EXECUTIVE LAW WHERE THE COURT DETERMINES
22 THAT SUCH FILING IS REQUIRED TO IMPLEMENT THE PURPOSES OF SUCH ORDER. A
23 copy of such order of protection or temporary order of protection may

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

LBD03312-01-1

1 from time to time be filed by the clerk of the court with any other
2 police department or sheriff's office having jurisdiction of the resi-
3 dence, work place, and school of anyone intended to be protected by such
4 order. A copy of the order may also be filed by the victim or victims at
5 the appropriate police department or sheriff's office having jurisdic-
6 tion. Any subsequent amendment or revocation of such order shall be
7 filed in the same manner as herein provided.

8 S 2. Subdivision 1 of section 221-a of the executive law, as separate-
9 ly amended by sections 14 and 67 of part A of chapter 56 of the laws of
10 2010, is amended to read as follows:

11 1. The superintendent, in consultation with the division of criminal
12 justice services, office of court administration, and the office for the
13 prevention of domestic violence, shall develop a comprehensive plan for
14 the establishment and maintenance of a statewide computerized registry
15 of all orders of protection issued pursuant to articles four, five, six
16 and eight of the family court act, section 530.12 of the criminal proce-
17 dure law and, insofar as they involve victims of domestic violence as
18 defined by section four hundred fifty-nine-a of the social services law,
19 section 530.13 of the criminal procedure law and sections two hundred
20 forty and two hundred fifty-two of the domestic relations law AND THOSE
21 ORDERS OF PROTECTION WHICH A COURT ORDERS FILED WITH THE REGISTRY PURSU-
22 ANT TO SUBDIVISION FIVE OF SECTION 530.13 OF THE CRIMINAL PROCEDURE LAW,
23 AND ANY WARRANT ARISING THEREFROM, and orders of protection issued by
24 courts of competent jurisdiction in another state, territorial or tribal
25 jurisdiction, special orders of conditions issued pursuant to subpara-
26 graph (i) or (ii) of paragraph (o) of subdivision one of section 330.20
27 of the criminal procedure law insofar as they involve a victim or
28 victims of domestic violence as defined by subdivision one of section
29 four hundred fifty-nine-a of the social services law or a designated
30 witness or witnesses to such domestic violence, and all warrants issued
31 pursuant to sections one hundred fifty-three and eight hundred twenty-
32 seven of the family court act, and arrest and bench warrants as defined
33 in subdivisions twenty-eight, twenty-nine and thirty of section 1.20 of
34 the criminal procedure law, insofar as such warrants pertain to orders
35 of protection or temporary orders of protection; provided, however, that
36 warrants issued pursuant to section one hundred fifty-three of the fami-
37 ly court act pertaining to articles three, seven and ten of such act and
38 section 530.13 of the criminal procedure law EXCEPT AS PROVIDED FOR IN
39 THIS SUBDIVISION shall not be included in the registry. The superinten-
40 dent shall establish and maintain such registry for the purposes of
41 ascertaining the existence of orders of protection, temporary orders of
42 protection, warrants and special orders of conditions, and for enforcing
43 the provisions of paragraph (b) of subdivision four of section 140.10 of
44 the criminal procedure law.

45 S 3. This act shall take effect on the first of October next succeed-
46 ing the date on which it shall have become a law.