

3677

2011-2012 Regular Sessions

I N A S S E M B L Y

January 26, 2011

Introduced by M. of A. GABRYSZAK, DenDEKKER, LANCMAN, ROBINSON, JAFFEE, CAHILL, SCARBOROUGH, SPANO, LAVINE, WEISENBERG, TITONE, REILLY, BOYLAND, MENG, HIKIND, HOOPER -- Multi-Sponsored by -- M. of A. BRENNAN, BURLING, CAMARA, CROUCH, FINCH, GALEF, GIBSON, JEFFRIES, MAYER-SOHN, McENENY, MOLINARO, MONTESANO, MURRAY, PHEFFER, RABBITT, RAIA -- read once and referred to the Committee on Codes

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

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

1 Section 1. The criminal procedure law is amended by adding a new
2 section 530.13-A to read as follows:
3 S 530.13-A NOTIFICATION OF SERVICE OF EX PARTE ORDER OF PROTECTION.
4 1. A COMPLAINANT WHO IS GRANTED AN EX PARTE ORDER OF PROTECTION BY THE
5 COURT AND A COMPLAINANT WHO REQUESTS THAT AN EX PARTE ORDER OF
6 PROTECTION BE GRANTED BY THE COURT, WHO WISHES TO BE NOTIFIED WHEN AN EX
7 PARTE ORDER OF PROTECTION IS SERVED ON THE PERSON AGAINST WHOM THE
8 COMPLAINT IS MADE, SHALL NOTIFY THE COURT CLERK OF THE MANNER IN WHICH
9 HE OR SHE WISHES TO BE NOTIFIED. NOTIFICATION BY MAIL, TELEPHONE, E-MAIL
10 OR OTHER MEANS OF ELECTRONIC COMMUNICATION SHALL BE USED BY THE COURT,
11 IF REQUESTED, AND IF THE COURT HAS THE EQUIPMENT TO MAKE SUCH COMMUNI-
12 CATION. THE COURT SHALL INFORM ALL COMPLAINANTS WHO ARE GRANTED AN EX
13 PARTE ORDER OF PROTECTION AND WHO REQUEST AN EX PARTE ORDER OF
14 PROTECTION OF THEIR RIGHT TO BE NOTIFIED WHEN THE ORDER OF PROTECTION IS
15 SERVED.
16 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY
17 POLICE OFFICER, PEACE OFFICER OR OTHER PERSON WHO SERVES AN EX PARTE
18 ORDER OF PROTECTION ON A PERSON AGAINST WHOM A COMPLAINT HAS BEEN MADE
19 SHALL IMMEDIATELY NOTIFY THE CLERK OF THE COURT WHICH MADE SAID ORDER
20 THAT THE SERVICE HAS BEEN MADE. AFTER NOTIFICATION TO THE CLERK OF THE
21 COURT THAT SERVICE OF AN EX PARTE ORDER OF PROTECTION HAS BEEN MADE, OR

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

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1 UPON SERVICE OF SUCH ORDER BY A COURT EMPLOYEE UPON A PERSON AGAINST
2 WHOM A COMPLAINT HAS BEEN MADE, THE CLERK OF THE COURT WHICH ISSUED SUCH
3 ORDER SHALL NOTIFY THE COMPLAINANT IMMEDIATELY, IN THE MANNER SPECIFIED
4 BY THE COMPLAINANT, THAT SUCH SERVICE HAS BEEN MADE.

5 S 2. The family court act is amended by adding a new section 153-d to
6 read as follows:

7 S 153-D. NOTIFICATION OF SERVICE OF EX PARTE ORDER OF PROTECTION. 1.
8 A COMPLAINANT WHO IS GRANTED AN EX PARTE ORDER OF PROTECTION BY THE
9 COURT AND A COMPLAINANT WHO REQUESTS THAT AN EX PARTE ORDER OF
10 PROTECTION BE GRANTED BY THE COURT, WHO WISHES TO BE NOTIFIED WHEN AN EX
11 PARTE ORDER OF PROTECTION IS SERVED ON THE PERSON AGAINST WHOM THE
12 COMPLAINT IS MADE, SHALL NOTIFY THE COURT CLERK OF THE MANNER IN WHICH
13 HE OR SHE WISHES TO BE NOTIFIED. NOTIFICATION BY MAIL, TELEPHONE, E-MAIL
14 OR OTHER MEANS OF ELECTRONIC COMMUNICATION SHALL BE USED BY THE COURT,
15 IF REQUESTED, AND IF THE COURT HAS THE EQUIPMENT TO MAKE SUCH COMMUNI-
16 CATION. THE COURT SHALL INFORM ALL COMPLAINANTS WHO ARE GRANTED AN EX
17 PARTE ORDER OF PROTECTION AND WHO REQUEST AN EX PARTE ORDER OF
18 PROTECTION OF THEIR RIGHT TO BE NOTIFIED WHEN THE ORDER OF PROTECTION IS
19 SERVED.

20 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY
21 POLICE OFFICER, PEACE OFFICER OR OTHER PERSON WHO SERVES AN EX PARTE
22 ORDER OF PROTECTION ON A PERSON AGAINST WHOM A COMPLAINT HAS BEEN MADE
23 SHALL IMMEDIATELY NOTIFY THE CLERK OF THE COURT WHICH MADE SAID ORDER
24 THAT THE SERVICE HAS BEEN MADE. AFTER NOTIFICATION TO THE CLERK OF THE
25 COURT THAT SERVICE OF AN EX PARTE ORDER OF PROTECTION HAS BEEN MADE, OR
26 UPON SERVICE OF SUCH ORDER BY A COURT EMPLOYEE UPON A PERSON AGAINST
27 WHOM A COMPLAINT HAS BEEN MADE, THE CLERK OF THE COURT WHICH ISSUED SUCH
28 ORDER SHALL NOTIFY THE COMPLAINANT IMMEDIATELY, IN THE MANNER SPECIFIED
29 BY THE COMPLAINANT, THAT SUCH SERVICE HAS BEEN MADE.

30 S 3. This act shall take effect on the sixtieth day after it shall
31 have become a law.