

4249

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 2, 2011

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Introduced by M. of A. GABRYSZAK, REILLY, MAISEL, ZEBROWSKI, SPANO, SCHIMEL, GUNTHER, CASTRO, COLTON, HOOPER, MENG -- Multi-Sponsored by -- M. of A. BARCLAY, CALHOUN, CROUCH, KOLB, LATIMER, MAYERSOHN, SCARBOROUGH, THIELE, TOWNS -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the fair treatment standards for crime victims

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 645-a  
2     to read as follows:  
3     S 645-A. INFORMATION RELATIVE TO ORDERS OF PROTECTION. EVERY COURT  
4     CLERK SHALL BE RESPONSIBLE FOR PROVIDING INFORMATION TO INDIVIDUALS  
5     PETITIONING FOR EX PARTE ORDERS OF PROTECTION REGARDING NOTIFICATION OF  
6     SERVICE OF THESE ORDERS OF PROTECTION. SUCH NOTIFICATION TO THE PETI-  
7     TIONER IS REQUIRED IF THE PETITIONER HAS REGISTERED A TELEPHONE NUMBER  
8     WITH THE STATE'S VICTIM NOTIFICATION SYSTEM, ESTABLISHED UNDER SUBDIVI-  
9     SION TWO OF SECTION TWO HUNDRED FIFTY-NINE-I OF THIS CHAPTER. THE PETI-  
10    TIONER SHALL BE INFORMED OF HIS OR HER OPTION TO RECEIVE NOTIFICATION OF  
11    SERVICE OF AN EX PARTE ORDER OF PROTECTION OR SUMMONS ON THE RESPONDENT  
12    BY THE COURT CLERK AND SHALL BE PROVIDED INFORMATION ON HOW TO RECEIVE  
13    NOTIFICATION OF SERVICE OF EX PARTE ORDERS OF PROTECTION OR SUMMONS TO  
14    COURT. THE LOCAL LAW ENFORCEMENT AGENCY OR ANY OTHER GOVERNMENT AGENCY  
15    RESPONSIBLE FOR SERVING EX PARTE ORDERS OF PROTECTION OR SUMMONS TO  
16    COURT SHALL RECORD THE SERVICE OF THESE ORDERS OF PROTECTION INTO A LAW  
17    ENFORCEMENT DATABASE, OR SIMILAR ELECTRONIC RECORD KEEPING SYSTEM, AT  
18    THE TIME WHEN SERVICE OCCURS. THE PROVISION OF THIS SECTION SHALL ONLY  
19    APPLY TO THOSE COURT CLERKS ABLE TO ACCESS A STATEWIDE VICTIM NOTIFICA-  
20    TION SYSTEM DESIGNED TO PROVIDE NOTIFICATION OF SERVICE OF ORDERS OF  
21    PROTECTION.

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

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1 S 2. Subdivision 2 of section 646-a of the executive law is amended by  
2 adding a new paragraph (h) to read as follows:  
3 (H) THE RIGHTS OF CRIME VICTIMS TO BE PROVIDED WITH INFORMATION  
4 REGARDING SERVICE OF EX PARTE ORDERS OF PROTECTION OR SUMMONS TO COURT  
5 AS PROVIDED BY SECTION SIX HUNDRED FORTY-FIVE-A OF THIS ARTICLE.  
6 S 3. This act shall take effect on the ninetieth day after it shall  
7 have become a law. Effective immediately, the addition, amendment and/or  
8 repeal of any rule or regulation necessary for the implementation of  
9 this act on its effective date are authorized and directed to be made  
10 and completed on or before such effective date.