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

3970

2011-2012 Regular Sessions

I N S E N A T E

March 11, 2011

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:

Section 1. The executive law is amended by adding a new section 577 to read as follows:

S 577. VIOLENT FELON REMOVED FROM DEED WITH VICTIM. 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "VIOLENT FELONY OFFENSE" SHALL HAVE THE SAME MEANING SET FORTH IN SUBDIVISION ONE OF SECTION 70.02 OF THE PENAL LAW;

(B) "VICTIM OF DOMESTIC VIOLENCE" SHALL MEAN ANY PERSON WHO IS A VICTIM OF AN ACT WHICH WOULD CONSTITUTE A VIOLENT FELONY OFFENSE; AND

(I) SUCH ACT OR ACTS HAVE RESULTED IN ACTUAL PHYSICAL OR EMOTIONAL INJURY OR HAVE CREATED A SUBSTANTIAL RISK OF PHYSICAL OR EMOTIONAL HARM TO SUCH PERSON OR SUCH PERSON'S CHILD; AND

(II) SUCH ACT OR ACTS ARE OR ARE ALLEGED TO HAVE BEEN COMMITTED BY A FAMILY OR HOUSEHOLD MEMBER.

2. ANY VICTIM OF DOMESTIC VIOLENCE WHO HOLDS TITLE TO REAL PROPERTY WITH THE PERSON WHO WAS CONVICTED OF THE VIOLENT FELONY OFFENSE WHICH CONSTITUTED THE DOMESTIC VIOLENCE AGAINST SUCH VICTIM MAY APPLY TO THE COUNTY CLERK IN THE COUNTY IN WHICH SUCH REAL PROPERTY IS LOCATED TO REMOVE THE NAME OF SUCH VIOLENT FELONY OFFENDER FROM THE DEED OF SUCH REAL PROPERTY. APPLICATION SHALL BE MADE IN A MANNER AND FORM TO BE DETERMINED BY SUCH COUNTY CLERK.

S 2. This act shall take effect immediately.

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

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