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I N S E N A T E

March 8, 2012

Introduced by Sen. SALAND -- (at request of the Office for Prevention of Domestic Violence) -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to criminal contempt in the first degree

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

1 Section 1. Subdivision (c) of section 215.51 of the penal law, as
2 amended by chapter 349 of the laws of 2006, is amended to read as
3 follows:
4 (c) he or she commits the crime of criminal contempt in the second
5 degree as defined in subdivision three of section 215.50 of this article
6 by violating [that part of] a duly served order of protection, or such
7 order of which the defendant has actual knowledge because he or she was
8 present in court when such order was issued, under sections two hundred
9 forty and two hundred fifty-two of the domestic relations law, articles
10 four, five, six and eight of the family court act and section 530.12 of
11 the criminal procedure law, or an order of protection issued by a court
12 of competent jurisdiction in another state, territorial or tribal juris-
13 diction, [which requires the respondent or defendant to stay away from
14 the person or persons on whose behalf the order was issued,] and where
15 the defendant has been previously convicted of the crime of aggravated
16 criminal contempt or criminal contempt in the first or second degree for
17 violating an order of protection [as described herein] within the
18 preceding five years; or
19 S 2. This act shall take effect on the thirtieth day after it shall
20 have become law.

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

LBD14485-02-2