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

5405

2011-2012 Regular Sessions

I N A S S E M B L Y

February 18, 2011

Introduced by M. of A. TOWNS -- read once and referred to the Committee on Judiciary

AN ACT to amend the military law, in relation to extending certain benefits afforded with respect to judicial proceedings where the minor dependent of a military member is involved as a party

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

Section 1. Section 304 of the military law, as amended by chapter 507 of the laws of 1991, is amended to read as follows:

S 304. Proceedings to be stayed unless interest unaffected by military service. At any stage thereof, any action or proceeding in any court or in any adjudicatory or licensing proceeding before any state agency, including any public benefit corporation or public authority, or any political subdivision of the state, in which a person in military service OR A MINOR DEPENDENT OF A MILITARY MEMBER is involved as a party, during the period of such service or within sixty days thereafter may, in the discretion of the court or adjudicatory or licensing agency before which it is pending, on its own motion, and shall, on application to it by such person or some person on his OR HER behalf, be stayed as provided in this [act] ARTICLE, unless, in the opinion of the court or adjudicatory or licensing agency, the ability of plaintiff to prosecute the action, or the defendant to conduct his OR HER defense, or in any adjudicatory or licensing proceeding the ability of the party to represent his OR HER interest, is not materially affected by reason of his OR HER military service OR MILITARY SERVICE OF THE PARENT OR GUARDIAN OF SUCH MINOR DEPENDENT.

S 2. This act shall take effect immediately.

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

LBD09586-01-1