

1716

2011-2012 Regular Sessions

I N S E N A T E

January 11, 2011

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the family court act and the domestic relations law, in relation to violations of orders of protection and temporary orders of protection and probation in family offense cases

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

1 Section 1. Section 446 of the family court act is amended by adding a
2 new closing paragraph to read as follows:

3 A VIOLATION OF AN ORDER OF PROTECTION ISSUED PURSUANT TO THIS SECTION
4 SHALL BE DEALT WITH IN ACCORDANCE WITH PART FIVE OF THIS ARTICLE OR
5 SECTIONS EIGHT HUNDRED FORTY-SIX, EIGHT HUNDRED FORTY-SIX-A AND EIGHT
6 HUNDRED FORTY-SEVEN OF THIS ACT.

7 S 2. Section 551 of the family court act is amended by adding a new
8 closing paragraph to read as follows:

9 A VIOLATION OF AN ORDER OF PROTECTION ISSUED PURSUANT TO THIS SECTION
10 SHALL BE DEALT WITH IN ACCORDANCE WITH PART FIVE OF ARTICLE FOUR OR
11 SECTIONS EIGHT HUNDRED FORTY-SIX, EIGHT HUNDRED FORTY-SIX-A AND EIGHT
12 HUNDRED FORTY-SEVEN OF THIS ACT.

13 S 3. Section 656 of the family court act is amended by adding a new
14 closing paragraph to read as follows:

15 A VIOLATION OF AN ORDER OF PROTECTION ISSUED PURSUANT TO THIS SECTION
16 SHALL BE DEALT WITH IN ACCORDANCE WITH SECTIONS EIGHT HUNDRED FORTY-SIX,
17 EIGHT HUNDRED FORTY-SIX-A AND EIGHT HUNDRED FORTY-SEVEN OF THIS ACT.

18 S 4. Subdivision (c) of section 841 of the family court act, as
19 amended by chapter 222 of the laws of 1994, is amended to read as
20 follows:

21 (c) placing the respondent on probation for a period not exceeding
22 [one year, and requiring] TWO YEARS OR, IF AN ORDER OF PROTECTION HAS
23 BEEN ISSUED FOR FIVE YEARS PURSUANT TO SECTION EIGHT HUNDRED FORTY-TWO
24 OF THIS PART, FIVE YEARS. THE ORDER MAY REQUIRE respondent to partic-

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

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ipate in a batterer's education program designed to help end violent behavior, which may include referral to drug and alcohol counseling, and to pay the costs thereof if respondent has the means to do so, provided however that nothing contained herein shall be deemed to require payment of the costs of any such program by the petitioner, the state or any political subdivision thereof; or

S 5. Section 846-a of the family court act, as amended by chapter 597 of the laws of 1998, is amended to read as follows:

S 846-a. Powers on failure to obey order. If a respondent is brought before the court for failure to obey any lawful order issued under this article or an order of protection OR TEMPORARY ORDER OF PROTECTION issued UNDER THIS ACT OR ISSUED by a court of competent jurisdiction of another state, territorial or tribal jurisdiction in a proceeding and if, after hearing, the court is satisfied by competent proof that the respondent has willfully failed to obey [any] such order, the court may DO ONE OR MORE OF THE FOLLOWING:

1. modify an existing order OR TEMPORARY ORDER OF PROTECTION to add reasonable conditions of behavior to the existing order [of protection,] OR TEMPORARY ORDER OR make a new order of protection in accordance with [section eight hundred forty-two, may order the forfeiture of bail in a manner consistent with article five hundred forty of the criminal procedure law if bail has been ordered pursuant to] this act[, may];

2. PLACE THE RESPONDENT ON PROBATION IN ACCORDANCE WITH SUBDIVISION (C) OF SECTION EIGHT HUNDRED FORTY-ONE OF THIS PART UPON SUCH CONDITIONS AS THE COURT SHALL DIRECT, WHICH MAY INCLUDE, BUT NOT BE LIMITED TO, A DIRECTION THAT THE RESPONDENT PARTICIPATE IN A BATTERER'S EDUCATION PROGRAM DESIGNED TO HELP END VIOLENT BEHAVIOR, WHICH MAY INCLUDE REFERRAL TO DRUG AND ALCOHOL COUNSELING, AND TO PAY THE COSTS THEREOF IF THE RESPONDENT HAS THE MEANS TO DO SO, PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO REQUIRE PAYMENT OF THE COSTS OF ANY SUCH PROGRAM BY THE PETITIONER, THE STATE OR ANY POLITICAL SUBDIVISION THEREOF;

3. IF THE RESPONDENT IS ALREADY ON PROBATION PURSUANT TO SUCH SECTION, REVOKE SUCH ORDER OF PROBATION OR MODIFY THE CONDITIONS OF SUCH PROBATION, PROVIDED, HOWEVER, THAT PENDING THE DETERMINATION OF A VIOLATION OF PROBATION, THE PERIOD OF PROBATION SHALL BE TOLLED AS OF THE DATE OF FILING OF THE VIOLATION PETITION OR MOTION;

4. ORDER THE RESPONDENT TO PAY RESTITUTION IN ACCORDANCE WITH SUBDIVISION (E) OF SECTION EIGHT HUNDRED FORTY-ONE OF THIS PART OR, IF THE RESPONDENT HAS ALREADY BEEN SO ORDERED AND HAS VIOLATED SUCH ORDER, MODIFY SUCH ORDER OF RESTITUTION;

5. order the respondent to pay the [petitioner's] reasonable and necessary counsel fees AND DISBURSEMENTS OF ANY OTHER PARTY OR PARTIES AND/OR THE CHILD'S ATTORNEY in connection with the violation petition [where the court finds that the violation of its order was willful, and may];

6. ORDER THE RESPONDENT TO PROVIDE, EITHER DIRECTLY OR BY MEANS OF MEDICAL AND HEALTH INSURANCE, FOR EXPENSES INCURRED FOR MEDICAL CARE AND TREATMENT ARISING FROM THE INCIDENT OR INCIDENTS FORMING THE BASIS FOR THE ISSUANCE OF THE ORDER OR ITS VIOLATION;

7. SUSPEND AN ORDER OF VISITATION BETWEEN RESPONDENT AND HIS OR HER CHILD OR CHILDREN OR DIRECT THAT SUCH VISITATION BE SUPERVISED BY A PERSON OR AGENCY DESIGNATED BY THE COURT AND UNDER CONDITIONS SPECIFIED BY THE COURT;

8. commit the respondent to jail for a term not to exceed six months. Such commitment may be served upon certain specified days or parts of

1 days as the court may direct, and the court may, at any time within the
2 term of such sentence, revoke such [suspension] DIRECTION and commit the
3 respondent for the remainder of the original sentence, or suspend the
4 remainder of such sentence[. If]; AND

5 9. REVOKE OR, IN THE CASE OF A VIOLATION OF A TEMPORARY ORDER OF
6 PROTECTION, SUSPEND ANY LICENSE OF THE RESPONDENT TO CARRY, POSSESS,
7 REPAIR AND DISPOSE OF FIREARMS PURSUANT TO SECTION 400.00 OF THE PENAL
8 LAW IMMEDIATELY, AND ARRANGE FOR THE IMMEDIATE SURRENDER AND DISPOSAL OF
9 ANY FIREARM SUCH RESPONDENT OWNS OR POSSESSES, IF the court determines
10 that the willful failure to obey such order involves violent behavior
11 constituting the crimes of menacing, reckless endangerment, STALKING,
12 assault or attempted assault [and if such a respondent is licensed to
13 carry, possess, repair and dispose of firearms pursuant to section
14 400.00 of the penal law, the court may also immediately revoke such
15 license and may arrange for the immediate surrender and disposal of any
16 firearm such respondent owns or possesses]. If the willful failure to
17 obey such order involves the infliction of serious physical injury as
18 defined in subdivision ten of section 10.00 of the penal law or the use
19 or threatened use of a deadly weapon or dangerous instrument, as those
20 terms are defined in subdivisions twelve and thirteen of section 10.00
21 of the penal law, such revocation and immediate surrender and disposal
22 of any firearm owned or possessed by respondent shall be mandatory,
23 pursuant to subdivision eleven of section 400.00 of the penal law.

24 S 6. The first undesignated paragraph and the closing paragraph of
25 subdivision 3 of section 240 of the domestic relations law, as added by
26 chapter 606 of the laws of 1999, are amended and a new subdivision 3-d
27 is added to read as follows:

28 G. Any party moving for a temporary order of protection pursuant to
29 this subdivision during hours when the court is open shall be entitled
30 to file such motion or pleading containing such prayer for emergency
31 relief on the same day that such person first appears at such court, and
32 a hearing on the motion or portion of the pleading requesting such emer-
33 gency relief shall be held on the same day or the next day that the
34 court is in session following the filing of such motion or pleading.

35 H. Upon issuance of an order of protection or temporary order of
36 protection [or upon a violation of such order], the court may make an
37 order in accordance with section eight hundred forty-two-a of the family
38 court act directing the surrender of firearms, revoking or suspending a
39 party's firearms license, and/or directing that such party be ineligible
40 to receive a firearms license. Upon issuance of an order of protection
41 pursuant to this section [or upon a finding of a violation thereof], the
42 court also may direct payment of restitution in an amount not to exceed
43 ten thousand dollars in accordance with subdivision (e) of section eight
44 hundred forty-one of such act; provided, however, that in no case shall
45 an order of restitution be issued where the court determines that the
46 party against whom the order would be issued has already compensated the
47 injured party or where such compensation is incorporated in a final
48 judgment or settlement of the action. UPON A FINDING OF A WILLFUL
49 VIOLATION OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION,
50 THE COURT MAY MAKE AN ORDER IN ACCORDANCE WITH SUBDIVISION THREE-D OF
51 THIS SECTION.

52 3-D. IF A PARTY IS BROUGHT BEFORE THE COURT FOR FAILURE TO OBEY AN
53 ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT
54 OR BY A COURT OF COMPETENT JURISDICTION OF ANOTHER STATE, TERRITORIAL OR
55 TRIBAL JURISDICTION IN A PROCEEDING AND IF, AFTER HEARING, THE COURT IS

1 SATISFIED BY COMPETENT PROOF THAT SUCH PARTY HAS WILLFULLY FAILED TO
2 OBEY SUCH ORDER, THE COURT MAY DO ONE OR MORE OF THE FOLLOWING:

3 A. MODIFY AN EXISTING ORDER OF PROTECTION OR TEMPORARY ORDER OF
4 PROTECTION TO ADD REASONABLE CONDITIONS OF BEHAVIOR TO THE EXISTING
5 ORDER OR TEMPORARY ORDER OR MAKE A NEW ORDER OF PROTECTION OR TEMPORARY
6 ORDER OF PROTECTION IN ACCORDANCE WITH SUBDIVISION THREE OF THIS
7 SECTION;

8 B. PLACE THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
9 TEMPORARY ORDER OF PROTECTION ON PROBATION IN ACCORDANCE WITH SUBDIVI-
10 SION (C) OF SECTION EIGHT HUNDRED FORTY-ONE OF THE FAMILY COURT ACT UPON
11 SUCH CONDITIONS AS THE COURT SHALL DIRECT, WHICH MAY INCLUDE, BUT NOT BE
12 LIMITED TO, A DIRECTION THAT THE PARTY FOUND TO HAVE VIOLATED THE ORDER
13 OF PROTECTION OR TEMPORARY ORDER OF PROTECTION PARTICIPATE IN A
14 BATTERER'S EDUCATION PROGRAM DESIGNED TO HELP END VIOLENT BEHAVIOR,
15 WHICH MAY INCLUDE REFERRAL TO DRUG AND ALCOHOL COUNSELING, AND TO PAY
16 THE COSTS THEREOF IF THE PARTY HAS THE MEANS TO DO SO; PROVIDED, HOWEV-
17 ER, THAT NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO REQUIRE PAYMENT
18 OF THE COSTS OF ANY SUCH PROGRAM BY ANY OTHER PARTY, THE STATE OR ANY
19 POLITICAL SUBDIVISION THEREOF;

20 C. IF THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
21 TEMPORARY ORDER OF PROTECTION IS ALREADY ON PROBATION PURSUANT TO
22 SECTION EIGHT HUNDRED FORTY-ONE OF THE FAMILY COURT ACT REVOKE SUCH
23 ORDER OF PROBATION OR MODIFY THE CONDITIONS OF SUCH PROBATION, PROVIDED,
24 HOWEVER, THAT PENDING THE DETERMINATION OF A VIOLATION OF PROBATION, THE
25 PERIOD OF PROBATION SHALL BE TOLLED AS OF THE DATE OF FILING OF THE
26 VIOLATION PETITION OR MOTION;

27 D. ORDER THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
28 TEMPORARY ORDER OF PROTECTION TO PAY RESTITUTION IN ACCORDANCE WITH
29 PARAGRAPH H OF SUBDIVISION THREE OF THIS SECTION OR, IF SUCH PARTY HAS
30 ALREADY BEEN SO ORDERED AND HAS VIOLATED SUCH ORDER, MODIFY SUCH ORDER;

31 E. ORDER THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
32 TEMPORARY ORDER OF PROTECTION TO PAY THE REASONABLE AND NECESSARY COUN-
33 SEL FEES AND DISBURSEMENTS OF ANY OTHER PARTY OR PARTIES AND/OR THE
34 CHILD'S ATTORNEY IN CONNECTION WITH THE VIOLATION PETITION;

35 F. ORDER THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
36 TEMPORARY ORDER OF PROTECTION TO PROVIDE, EITHER DIRECTLY OR BY MEANS OF
37 MEDICAL AND HEALTH INSURANCE, FOR EXPENSES INCURRED FOR MEDICAL CARE AND
38 TREATMENT ARISING FROM THE INCIDENT OR INCIDENTS FORMING THE BASIS FOR
39 THE ISSUANCE OF THE ORDER OR ITS VIOLATION;

40 G. SUSPEND AN ORDER OF VISITATION BETWEEN THE PARTY FOUND TO HAVE
41 VIOLATED THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION AND
42 HIS OR HER CHILD OR CHILDREN OR DIRECT THAT SUCH VISITATION BE SUPER-
43 VISED BY A PERSON OR AGENCY DESIGNATED BY THE COURT AND UNDER CONDITIONS
44 SPECIFIED BY THE COURT;

45 H. COMMIT THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
46 TEMPORARY ORDER OF PROTECTION TO JAIL FOR A TERM NOT TO EXCEED SIX
47 MONTHS. SUCH COMMITMENT MAY BE SERVED UPON CERTAIN SPECIFIED DAYS OR
48 PARTS OF DAYS AS THE COURT MAY DIRECT, AND THE COURT MAY, AT ANY TIME
49 WITHIN THE TERM OF SUCH SENTENCE, REVOKE SUCH DIRECTION AND COMMIT SUCH
50 PARTY FOR THE REMAINDER OF THE ORIGINAL SENTENCE, OR SUSPEND THE REMAIN-
51 DER OF SUCH SENTENCE; AND

52 I. IN ACCORDANCE WITH PARAGRAPH H OF SUBDIVISION THREE OF THIS SECTION
53 AND SECTION EIGHT HUNDRED FORTY-SIX-A OF THE FAMILY COURT ACT, IMME-
54 DIATELY REVOKE OR, IN THE CASE OF A VIOLATION OF A TEMPORARY ORDER OF
55 PROTECTION, SUSPEND ANY LICENSE TO CARRY, POSSESS, REPAIR AND DISPOSE OF
56 FIREARMS PURSUANT TO SECTION 400.00 OF THE PENAL LAW OF THE PARTY FOUND

1 TO HAVE VIOLATED THE ORDER, AND ARRANGE FOR THE IMMEDIATE SURRENDER AND
2 DISPOSAL OF ANY FIREARM SUCH PARTY OWNS OR POSSESSES, IF THE COURT
3 DETERMINES THAT THE WILLFUL FAILURE TO OBEY SUCH ORDER INVOLVES VIOLENT
4 BEHAVIOR CONSTITUTING THE CRIMES OF MENACING, RECKLESS ENDANGERMENT,
5 STALKING, ASSAULT OR ATTEMPTED ASSAULT. IF THE WILLFUL FAILURE TO OBEY
6 SUCH ORDER INVOLVES THE INFLICTION OF SERIOUS PHYSICAL INJURY AS DEFINED
7 IN SUBDIVISION TEN OF SECTION 10.00 OF THE PENAL LAW OR THE USE OR
8 THREATENED USE OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT, AS THOSE
9 TERMS ARE DEFINED IN SUBDIVISIONS TWELVE AND THIRTEEN OF SECTION 10.00
10 OF THE PENAL LAW, SUCH REVOCATION AND IMMEDIATE SURRENDER AND DISPOSAL
11 OF ANY FIREARM OWNED OR POSSESSED BY SUCH PARTY SHALL BE MANDATORY,
12 PURSUANT TO SUBDIVISION ELEVEN OF SECTION 400.00 OF THE PENAL LAW.

13 S 7. Subdivision 9 of section 252 of the domestic relations law, as
14 added by chapter 606 of the laws of 1999, is amended and a new subdivi-
15 sion 11 is added to read as follows:

16 9. Upon issuance of an order of protection or temporary order of
17 protection [or upon a violation of such order], the court may [take]
18 MAKE an order in accordance with section eight hundred forty-two-a of
19 the family court act directing the surrender of firearms, revoking or
20 suspending a party's firearms license, and/or directing that such party
21 be ineligible to receive a firearms license. Upon issuance of an order
22 of protection pursuant to this section [or upon a finding of a violation
23 thereof], the court also may direct payment of restitution in an amount
24 not to exceed ten thousand dollars in accordance with subdivision (e) of
25 section eight hundred forty-one of such act; provided, however, that in
26 no case shall an order of restitution be issued where the court deter-
27 mines that the party against whom the order would be issued has already
28 compensated the injured party or where such compensation is incorporated
29 in a final judgement or settlement of the action. UPON A FINDING OF A
30 WILLFUL VIOLATION OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF
31 PROTECTION, THE COURT MAY MAKE AN ORDER IN ACCORDANCE WITH SUBDIVISION
32 TEN OF THIS SECTION.

33 11. IF A PARTY IS BROUGHT BEFORE THE COURT FOR FAILURE TO OBEY AN
34 ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT
35 OR BY A COURT OF COMPETENT JURISDICTION OF ANOTHER STATE, TERRITORIAL OR
36 TRIBAL JURISDICTION IN A PROCEEDING AND IF, AFTER HEARING, THE COURT IS
37 SATISFIED BY COMPETENT PROOF THAT SUCH PARTY HAS WILLFULLY FAILED TO
38 OBEY ANY SUCH ORDER, THE COURT MAY DO ONE OR MORE OF THE FOLLOWING:

39 A. MODIFY AN EXISTING ORDER OF PROTECTION OR TEMPORARY ORDER OF
40 PROTECTION TO ADD REASONABLE CONDITIONS OF BEHAVIOR TO THE EXISTING
41 ORDER OR TEMPORARY ORDER OR MAKE A NEW ORDER OF PROTECTION OR TEMPORARY
42 ORDER OF PROTECTION IN ACCORDANCE WITH THIS SECTION;

43 B. PLACE THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
44 TEMPORARY ORDER OF PROTECTION ON PROBATION IN ACCORDANCE WITH SUBDIVI-
45 SION (C) OF SECTION EIGHT HUNDRED FORTY-ONE OF THE FAMILY COURT ACT UPON
46 SUCH CONDITIONS AS THE COURT SHALL DIRECT, WHICH MAY INCLUDE, BUT NOT BE
47 LIMITED TO, A DIRECTION THAT THE PARTY FOUND TO HAVE VIOLATED THE ORDER
48 OF PROTECTION OR TEMPORARY ORDER OF PROTECTION PARTICIPATE IN A
49 BATTERER'S EDUCATION PROGRAM DESIGNED TO HELP END VIOLENT BEHAVIOR,
50 WHICH MAY INCLUDE REFERRAL TO DRUG AND ALCOHOL COUNSELING, AND TO PAY
51 THE COSTS THEREOF IF THE PARTY HAS THE MEANS TO DO SO; PROVIDED, HOWEV-
52 ER, THAT NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO REQUIRE PAYMENT
53 OF THE COSTS OF ANY SUCH PROGRAM BY ANY OTHER PARTY, THE STATE OR ANY
54 POLITICAL SUBDIVISION THEREOF;

55 C. IF THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR
56 TEMPORARY ORDER OF PROTECTION IS ALREADY ON PROBATION PURSUANT TO SUCH

SECTION, REVOKE SUCH ORDER OF PROBATION OR MODIFY THE CONDITIONS OF SUCH PROBATION, PROVIDED, HOWEVER, THAT PENDING THE DETERMINATION OF A VIOLATION OF PROBATION, THE PERIOD OF PROBATION SHALL BE TOLLED AS OF THE DATE OF FILING OF THE VIOLATION PETITION OR MOTION;

D. ORDER THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION TO PAY RESTITUTION IN ACCORDANCE WITH SUBDIVISION NINE OF THIS SECTION OR, IF SUCH PARTY HAS ALREADY BEEN SO ORDERED AND HAS WILLFULLY VIOLATED SUCH ORDER, MODIFY SUCH ORDER;

E. ORDER THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION TO PAY THE REASONABLE AND NECESSARY COUNSEL FEES AND DISBURSEMENTS OF ANY OTHER PARTY OR PARTIES AND/OR THE CHILD'S ATTORNEY IN CONNECTION WITH THE VIOLATION PETITION;

F. ORDER THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION TO PROVIDE, EITHER DIRECTLY OR BY MEANS OF MEDICAL AND HEALTH INSURANCE, FOR EXPENSES INCURRED FOR MEDICAL CARE AND TREATMENT ARISING FROM THE INCIDENT OR INCIDENTS FORMING THE BASIS FOR THE ISSUANCE OF THE ORDER OR ITS VIOLATION;

G. SUSPEND AN ORDER OF VISITATION BETWEEN THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION AND HIS OR HER CHILD OR CHILDREN OR DIRECT THAT SUCH VISITATION BE SUPERVISED BY A PERSON OR AGENCY DESIGNATED BY THE COURT AND UNDER CONDITIONS SPECIFIED BY THE COURT;

H. COMMIT THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION TO JAIL FOR A TERM NOT TO EXCEED SIX MONTHS. SUCH COMMITMENT MAY BE SERVED UPON CERTAIN SPECIFIED DAYS OR PARTS OF DAYS AS THE COURT MAY DIRECT, AND THE COURT MAY, AT ANY TIME WITHIN THE TERM OF SUCH SENTENCE, REVOKE SUCH DIRECTION AND COMMIT SUCH PARTY FOR THE REMAINDER OF THE ORIGINAL SENTENCE, OR SUSPEND THE REMAINDER OF SUCH SENTENCE; AND

I. IN ACCORDANCE WITH SUBDIVISION NINE OF THIS SECTION AND SECTION EIGHT HUNDRED FORTY-SIX-A OF THE FAMILY COURT ACT, IMMEDIATELY REVOKE, OR IN THE CASE OF A VIOLATION OF A TEMPORARY ORDER OF PROTECTION, SUSPEND ANY LICENSE TO CARRY, POSSESS, REPAIR AND DISPOSE OF FIREARMS PURSUANT TO SECTION 400.00 OF THE PENAL LAW OF THE PARTY FOUND TO HAVE VIOLATED THE ORDER, AND ARRANGE FOR THE IMMEDIATE SURRENDER AND DISPOSAL OF ANY FIREARM SUCH PARTY OWNS OR POSSESSES, IF THE COURT DETERMINES THAT THE WILLFUL FAILURE TO OBEY SUCH ORDER INVOLVES VIOLENT BEHAVIOR CONSTITUTING THE CRIMES OF MENACING, RECKLESS ENDANGERMENT, STALKING, ASSAULT OR ATTEMPTED ASSAULT. IF THE WILLFUL FAILURE TO OBEY SUCH ORDER INVOLVES THE INFLICTION OF SERIOUS PHYSICAL INJURY AS DEFINED IN SUBDIVISION TEN OF SECTION 10.00 OF THE PENAL LAW OR THE USE OR THREATENED USE OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT, AS THOSE TERMS ARE DEFINED IN SUBDIVISIONS TWELVE AND THIRTEEN OF SECTION 10.00 OF THE PENAL LAW, SUCH REVOCATION AND IMMEDIATE SURRENDER AND DISPOSAL OF ANY FIREARM OWNED OR POSSESSED BY SUCH PARTY SHALL BE MANDATORY, PURSUANT TO SUBDIVISION ELEVEN OF SECTION 400.00 OF THE PENAL LAW.

S 7. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that section four of this act shall apply to family offenses committed on or after such date.