

1871

2011-2012 Regular Sessions

I N   S E N A T E

January 13, 2011

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

AN ACT to amend the education law, in relation to requiring domestic violence awareness in the curriculum and to amend the domestic relations law, the public health law and the state finance law, in relation to increasing fees charged for the issuance of a marriage license and filing of certificates of dissolution of marriage for the purposes of establishing and maintaining domestic violence programs

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

1     Section 1. The education law is amended by adding a new section 804-e  
2     to read as follows:  
3     S 804-E. DOMESTIC VIOLENCE AWARENESS. 1. ALL SCHOOLS SHALL BE AUTHOR-  
4     IZED TO INCLUDE INSTRUCTION WITH REGARDS TO DOMESTIC VIOLENCE AWARENESS.  
5     2. INSTRUCTION REGARDING DOMESTIC VIOLENCE AWARENESS SHALL BE INCLUDED  
6     IN THE HEALTH EDUCATION PROVIDED FOR ALL PUPILS AND SHALL BE TAUGHT BY  
7     TEACHERS HOLDING A CERTIFICATE TO TEACH HEALTH. SUCH INSTRUCTION SHALL  
8     BE DESIGNED ACCORDING TO THE NEEDS AND ABILITIES OF THE PUPILS AT  
9     SUCCESSIVE GRADE LEVELS WITH THE PURPOSE OF DEVELOPING AWARENESS OF  
10    DOMESTIC VIOLENCE ISSUES AND PROMOTING KNOWLEDGE OF PREVENTION, IDEN-  
11    TIFICATION AND SCREENING PROTECTIONS PROVIDED BY STATEWIDE AND COMMUNITY  
12    BASED ORGANIZATIONS.  
13    3. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS TO ESTAB-  
14    LISH A CURRICULUM FOR INSTRUCTION REGARDING DOMESTIC VIOLENCE AWARENESS  
15    TO BE AVAILABLE IN SCHOOL DISTRICTS. THE CONTENTS MAY BE VARIED TO MEET  
16    THE NEEDS OF PARTICULAR SCHOOL DISTRICTS, OR PORTIONS THEREOF, AND NEED  
17    NOT BE UNIFORM THROUGHOUT THE STATE.  
18    4. SCHOOL AUTHORITIES SHALL BE AUTHORIZED TO PROVIDE THE NEEDED FACIL-  
19    ITIES, TIME, AND PLACE FOR THE INSTRUCTION SET FORTH IN THIS SECTION AND  
20    TO PROVIDE LEARNING AIDS AND CURRICULUM RESOURCE MATERIALS WHICH

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

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1 CONTRIBUTE TO EFFECTIVE TEACHING METHODS AND LEARNING IN HEALTH EDUCA-  
2 TION REGARDING DOMESTIC VIOLENCE AWARENESS.

3 S 2. Paragraph a of subdivision 2 of section 14-a of the domestic  
4 relations law, as amended by chapter 413 of the laws of 1991, is amended  
5 to read as follows:

6 a. Such town and city clerks shall be entitled to a fee for such  
7 certificate, payable at the time of issuance of the marriage license, in  
8 a sum not exceeding [ten] FIFTEEN dollars, to be fixed in the case of  
9 town clerks by the town board, and in the case of city clerks by the  
10 common council or governing body of such cities. The town and city  
11 clerks shall, upon request of any applicant whose name appears thereon,  
12 issue a similar certificate of marriage, as set forth above, and simi-  
13 larly expanded with additional facts upon the express additional  
14 request, for all marriages heretofore indexed and recorded in the office  
15 of the town or city clerks. For such certificate of marriage, the town  
16 and city clerks shall be entitled to a fee not exceeding [ten] FIFTEEN  
17 dollars, to be fixed in the case of town clerks by the town board, and  
18 in the case of city clerks by the common council or governing body of  
19 such city.

20 S 3. Section 14-a of the domestic relations law is amended by adding a  
21 new subdivision 6 to read as follows:

22 6. ON OR BEFORE THE FIFTEENTH DAY OF EACH MONTH, FIVE DOLLARS OF ALL  
23 AMOUNTS RECEIVED FROM THE FEES PROVIDED FOR IN THIS SECTION SHALL BE  
24 TRANSMITTED TO THE STATE COMPTROLLER FOR DEPOSIT INTO THE DOMESTIC  
25 VIOLENCE AWARENESS TRUST FUND PROVIDED FOR IN SECTION EIGHTY-ONE OF THE  
26 STATE FINANCE LAW.

27 S 4. Subdivision 3 of section 15 of the domestic relations law, as  
28 amended by section 5 of part W2 of chapter 62 of the laws of 2003, is  
29 amended to read as follows:

30 3. If it shall appear upon an application for a marriage license that  
31 either party is under the age of sixteen years, the town or city clerk  
32 shall require, in addition to any consents provided for in this section,  
33 the written approval and consent of a justice of the supreme court or of  
34 a judge of the family court, having jurisdiction over the town or city  
35 in which the application is made, to be attached to or endorsed upon the  
36 application, before the license is issued. The application for such  
37 approval and consent shall be heard by the judge at chambers. All papers  
38 and records pertaining to any such application shall be sealed by him  
39 and withheld from inspection, except by order of a court of competent  
40 jurisdiction. Before issuing any licenses herein provided for, the town  
41 or city clerk shall be entitled to a fee of [thirty] THIRTY-FIVE  
42 dollars, which sum shall be paid by the applicants before or at the time  
43 the license is issued. Any town or city clerk who shall issue a license  
44 to marry any persons one or both of whom shall not be at the time of the  
45 marriage under such license legally competent to marry without first  
46 requiring the parties to such marriage to make such affidavits and  
47 statements or who shall not require the production of documentary proof  
48 of age or the procuring of the approval and consents provided for by  
49 this article, which shall show that the parties authorized by said  
50 license to be married are legally competent to marry, shall be guilty of  
51 a misdemeanor and on conviction thereof shall be fined in the sum of one  
52 hundred dollars for each and every offense. On or before the fifteenth  
53 day of each month, each town and city clerk, except in the city of New  
54 York, shall transmit to the state commissioner of health [twenty-two]  
55 TWENTY-SEVEN dollars and fifty cents of the amount received for each fee  
56 collected, TWENTY-TWO DOLLARS AND FIFTY CENTS OF which shall be paid

1 into the vital records management account as provided by section nine-  
2 ty-seven-cccc of the state finance law AND FIVE DOLLARS OF WHICH SHALL  
3 BE DEPOSITED INTO THE DOMESTIC VIOLENCE AWARENESS TRUST FUND PROVIDED  
4 FOR IN SECTION EIGHTY-ONE OF THE STATE FINANCE LAW. In any city the  
5 balance of all fees collected for the issuing of a marriage license, or  
6 for solemnizing a marriage, so far as collected for services rendered by  
7 any officer or employee of such city, shall be paid monthly into the  
8 city treasury and may by ordinance be credited to any fund therein  
9 designated, and said ordinance, when duly enacted, shall have the force  
10 of law in such city. Notwithstanding any other provisions of this arti-  
11 cle, the clerk of any city with the approval of the governing body of  
12 such city is hereby authorized to designate, in writing filed in the  
13 city clerk's office, a deputy clerk, if any, and/or other city employees  
14 in such office to receive applications for, examine applications, inves-  
15 tigate and issue marriage licenses in the absence or inability of the  
16 clerk of said city to act, and said deputy and/or employees so desig-  
17 nated are hereby vested with all the powers and duties of said city  
18 clerk relative thereto. Such deputy and/or employees shall perform said  
19 duties without additional compensation.

20 S 5. Subdivision 4 of section 15 of the domestic relations law, as  
21 amended by chapter 424 of the laws of 1990, is amended to read as  
22 follows:

23 4. Notwithstanding any other provision of this section, the city clerk  
24 of the city of New York, before issuing any licenses herein provided  
25 for, shall be entitled to a fee of [twenty-five] THIRTY dollars, which  
26 sum shall be paid by the applicants before or at the time the license is  
27 issued and [all] TWENTY-FIVE DOLLARS OF THE AMOUNT RECEIVED FROM such  
28 fees [so received] shall be paid monthly into the city treasury.

29 S 6. Section 15 of the domestic relations law is amended by adding a  
30 new subdivision 5 to read as follows:

31 5. ON OR BEFORE THE FIFTEENTH DAY OF EACH MONTH, FIVE DOLLARS OF THE  
32 AMOUNT RECEIVED FROM THE FEES PROVIDED IN THIS SECTION SHALL BE TRANS-  
33 MITTED TO THE STATE COMPTROLLER FOR DEPOSIT INTO THE DOMESTIC VIOLENCE  
34 AWARENESS TRUST FUND PROVIDED FOR IN SECTION EIGHTY-ONE OF THE STATE  
35 FINANCE LAW.

36 S 7. Subdivisions 6 and 7 of section 4139 of the public health law, as  
37 amended by section 1 of part W2 of chapter 62 of the laws of 2003, are  
38 amended to read as follows:

39 6. The commissioner shall be entitled to a fee of [thirty] THIRTY-FIVE  
40 dollars for each certification, certified copy or certified transcript  
41 of certificate of dissolution of marriage furnished.

42 7. For a search of the files where no such certification, certified  
43 copy, or certified transcript is furnished, or for a certification that  
44 a search discloses no record of a dissolution of marriage, the commis-  
45 sioner shall be entitled to a fee of [thirty] THIRTY-FIVE dollars.

46 S 8. Section 4139 of the public health law is amended by adding a new  
47 subdivision 9 to read as follows:

48 9. ON OR BEFORE THE FIFTEENTH DAY OF EACH MONTH, FIVE DOLLARS OF THE  
49 AMOUNT RECEIVED FROM THE FEES PROVIDED FOR IN THIS SECTION SHALL BE  
50 TRANSMITTED TO THE STATE COMPTROLLER FOR DEPOSIT INTO THE DOMESTIC  
51 VIOLENCE AWARENESS TRUST FUND PROVIDED FOR IN SECTION EIGHTY-ONE OF THE  
52 STATE FINANCE LAW.

53 S 9. The state finance law is amended by adding a new section 81 to  
54 read as follows:

55 S 81. DOMESTIC VIOLENCE AWARENESS TRUST FUND. 1. THERE IS HEREBY  
56 ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER AND THE COMMISSIONER

1 OF TAXATION AND FINANCE A SEPARATE AND DISTINCT FUND TO BE KNOWN AS THE  
2 DOMESTIC VIOLENCE AWARENESS TRUST FUND. SUCH FUND SHALL CONSIST OF ANY  
3 MONIES COLLECTED FROM THAT PORTION OF MARRIAGE LICENSE FEES AND CERTIF-  
4 ICATES OF DISSOLUTION OF MARRIAGE SPECIFICALLY PROVIDED FOR DEPOSIT INTO  
5 SUCH FUND AND FUNDS FROM ANY OTHER SOURCE INCLUDING BUT NOT LIMITED TO,  
6 FEDERAL FUNDS, DONATIONS FROM PRIVATE INDIVIDUALS, CORPORATIONS OR FOUN-  
7 DATIONS AND ANY INTEREST EARNINGS WHICH MAY ACCRUE FROM THE INVESTMENT  
8 OF MONIES IN THE FUND, FOR THE IMPLEMENTATION OF PROGRAMS PROVIDED FOR  
9 IN THIS SECTION. ALL FUNDS RECEIVED BY THE COMPTROLLER ON BEHALF OF THE  
10 FUND SHALL BE DEPOSITED BY THE COMPTROLLER TO THE CREDIT OF THE FUND.

11 2. DONATIONS FROM PRIVATE INDIVIDUALS, CORPORATIONS, OR FOUNDATIONS  
12 DEPOSITED IN THE FUND MAY BE INVESTED BY THE COMPTROLLER PURSUANT TO THE  
13 PROVISIONS OF SECTION NINETY-EIGHT-A OF THIS ARTICLE. ANY INCOME FROM  
14 SUCH INVESTMENTS SHALL BE DEPOSITED TO THE CREDIT OF THE FUND.

15 3. MONIES OF THE FUND, WHEN ALLOCATED, SHALL BE AVAILABLE TO THE  
16 OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE FOR THE ESTABLISHMENT AND  
17 MAINTENANCE OF DOMESTIC VIOLENCE PROGRAMS.

18 4. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF  
19 THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE DIRECTOR OF  
20 THE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE.

21 5. MONIES FROM THE ADDITIONAL MARRIAGE LICENSE FEES AND CERTIFICATES  
22 OF DISSOLUTION OF MARRIAGE SPECIFICALLY DEPOSITED INTO THE FUND AS  
23 PROVIDED BY LAW SHALL BE A SUPPLEMENTAL SOURCE OF FUNDING FOR DOMESTIC  
24 VIOLENCE PROGRAMS AND SHALL NOT BE USED TO REPLACE OR TO DIMINISH THE  
25 APPROPRIATION OF FUNDS OUT OF THE GENERAL FUND OR FROM ANY SOURCE OF  
26 MONEY TO SUCH PROGRAMS OR TO THE OFFICE FOR THE PREVENTION OF DOMESTIC  
27 VIOLENCE. FURTHERMORE, NOTHING CONTAINED IN THIS SECTION IS INTENDED TO  
28 PROHIBIT THE APPROPRIATION OF OTHER FUNDS OUT OF THE STATE GENERAL FUND  
29 TO THE OFFICE OR TO OTHER DOMESTIC VIOLENCE PROGRAMS; PROVIDED, HOWEVER  
30 THAT SUCH PROGRAMS MAY USE THE FUNDING PROVIDED BY THE FUND TO REPLACE  
31 FUNDING FROM OTHER SOURCES.

32 S 10. This act shall take effect April 1, 2012.