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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. FUSCHILLO, JOHNSON, LAVALLE, NOZZOLIO, RANZENHOFER
-- read twice and ordered printed, and when printed to be committed to
the Committee on Codes

AN ACT to amend the civil rights law, in relation to verification of a
name change

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

1 Section 1. The civil rights law is amended by adding a new section
2 61-a to read as follows:
3 S 61-A. VERIFICATION. 1. PRIOR TO THE ISSUANCE OF ANY ORDER GRANTING A
4 CHANGE OF NAME, THE COURT IN WHICH THE PETITION HAS BEEN FILED SHALL
5 TAKE ALL REASONABLE STEPS TO VERIFY THE INFORMATION PROVIDED BY THE
6 PETITIONER PURSUANT TO SECTION SIXTY-ONE OF THIS ARTICLE.
7 2. THE OFFICE OF COURT ADMINISTRATION SHALL PROMULGATE SUCH RULES,
8 REGULATIONS AND FEE SCHEDULE AS ARE NECESSARY TO IMPLEMENT THIS SECTION.
9 IN PROMULGATING SUCH RULES AND REGULATIONS, THE OFFICE SHALL TAKE INTO
10 ACCOUNT THE LEGISLATURE'S INTENT THAT THE PROCESS OF VERIFICATION AS
11 DESCRIBED IN SUBDIVISION ONE OF THIS SECTION SHALL BE MEANT TO PREVENT
12 THE PETITIONER FROM USING NAME CHANGE TO EVADE LEGAL PROCESS OR OBLI-
13 GATION.
14 S 2. Subdivision 2 of section 61 of the civil rights law, as amended
15 by chapter 320 of the laws of 2006, is amended to read as follows:
16 2. If the petitioner stands convicted of a violent felony offense as
17 defined in section 70.02 of the penal law or a felony defined in article
18 one hundred twenty-five of such law or any of the following provisions
19 of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26,
20 255.27, article two hundred sixty-three, SECTIONS 135.10, 135.25,
21 230.05, 230.06, AND subdivision two of section 230.30 or SECTION 230.32,
22 [and is currently confined as an inmate in any correctional facility or
23 currently under the supervision of the state division of parole or a

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

LBD00089-01-1

1 county probation department as a result of such conviction,] the peti-
2 tion shall for each such conviction specify such felony conviction, the
3 date of such conviction or convictions, and the court in which such
4 conviction or convictions were entered.

5 S 3. Subdivision 2 of section 62 of the civil rights law, as amended
6 by chapter 320 of the laws of 2006, is amended to read as follows:

7 2. If the petition be to change the name of a person [currently
8 confined as an inmate in any correctional facility or currently under
9 the supervision of the state division of parole or a county probation
10 department as a result of a conviction for] WHO STANDS CONVICTED OF a
11 violent felony offense as defined in section 70.02 of the penal law or a
12 felony defined in article one hundred twenty-five of such law or any of
13 the following provisions of such law sections 130.25, 130.30, 130.40,
14 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three,
15 SECTIONS 135.10, 135.25, 230.05, 230.06, AND subdivision two of section
16 230.30 or SECTION 230.32, notice of the time and place when and where
17 the petition will be presented shall be served, in like manner as a
18 notice of a motion upon an attorney in an action, upon the district
19 attorney of every county in which such person has been convicted of such
20 felony and upon the court or courts in which the sentence for such felo-
21 ny was entered. Unless a shorter period of time is ordered by the court,
22 said notice shall be served upon each such district attorney and court
23 or courts not less than sixty days prior to the date on which such peti-
24 tion is noticed to be heard.

25 S 4. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law.