

6289

2013-2014 Regular Sessions

I N   A S S E M B L Y

March 25, 2013

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Introduced by M. of A. GABRYSZAK, DenDEKKER, ROBINSON, JAFFEE, CAHILL, SCARBOROUGH, LAVINE, WEISENBERG, TITONE, BOYLAND, HIKIND, HOOPER -- Multi-Sponsored by -- M. of A. BRENNAN, CAMARA, CROUCH, FINCH, GALEF, GIBSON, MONTESANO, RABBITT, RAIA -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law and the family court act, in relation to notification of service of ex parte orders of protection

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

1     Section 1. The criminal procedure law is amended by adding a new  
2     section 530.13-a to read as follows:  
3     S 530.13-A NOTIFICATION OF SERVICE OF EX PARTE ORDER OF PROTECTION.  
4     1. A COMPLAINANT WHO IS GRANTED AN EX PARTE ORDER OF PROTECTION BY THE  
5     COURT AND A COMPLAINANT WHO REQUESTS THAT AN EX PARTE ORDER OF  
6     PROTECTION BE GRANTED BY THE COURT, WHO WISHES TO BE NOTIFIED WHEN AN EX  
7     PARTE ORDER OF PROTECTION IS SERVED ON THE PERSON AGAINST WHOM THE  
8     COMPLAINT IS MADE, SHALL NOTIFY THE COURT CLERK OF THE MANNER IN WHICH  
9     HE OR SHE WISHES TO BE NOTIFIED. NOTIFICATION BY MAIL, TELEPHONE, E-MAIL  
10    OR OTHER MEANS OF ELECTRONIC COMMUNICATION SHALL BE USED BY THE COURT,  
11    IF REQUESTED, AND IF THE COURT HAS THE EQUIPMENT TO MAKE SUCH COMMUNI-  
12    CATION. THE COURT SHALL INFORM ALL COMPLAINANTS WHO ARE GRANTED AN EX  
13    PARTE ORDER OF PROTECTION AND WHO REQUEST AN EX PARTE ORDER OF  
14    PROTECTION OF THEIR RIGHT TO BE NOTIFIED WHEN THE ORDER OF PROTECTION IS  
15    SERVED.  
16    2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY  
17    POLICE OFFICER, PEACE OFFICER OR OTHER PERSON WHO SERVES AN EX PARTE  
18    ORDER OF PROTECTION ON A PERSON AGAINST WHOM A COMPLAINT HAS BEEN MADE  
19    SHALL IMMEDIATELY NOTIFY THE CLERK OF THE COURT WHICH MADE SAID ORDER  
20    THAT THE SERVICE HAS BEEN MADE. AFTER NOTIFICATION TO THE CLERK OF THE  
21    COURT THAT SERVICE OF AN EX PARTE ORDER OF PROTECTION HAS BEEN MADE, OR  
22    UPON SERVICE OF SUCH ORDER BY A COURT EMPLOYEE UPON A PERSON AGAINST

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

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1 WHOM A COMPLAINT HAS BEEN MADE, THE CLERK OF THE COURT WHICH ISSUED SUCH  
2 ORDER SHALL NOTIFY THE COMPLAINANT IMMEDIATELY, IN THE MANNER SPECIFIED  
3 BY THE COMPLAINANT, THAT SUCH SERVICE HAS BEEN MADE.

4 S 2. The family court act is amended by adding a new section 153-d to  
5 read as follows:

6 S 153-D. NOTIFICATION OF SERVICE OF EX PARTE ORDER OF PROTECTION. 1.  
7 A COMPLAINANT WHO IS GRANTED AN EX PARTE ORDER OF PROTECTION BY THE  
8 COURT AND A COMPLAINANT WHO REQUESTS THAT AN EX PARTE ORDER OF  
9 PROTECTION BE GRANTED BY THE COURT, WHO WISHES TO BE NOTIFIED WHEN AN EX  
10 PARTE ORDER OF PROTECTION IS SERVED ON THE PERSON AGAINST WHOM THE  
11 COMPLAINT IS MADE, SHALL NOTIFY THE COURT CLERK OF THE MANNER IN WHICH  
12 HE OR SHE WISHES TO BE NOTIFIED. NOTIFICATION BY MAIL, TELEPHONE, E-MAIL  
13 OR OTHER MEANS OF ELECTRONIC COMMUNICATION SHALL BE USED BY THE COURT,  
14 IF REQUESTED, AND IF THE COURT HAS THE EQUIPMENT TO MAKE SUCH COMMUNI-  
15 CATION. THE COURT SHALL INFORM ALL COMPLAINANTS WHO ARE GRANTED AN EX  
16 PARTE ORDER OF PROTECTION AND WHO REQUEST AN EX PARTE ORDER OF  
17 PROTECTION OF THEIR RIGHT TO BE NOTIFIED WHEN THE ORDER OF PROTECTION IS  
18 SERVED.

19 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY  
20 POLICE OFFICER, PEACE OFFICER OR OTHER PERSON WHO SERVES AN EX PARTE  
21 ORDER OF PROTECTION ON A PERSON AGAINST WHOM A COMPLAINT HAS BEEN MADE  
22 SHALL IMMEDIATELY NOTIFY THE CLERK OF THE COURT WHICH MADE SAID ORDER  
23 THAT THE SERVICE HAS BEEN MADE. AFTER NOTIFICATION TO THE CLERK OF THE  
24 COURT THAT SERVICE OF AN EX PARTE ORDER OF PROTECTION HAS BEEN MADE, OR  
25 UPON SERVICE OF SUCH ORDER BY A COURT EMPLOYEE UPON A PERSON AGAINST  
26 WHOM A COMPLAINT HAS BEEN MADE, THE CLERK OF THE COURT WHICH ISSUED SUCH  
27 ORDER SHALL NOTIFY THE COMPLAINANT IMMEDIATELY, IN THE MANNER SPECIFIED  
28 BY THE COMPLAINANT, THAT SUCH SERVICE HAS BEEN MADE.

29 S 3. This act shall take effect on the sixtieth day after it shall  
30 have become a law.