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

1728--C

Cal. No. 107

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. ESPAILLAT, HOYLMAN, KRUEGER, MONTGOMERY, PERKINS, RIVERA, SAMPSON, SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the criminal procedure law, the domestic relations law and the judiciary law, in relation to translation services for certain orders by courts of competent jurisdiction

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

Section 1. Section 530.12 of the criminal procedure law is amended by adding a new subdivision 16 to read as follows:

16. THE COURT OF COMPETENT JURISDICTION SHALL PROVIDE TRANSLATION SERVICES OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, AS PROVIDED BY PARAGRAPH (T) OF SUBDIVISION TWO OF SECTION TWO HUNDRED TWELVE OF THE JUDICIARY LAW, TO ANY DEFENDANT AND/OR PERSON PROTECTED BY SUCH ORDER OF PROTECTION WHO IS NOT FLUENT IN THE ENGLISH LANGUAGE. SUCH TRANSLATION, OR THE INABILITY TO TRANSLATE INTO A DEFENDANT'S NATIVE LANGUAGE, SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.

S 2. Section 530.13 of the criminal procedure law is amended by adding a new subdivision 10 to read as follows:

10. THE COURT OF COMPETENT JURISDICTION SHALL PROVIDE TRANSLATION SERVICES OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, AS PROVIDED BY PARAGRAPH (T) OF SUBDIVISION TWO OF SECTION TWO HUNDRED TWELVE OF THE JUDICIARY LAW, TO ANY DEFENDANT AND/OR PERSON PROTECTED BY

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

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SUCH ORDER OF PROTECTION WHO IS NOT FLUENT IN THE ENGLISH LANGUAGE. SUCH TRANSLATION, OR THE INABILITY TO TRANSLATE INTO A DEFENDANT'S NATIVE LANGUAGE, SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.

S 3. Subdivision 3 of section 240 of the domestic relations law is amended by adding a new paragraph a-1 to read as follows:

A-1. THE COURT OF COMPETENT JURISDICTION SHALL PROVIDE TRANSLATION SERVICES OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, AS PROVIDED BY PARAGRAPH (T) OF SUBDIVISION TWO OF SECTION TWO HUNDRED TWELVE OF THE JUDICIARY LAW, TO ANY RESPONDENT AND/OR PERSON PROTECTED BY SUCH ORDER OF PROTECTION WHO IS NOT FLUENT IN THE ENGLISH LANGUAGE. SUCH TRANSLATION, OR THE INABILITY TO TRANSLATE INTO A RESPONDENT'S NATIVE LANGUAGE, SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.

S 4. Section 252 of the domestic relations law is amended by adding a new subdivision 1-a to read as follows:

1-A. THE COURT OF COMPETENT JURISDICTION SHALL PROVIDE TRANSLATION SERVICES OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, AS PROVIDED BY PARAGRAPH (T) OF SUBDIVISION TWO OF SECTION TWO HUNDRED TWELVE OF THE JUDICIARY LAW, TO ANY RESPONDENT AND/OR PERSON PROTECTED BY SUCH ORDER OF PROTECTION WHO IS NOT FLUENT IN THE ENGLISH LANGUAGE. SUCH TRANSLATION, OR THE INABILITY TO TRANSLATE INTO A RESPONDENT'S NATIVE LANGUAGE, SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.

S 5. Subdivision 2 of section 212 of the judiciary law is amended by adding a new paragraph (t) to read as follows:

(T) (I) PROVIDE TRANSLATION SERVICES TO ALL COURTS TO ASSIST IN THE TRANSLATION OF ALL ORDERS OF PROTECTION OR TEMPORARY ORDERS OF PROTECTION WHERE THE PETITIONER OR RESPONDENT, OR VICTIM OR DEFENDANT, IS NOT FLUENT IN THE ENGLISH LANGUAGE.

(II) SUCH TRANSLATION SERVICES SHALL BE MADE AVAILABLE TO ALL FAMILY COURTS AND CRIMINAL COURTS THAT ISSUE ORDERS OF PROTECTION OR TEMPORARY ORDERS OF PROTECTION, AND SHALL BE MADE AVAILABLE IN THE TEN MOST FREQUENTLY USED LANGUAGES IN NEW YORK STATE, AS WELL AS ANY ADDITIONAL LANGUAGES THAT THE CHIEF ADMINISTRATOR OF THE COURTS DEEMS APPROPRIATE.

(III) TRANSLATION SERVICES MAY BE PROVIDED THROUGH THE USE OF COMPUTER SOFTWARE, BUT MUST ALSO BE AVAILABLE THROUGH AUDIO MEANS FOR THE VISUALLY IMPAIRED.

(IV) TRANSLATION SERVICES SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF ANY ORDER.

S 6. The chief administrator of the courts may promulgate rules and regulations in order to effectuate the provisions of this act.

S 7. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to orders of protection issued on or after such effective date.