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

2588

2013-2014 Regular Sessions

I N S E N A T E

January 22, 2013

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

AN ACT to amend the domestic relations law, in relation to prohibiting maintenance awards to a spouse convicted of certain offenses

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

Section 1. Item (x) of clause (a) of subparagraph 2 of paragraph c of subdivision 5-a of part B of section 236 of the domestic relations law, as added by chapter 371 of the laws of 2010, is amended to read as follows:

(x) acts by one party against another that have inhibited or continue to inhibit a party's earning capacity or ability to obtain meaningful employment. Such acts include but are not limited to acts of domestic violence as provided in section four hundred fifty-nine-a of the social services law. PROVIDED THAT A PARTY WHO HAS BEEN CONVICTED OF A DOMESTIC VIOLENCE OFFENSE AGAINST A SPOUSE OR FORMER SPOUSE, A SEXUALLY VIOLENT OFFENSE AS DEFINED BY SUBDIVISION THREE OF SECTION ONE HUNDRED SIXTY-EIGHT-A OF THE CORRECTION LAW OF A SPOUSE OR FORMER SPOUSE, OR OF SOLICITING THE MURDER OF A SPOUSE OR FORMER SPOUSE SHALL NOT BE AWARDED TEMPORARY MAINTENANCE TO BE PAID BY SUCH SPOUSE OR FORMER SPOUSE;

S 2. Subparagraph 7 of paragraph a of subdivision 6 of part B of section 236 of the domestic relations law, as amended by chapter 371 of the laws of 2010, is amended to read as follows:

(7) acts by one party against another that have inhibited or continue to inhibit a party's earning capacity or ability to obtain meaningful employment. Such acts include but are not limited to acts of domestic violence as provided in section four hundred fifty-nine-a of the social services law. PROVIDED THAT A PARTY WHO HAS BEEN CONVICTED OF A DOMESTIC VIOLENCE OFFENSE AGAINST A SPOUSE OR FORMER SPOUSE, A SEXUALLY VIOLENT OFFENSE AS DEFINED BY SUBDIVISION THREE OF SECTION ONE HUNDRED SIXTY-EIGHT-A OF THE CORRECTION LAW OF A SPOUSE OR FORMER SPOUSE, OR OF SOLICITING THE MURDER OF A SPOUSE OR FORMER SPOUSE SHALL NOT BE AWARDED TEMPORARY MAINTENANCE TO BE PAID BY SUCH SPOUSE OR FORMER SPOUSE;

S 3. This act shall take effect immediately.

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

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