

1084--A

Cal. No. 58

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. WEINSTEIN, TITONE, JAFFEE, JACOBS, PERRY --  
Multi-Sponsored by -- M. of A. OTIS -- read once and referred to the  
Committee on Judiciary -- reported and referred to the Committee on  
Codes -- reported from committee, advanced to a third reading, amended  
and ordered reprinted, retaining its place on the order of third read-  
ing

AN ACT to amend the family court act, the criminal procedure law and the  
domestic relations law, in relation to the duties of interpreters  
appointed by the courts in certain cases

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

1     Section 1. The family court act is amended by adding a new section 169  
2     to read as follows:  
3     S 169. INTERPRETATION OF ORDERS OF PROTECTION.     WHERE AN INTERPRETER  
4     HAS BEEN APPOINTED BY THE COURT TO ASSIST IN THE PROCEEDING BEFORE THE  
5     COURT, THE COURT SHALL ALSO DIRECT SUCH INTERPRETER TO INTERPRET INTO  
6     THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE THE INTERPRETER IS PRESENT  
7     IN COURT, THE ESSENTIAL TERMS AND CONDITIONS THAT THE COURT SHALL CLEAR-  
8     LY OUTLINE AND READ INTO THE RECORD, OF ANY ORDER OF PROTECTION OR  
9     TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT UNDER ARTICLE THREE,  
10    FOUR, FIVE, SIX, SEVEN, EIGHT OR TEN OF THIS ACT. SUCH INTERPRETATION  
11    SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.  
12    S 2. Section 530.12 of the criminal procedure law is amended by adding  
13    a new subdivision 5-a to read as follows:  
14    5-A. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN  
15    THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH INTER-  
16    PRETER TO INTERPRET INTO THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE  
17    THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND CONDITIONS  
18    THAT THE COURT SHALL CLEARLY OUTLINE AND READ INTO THE RECORD, OF ANY  
19    ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT

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

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1 PURSUANT TO THIS SECTION. SUCH INTERPRETATION SHALL NOT AFFECT THE  
2 VALIDITY OR ENFORCEABILITY OF THE ORDER.

3 S 3. Section 530.13 of the criminal procedure law is amended by adding  
4 a new subdivision 4-a to read as follows:

5 4-A. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN  
6 THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH  
7 INTERPRETER TO INTERPRET INTO THE APPROPRIATE LANGUAGE ON THE RECORD,  
8 WHILE THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND  
9 CONDITIONS THAT THE COURT SHALL CLEARLY OUTLINE AND READ INTO THE  
10 RECORD, OF ANY ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION  
11 ISSUED BY THE COURT PURSUANT TO THIS SECTION. SUCH INTERPRETATION SHALL  
12 NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.

13 S 4. Subdivision 3 of section 240 of the domestic relations law is  
14 amended by adding a new paragraph a-1 to read as follows:

15 A-1. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN  
16 THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH INTER-  
17 PRETER TO INTERPRET INTO THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE  
18 THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND CONDITIONS  
19 THAT THE COURT SHALL CLEARLY OUTLINE AND READ INTO THE RECORD, OF ANY  
20 ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT  
21 PURSUANT TO THIS SECTION. SUCH INTERPRETATION SHALL NOT AFFECT THE  
22 VALIDITY OR ENFORCEABILITY OF THE ORDER.

23 S 5. Section 252 of the domestic relations law is amended by adding a  
24 new subdivision 1-a to read as follows:

25 1-A. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN  
26 THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH INTER-  
27 PRETER TO INTERPRET INTO THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE  
28 THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND CONDITIONS  
29 THAT THE COURT SHALL CLEARLY OUTLINE AND READ INTO THE RECORD, OF ANY  
30 ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT  
31 PURSUANT TO THIS SECTION. SUCH INTERPRETATION SHALL NOT AFFECT THE  
32 VALIDITY OR ENFORCEABILITY OF THE ORDER.

33 S 6. This act shall take effect on the ninetieth day after it shall  
34 have become a law and shall apply to orders of protection issued on or  
35 after such effective date.