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

4840

2013-2014 Regular Sessions

I N A S S E M B L Y

February 11, 2013

Introduced by M. of A. SCHIMMINGER, DenDEKKER, SIMANOWITZ, MAGNARELLI, MOYA, JAFFEE, MILLER, GUNTHER, ROBERTS, RIVERA, KEARNS -- Multi-Sponsored by -- M. of A. ARROYO, BARRON, BRAUNSTEIN, HIKIND, McDONALD, STEVENSON, WEISENBERG -- read once and referred 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

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

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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.