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

5220--A

2013-2014 Regular Sessions

I N S E N A T E

May 14, 2013

Introduced by Sen. FELDER -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the family court act and the domestic relations law, in relation to conditions of orders of protection in matrimonial proceedings and violations of orders of protection and temporary orders of protection and probation in matrimonial and family court proceedings

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

Section 1. Section 430 of the family court act is amended by adding a new subdivision (d) to read as follows:

(D) IF A RESPONDENT IS BROUGHT BEFORE THE COURT FOR FAILURE TO OBEY A TEMPORARY ORDER OF PROTECTION ISSUED PURSUANT TO THIS SECTION, SUCH ALLEGED VIOLATION SHALL BE GOVERNED BY SECTIONS EIGHT HUNDRED FORTY-TWO-A, EIGHT HUNDRED FORTY-SIX, EIGHT HUNDRED FORTY-SIX-A AND EIGHT HUNDRED FORTY-SEVEN OF THIS ACT; PROVIDED, HOWEVER, THAT AN ALLEGED VIOLATION CONSISTING OF NONPAYMENT OF SUPPORT IN VIOLATION OF AN ORDER ISSUED UNDER THIS ARTICLE SHALL BE GOVERNED BY PARTS FIVE AND SEVEN OF THIS ARTICLE.

S 2. Section 446-a of the family court act, as added by chapter 1 of the laws of 2013, is amended to read as follows:

S 446-a. Firearms; surrender and license suspension, revocation and ineligibility; ISSUANCE OR VIOLATION OF ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION. Upon the issuance of an order of protection or temporary order of protection, or upon a violation of such order, the court shall make a determination regarding the suspension and revocation of a license to carry, possess, repair or dispose of a firearm or

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

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firearms, ineligibility for such a license and the surrender of firearms in accordance with section eight hundred forty-two-a of this act. IF A RESPONDENT IS BROUGHT BEFORE THE COURT FOR FAILURE TO OBEY AN ORDER OF PROTECTION ISSUED PURSUANT TO THIS ARTICLE, SUCH ALLEGED VIOLATION SHALL BE GOVERNED BY SECTIONS EIGHT HUNDRED FORTY-TWO-A, EIGHT HUNDRED FORTY-SIX, EIGHT HUNDRED FORTY-SIX-A AND EIGHT HUNDRED FORTY-SEVEN OF THIS ACT; PROVIDED, HOWEVER, THAT AN ALLEGED VIOLATION CONSISTING OF NONPAYMENT OF SUPPORT IN VIOLATION OF AN ORDER ISSUED UNDER THIS ARTICLE SHALL BE GOVERNED BY PARTS FIVE AND SEVEN OF THIS ARTICLE.

S 3. Section 550 of the family court act is amended by adding a new subdivision (d) to read as follows:

(D) IF A RESPONDENT IS BROUGHT BEFORE THE COURT FOR FAILURE TO OBEY A TEMPORARY ORDER OF PROTECTION ISSUED PURSUANT TO THIS SECTION, SUCH ALLEGED VIOLATION SHALL BE GOVERNED BY SECTIONS EIGHT HUNDRED FORTY-TWO-A, EIGHT HUNDRED FORTY-SIX, EIGHT HUNDRED FORTY-SIX-A AND EIGHT HUNDRED FORTY-SEVEN OF THIS ACT; PROVIDED, HOWEVER, THAT AN ALLEGED VIOLATION CONSISTING OF NONPAYMENT OF SUPPORT IN VIOLATION OF AN ORDER ISSUED UNDER THIS ARTICLE OR ARTICLE FOUR OF THIS ACT SHALL BE GOVERNED BY PARTS FIVE AND SEVEN OF ARTICLE FOUR OF THIS ACT.

S 4. Section 552 of the family court act, as added by chapter 1 of the laws of 2013, is amended to read as follows:

S 552. Firearms; surrender and license suspension, revocation and ineligibility; ISSUANCE OR VIOLATION OF ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION. Upon the issuance of an order of protection or temporary order of protection, or upon a violation of such order, the court shall make a determination regarding the suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms, ineligibility for such a license and the surrender of firearms in accordance with section eight hundred forty-two-a of this act. IF A RESPONDENT IS BROUGHT BEFORE THE COURT FOR FAILURE TO OBEY AN ORDER OF PROTECTION ISSUED PURSUANT TO THIS ARTICLE, SUCH ALLEGED VIOLATION SHALL BE SUBJECT TO SECTIONS EIGHT HUNDRED FORTY-TWO-A, EIGHT HUNDRED FORTY-SIX, EIGHT HUNDRED FORTY-SIX-A AND EIGHT HUNDRED FORTY-SEVEN OF THIS ACT; PROVIDED, HOWEVER, THAT AN ALLEGED VIOLATION CONSISTING OF NONPAYMENT OF SUPPORT IN VIOLATION OF AN ORDER ISSUED UNDER THIS ARTICLE OR ARTICLE FOUR OF THIS ACT SHALL BE GOVERNED BY PARTS FIVE AND SEVEN OF ARTICLE FOUR OF THIS ACT.

S 5. Section 655 of the family court act is amended by adding a new subdivision (e) to read as follows:

(E) IF A RESPONDENT IS BROUGHT BEFORE THE COURT FOR FAILURE TO OBEY A TEMPORARY ORDER OF PROTECTION ISSUED PURSUANT TO THIS SECTION, SUCH ALLEGED VIOLATION SHALL BE GOVERNED BY SECTIONS EIGHT HUNDRED FORTY-TWO-A, EIGHT HUNDRED FORTY-SIX, EIGHT HUNDRED FORTY-SIX-A AND EIGHT HUNDRED FORTY-SEVEN OF THIS ACT.

S 6. Section 656-a of the family court act, as added by chapter 1 of the laws of 2013, is amended to read as follows:

S 656-a. Firearms; surrender and license suspension, revocation and ineligibility; ISSUANCE OR VIOLATION OF ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION. Upon the issuance of an order of protection or temporary order of protection, or upon a violation of such order, the court shall make a determination regarding the suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms, ineligibility for such a license and the surrender of firearms in accordance with section eight hundred forty-two-a of this act. IF A RESPONDENT IS BROUGHT BEFORE THE COURT FOR FAILURE TO OBEY AN ORDER OF PROTECTION ISSUED PURSUANT TO THIS ARTICLE, SUCH ALLEGED VIOLATION SHALL

BE GOVERNED BY SECTIONS EIGHT HUNDRED FORTY-TWO-A, EIGHT HUNDRED FORTY-SIX, EIGHT HUNDRED FORTY-SIX-A AND EIGHT HUNDRED FORTY-SEVEN OF THIS ACT.

S 7. Subdivision (c) of section 841 of the family court act, as amended by chapter 222 of the laws of 1994, is amended to read as follows:

(c) placing the respondent on probation for a period not exceeding [one year] TWO YEARS OR, IF AN ORDER OF PROTECTION HAS BEEN ISSUED FOR FIVE YEARS PURSUANT TO SECTION EIGHT HUNDRED FORTY-TWO OF THIS ARTICLE, A PERIOD NOT EXCEEDING FIVE YEARS, and requiring respondent to participate in a batterer's education program designed to help end violent behavior, which may include referral to drug and alcohol counseling, and to pay the costs thereof if respondent has the means to do so, provided however that nothing contained herein shall be deemed to require payment of the costs of any such program by the petitioner, the state or any political subdivision thereof; or

S 8. Section 846-a of the family court act, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

S 846-a. Powers on failure to obey order. If a respondent is brought before the court for failure to obey any lawful order issued under this article or an order of protection or temporary order of protection issued pursuant to this act or issued by a court of competent jurisdiction of another state, territorial or tribal jurisdiction and if, after hearing, the court is satisfied by competent proof that the respondent has willfully failed to obey [any] such order, the court [may] SHALL DO ONE OR MORE OF THE FOLLOWING:

1. modify an existing order or temporary order of protection to add reasonable conditions of behavior to the existing order[,] OR TEMPORARY ORDER OR make a new order of protection OR TEMPORARY ORDER OF PROTECTION in accordance with section eight hundred forty-two of this part, [may] OR order the forfeiture of bail in a manner consistent with article five hundred forty of the criminal procedure law if bail has been ordered pursuant to this act[, may];

2. PLACE THE RESPONDENT ON PROBATION IN ACCORDANCE WITH SUBDIVISION (C) OF SECTION EIGHT HUNDRED FORTY-ONE OF THIS ARTICLE UPON SUCH CONDITIONS AS THE COURT SHALL DIRECT, WHICH MAY INCLUDE, BUT NOT BE LIMITED TO, A DIRECTION THAT THE RESPONDENT PARTICIPATE IN A BATTERER'S EDUCATION PROGRAM DESIGNED TO HELP END VIOLENT BEHAVIOR, WHICH MAY INCLUDE REFERRAL TO DRUG AND ALCOHOL COUNSELING, AND TO PAY THE COSTS THEREOF IF THE RESPONDENT HAS THE MEANS TO DO SO, PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO REQUIRE PAYMENT OF THE COSTS OF ANY SUCH PROGRAM BY THE PETITIONER, THE STATE OR ANY POLITICAL SUBDIVISION THEREOF;

3. IF THE RESPONDENT IS ALREADY ON PROBATION PURSUANT TO SUCH SECTION, REVOKE SUCH ORDER OF PROBATION, MODIFY THE CONDITIONS OF SUCH PROBATION AND/OR ORDER ANY OTHER REMEDY UNDER THIS SECTION, PROVIDED, HOWEVER, THAT PENDING THE DETERMINATION OF A VIOLATION OF PROBATION, THE PERIOD OF PROBATION SHALL BE TOLLED AS OF THE DATE OF FILING OF THE VIOLATION PETITION OR MOTION;

4. ORDER THE RESPONDENT TO PAY RESTITUTION IN ACCORDANCE WITH SUBDIVISION (E) OF SECTION EIGHT HUNDRED FORTY-ONE OF THIS ARTICLE OR, IF THE RESPONDENT HAS ALREADY BEEN SO ORDERED AND HAS VIOLATED SUCH ORDER, MODIFY SUCH ORDER OF RESTITUTION AND/OR ORDER ANY OTHER REMEDY UNDER THIS SECTION;

5. order the respondent to pay the [petitioner's] reasonable and necessary counsel fees AND DISBURSEMENTS OF ANY OTHER PARTY OR PARTIES

AND/OR THE CHILD'S ATTORNEY in connection with the violation petition [where the court finds that the violation of its order was willful, and may];

6. ORDER THE RESPONDENT TO PROVIDE, EITHER DIRECTLY OR BY MEANS OF MEDICAL AND HEALTH INSURANCE, FOR EXPENSES INCURRED FOR MEDICAL CARE AND TREATMENT ARISING FROM THE INCIDENT OR INCIDENTS FORMING THE BASIS FOR THE ISSUANCE OF THE ORDER OR ITS VIOLATION;

7. SUSPEND OR MODIFY AN ORDER OF VISITATION BETWEEN RESPONDENT AND HIS OR HER CHILD OR CHILDREN OR DIRECT THAT SUCH VISITATION BE SUPERVISED BY A PERSON OR AGENCY DESIGNATED BY THE COURT AND UNDER CONDITIONS SPECIFIED BY THE COURT;

8. commit the respondent to jail for a term not to exceed six months. Such commitment may be served upon certain specified days or parts of days as the court may direct, and the court may, at any time within the term of such sentence, revoke such [suspension] DIRECTION and commit the respondent for the remainder of the original sentence, or suspend the remainder of such sentence[. If]; AND

9. IN ACCORDANCE WITH SUBDIVISION THREE OF SECTION EIGHT HUNDRED FORTY-TWO-A OF THIS ARTICLE, IMMEDIATELY REVOKE ANY LICENSE POSSESSED BY RESPONDENT TO CARRY, POSSESS, REPAIR AND DISPOSE OF FIREARMS PURSUANT TO SECTION 400.00 OF THE PENAL LAW, ORDER THE RESPONDENT INELIGIBLE FOR SUCH A LICENSE, AND ARRANGE FOR THE IMMEDIATE SURRENDER PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW, AND DISPOSAL OF ANY FIREARM SUCH RESPONDENT OWNS OR POSSESSES, IF the court determines that the willful failure to obey such order involves violent behavior constituting the crimes of menacing, reckless endangerment, assault or attempted assault [and if such a respondent is licensed to carry, possess, repair and dispose of firearms pursuant to section 400.00 of the penal law, the court may also immediately revoke such license and may arrange for the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, and disposal of any firearm such respondent owns or possesses]. If the willful failure to obey such order involves [the infliction of physical injury as defined in subdivision nine of section 10.00 of the penal law or the use or threatened use of a deadly weapon or dangerous instrument, as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law] ANY OF THE BEHAVIORS OR ACTIONS ENUMERATED IN PARAGRAPH (A) OR (B) OF SUBDIVISION THREE OF SECTION 842-A OF THIS ARTICLE, such revocation and immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law [six] and disposal of any firearm owned or possessed by respondent shall be mandatory, pursuant to subdivision eleven of section 400.00 of the penal law.

S 9. Subparagraphs 7, 8 and 9 of paragraph a of subdivision 3 of section 240 of the domestic relations law are renumbered subparagraphs 9, 10 and 11 and two new subparagraphs 7 and 8 are added to read as follows:

(7) TO REQUIRE THE RESPONDENT TO PARTICIPATE IN A BATTERER'S EDUCATION PROGRAM DESIGNED TO HELP END VIOLENT BEHAVIOR, WHICH MAY INCLUDE REFERRAL TO DRUG AND ALCOHOL COUNSELING, AND TO PAY THE COSTS THEREOF IF THE PERSON HAS THE MEANS TO DO SO, PROVIDED HOWEVER THAT NOTHING CONTAINED HEREIN SHALL BE DEEMED TO REQUIRE PAYMENT OF THE COSTS OF ANY SUCH PROGRAM BY THE PARTY OR PARTIES PROTECTED BY THE ORDER, THE STATE OR ANY POLITICAL SUBDIVISION THEREOF;

(8) TO PROVIDE, EITHER DIRECTLY OR BY MEANS OF MEDICAL AND HEALTH INSURANCE, FOR EXPENSES INCURRED FOR MEDICAL CARE AND TREATMENT ARISING FROM THE INCIDENT OR INCIDENTS FORMING THE BASIS FOR THE ISSUANCE OF THE ORDER;

S 10. Paragraph h of subdivision 3 of section 240 of the domestic relations law, as amended by chapter 1 of the laws of 2013, is amended and a new subdivision 3-d is added to read as follows:

h. Upon issuance of an order of protection or temporary order of protection or upon a violation of such order, the court shall make a determination regarding the suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms, ineligibility for such a license and the surrender of firearms in accordance with sections eight hundred forty-two-a and eight hundred forty-six-a of the family court act, as applicable. Upon issuance of an order of protection pursuant to this section [or upon a finding of a violation thereof], the court also may direct payment of restitution in an amount not to exceed ten thousand dollars in accordance with subdivision (e) of section eight hundred forty-one of such act; provided, however, that in no case shall an order of restitution be issued where the court determines that the party against whom the order would be issued has already compensated the injured party or where such compensation is incorporated in a final judgment or settlement of the action. UPON A FINDING OF A WILLFUL VIOLATION OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, THE COURT SHALL MAKE AN ORDER IN ACCORDANCE WITH SUBDIVISION THREE-D OF THIS SECTION.

3-D. VIOLATION OF ORDER OF PROTECTION FROM OUTSIDE THE STATE. IF A PARTY IS BROUGHT BEFORE THE COURT FOR FAILURE TO OBEY AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT OR BY A COURT OF COMPETENT JURISDICTION OF ANOTHER STATE, TERRITORIAL OR TRIBAL JURISDICTION AND IF, AFTER HEARING, THE COURT IS SATISFIED BY COMPETENT PROOF THAT SUCH PARTY HAS WILLFULLY FAILED TO OBEY SUCH ORDER, THE COURT SHALL DO ONE OR MORE OF THE FOLLOWING:

A. MODIFY AN EXISTING ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION TO ADD REASONABLE CONDITIONS OF BEHAVIOR TO THE EXISTING ORDER OR TEMPORARY ORDER OR MAKE A NEW ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION;

B. PLACE THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ON PROBATION IN ACCORDANCE WITH SUBDIVISION (C) OF SECTION EIGHT HUNDRED FORTY-ONE OF THE FAMILY COURT ACT UPON SUCH CONDITIONS AS THE COURT SHALL DIRECT, WHICH MAY INCLUDE, BUT NOT BE LIMITED TO, A DIRECTION THAT THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION PARTICIPATE IN A BATTERER'S EDUCATION PROGRAM DESIGNED TO HELP END VIOLENT BEHAVIOR, WHICH MAY INCLUDE REFERRAL TO DRUG AND ALCOHOL COUNSELING, AND TO PAY THE COSTS THEREOF IF THE PARTY HAS THE MEANS TO DO SO; PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO REQUIRE PAYMENT OF THE COSTS OF ANY SUCH PROGRAM BY ANY OTHER PARTY, THE STATE OR ANY POLITICAL SUBDIVISION THEREOF;

C. IF THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION IS ALREADY ON PROBATION PURSUANT TO SUCH SECTION, REVOKE SUCH ORDER OF PROBATION, MODIFY THE CONDITIONS OF SUCH PROBATION AND/OR ORDER ANY OTHER REMEDY UNDER THIS SUBDIVISION, PROVIDED, HOWEVER, THAT PENDING THE DETERMINATION OF A VIOLATION OF PROBATION, THE PERIOD OF PROBATION SHALL BE TOLLED AS OF THE DATE OF FILING OF THE VIOLATION PETITION OR MOTION;

D. ORDER THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION TO PAY RESTITUTION IN ACCORDANCE WITH PARAGRAPH H OF SUBDIVISION THREE OF THIS SECTION OR, IF SUCH PARTY HAS ALREADY BEEN SO ORDERED AND HAS VIOLATED SUCH ORDER, MODIFY SUCH ORDER AND/OR ORDER ANY OTHER REMEDY UNDER THIS SUBDIVISION;

E. ORDER THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION TO PAY THE REASONABLE AND NECESSARY COUNSEL FEES AND DISBURSEMENTS OF ANY OTHER PARTY OR PARTIES AND/OR THE CHILD'S ATTORNEY IN CONNECTION WITH THE VIOLATION PETITION;

F. ORDER THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION TO PROVIDE, EITHER DIRECTLY OR BY MEANS OF MEDICAL AND HEALTH INSURANCE, FOR EXPENSES INCURRED FOR MEDICAL CARE AND TREATMENT ARISING FROM THE INCIDENT OR INCIDENTS FORMING THE BASIS FOR THE ISSUANCE OF THE ORDER OR ITS VIOLATION;

G. SUSPEND OR MODIFY AN ORDER OF VISITATION BETWEEN THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION AND HIS OR HER CHILD OR CHILDREN OR DIRECT THAT SUCH VISITATION BE SUPERVISED BY A PERSON OR AGENCY DESIGNATED BY THE COURT AND UNDER CONDITIONS SPECIFIED BY THE COURT;

H. COMMIT THE PARTY FOUND TO HAVE VIOLATED THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION TO JAIL FOR A TERM NOT TO EXCEED SIX MONTHS. SUCH COMMITMENT MAY BE SERVED UPON CERTAIN SPECIFIED DAYS OR PARTS OF DAYS AS THE COURT MAY DIRECT, AND THE COURT MAY, AT ANY TIME WITHIN THE TERM OF SUCH SENTENCE, REVOKE SUCH DIRECTION AND COMMIT SUCH PARTY FOR THE REMAINDER OF THE ORIGINAL SENTENCE, OR SUSPEND THE REMAINDER OF SUCH SENTENCE; AND

I. IN ACCORDANCE WITH SUBDIVISION THREE OF SECTION EIGHT HUNDRED FORTY-TWO-A OF THE FAMILY COURT ACT, SUSPEND OR REVOKE ANY LICENSE OF THE PARTY FOUND TO HAVE VIOLATED THE ORDER TO CARRY, POSSESS, REPAIR AND DISPOSE OF FIREARMS PURSUANT TO SECTION 400.00 OF THE PENAL LAW IMMEDIATELY, ORDER SUCH PARTY INELIGIBLE TO RECEIVE SUCH A LICENSE AND ORDER THE IMMEDIATE SURRENDER, PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW, AND DISPOSAL OF ANY FIREARM SUCH PARTY OWNS OR POSSESSES.

S 11. Paragraphs (g), (h) and (i) of subdivision 1 of section 252 of the domestic relations law are relettered paragraphs (i), (j) and (k) and two new paragraphs (g) and (h) are added to read as follows:

(G) TO REQUIRE THE RESPONDENT TO PARTICIPATE IN A BATTERER'S EDUCATION PROGRAM DESIGNED TO HELP END VIOLENT BEHAVIOR, WHICH MAY INCLUDE REFERRAL TO DRUG AND ALCOHOL COUNSELING, AND TO PAY THE COSTS THEREOF IF THE PERSON HAS THE MEANS TO DO SO, PROVIDED HOWEVER THAT NOTHING CONTAINED HEREIN SHALL BE DEEMED TO REQUIRE PAYMENT OF THE COSTS OF ANY SUCH PROGRAM BY THE PARTY OR PARTIES PROTECTED BY THE ORDER, THE STATE OR ANY POLITICAL SUBDIVISION THEREOF;

(H) TO PROVIDE, EITHER DIRECTLY OR BY MEANS OF MEDICAL AND HEALTH INSURANCE, FOR EXPENSES INCURRED FOR MEDICAL CARE AND TREATMENT ARISING FROM THE INCIDENT OR INCIDENTS FORMING THE BASIS FOR THE ISSUANCE OF THE ORDER;

S 12. Subdivision 9 of section 252 of the domestic relations law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

9. Upon issuance of an order of protection or temporary order of protection or upon a violation of such order, the court shall, WHERE APPLICABLE, make a determination regarding the suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms, ineligibility for such a license and the surrender of firearms

in accordance with sections eight hundred forty-two-a and eight hundred forty-six-a of the family court act, as applicable. Upon issuance of an order of protection pursuant to this section [or upon a finding of a violation thereof], the court also may direct payment of restitution in an amount not to exceed ten thousand dollars in accordance with subdivision (e) of section eight hundred forty-one of such act; provided, however, that in no case shall an order of restitution be issued where the court determines that the party against whom the order would be issued has already compensated the injured party or where such compensation is incorporated in a final judgment or settlement of the action. UPON A FINDING OF A WILLFUL VIOLATION OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, THE COURT SHALL MAKE AN ORDER IN ACCORDANCE WITH SUBDIVISION THREE-D OF SECTION TWO HUNDRED FORTY OF THIS CHAPTER.

S 13. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to violations of orders of protection and temporary orders of protection committed on or after such effective date.