

737--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. FUSCHILLO, DeFRANCISCO, LARKIN, LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil rights law, in relation to verification of a name change

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

1 Section 1. The civil rights law is amended by adding a new section
2 61-a to read as follows:
3 S 61-A. VERIFICATION. 1. PRIOR TO THE ISSUANCE OF ANY ORDER GRANTING A
4 CHANGE OF NAME, THE COURT IN WHICH THE PETITION HAS BEEN FILED SHALL
5 TAKE ALL REASONABLE STEPS TO VERIFY THE INFORMATION PROVIDED BY THE
6 PETITIONER PURSUANT TO SECTION SIXTY-ONE OF THIS ARTICLE.
7 2. THE OFFICE OF COURT ADMINISTRATION SHALL PROMULGATE SUCH RULES AND
8 REGULATIONS TO IMPLEMENT THIS SECTION. IN PROMULGATING SUCH RULES AND
9 REGULATIONS, THE OFFICE SHALL TAKE INTO ACCOUNT THE LEGISLATURE'S INTENT
10 THAT THE PROCESS OF VERIFICATION AS DESCRIBED IN SUBDIVISION ONE OF THIS
11 SECTION SHALL BE MEANT TO PREVENT THE PETITIONER FROM USING NAME CHANGE
12 TO EVADE LEGAL PROCESS OR OBLIGATION.
13 S 2. Subdivision 2 of section 61 of the civil rights law, as amended
14 by section 54 of subpart B of part C of chapter 62 of the laws of 2011,
15 is amended to read as follows:
16 2. If the petitioner stands convicted of a violent felony offense as
17 defined in section 70.02 of the penal law or a felony defined in article
18 one hundred twenty-five of such law or any of the following provisions
19 of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26,
20 255.27, article two hundred sixty-three, SECTIONS 135.10, 135.25,

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

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1 230.05, 230.06, subdivision two of section 230.30 or SECTION 230.32,
2 [and is currently confined as an inmate in any correctional facility or
3 currently under the supervision of the department of corrections and
4 community supervision or a county probation department as a result of
5 such conviction,] the petition shall for each such conviction specify
6 such felony conviction, the date of such conviction or convictions, and
7 the court in which such conviction or convictions were entered.

8 S 3. Subdivision 2 of section 62 of the civil rights law, as amended
9 by section 55 of subpart B of part C of chapter 62 of the laws of 2011,
10 is amended to read as follows:

11 2. If the petition be to change the name of a person [currently
12 confined as an inmate in any correctional facility or currently under
13 the supervision of the department of corrections and community super-
14 vision or a county probation department as a result of a conviction for]
15 WHO STANDS CONVICTED OF a violent felony offense as defined in section
16 70.02 of the penal law or a felony defined in article one hundred twen-
17 ty-five of such law or any of the following provisions of such law
18 sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26, 255.27, article
19 two hundred sixty-three, SECTIONS 135.10, 135.25, 230.05, 230.06, subdi-
20 vision two of section 230.30 or SECTION 230.32, notice of the time and
21 place when and where the petition will be presented shall be served, in
22 like manner as a notice of a motion upon an attorney in an action, upon
23 the district attorney of every county in which such person has been
24 convicted of such felony and upon the court or courts in which the
25 sentence for such felony was entered. Unless a shorter period of time is
26 ordered by the court, said notice shall be served upon each such
27 district attorney and court or courts not less than sixty days prior to
28 the date on which such petition is noticed to be heard.

29 S 4. This act shall take effect on the one hundred eightieth day after
30 it shall have become a law.