

2015-2016 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2015

---

Introduced by M. of A. ROSENTHAL -- Multi-Sponsored by -- M. of A.  
MARKEY, PERRY -- read once and referred to the Committee on Codes

AN ACT to amend the family court act, in relation to the mandatory  
suspension and revocation of firearms licenses upon issuance of orders

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

1     Section 1. Section 846-a of the family court act, as amended by chap-  
2     ter 1 of the laws of 2013, is amended to read as follows:  
3     S 846-a. Powers on failure to obey order. If a respondent is brought  
4     before the court for failure to obey any lawful order issued under this  
5     article or an order of protection or temporary order of protection  
6     issued pursuant to this act or issued by a court of competent jurisdic-  
7     tion of another state, territorial or tribal jurisdiction and if, after  
8     hearing, the court is satisfied by competent proof that the respondent  
9     has willfully failed to obey any such order, the court may modify an  
10    existing order or temporary order of protection to add reasonable condi-  
11    tions of behavior to the existing order, make a new order of protection  
12    in accordance with section eight hundred forty-two of this part, may  
13    order the forfeiture of bail in a manner consistent with article five  
14    hundred forty of the criminal procedure law if bail has been ordered  
15    pursuant to this act, may order the respondent to pay the petitioner's  
16    reasonable and necessary counsel fees in connection with the violation  
17    petition where the court finds that the violation of its order was will-  
18    ful, and may commit the respondent to jail for a term not to exceed six  
19    months. Such commitment may be served upon certain specified days or  
20    parts of days as the court may direct, and the court may, at any time  
21    within the term of such sentence, revoke such suspension and commit the  
22    respondent for the remainder of the original sentence, or suspend the  
23    remainder of such sentence. If the court determines that the willful  
24    failure to obey such order involves violent behavior constituting the

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

LBD04042-01-5

1 crimes of menacing, reckless endangerment, assault or attempted assault  
2 and if such a respondent is licensed to carry, possess, repair and  
3 dispose of firearms pursuant to section 400.00 of the penal law, the  
4 court [may] SHALL also immediately revoke such license and [may] SHALL  
5 arrange for the immediate surrender pursuant to subparagraph (f) of  
6 paragraph one of subdivision a of section 265.20 and subdivision six of  
7 section 400.05 of the penal law, and disposal of any firearm such  
8 respondent owns or possesses. If the willful failure to obey such order  
9 involves the infliction of physical injury as defined in subdivision  
10 nine of section 10.00 of the penal law or the use or threatened use of a  
11 deadly weapon or dangerous instrument, as those terms are defined in  
12 subdivisions twelve and thirteen of section 10.00 of the penal law, such  
13 revocation and immediate surrender pursuant to subparagraph (f) of para-  
14 graph one of subdivision a of section 265.20 and subdivision six of  
15 section 400.05 of the penal law [six] and disposal of any firearm owned  
16 or possessed by respondent shall be mandatory, pursuant to subdivision  
17 eleven of section 400.00 of the penal law.  
18 S 2. This act shall take effect immediately.