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

5240

2015-2016 Regular Sessions

I N S E N A T E

May 8, 2015

Introduced by Sens. SAVINO, HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the civil rights law, in relation to limiting the scope of information disclosed in a published notice of change of name

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

Section 1. Section 64-a of the civil rights law, as amended by chapter 83 of the laws of 2009, is amended to read as follows:

S 64-a. Exemption from publication requirements. 1. If the court shall find that the publication of an applicant's change of name would jeopardize such applicant's personal safety, BASED ON TOTALITY OF THE CIRCUMSTANCES the provisions of sections sixty-three and sixty-four of this article requiring publication shall be waived and shall be inapplicable. PROVIDED, HOWEVER, THE COURT SHALL NOT DENY SUCH WAIVER SOLEY ON THE BASIS THAT THE APPLICANT LACKS SPECIFIC INSTANCES OF OR A PERSONAL HISTORY OF THREAT TO PERSONAL SAFETY. The court shall order the records of such change of name proceeding to be sealed, to be opened only by order of the court for good cause shown or at the request of the applicant.

2. Notwithstanding any other provision of law, pending such a finding in subdivision one OF THIS SECTION where an applicant seeks relief under this section, the court shall immediately order the applicant's current name, proposed new name, residential and business addresses, telephone numbers, and any other information contained in any pleadings or papers submitted to the court to be safeguarded and sealed in order to prevent their inadvertent or unauthorized use or disclosure while the matter is pending.

S 2. This act shall take effect immediately.

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

LBD05996-01-5