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2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

Introduced by M. of A. KATZ -- Multi-Sponsored by -- M. of A. CROUCH,
FINCH, HAWLEY, LOPEZ, TENNEY -- read once and referred to the Commit-
tee on Judiciary

AN ACT to amend the family court act and the criminal procedure law, in
relation to preventing intimidation in all order of protection
proceedings

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

1 Section 1. Subdivision 1 of section 821-a of the family court act, as
2 added by chapter 222 of the laws of 1994, is amended to to read as
3 follows:
4 1. Upon the filing of a petition under this article, the court shall
5 advise the petitioner of the right to retain legal representation [or],
6 if [indigent,] INDIGENT the right to have counsel appointed pursuant to
7 section two hundred sixty-two of this act AND THE RIGHT TO PROVIDE
8 TESTIMONY AGAINST THE RESPONDENT AT ANY HEARING BY VIDEO-CONFERENCE.
9 S 2. Subdivision (a) of section 823 of the family court act is amended
10 to read as follows:
11 (a) Rules of court may authorize the probation service
12 (i) to confer with any person seeking to file a petition, the poten-
13 tial petitioner and other interested persons concerning the advisability
14 of filing a petition under this article, [and]
15 (ii) to attempt through conciliation and agreement informally to
16 adjust suitable cases before a petition is filed over which the court
17 apparently would have jurisdiction, AND
18 (III) TO ADVISE THE PETITIONER THAT THEY HAVE THE RIGHT TO PROVIDE
19 TESTIMONY AGAINST THE RESPONDENT AT ANY HEARING BY VIDEO-CONFERENCE.
20 S 3. Section 832 of the family court act, as amended by chapter 529 of
21 the laws of 1963, is amended to read as follows:
22 S 832. [Definition of "fact-finding hearing"] FACT-FINDING HEARING.
23 When used in this article, "fact-finding hearing" means a hearing to

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

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1 determine whether the allegations of a petition under section eight
2 hundred twenty-one OF THIS ARTICLE are supported by a fair preponderance
3 of the evidence. A PETITIONER PROVIDING TESTIMONY PURSUANT TO THIS
4 SECTION MAY ELECT TO PROVIDE SUCH TESTIMONY BY VIDEO-CONFERENCE.

5 S 4. Section 833 of the family court act is amended to read as
6 follows:

7 S 833. [Definition of "dispositional hearing"] DISPOSITIONAL HEARING.
8 When used in this article, "dispositional hearing" means in the case of
9 a petition under this article a hearing to determine what order of
10 disposition should be made. A PETITIONER PROVIDING TESTIMONY PURSUANT TO
11 THIS SECTION MAY ELECT TO PROVIDE SUCH TESTIMONY BY VIDEO-CONFERENCE.

12 S 5. Section 530.12 of the criminal procedure law is amended by adding
13 a new subdivision 8-a to read as follows:

14 8-A. IN ANY PROCEEDING BROUGHT PURSUANT TO THIS SECTION THE COMPLAIN-
15 ANT SHALL HAVE THE RIGHT TO PROVIDE TESTIMONY AGAINST THE DEFENDANT
16 THROUGH VIDEO-CONFERENCE.

17 S 6. Paragraphs (h) and (i) of subdivision 2 of section 530.11 of the
18 criminal procedure law are relettered (i) and (j) and a new paragraph
19 (h) is added to read as follows:

20 (H) THAT THE COMPLAINANT SHALL HAVE THE RIGHT TO PROVIDE TESTIMONY
21 AGAINST THE DEFENDANT THROUGH VIDEO-CONFERENCE.

22 S 7. This act shall take effect on the ninetieth day after it shall
23 have become a law and shall apply to all proceedings commenced or filed
24 after such date.