

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.

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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.