

4835

2015-2016 Regular Sessions

I N A S S E M B L Y

February 9, 2015

Introduced by M. of A. ORTIZ -- read once and referred to the Committee
on Judiciary

AN ACT to amend the family court act, in relation to disorderly conduct

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

1 Section 1. The opening paragraph of subdivision 1 of section 812 of
2 the family court act, as amended by chapter 526 of the laws of 2013, is
3 amended to read as follows:
4 The family court and the criminal courts shall have concurrent juris-
5 diction over any proceeding concerning acts which would constitute
6 disorderly conduct, harassment in the first degree, harassment in the
7 second degree, aggravated harassment in the second degree, sexual
8 misconduct, forcible touching, sexual abuse in the third degree, sexual
9 abuse in the second degree as set forth in subdivision one of section
10 130.60 of the penal law, stalking in the first degree, stalking in the
11 second degree, stalking in the third degree, stalking in the fourth
12 degree, criminal mischief, menacing in the second degree, menacing in
13 the third degree, reckless endangerment, criminal obstruction of breath-
14 ing or blood circulation, strangulation in the second degree, strangula-
15 tion in the first degree, assault in the second degree, assault in the
16 third degree, an attempted assault, identity theft in the first degree,
17 identity theft in the second degree, identity theft in the third degree,
18 grand larceny in the fourth degree, grand larceny in the third degree or
19 coercion in the second degree as set forth in subdivisions one, two and
20 three of section 135.60 of the penal law between spouses or former
21 spouses, or between parent and child or between members of the same
22 family or household except that if the respondent would not be criminal-
23 ly responsible by reason of age pursuant to section 30.00 of the penal
24 law, then the family court shall have exclusive jurisdiction over such
25 proceeding. Notwithstanding a complainant's election to proceed in fami-
26 ly court, the criminal court shall not be divested of jurisdiction to

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

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1 hear a family offense proceeding pursuant to this section. In any
2 proceeding pursuant to this article, a court shall not deny an order of
3 protection, or dismiss a petition, solely on the basis that the acts or
4 events alleged are not relatively contemporaneous with the date of the
5 petition, the conclusion of the fact-finding or the conclusion of the
6 dispositional hearing. For purposes of this article, "disorderly
7 conduct" includes disorderly conduct not in a public place AND DOES NOT
8 REQUIRE AN INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM BUT
9 MERELY AN INTENT TO CAUSE INCONVENIENCE, ANNOYANCE OR ALARM. For
10 purposes of this article, "members of the same family or household"
11 shall mean the following:
12 S 2. This act shall take effect immediately.