

2041

2015-2016 Regular Sessions

I N   S E N A T E

January 21, 2015

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Introduced by Sen. HASSELL-THOMPSON -- read twice and ordered printed,  
and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law and the executive law, in  
relation to authorizing a court to file non-family offense temporary  
orders of protection and orders of protection with the computerized  
registry established for such information

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

1     Section 1. Subdivision 5 of section 530.13 of the criminal procedure  
2     law, as amended by chapter 462 of the laws of 2002, is amended to read  
3     as follows:  
4     5. The court shall inquire as to the existence of any other orders of  
5     protection between the defendant and the person or persons for whom the  
6     order of protection is sought. An order of protection issued under this  
7     section shall plainly state the date that such order expires. Orders of  
8     protection issued to protect victims of domestic violence, as defined in  
9     section four hundred fifty-nine-a of the social services law, shall be  
10    on uniform statewide forms that shall be promulgated by the chief admin-  
11    istrator of the courts in a manner to ensure the compatibility of such  
12    forms with the statewide registry of orders of protection and warrants  
13    established pursuant to section two hundred twenty-one-a of the execu-  
14    tive law. A copy of an order of protection or a temporary order of  
15    protection issued pursuant to subdivision one, two, three, or four of  
16    this section shall be filed by the clerk of the court with the sheriff's  
17    office in the county in which such victim or victims reside, or, if the  
18    victim or victims reside within a city, with the police department of  
19    such city, AND SHALL BE FILED WITH THE COMPUTERIZED REGISTRY OF ORDERS  
20    OF PROTECTION AND ARREST WARRANTS ESTABLISHED PURSUANT TO SECTION TWO  
21    HUNDRED TWENTY-ONE-A OF THE EXECUTIVE LAW WHERE THE COURT DETERMINES  
22    THAT SUCH FILING IS REQUIRED TO IMPLEMENT THE PURPOSES OF SUCH ORDER. A  
23    copy of such order of protection or temporary order of protection may

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

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1 from time to time be filed by the clerk of the court with any other  
2 police department or sheriff's office having jurisdiction of the resi-  
3 dence, work place, and school of anyone intended to be protected by such  
4 order. A copy of the order may also be filed by the victim or victims at  
5 the appropriate police department or sheriff's office having jurisdic-  
6 tion. Any subsequent amendment or revocation of such order shall be  
7 filed in the same manner as herein provided.

8 S 2. Subdivision 1 of section 221-a of the executive law, as separate-  
9 ly amended by sections 14 and 67 of part A of chapter 56 of the laws of  
10 2010, is amended to read as follows:

11 1. The superintendent, in consultation with the division of criminal  
12 justice services, office of court administration, and the office for the  
13 prevention of domestic violence, shall develop a comprehensive plan for  
14 the establishment and maintenance of a statewide computerized registry  
15 of all orders of protection issued pursuant to articles four, five, six  
16 and eight of the family court act, section 530.12 of the criminal proce-  
17 dure law and, insofar as they involve victims of domestic violence as  
18 defined by section four hundred fifty-nine-a of the social services law,  
19 section 530.13 of the criminal procedure law and sections two hundred  
20 forty and two hundred fifty-two of the domestic relations law AND THOSE  
21 ORDERS OF PROTECTION WHICH A COURT ORDERS FILED WITH THE REGISTRY PURSU-  
22 ANT TO SUBDIVISION FIVE OF SECTION 530.13 OF THE CRIMINAL PROCEDURE LAW,  
23 AND ANY WARRANT ARISING THEREFROM, and orders of protection issued by  
24 courts of competent jurisdiction in another state, territorial or tribal  
25 jurisdiction, special orders of conditions issued pursuant to subpara-  
26 graph (i) or (ii) of paragraph (o) of subdivision one of section 330.20  
27 of the criminal procedure law insofar as they involve a victim or  
28 victims of domestic violence as defined by subdivision one of section  
29 four hundred fifty-nine-a of the social services law or a designated  
30 witness or witnesses to such domestic violence, and all warrants issued  
31 pursuant to sections one hundred fifty-three and eight hundred twenty-  
32 seven of the family court act, and arrest and bench warrants as defined  
33 in subdivisions twenty-eight, twenty-nine and thirty of section 1.20 of  
34 the criminal procedure law, insofar as such warrants pertain to orders  
35 of protection or temporary orders of protection; provided, however, that  
36 warrants issued pursuant to section one hundred fifty-three of the fami-  
37 ly court act pertaining to articles three, seven and ten of such act and  
38 section 530.13 of the criminal procedure law EXCEPT AS PROVIDED FOR IN  
39 THIS SUBDIVISION shall not be included in the registry. The superinten-  
40 dent shall establish and maintain such registry for the purposes of  
41 ascertaining the existence of orders of protection, temporary orders of  
42 protection, warrants and special orders of conditions, and for enforcing  
43 the provisions of paragraph (b) of subdivision four of section 140.10 of  
44 the criminal procedure law.

45 S 3. This act shall take effect on the first of October next succeed-  
46 ing the date on which it shall have become a law.