

5941

2015-2016 Regular Sessions

I N   S E N A T E

June 12, 2015

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Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the criminal procedure law, the domestic relations law and the judiciary law, in relation to translation services for certain orders by courts of competent jurisdiction

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

1     Section 1. Section 530.12 of the criminal procedure law is amended by  
2     adding a new subdivision 16 to read as follows:  
3     16. THE COURT OF COMPETENT JURISDICTION SHALL PROVIDE TRANSLATION  
4     SERVICES OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, AS  
5     PROVIDED BY PARAGRAPH (T) OF SUBDIVISION TWO OF SECTION TWO HUNDRED  
6     TWELVE OF THE JUDICIARY LAW, TO ANY DEFENDANT AND/OR PERSON PROTECTED BY  
7     SUCH ORDER OF PROTECTION WHO IS NOT FLUENT IN THE ENGLISH LANGUAGE. SUCH  
8     TRANSLATION, OR THE INABILITY TO TRANSLATE INTO A DEFENDANT'S NATIVE  
9     LANGUAGE, SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.  
10    S 2. Section 530.13 of the criminal procedure law is amended by adding  
11    a new subdivision 10 to read as follows:  
12    10. THE COURT OF COMPETENT JURISDICTION SHALL PROVIDE TRANSLATION  
13    SERVICES OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, AS  
14    PROVIDED BY PARAGRAPH (T) OF SUBDIVISION TWO OF SECTION TWO HUNDRED  
15    TWELVE OF THE JUDICIARY LAW, TO ANY DEFENDANT AND/OR PERSON PROTECTED BY  
16    SUCH ORDER OF PROTECTION WHO IS NOT FLUENT IN THE ENGLISH LANGUAGE. SUCH  
17    TRANSLATION, OR THE INABILITY TO TRANSLATE INTO A DEFENDANT'S NATIVE  
18    LANGUAGE, SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.  
19    S 3. Subdivision 3 of section 240 of the domestic relations law is  
20    amended by adding a new paragraph a-1 to read as follows:  
21    A-1. THE COURT OF COMPETENT JURISDICTION SHALL PROVIDE TRANSLATION  
22    SERVICES OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, AS  
23    PROVIDED BY PARAGRAPH (T) OF SUBDIVISION TWO OF SECTION TWO HUNDRED  
24    TWELVE OF THE JUDICIARY LAW, TO ANY RESPONDENT AND/OR PERSON PROTECTED

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

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1 BY SUCH ORDER OF PROTECTION WHO IS NOT FLUENT IN THE ENGLISH LANGUAGE.  
2 SUCH TRANSLATION, OR THE INABILITY TO TRANSLATE INTO A RESPONDENT'S  
3 NATIVE LANGUAGE, SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE  
4 ORDER.

5 S 4. Section 252 of the domestic relations law is amended by adding a  
6 new subdivision 1-a to read as follows:

7 1-A. THE COURT OF COMPETENT JURISDICTION SHALL PROVIDE TRANSLATION  
8 SERVICES OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, AS  
9 PROVIDED BY PARAGRAPH (T) OF SUBDIVISION TWO OF SECTION TWO HUNDRED  
10 TWELVE OF THE JUDICIARY LAW, TO ANY RESPONDENT AND/OR PERSON PROTECTED  
11 BY SUCH ORDER OF PROTECTION WHO IS NOT FLUENT IN THE ENGLISH LANGUAGE.  
12 SUCH TRANSLATION, OR THE INABILITY TO TRANSLATE INTO A RESPONDENT'S  
13 NATIVE LANGUAGE, SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE  
14 ORDER.

15 S 5. Subdivision 2 of section 212 of the judiciary law is amended by  
16 adding a new paragraph (t) to read as follows:

17 (T) (I) PROVIDE TRANSLATION SERVICES TO ALL COURTS TO ASSIST IN THE  
18 TRANSLATION OF ALL ORDERS OF PROTECTION OR TEMPORARY ORDERS OF  
19 PROTECTION WHERE THE PETITIONER OR RESPONDENT, OR VICTIM OR DEFENDANT,  
20 IS NOT FLUENT IN THE ENGLISH LANGUAGE.

21 (II) SUCH TRANSLATION SERVICES SHALL BE MADE AVAILABLE TO ALL FAMILY  
22 COURTS AND CRIMINAL COURTS THAT ISSUE ORDERS OF PROTECTION OR TEMPORARY  
23 ORDERS OF PROTECTION, AND SHALL BE MADE AVAILABLE IN THE TEN MOST  
24 FREQUENTLY USED LANGUAGES IN NEW YORK STATE, AS WELL AS ANY ADDITIONAL  
25 LANGUAGES THAT THE CHIEF ADMINISTRATOR OF THE COURTS DEEMS APPROPRIATE.

26 (III) TRANSLATION SERVICES MAY BE PROVIDED THROUGH THE USE OF COMPUTER  
27 SOFTWARE, BUT MUST ALSO BE AVAILABLE THROUGH AUDIO MEANS FOR THE VISUAL-  
28 LY IMPAIRED.

29 (IV) TRANSLATION SERVICES SHALL NOT AFFECT THE VALIDITY OR ENFORCEA-  
30 BILITY OF ANY ORDER.

31 S 6. The chief administrator of the courts may promulgate rules and  
32 regulations in order to effectuate the provisions of this act.

33 S 7. This act shall take effect on the ninetieth day after it shall  
34 have become a law and shall apply to orders of protection issued on or  
35 after such effective date.