STATE OF NEW YORK

6197

2017-2018 Regular Sessions

IN SENATE

May 11, 2017

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

AN ACT to amend the civil rights law, in relation to verification of a name change

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The civil rights law is amended by adding a new section 61-a to read as follows:

§ 61-a. Verification. 1. Prior to the issuance of any order granting a change of name, the court in which the petition has been filed shall take all reasonable steps to verify the information provided by the petitioner pursuant to section sixty-one of this article.

2. The office of court administration shall promulgate such rules and regulations to implement this section. In promulgating such rules and regulations, the office shall take into account the legislature's intent that the process of verification as described in subdivision one of this section shall be meant to prevent the petitioner from using name change to evade legal process or obligation.

§ 2. Subdivision 2 of section 61 of the civil rights law, as amended by section 54 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

2. If the petitioner stands convicted of a violent felony offense as defined in section 70.02 of the penal law or a felony defined in article one hundred twenty-five of such law or any of the following provisions of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, **sections** 135.10, 135.25, 230.05, 230.06, subdivision two of section 230.30 or **section** 230.32, [~~and is currently confined as an inmate in any correctional facility or currently under the supervision of the department of corrections and community supervision or a county probation department as a result of such conviction,~~] the petition shall for each such conviction specify

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

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such felony conviction, the date of such conviction or convictions, and the court in which such conviction or convictions were entered.

§ 3. Subdivision 2 of section 62 of the civil rights law, as amended by section 55 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

2. If the petition be to change the name of a person [~~currently confined as an inmate in any correctional facility or currently under the supervision of the department of corrections and community supervision or a county probation department as a result of a conviction for~~] **who stands convicted of** a violent felony offense as defined in section 70.02 of the penal law or a felony defined in article one hundred twenty-five of such law or any of the following provisions of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, **sections** 135.10, 135.25, 230.05, 230.06, subdivision two of section 230.30 or **section** 230.32, notice of the time and place when and where the petition will be presented shall be served, in like manner as a notice of a motion upon an attorney in an action, upon the district attorney of every county in which such person has been convicted of such felony and upon the court or courts in which the sentence for such felony was entered. Unless a shorter period of time is ordered by the court, said notice shall be served upon each such district attorney and court or courts not less than sixty days prior to the date on which such petition is noticed to be heard.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.