

STATE OF NEW YORK

10240

IN ASSEMBLY

April 8, 2020

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

AN ACT to amend the family court act, in relation to concurrent jurisdiction

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 109 of the laws of 2019, 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, unlawful dissemination or publication of an intimate
7 image, unlawful surveillance in the first degree, unlawful surveillance
8 in the second degree, dissemination of unlawful surveillance in the
9 first degree, dissemination of unlawful surveillance in the second
10 degree, criminal impersonation in the second degree, harassment in the
11 first degree, harassment in the second degree, aggravated harassment in
12 the second degree, sexual misconduct, forcible touching, sexual abuse in
13 the third degree, sexual abuse in the second degree as set forth in
14 subdivision one of section 130.60 of the penal law, stalking in the
15 first degree, stalking in the second degree, stalking in the third
16 degree, stalking in the fourth degree, [~~criminal~~ coercion in the second
17 degree or coercion in the third degree as set forth in subdivisions one,
18 two, three, four, five, and nine of section 135.60 of the penal law,
19 except that if the respondent would not be criminally responsible by
20 reason of age pursuant to section 30.00 of the penal law, then the fami-
21 ly court shall have exclusive jurisdiction over such proceeding.

22 The family court and the criminal courts shall have concurrent juris-
23 diction over any proceeding concerning acts which would constitute crim-
24 inal mischief, menacing in the second degree, menacing in the third
25 degree, reckless endangerment, criminal obstruction of breathing or
26 blood circulation, strangulation in the second degree, strangulation in
27 the first degree, assault in the second degree, assault in the third
28 degree, an attempted assault, identity theft in the first degree, iden-

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

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1 tity theft in the second degree, identity theft in the third degree,
2 grand larceny in the fourth degree, ~~or~~ grand larceny in the third
3 degree, [~~coercion in the second degree or coercion in the third degree~~
4 ~~as set forth in subdivisions one, two and three of section 135.60 of the~~
5 ~~penal law~~] between spouses or former spouses, or between parent and
6 child or between members of the same family or household except that if
7 the respondent would not be criminally responsible by reason of age
8 pursuant to section 30.00 of the penal law, then the family court shall
9 have exclusive jurisdiction over such proceeding. Notwithstanding a
10 complainant's election to proceed in family court, the criminal court
11 shall not be divested of jurisdiction to hear a family offense proceed-
12 ing pursuant to this section. In any proceeding pursuant to this arti-
13 cle, a court shall not deny an order of protection, or dismiss a peti-
14 tion, solely on the basis that the acts or events alleged are not
15 relatively contemporaneous with the date of the petition, the conclusion
16 of the fact-finding or the conclusion of the dispositional hearing. For
17 purposes of this article, "disorderly conduct" includes disorderly
18 conduct not in a public place. For purposes of this article, "members of
19 the same family or household" shall mean the following:
20 § 2. This act shall take effect immediately.