STATE OF NEW YORK

2082

2019-2020 Regular Sessions

IN ASSEMBLY

January 22, 2019

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law and the family court act, in relation to orders of protection

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

Section 1. Subdivision 1 of section 530.12 of the criminal procedure 1 2 law is amended by adding five new paragraphs (c), (c-1), (c-2), (c-3) 3 and (c-4) to read as follows: 4 (c) to make or to continue to make rent or mortgage payments on a 5 residence occupied by the person who is protected by such order if the respondent is found to have a duty to support the petitioner or other б 7 dependent household members provided that this issue has not been 8 resolved or is not being litigated between the parties in another 9 <u>action;</u> 10 (c-1) to pay the petitioner's rent or fees for housing services at a 11 residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the 12 13 petitioner requires alternative housing due to the incident or incidents 14 forming the basis for the issuance of the order; 15 (c-2) to pay monetary compensation for losses arising from the inci-16 dent or incidents forming the basis for the issuance of the order; such order may require the respondent to pay the petitioner directly, to 17 reimburse the crime victims board for any and all compensation paid 18 19 directly to or on behalf of the petitioner, and may require that the 20 respondent reimburse any parties that may have compensated the petition-21 er, as the court may determine. Compensatory losses shall include, but 22 shall not be limited to, loss of earnings or other support, out-of-pocket losses for injuries sustained, cost of repair or replacement of real 23 24 or personal property damaged, destroyed or taken, cost of counseling for 25 the petitioner and/or dependent household member, moving or other travel

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

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1	expenses, reasonable attorney's fees, court costs, and compensation for
2	pain and suffering;
3	(c-3) to grant possession of specified personal property which shall
4	include but shall not be limited to automobiles, checkbooks, keys,
5	documentation of health insurance, other identification documentation
6	and other personal effects;
7 8	(c-4) to prohibit the respondent from transferring, encumbering or
	otherwise disposing of specified property mutually owned or leased by the parties;
9	§ 2. Subdivision 5 of section 530.12 of the criminal procedure law is
10 11	amended by adding five new paragraphs (b-1), (b-2), (b-3), (b-4) and
12^{11}	(b-5) to read as follows:
13	(b-1) to make or to continue to make rent or mortgage payments on a
14^{13}	residence occupied by the person who is protected by such order if the
15^{1-1}	respondent is found to have a duty to support the petitioner or other
16	dependent household members provided that this issue has not been
17	resolved or is not being litigated between the parties in another
18	action;
19	(b-2) to pay the petitioner's rent or fees for housing services at a
20	residence other than the one previously shared by the parties if the
21	respondent is found to have a duty to support the petitioner and the
22	petitioner requires alternative housing due to the incident or incidents
23	forming the basis for the issuance of the order;
24	(b-3) to pay monetary compensation for losses arising from the inci-
25	dent or incidents forming the basis for the issuance of the order; such
26	order may require the respondent to pay the petitioner directly, to
27	reimburse the crime victims board for any and all compensation paid
28	directly to or on behalf of the petitioner, and may require that the
29	respondent reimburse any parties that may have compensated the petition-
30	er, as the court may determine. Compensatory losses shall include, but
31	shall not be limited to, loss of earnings or other support, out-of-pock-
32	et losses for injuries sustained, cost of repair or replacement of real
33	or personal property damaged, destroyed or taken, cost of counseling for
34	the petitioner and/or dependent household member, moving or other travel
35	expenses, reasonable attorney's fees, court costs, and compensation for
36	pain and suffering;
37	(b-4) to grant possession of specified personal property which shall
38	include but shall not be limited to automobiles, checkbooks, keys,
39	documentation of health insurance, other identification documentation
40	and other personal effects;
41	(b-5) to prohibit the respondent from transferring, encumbering or
42	otherwise disposing of specified property mutually owned or leased by
43	the parties;
44	§ 3. Section 446 of the family court act is amended by adding five new
45	subdivisions (f-1), (f-2), (f-3), (f-4) and (f-5) to read as follows:
46	(f-1) to make or to continue to make rent or mortgage payments on a
47	residence occupied by the person who is protected by such order if the
48	respondent is found to have a duty to support the petitioner or other
49 50	dependent household members provided that this issue has not been resolved or is not being litigated between the parties in another
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51 52	<u>action;</u> (f-2) to pay the petitioner's rent or fees for housing services at a
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53 54	respondent is found to have a duty to support the petitioner and the
54	petitioner requires alternative housing due to the incident or incidents
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1 (f-3) to pay monetary compensation for losses arising fr 2 dent or incidents forming the basis for the issuance of the 3 order may require the respondent to pay the petitioner 4 reimburse the crime victims board for any and all compen- 5 directly to or on behalf of the petitioner, and may require 6 respondent reimburse any parties that may have compensated if 7 er, as the court may determine. Compensatory losses shall : 8 shall not be limited to, loss of earnings or other support, 9 et losses for injuries sustained, cost of repair or replace 10 or personal property damaged, destroyed or taken, cost of cost 11 the petitioner and/or dependent household member, moving or 12 expenses, reasonable attorney's fees, court costs, and compen- 13 pain and suffering: 14 (f-4) to grant possession of specified personal property 15 include but shall not be limited to automobiles, checklid 16 documentation of health insurance, other identification of 17 and other personal effects: 18 (f-5) to prohibit the respondent from transferring, end 19 otherwise disposing of specified property mutually owned 20 the parties: 21 § 4. Section 656 of the family court act is amended by add 23 subdivisions (g-1), (g-2), (g-3), (g-4) and (g-5) to read as 24 (g-1) to make or to continue to make rent or mortgage pay 25 residence occupied by the person who is protected by such 26 dependent household members provided that this issue 27 resolved or is not being litigated between the parties 28 action; 29 (g-2) to pay the petitioner's rent or fees for housing so 20 residence other than the one previously shared by the parties 20 residence other than the one previously shared by the parties 21 respondent is found to have a duty to support the petitioner 22 residence other than the one previously shared by the parties 23 residence other than the one previously shared by the parties 24 residence other than the one previously shared by the parties 25 resolved tis found to have a duty to support the petit; 26 responde	he order; such ar directly, to bensation paid equire that the d the petition- include, but t, out-of-pock- acement of real counseling for or other travel mpensation for cty which shall tkbooks, keys, d documentation encumbering or adding five new as follows: bayments on a ch order if the oner or other a nother
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30 residence other than the one previously shared by the part 31 respondent is found to have a duty to support the petit:	, services at a
31 respondent is found to have a duty to support the petit:	
32 petitioner requires alternative housing due to the incident	
33 forming the basis for the issuance of the order;	<u>io or inoracinop</u>
34 (g-3) to pay monetary compensation for losses arising from	rom the inci-
35 dent or incidents forming the basis for the issuance of the	
36 order may require the respondent to pay the petitioner of	
37 reimburse the crime victims board for any and all compe	
38 directly to or on behalf of the petitioner, and may require	
39 respondent reimburse any parties that may have compensated t	
40 er, as the court may determine. Compensatory losses shall	
41 shall not be limited to, loss of earnings or other support,	
42 et losses for injuries sustained, cost of repair or replacer	
43 or personal property damaged, destroyed or taken, cost of co	
44 the petitioner and/or dependent household member, moving or	
45 expenses, reasonable attorney's fees, court costs, and comp	counseling for
46 pain and suffering;	counseling for or other travel
	counseling for or other travel
	counseling for or other travel ompensation for
47 (g-4) to grant possession of specified personal property	counseling for or other travel ompensation for which shall
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 47 (g-4) to grant possession of specified personal property 48 include but shall not be limited to automobiles, check 49 documentation of health insurance, other identification of 50 and other personal effects; 51 (g-5) to prohibit the respondent from transferring, end 	counseling for or other travel ompensation for which shall eckbooks, keys, documentation encumbering or
 47 (g-4) to grant possession of specified personal property 48 include but shall not be limited to automobiles, check 49 documentation of health insurance, other identification of 50 and other personal effects; 51 (g-5) to prohibit the respondent from transferring, en 52 otherwise disposing of specified property mutually owned or 	counseling for or other travel ompensation for which shall eckbooks, keys, documentation encumbering or
 47 (g-4) to grant possession of specified personal property 48 include but shall not be limited to automobiles, check 49 documentation of health insurance, other identification of 50 and other personal effects; 51 (g-5) to prohibit the respondent from transferring, end 	counseling for or other travel ompensation for which shall eckbooks, keys, documentation encumbering or or leased by

1 (q-1) to make or to continue to make rent or mortgage payments on a 2 residence occupied by the person who is protected by such order if the 3 respondent is found to have a duty to support the petitioner or other 4 dependent household members provided that this issue has not been 5 resolved or is not being litigated between the parties in another б action; 7 (q-2) to pay the petitioner's rent or fees for housing services at a 8 residence other than the one previously shared by the parties if the 9 respondent is found to have a duty to support the petitioner and the 10 petitioner requires alternative housing due to the incident or incidents 11 forming the basis for the issuance of the order; (g-3) to pay monetary compensation for losses arising from the inci-12 13 dent or incidents forming the basis for the issuance of the order; such order may require the respondent to pay the petitioner directly, to 14 reimburse the crime victims board for any and all compensation paid 15 16 directly to or on behalf of the petitioner, and may require that the 17 respondent reimburse any parties that may have compensated the petitioner, as the court may determine. Compensatory losses shall include, but 18 19 shall not be limited to, loss of earnings or other support, out-of-pock-20 et losses for injuries sustained, cost of repair or replacement of real 21 or personal property damaged, destroyed or taken, cost of counseling for the petitioner and/or dependent household member, moving or other travel 22 expenses, reasonable attorney's fees, court costs, and compensation for 23 24 pain and suffering; 25 (q-4) to grant possession of specified personal property which shall 26 include but shall not be limited to automobiles, checkbooks, keys, 27 documentation of health insurance, other identification documentation and other personal effects; 28 (g-5) to prohibit the respondent from transferring, encumbering or 29 30 otherwise disposing of specified property mutually owned or leased by 31 the parties; 32 § 6. Subdivision 1 of section 1056 of the family court act is amended 33 by adding five new paragraphs (e-1), (e-2), (e-3), (e-4) and (e-5) to 34 read as follows: 35 (e-1) to make or to continue to make rent or mortgage payments on a residence occupied by the person who is protected by such order if the 36 respondent is found to have a duty to support the petitioner or other 37 dependent household members provided that this issue has not been 38 resolved or is not being litigated between the parties in another 39 40 action; 41 (e-2) to pay the petitioner's rent or fees for housing services at a 42 residence other than the one previously shared by the parties if the 43 respondent is found to have a duty to support the petitioner and the 44 petitioner requires alternative housing due to the incident or incidents 45 forming the basis for the issuance of the order; 46 (e-3) to pay monetary compensation for losses arising from the incident or incidents forming the basis for the issuance of the order; such 47 48 order may require the respondent to pay the petitioner directly, to reimburse the crime victims board for any and all compensation paid 49 directly to or on behalf of the petitioner, and may require that the 50 51 respondent reimburse any parties that may have compensated the petition-52 er, as the court may determine. Compensatory losses shall include, but 53 shall not be limited to, loss of earnings or other support, out-of-pock-54 et losses for injuries sustained, cost of repair or replacement of real 55 or personal property damaged, destroyed or taken, cost of counseling for 56 the petitioner and/or dependent household member, moving or other travel

1	expenses, reasonable attorney's fees, court costs, and compensation for
2	pain and suffering;
3	(e-4) to grant possession of specified personal property which shall
4	include but shall not be limited to automobiles, checkbooks, keys,
5	documentation of health insurance, other identification documentation
б	and other personal effects;
7	(e-5) to prohibit the respondent from transferring, encumbering or
8	otherwise disposing of specified property mutually owned or leased by
9	the parties;
10	§ 7. The family court act is amended by adding a new section 842-b to
11	read as follows:
12	<u>§ 842-b. Order on consent. The court may, prior to issuing an order of</u>
13	protection on consent of the parties without a finding of wrongdoing,
14	impose an order on consent of such parties which contains such terms and
15	conditions as are authorized under section eight hundred forty-two of
16	this part.

17 § 8. This act shall take effect on the sixtieth day after it shall 18 have become a law.