

# 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:

1 Section 1. Subdivision 1 of section 530.12 of the criminal procedure  
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  
6 respondent is found to have a duty to support the petitioner or other  
7 dependent household members provided that this issue has not been  
8 resolved or is not being litigated between the parties in another  
9 action;

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  
12 respondent is found to have a duty to support the petitioner and the  
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  
17 order may require the respondent to pay the petitioner directly, to  
18 reimburse the crime victims board for any and all compensation paid  
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-pock-  
23 et losses for injuries sustained, cost of repair or replacement of real  
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 italics (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 (c-4) to prohibit the respondent from transferring, encumbering or  
8 otherwise disposing of specified property mutually owned or leased by  
9 the parties;

10 § 2. Subdivision 5 of section 530.12 of the criminal procedure law is  
11 amended by adding five new paragraphs (b-1), (b-2), (b-3), (b-4) and  
12 (b-5) to read as follows:

13 (b-1) to make or to continue to make rent or mortgage payments on a  
14 residence occupied by the person who is protected by such order if the  
15 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 dependent household members provided that this issue has not been  
50 resolved or is not being litigated between the parties in another  
51 action;

52 (f-2) to pay the petitioner's rent or fees for housing services at a  
53 residence other than the one previously shared by the parties if the  
54 respondent is found to have a duty to support the petitioner and the  
55 petitioner requires alternative housing due to the incident or incidents  
56 forming the basis for the issuance of the order;

1 (f-3) to pay monetary compensation for losses arising from the inci-  
2 dent or incidents forming the basis for the issuance of the order; such  
3 order may require the respondent to pay the petitioner directly, to  
4 reimburse the crime victims board for any and all compensation paid  
5 directly to or on behalf of the petitioner, and may require that the  
6 respondent reimburse any parties that may have compensated the petition-  
7 er, as the court may determine. Compensatory losses shall include, but  
8 shall not be limited to, loss of earnings or other support, out-of-pock-  
9 et losses for injuries sustained, cost of repair or replacement of real  
10 or personal property damaged, destroyed or taken, cost of counseling for  
11 the petitioner and/or dependent household member, moving or other travel  
12 expenses, reasonable attorney's fees, court costs, and compensation for  
13 pain and suffering;

14 (f-4) to grant possession of specified personal property which shall  
15 include but shall not be limited to automobiles, checkbooks, keys,  
16 documentation of health insurance, other identification documentation  
17 and other personal effects;

18 (f-5) to prohibit the respondent from transferring, encumbering or  
19 otherwise disposing of specified property mutually owned or leased by  
20 the parties;

21 § 4. Section 656 of the family court act is amended by adding five new  
22 subdivisions (g-1), (g-2), (g-3), (g-4) and (g-5) to read as follows:

23 (g-1) to make or to continue to make rent or mortgage payments on a  
24 residence occupied by the person who is protected by such order if the  
25 respondent is found to have a duty to support the petitioner or other  
26 dependent household members provided that this issue has not been  
27 resolved or is not being litigated between the parties in another  
28 action;

29 (g-2) to pay the petitioner's rent or fees for housing services at a  
30 residence other than the one previously shared by the parties if the  
31 respondent is found to have a duty to support the petitioner and the  
32 petitioner requires alternative housing due to the incident or incidents  
33 forming the basis for the issuance of the order;

34 (g-3) to pay monetary compensation for losses arising from the inci-  
35 dent or incidents forming the basis for the issuance of the order; such  
36 order may require the respondent to pay the petitioner directly, to  
37 reimburse the crime victims board for any and all compensation paid  
38 directly to or on behalf of the petitioner, and may require that the  
39 respondent reimburse any parties that may have compensated the petition-  
40 er, as the court may determine. Compensatory losses shall include, but  
41 shall not be limited to, loss of earnings or other support, out-of-pock-  
42 et losses for injuries sustained, cost of repair or replacement of real  
43 or personal property damaged, destroyed or taken, cost of counseling for  
44 the petitioner and/or dependent household member, moving or other travel  
45 expenses, reasonable attorney's fees, court costs, and compensation for  
46 pain and suffering;

47 (g-4) to grant possession of specified personal property which shall  
48 include but shall not be limited to automobiles, checkbooks, keys,  
49 documentation of health insurance, other identification documentation  
50 and other personal effects;

51 (g-5) to prohibit the respondent from transferring, encumbering or  
52 otherwise disposing of specified property mutually owned or leased by  
53 the parties;

54 § 5. Section 842 of the family court act is amended by adding five new  
55 subdivisions (g-1), (g-2), (g-3), (g-4) and (g-5) to read as follows:

1 (g-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  
6 action;

7 (g-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;

12 (g-3) to pay monetary compensation for losses arising from the inci-  
13 dent or incidents forming the basis for the issuance of the order; such  
14 order may require the respondent to pay the petitioner directly, to  
15 reimburse the crime victims board for any and all compensation paid  
16 directly to or on behalf of the petitioner, and may require that the  
17 respondent reimburse any parties that may have compensated the petition-  
18 er, as the court may determine. Compensatory losses shall include, but  
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  
22 the petitioner and/or dependent household member, moving or other travel  
23 expenses, reasonable attorney's fees, court costs, and compensation for  
24 pain and suffering;

25 (g-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  
28 and other personal effects;

29 (g-5) to prohibit the respondent from transferring, encumbering or  
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  
36 residence occupied by the person who is protected by such order if the  
37 respondent is found to have a duty to support the petitioner or other  
38 dependent household members provided that this issue has not been  
39 resolved or is not being litigated between the parties in another  
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 inci-  
47 dent or incidents forming the basis for the issuance of the order; such  
48 order may require the respondent to pay the petitioner directly, to  
49 reimburse the crime victims board for any and all compensation paid  
50 directly to or on behalf of the petitioner, and may require that the  
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  
6 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 § 842-b. Order on consent. The court may, prior to issuing an order of  
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.