

STATE OF NEW YORK

5641

2019-2020 Regular Sessions

IN ASSEMBLY

February 14, 2019

Introduced by M. of A. GIGLIO, BARCLAY, KOLB, LAWRENCE, B. MILLER, MORI-NELLO, PALMESANO, REILLY, SAYEGH, TAGUE -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act and the criminal procedure law, in relation to transferring certain proceedings to supreme court

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

1 Section 1. The family court act is amended by adding a new section
2 813-a to read as follows:

3 § 813-a. Transfer to supreme court. 1. At any time prior to a finding
4 on the petition the chief administrator of the courts shall order that
5 any matter which is the subject of a proceeding commenced pursuant to
6 section eight hundred twelve of this act, a matrimonial action in
7 supreme court and a criminal action in a criminal court relating to
8 family offense matters pursuant to section 530.11 of the criminal proce-
9 dure law, be transferred to the supreme court where the matrimonial
10 action is being heard.

11 2. The chief administrator of the courts, pursuant to paragraph (e) of
12 subdivision two of section two hundred twelve of the judiciary law,
13 shall promulgate rules to facilitate record sharing and other communi-
14 cation between the supreme court, criminal court and family courts,
15 subject to applicable provisions of the civil practice law and rules,
16 the criminal procedure law and this act pertaining to the confidentiali-
17 ty, expungement and sealing of records, when a petition is transferred
18 to supreme court over such matters as specified in subdivision one of
19 this section.

20 § 2. Subdivision 7 of section 530.11 of the criminal procedure law, as
21 added by chapter 222 of the laws of 1994, is amended and a new subdivi-
22 sion 1-a is added to read as follows:

23 1-a. Transfer to supreme court. If at any time prior to the disposi-
24 tion of any proceeding concerning acts which would constitute family

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

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1 offense matters pursuant to subdivision one of this section, the
2 complaint has a concurrent proceeding in family court which is the
3 subject of a proceeding commenced pursuant to section eight hundred
4 twelve of the family court act and a matrimonial action in supreme
5 court, the chief administrator of the courts shall order that the crimi-
6 nal court and family court proceedings be transferred to the supreme
7 court where the matrimonial action is being heard.

8 7. Rules of court regarding concurrent jurisdiction. The chief admin-
9 istrator of the courts, pursuant to paragraph (e) of subdivision two of
10 section two hundred twelve of the judiciary law, shall promulgate rules
11 to facilitate record sharing and other communication between the crimi-
12 nal and family courts, subject to applicable provisions of this chapter
13 and the family court act pertaining to the confidentiality, expungement
14 and sealing of records, when such courts exercise concurrent jurisdic-
15 tion over family offense proceedings or when proceedings are transferred
16 to supreme court pursuant to subdivision one-a of this section.

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