STATE OF NEW YORK

1243--A

2019-2020 Regular Sessions

IN SENATE

January 11, 2019

Introduced by Sens. CARLUCCI, COMRIE, GOUNARDES, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to the reporting of domestic incidents

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

Section 1. Section 646 of the executive law, as amended by chapter 346 of the laws of 2007, is amended by adding a new subdivision 3 to read as follows:

3. (a) An individual who has been the victim of a family offense as defined in subdivision one of section 530.11 of the criminal procedure law or section eight hundred twelve of the family court act may make a complaint to any local law enforcement agency in the state regardless of where the act took place. Such local law enforcement agency shall take a police report of the matter, as well as a domestic incident report as defined in subdivision fifteen of section eight hundred thirty-seven of this chapter. The complainant shall be provided with a copy of such report free of charge. A copy of the police report and domestic incident report shall be forwarded within seventy-two hours to the law enforcement agency with jurisdiction over the location where the incident is reported to occur for the purposes of further investigation.

(b)(i) A local law enforcement officer who has taken a report pursuant to paragraph (a) of this subdivision and is required to testify in a legal proceeding regarding such report, may give such testimony by electronic appearance.

(ii) A local law enforcement officer who seeks to make an electronic appearance shall file a petition with the court in advance of such appearance and may do so by electronic means. Such petition shall set

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

LBD06560-04-9

forth the circumstances in which traveling to or appearing in the courthouse would constitute an undue hardship. The court shall issue an order granting or denying an electronic appearance including the basis for such determination.

(iii) Appearances taken through the use of an electronic appearance under this section shall be recorded and preserved for transcription. Documentary evidence, if any, referred to by a party or witness or the court may be transmitted and submitted and introduced by electronic means.

(c) As used in this subdivision:

(i) "Electronic means" means any method of transmission of information between computers or other machines designed for the purpose of sending and receiving such transmissions, and which allows the recipient to reproduce the information transmitted in a tangible medium of expression.

(ii) "Independent audio-visual system" means an electronic system for the transmission and receiving of audio and visual signals, encompassing encoded signals, frequency domain multiplexing or other suitable means to preclude the unauthorized reception and decoding of the signals by commercially available television receivers, channel converters, or other available receiving devices.

(iii) "Electronic appearance" means an appearance in which one or more of the parties are not present in the court, but in which, by means of an independent audio-visual system, all of the participants are simultaneously able to see and hear reproductions of the voices and images of the judge, counsel, parties, witnesses, if any and other participants.

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