

STATE OF NEW YORK

10039

IN ASSEMBLY

March 4, 2020

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

AN ACT to amend the family court act, the criminal procedure law, and the domestic relations law, in relation to prohibiting a party to an order of protection from remotely controlling any connected devices of a person protected by such order

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

1 Section 1. Subdivision 1 of section 352.3 of the family court act, as
2 amended by chapter 532 of the laws of 2008, is amended to read as
3 follows:

4 (1) Upon the issuance of an order pursuant to section 315.3 or the
5 entry of an order of disposition pursuant to section 352.2, a court may
6 enter an order of protection against any respondent for good cause
7 shown. The order may require that the respondent: (a) stay away from the
8 home, school, business or place of employment of the victims of the
9 alleged offense; or (b) refrain from harassing, intimidating, threaten-
10 ing or otherwise interfering with the victim or victims of the alleged
11 offense and such members of the family or household of such victim or
12 victims as shall be specifically named by the court in such order; or
13 (c) refrain from intentionally injuring or killing, without justifica-
14 tion, any companion animal the respondent knows to be owned, possessed,
15 leased, kept or held by the person protected by the order or a minor
16 child residing in such person's household; or (d) refrain from remotely
17 controlling any connected devices affecting the home, vehicle or proper-
18 ty of the person protected by the order. "Companion animal", as used in
19 this subdivision, shall have the same meaning as in subdivision five of
20 section three hundred fifty of the agriculture and markets law.
21 "Connected device", as used in this subdivision, shall mean any device,
22 or other physical object that is capable of connecting to the internet,
23 directly or indirectly, and that is assigned an internet protocol
24 address or bluetooth address.

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

LBD15199-01-0

§ 2. Subdivisions (i) and (j) of section 446 of the family court act, as amended by chapter 526 of the laws of 2013, are amended to read as follows:

(i) 1. to promptly return specified identification documents to the protected party, in whose favor the order of protection or temporary order of protection is issued; provided, however, that such order may: (A) include any appropriate provision designed to ensure that any such document is available for use as evidence in this proceeding, and available if necessary for legitimate use by the party against whom such order is issued; and (B) specify the manner in which such return shall be accomplished.

2. For purposes of this subdivision, "identification document" shall mean any of the following: (A) exclusively in the name of the protected party: birth certificate, passport, social security card, health insurance or other benefits card, a card or document used to access bank, credit or other financial accounts or records, tax returns, any driver's license, and immigration documents including but not limited to a United States permanent resident card and employment authorization document; and (B) upon motion and after notice and an opportunity to be heard, any of the following, including those that may reflect joint use or ownership, that the court determines are necessary and are appropriately transferred to the protected party: any card or document used to access bank, credit or other financial accounts or records, tax returns, and any other identifying cards and documents; ~~and~~

(j) 1. to refrain from remotely controlling any connected devices affecting the home, vehicle or property of the person protected by the order.

2. For purposes of this subdivision, "connected device" shall mean any device, or other physical object that is capable of connecting to the internet, directly or indirectly, and that is assigned an internet protocol address or bluetooth address; and

(k) to observe such other conditions as are necessary to further the purposes of protection.

§ 3. Subdivisions (j) and (k) of section 551 of the family court act, as amended by chapter 526 of the laws of 2013, are amended to read as follows:

(j) 1. to promptly return specified identification documents to the protected party, in whose favor the order of protection or temporary order of protection is issued; provided, however, that such order may: (A) include any appropriate provision designed to ensure that any such document is available for use as evidence in this proceeding, and available if necessary for legitimate use by the party against whom such order is issued; and (B) specify the manner in which such return shall be accomplished.

2. For purposes of this subdivision, "identification document" shall mean any of the following: (A) exclusively in the name of the protected party: birth certificate, passport, social security card, health insurance or other benefits card, a card or document used to access bank, credit or other financial accounts or records, tax returns, any driver's license, and immigration documents including but not limited to a United States permanent resident card and employment authorization document; and (B) upon motion and after notice and an opportunity to be heard, any of the following, including those that may reflect joint use or ownership, that the court determines are necessary and are appropriately transferred to the protected party: any card or document used to access

1 bank, credit or other financial accounts or records, tax returns, and
2 any other identifying cards and documents; [~~and~~]

3 (k) 1. to refrain from remotely controlling any connected devices
4 affecting the home, vehicle or property of the person protected by the
5 order.

6 2. For purposes of this subdivision, "connected device" shall mean any
7 device, or other physical object that is capable of connecting to the
8 internet, directly or indirectly, and that is assigned an internet
9 protocol address or bluetooth address; and

10 (l) to observe such other conditions as are necessary to further the
11 purposes of protection.

12 § 4. Subdivisions (j) and (k) of section 656 of the family court act,
13 as amended by chapter 526 of the laws of 2013, are amended to read as
14 follows:

15 (j) 1. to promptly return specified identification documents to the
16 protected party, in whose favor the order of protection or temporary
17 order of protection is issued; provided, however, that such order may:
18 (A) include any appropriate provision designed to ensure that any such
19 document is available for use as evidence in this proceeding, and avail-
20 able if necessary for legitimate use by the party against whom such
21 order is issued; and (B) specify the manner in which such return shall
22 be accomplished.

23 2. For purposes of this subdivision, "identification document" shall
24 mean any of the following: (A) exclusively in the name of the protected
25 party: birth certificate, passport, social security card, health insur-
26 ance or other benefits card, a card or document used to access bank,
27 credit or other financial accounts or records, tax returns, any driver's
28 license, and immigration documents including but not limited to a United
29 States permanent resident card and employment authorization document;
30 and (B) upon motion and after notice and an opportunity to be heard, any
31 of the following, including those that may reflect joint use or owner-
32 ship, that the court determines are necessary and are appropriately
33 transferred to the protected party: any card or document used to access
34 bank, credit or other financial accounts or records, tax returns, and
35 any other identifying cards and documents; [~~and~~]

36 (k) 1. to refrain from remotely controlling any connected devices
37 affecting the home, vehicle or property of the person protected by the
38 order.

39 2. For purposes of this subdivision, "connected device" shall mean any
40 device, or other physical object that is capable of connecting to the
41 internet, directly or indirectly, and that is assigned an internet
42 protocol address or bluetooth address; and

43 (l) to observe such other conditions as are necessary to further the
44 purposes of protection.

45 § 5. Subdivisions (g), (h) and (i) of section 759 of the family court
46 act, subdivision (g) as amended by chapter 948 of the laws of 1984,
47 subdivision (h) as added by chapter 253 of the laws of 2006, paragraph 1
48 of subdivision (h) as amended by chapter 532 of the laws of 2008, and
49 subdivision (i) as added by chapter 483 of the laws of 1995 and as
50 relettered by chapter 253 of the laws of 2006, are amended to read as
51 follows:

52 (g) to provide, either directly or by means of medical and health
53 insurance, for expenses incurred for medical care and treatment arising
54 from the incident or incidents forming the basis for the issuance of the
55 order[~~;~~];

(h) 1. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the person protected by the order or a minor child residing in such person's household.

2. "Companion animal", as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law~~[-]~~;

(i) 1. to refrain from remotely controlling any connected devices affecting the home, vehicle or property of the person protected by the order.

2. For purposes of this subdivision, "connected device" shall mean any device, or other physical object that is capable of connecting to the internet, directly or indirectly, and that is assigned an internet protocol address or bluetooth address; and

(j) to observe such other conditions as are necessary to further the purposes of protection.

§ 6. Subdivisions (j) and (k) of section 842 of the family court act, as amended by chapter 335 of the laws of 2019, are amended to read as follows:

(j) 1. to promptly return specified identification documents to the protected party, in whose favor the order of protection or temporary order of protection is issued; provided, however, that such order may: (A) include any appropriate provision designed to ensure that any such document is available for use as evidence in this proceeding, and available if necessary for legitimate use by the party against whom such order is issued; and (B) specify the manner in which such return shall be accomplished.

2. For purposes of this subdivision, "identification document" shall mean any of the following: (A) exclusively in the name of the protected party: birth certificate, passport, social security card, health insurance or other benefits card, a card or document used to access bank, credit or other financial accounts or records, tax returns, any driver's license, and immigration documents including but not limited to a United States permanent resident card and employment authorization document; and (B) upon motion and after notice and an opportunity to be heard, any of the following, including those that may reflect joint use or ownership, that the court determines are necessary and are appropriately transferred to the protected party: any card or document used to access bank, credit or other financial accounts or records, tax returns, and any other identifying cards and documents; ~~and~~

(k) 1. to refrain from remotely controlling any connected devices affecting the home, vehicle or property of the person protected by the order.

2. For purposes of this subdivision, "connected device" shall mean any device, or other physical object that is capable of connecting to the internet, directly or indirectly, and that is assigned an internet protocol address or bluetooth address; and

(l) to observe such other conditions as are necessary to further the purposes of protection.

§ 7. Paragraphs (h) and (i) of subdivision 1 of section 1056 of the family court act, as amended by chapter 526 of the laws of 2013, are amended to read as follows:

(h) 1. to promptly return specified identification documents to the protected party, in whose favor the order of protection or temporary order of protection is issued; provided, however, that such order may: (A) include any appropriate provision designed to ensure that any such

document is available for use as evidence in this proceeding, and available if necessary for legitimate use by the party against whom such order is issued; and (B) specify the manner in which such return shall be accomplished.

2. For purposes of this paragraph, "identification document" shall mean any of the following: (A) exclusively in the name of the protected party: birth certificate, passport, social security card, health insurance or other benefits card, a card or document used to access bank, credit or other financial accounts or records, tax returns, any driver's license, and immigration documents including but not limited to a United States permanent resident card and employment authorization document; and (B) upon motion and after notice and an opportunity to be heard, any of the following, including those that may reflect joint use or ownership, that the court determines are necessary and are appropriately transferred to the protected party: any card or document used to access bank, credit or other financial accounts or records, tax returns, and any other identifying cards and documents; ~~and~~

(i) 1. to refrain from remotely controlling any connected devices affecting the home, vehicle or property of the person protected by the order.

2. For purposes of this paragraph, "connected device" shall mean any device, or other physical object that is capable of connecting to the internet, directly or indirectly, and that is assigned an internet protocol address or bluetooth address; and

(j) to observe such other conditions as are necessary to further the purposes of protection.

§ 8. Subparagraph 7 of paragraph (a) of subdivision 1 of section 530.12 of the criminal procedure law, as amended by chapter 526 of the laws of 2013, is amended and a new subparagraph 8 is added to read as follows:

(7) (A) to promptly return specified identification documents to the protected party, in whose favor the order of protection or temporary order of protection is issued; provided, however, that such order may: (i) include any appropriate provision designed to ensure that any such document is available for use as evidence in this proceeding, and available if necessary for legitimate use by the party against whom such order is issued; and (ii) specify the manner in which such return shall be accomplished.

(B) For purposes of this subparagraph, "identification document" shall mean any of the following: (i) exclusively in the name of the protected party: birth certificate, passport, social security card, health insurance or other benefits card, a card or document used to access bank, credit or other financial accounts or records, tax returns, any driver's license, and immigration documents including but not limited to a United States permanent resident card and employment authorization document; and (ii) upon motion and after notice and an opportunity to be heard, any of the following, including those that may reflect joint use or ownership, that the court determines are necessary and are appropriately transferred to the protected party: any card or document used to access bank, credit or other financial accounts or records, tax returns, and any other identifying cards and documents~~[-]~~.

(8) (A) to refrain from remotely controlling any connected devices affecting the home, vehicle or property of the person protected by the order.

(B) For purposes of this subparagraph, "connected device" shall mean any device, or other physical object that is capable of connecting to

1 the internet, directly or indirectly, and that is assigned an internet
2 protocol address or bluetooth address.

3 § 8-a. Paragraphs (c) and (e) of subdivision 5 of section 530.12 of
4 the criminal procedure law, paragraph (c) as amended and paragraph (e)
5 as added by chapter 483 of the laws of 1995, are amended and a new para-
6 graph (f) is added to read as follows:

7 (c) to refrain from committing a family offense, as defined in subdi-
8 vision one of section 530.11 of this article, or any criminal offense
9 against the child or against the family or household member or against
10 any person to whom custody of the child is awarded, or from harassing,
11 intimidating or threatening such persons; [✖]

12 (e) to permit a designated party to enter the residence during a spec-
13 ified period of time in order to remove personal belongings not in issue
14 in this proceeding or in any other proceeding or action under this chap-
15 ter, the family court act or the domestic relations law[✖]; or

16 (f) (i) to refrain from remotely controlling any connected devices
17 affecting the home, vehicle or property of the person protected by the
18 order.

19 (ii) For purposes of this paragraph, "connected device" shall mean any
20 device, or other physical object that is capable of connecting to the
21 internet, directly or indirectly, and that is assigned an internet
22 protocol address or bluetooth address.

23 § 9. Paragraph (c) of subdivision 1 of section 530.13 of the criminal
24 procedure law, as added by chapter 253 of the laws of 2006, is amended
25 and a new paragraph (d) is added to read as follows:

26 (c) 1. to refrain from intentionally injuring or killing, without
27 justification, any companion animal the defendant knows to be owned,
28 possessed, leased, kept or held by such victim or victims or a minor
29 child residing in such victim's or victims' household.

30 2. "Companion animal", as used in this section, shall have the same
31 meaning as in subdivision five of section three hundred fifty of the
32 agriculture and markets law[✖];

33 (d) 1. to refrain from remotely controlling any connected devices
34 affecting the home, vehicle or property of the person protected by the
35 order.

36 2. For purposes of this paragraph, "connected device" shall mean any
37 device, or other physical object that is capable of connecting to the
38 internet, directly or indirectly, and that is assigned an internet
39 protocol address or bluetooth address.

40 § 9-a. Paragraph (c) of subdivision 4 of section 530.13 of the crimi-
41 nal procedure law, as added by chapter 253 of the laws of 2006, is
42 amended and a new paragraph (d) is added to read as follows:

43 (c) 1. to refrain from intentionally injuring or killing, without
44 justification, any companion animal the defendant knows to be owned,
45 possessed, leased, kept or held by such victim or victims or a minor
46 child residing in such victim's or victims' household.

47 2. "Companion animal", as used in this section, shall have the same
48 meaning as in subdivision five of section three hundred fifty of the
49 agriculture and markets law[✖];

50 (d) 1. to refrain from remotely controlling any connected devices
51 affecting the home, vehicle or property of the person protected by the
52 order.

53 2. For purposes of this paragraph, "connected device" shall mean any
54 device, or other physical object that is capable of connecting to the
55 internet, directly or indirectly, and that is assigned an internet
56 protocol address or bluetooth address.

§ 10. Subparagraphs 8 and 9 of paragraph a of subdivision 3 of section 240 of the domestic relations law, as amended by chapter 526 of the laws of 2013, are amended to read as follows:

(8) (i) to promptly return specified identification documents to the protected party, in whose favor the order of protection or temporary order of protection is issued; provided, however, that such order may: (A) include any appropriate provision designed to ensure that any such document is available for use as evidence in this proceeding, and available if necessary for legitimate use by the party against whom such order is issued; and (B) specify the manner in which such return shall be accomplished.

(ii) For purposes of this subparagraph, "identification document" shall mean any of the following: (A) exclusively in the name of the protected party: birth certificate, passport, social security card, health insurance or other benefits card, a card or document used to access bank, credit or other financial accounts or records, tax returns, any driver's license, and immigration documents including but not limited to a United States permanent resident card and employment authorization document; and (B) upon motion and after notice and an opportunity to be heard, any of the following, including those that may reflect joint use or ownership, that the court determines are necessary and are appropriately transferred to the protected party: any card or document used to access bank, credit or other financial accounts or records, tax returns, and any other identifying cards and documents; ~~and~~

(9) (i) to refrain from remotely controlling any connected devices affecting the home, vehicle or property of the person protected by the order.

(ii) For purposes of this subparagraph, "connected device" shall mean any device, or other physical object that is capable of connecting to the internet, directly or indirectly, and that is assigned an internet protocol address or bluetooth address; and

(10) to observe such other conditions as are necessary to further the purposes of protection.

§ 11. Paragraphs (h) and (i) of subdivision 1 of section 252 of the domestic relations law, as amended by chapter 526 of the laws of 2013, are amended to read as follows:

(h) (1) to promptly return specified identification documents to the protected party, in whose favor the order of protection or temporary order of protection is issued; provided, however, that such order may: (A) include any appropriate provision designed to ensure that any such document is available for use as evidence in this proceeding, and available if necessary for legitimate use by the party against whom such order is issued; and (B) specify the manner in which such return shall be accomplished.

(2) For purposes of this paragraph, "identification document" shall mean any of the following: (A) exclusively in the name of the protected party: birth certificate, passport, social security card, health insurance or other benefits card, a card or document used to access bank, credit or other financial accounts or records, tax returns, any driver's license, and immigration documents including but not limited to a United States permanent resident card and employment authorization document; and (B) upon motion and after notice and an opportunity to be heard, any of the following, including those that may reflect joint use or ownership, that the court determines are necessary and are appropriately transferred to the protected party: any card or document used to access

1 bank, credit or other financial accounts or records, tax returns, and
2 any other identifying cards and documents; ~~and~~

3 (i) (1) to refrain from remotely controlling any connected devices
4 affecting the home, vehicle or property of the person protected by the
5 order.

6 (2) For purposes of this paragraph, "connected device" shall mean any
7 device, or other physical object that is capable of connecting to the
8 internet, directly or indirectly, and that is assigned an internet
9 protocol address or bluetooth address; and

10 (j) to observe such other conditions as are necessary to further the
11 purposes of protection.

12 § 12. This act shall take effect immediately.