

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:

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

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

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

20 (ii) A local law enforcement officer who seeks to make an electronic
21 appearance shall file a petition with the court in advance of such
22 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

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

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

10 (c) As used in this subdivision:

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

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

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

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