

STATE OF NEW YORK

2568

2019-2020 Regular Sessions

IN SENATE

January 28, 2019

Introduced by Sens. BAILEY, FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law and the executive law, in relation to authorizing a court to file non-family offense temporary orders of protection and orders of protection with the computerized registry established for such information

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

1 Section 1. Subdivision 5 of section 530.13 of the criminal procedure
2 law, as amended by chapter 462 of the laws of 2002, is amended to read
3 as follows:

4 5. The court shall inquire as to the existence of any other orders of
5 protection between the defendant and the person or persons for whom the
6 order of protection is sought. An order of protection issued under this
7 section shall plainly state the date that such order expires. Orders of
8 protection issued to protect victims of domestic violence, as defined in
9 section four hundred fifty-nine-a of the social services law, shall be
10 on uniform statewide forms that shall be promulgated by the chief admin-
11 istrator of the courts in a manner to ensure the compatibility of such
12 forms with the statewide registry of orders of protection and warrants
13 established pursuant to section two hundred twenty-one-a of the execu-
14 tive law. A copy of an order of protection or a temporary order of
15 protection issued pursuant to subdivision one, two, three, or four of
16 this section shall be filed by the clerk of the court with the sheriff's
17 office in the county in which such victim or victims reside, or, if the
18 victim or victims reside within a city, with the police department of
19 such city, and shall be filed with the computerized registry of orders
20 of protection and arrest warrants established pursuant to section two
21 hundred twenty-one-a of the executive law where the court determines
22 that such filing is required to implement the purposes of such order. A
23 copy of such order of protection or temporary order of protection may

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

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1 from time to time be filed by the clerk of the court with any other
2 police department or sheriff's office having jurisdiction of the resi-
3 dence, work place, and school of anyone intended to be protected by such
4 order. A copy of the order may also be filed by the victim or victims at
5 the appropriate police department or sheriff's office having jurisdic-
6 tion. Any subsequent amendment or revocation of such order shall be
7 filed in the same manner as herein provided.

8 § 2. Subdivision 1 of section 221-a of the executive law, as amended
9 by chapter 492 of the laws of 2015, is amended to read as follows:

10 1. The superintendent, in consultation with the division of criminal
11 justice services, office of court administration, and the office for the
12 prevention of domestic violence, shall develop a comprehensive plan for
13 the establishment and maintenance of a statewide computerized registry
14 of all orders of protection issued pursuant to articles four, five, six,
15 eight and ten of the family court act, section 530.12 of the criminal
16 procedure law and, insofar as they involve victims of domestic violence
17 as defined by section four hundred fifty-nine-a of the social services
18 law, section 530.13 of the criminal procedure law and sections two
19 hundred forty and two hundred fifty-two of the domestic relations law
20 and those orders of protection which a court orders filed with the
21 registry pursuant to subdivision five of section 530.13 of the criminal
22 procedure law, and any warrant arising therefrom, and orders of
23 protection issued by courts of competent jurisdiction in another state,
24 territorial or tribal jurisdiction, special orders of conditions issued
25 pursuant to subparagraph (i) or (ii) of paragraph (o) of subdivision one
26 of section 330.20 of the criminal procedure law insofar as they involve
27 a victim or victims of domestic violence as defined by subdivision one
28 of section four hundred fifty-nine-a of the social services law or a
29 designated witness or witnesses to such domestic violence, and all
30 warrants issued pursuant to sections one hundred fifty-three and eight
31 hundred twenty-seven of the family court act, and arrest and bench
32 warrants as defined in subdivisions twenty-eight, twenty-nine and thirty
33 of section 1.20 of the criminal procedure law, insofar as such warrants
34 pertain to orders of protection or temporary orders of protection;
35 provided, however, that warrants issued pursuant to section one hundred
36 fifty-three of the family court act pertaining to articles three and
37 seven of such act and section 530.13 of the criminal procedure law
38 except as provided for in this subdivision shall not be included in the
39 registry. The superintendent shall establish and maintain such registry
40 for the purposes of ascertaining the existence of orders of protection,
41 temporary orders of protection, warrants and special orders of condi-
42 tions, and for enforcing the provisions of paragraph (b) of subdivision
43 four of section 140.10 of the criminal procedure law.

44 § 3. This act shall take effect on the first of October next succeed-
45 ing the date on which it shall have become a law.