

STATE OF NEW YORK

6782

2019-2020 Regular Sessions

IN SENATE

October 18, 2019

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the domestic relations law, in relation to the equitable distribution of marital property; and to amend the family court act, in relation to awards of spousal support for persons convicted of certain offenses

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

1 Section 1. Subdivision 5 of part B of section 236 of the domestic
2 relations law is amended by adding a new paragraph i to read as follows:

3 i. Notwithstanding the provisions of paragraph c of this subdivision,
4 in any decision made pursuant to this subdivision, the requirement of
5 equitable distribution pursuant to paragraph c of this subdivision shall
6 not apply where a party has been convicted of any of the following
7 offenses in this state, or convicted of an offense in another jurisdic-
8 tion which, if committed in this state, would constitute one of such
9 offenses, where the defendant and the person against whom the offense
10 was committed were members of the same family or household as defined in
11 subdivision one of section 530.11 of the criminal procedure law and as
12 established pursuant to section 370.15 of the criminal procedure law:
13 assault in the third degree; menacing in the third degree; menacing in
14 the second degree; criminal obstruction of breathing or blood circu-
15 lation; unlawful imprisonment in the second degree; coercion in the
16 third degree; criminal tampering in the third degree; criminal contempt
17 in the second degree; harassment in the first degree; aggravated harass-
18 ment in the second degree; criminal trespass in the third degree; crimi-
19 nal trespass in the second degree; arson in the fifth degree; or attempt
20 to commit any of the above-listed offenses.

21 § 2. Section 412 of the family court act is amended by adding a new
22 subdivision 11 to read as follows:

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

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1 11. No award for spousal support pursuant to the provisions of this
2 part shall be made for a payee who has been convicted of any of the
3 following offenses in this state, or convicted of an offense in another
4 jurisdiction which, if committed in this state, would constitute one of
5 such offenses, where the defendant and the person against whom the
6 offense was committed were members of the same family or household as
7 defined in subdivision one of section 530.11 of the criminal procedure
8 law and as established pursuant to section 370.15 of the criminal proce-
9 dure law: assault in the third degree; menacing in the third degree;
10 menacing in the second degree; criminal obstruction of breathing or
11 blood circulation; unlawful imprisonment in the second degree; coercion
12 in the third degree; criminal tampering in the third degree; criminal
13 contempt in the second degree; harassment in the first degree; aggra-
14 vated harassment in the second degree; criminal trespass in the third
15 degree; criminal trespass in the second degree; arson in the fifth
16 degree; or attempt to commit any of the above-listed offenses.

17 § 3. This act shall take effect on the one hundred twentieth day after
18 it shall have become a law and shall apply to matrimonial actions and
19 family court actions for spousal support commenced on or after such
20 effective date. Nothing in this act shall be deemed to affect the valid-
21 ity of any agreement made pursuant to subdivision 3 of part B of section
22 236 of the domestic relations law or section 425 of the family court act
23 prior to the effective date of this act.