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IN SENATE

March 3, 2020

- Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families
- 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:

Section 1. Subdivision 1 of section 352.3 of the family court act, as amended by chapter 532 of the laws of 2008, is amended to read as 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 enter an order of protection against any respondent for good cause б shown. The order may require that the respondent: (a) stay away from the 7 8 home, school, business or place of employment of the victims of the 9 alleged offense; or (b) refrain from harassing, intimidating, threatening or otherwise interfering with the victim or victims of the alleged 10 11 offense and such members of the family or household of such victim or victims as shall be specifically named by the court in such order; or 12 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 property of the person protected by the order. "Companion animal", as used in 18 this subdivision, shall have the same meaning as in subdivision five of 19 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

1 2. Subdivisions (i) and (j) of section 446 of the family court act, S 2 as amended by chapter 526 of the laws of 2013, are amended to read as 3 follows: 4 1. to promptly return specified identification documents to the (i) 5 protected party, in whose favor the order of protection or temporary order of protection is issued; provided, however, that such order may: б 7 (A) include any appropriate provision designed to ensure that any such 8 document is available for use as evidence in this proceeding, and avail-9 able if necessary for legitimate use by the party against whom such order is issued; and (B) specify the manner in which such return shall 10 11 be accomplished. For purposes of this subdivision, "identification document" shall 12 2. 13 mean any of the following: (A) exclusively in the name of the protected 14 party: birth certificate, passport, social security card, health insur-15 ance or other benefits card, a card or document used to access bank, 16 credit or other financial accounts or records, tax returns, any driver's 17 license, and immigration documents including but not limited to a United 18 States permanent resident card and employment authorization document; and (B) upon motion and after notice and an opportunity to be heard, any 19 20 of the following, including those that may reflect joint use or owner-21 ship, that the court determines are necessary and are appropriately transferred to the protected party: any card or document used to access 22 bank, credit or other financial accounts or records, tax returns, and 23 any other identifying cards and documents; [and] 24 25 (j) 1. to refrain from remotely controlling any connected devices 26 affecting the home, vehicle or property of the person protected by the 27 order. 28 2. For purposes of this subdivision, "connected device" shall mean any device, or other physical object that is capable of connecting to the 29 internet, directly or indirectly, and that is assigned an internet 30 31 protocol address or bluetooth address; and 32 (k) to observe such other conditions as are necessary to further the 33 purposes of protection. 3. Subdivisions (j) and (k) of section 551 of the family court act, 34 S 35 as amended by chapter 526 of the laws of 2013, are amended to read as 36 follows: (j) 1. to promptly return specified identification documents to the 37 38 protected party, in whose favor the order of protection or temporary order of protection is issued; provided, however, that such order may: 39 (A) include any appropriate provision designed to ensure that any 40 such 41 document is available for use as evidence in this proceeding, and avail-42 able if necessary for legitimate use by the party against whom such order is issued; and (B) specify the manner in which such return shall 43 44 be accomplished. 45 2. For purposes of this subdivision, "identification document" shall 46 mean any of the following: (A) exclusively in the name of the protected party: birth certificate, passport, social security card, health insur-47 ance or other benefits card, a card or document used to access bank, 48 credit or other financial accounts or records, tax returns, any driver's 49 50 license, and immigration documents including but not limited to a United 51 States permanent resident card and employment authorization document; 52 and (B) upon motion and after notice and an opportunity to be heard, any 53 of the following, including those that may reflect joint use or owner-54 ship, that the court determines are necessary and are appropriately 55 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.
б	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	(1) 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	(1) 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
50 51	follows:
51 52	(g) to provide, either directly or by means of medical and health
52 53	insurance, for expenses incurred for medical care and treatment arising
	from the incident or incidents forming the basis for the issuance of the
54 55	
55	order[-]:

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1 1. to refrain from intentionally injuring or killing, without (h) 2 justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the person protected by the order or 3 4 a minor child residing in such person's household. 5 2. "Companion animal", as used in this section, shall have the same б meaning as in subdivision five of section three hundred fifty of the 7 agriculture and markets law[+]; 8 (i) 1. to refrain from remotely controlling any connected devices affecting the home, vehicle or property of the person protected by the 9 10 order. 11 2. For purposes of this subdivision, "connected device" shall mean any device, or other physical object that is capable of connecting to the 12 13 internet, directly or indirectly, and that is assigned an internet 14 protocol address or bluetooth address; and 15 (i) to observe such other conditions as are necessary to further the 16 purposes of protection. 17 § 6. Subdivisions (j) and (k) of section 842 of the family court act, 18 as amended by chapter 335 of the laws of 2019, are amended to read as 19 follows: 20 (j) 1. to promptly return specified identification documents to the 21 protected party, in whose favor the order of protection or temporary order of protection is issued; provided, however, that such order may: 22 (A) include any appropriate provision designed to ensure that any such 23 24 document is available for use as evidence in this proceeding, and avail-25 able if necessary for legitimate use by the party against whom such 26 order is issued; and (B) specify the manner in which such return shall 27 be accomplished. 28 2. For purposes of this subdivision, "identification document" shall 29 mean any of the following: (A) exclusively in the name of the protected 30 party: birth certificate, passport, social security card, health insur-31 ance or other benefits card, a card or document used to access bank, 32 credit or other financial accounts or records, tax returns, any driver's 33 license, and immigration documents including but not limited to a United States permanent resident card and employment authorization document; 34 35 and (B) upon motion and after notice and an opportunity to be heard, any 36 of the following, including those that may reflect joint use or owner-37 ship, that the court determines are necessary and are appropriately transferred to the protected party: any card or document used to access 38 39 bank, credit or other financial accounts or records, tax returns, and any other identifying cards and documents; [and] 40 41 (k) 1. to refrain from remotely controlling any connected devices 42 affecting the home, vehicle or property of the person protected by the order. 43 44 2. For purposes of this subdivision, "connected device" shall mean any 45 device, or other physical object that is capable of connecting to the 46 internet, directly or indirectly, and that is assigned an internet 47 protocol address or bluetooth address; and 48 (1) to observe such other conditions as are necessary to further the 49 purposes of protection. § 7. Paragraphs (h) and (i) of subdivision 1 of section 1056 of the 50 51 family court act, as amended by chapter 526 of the laws of 2013, are 52 amended to read as follows: 53 (h) 1. to promptly return specified identification documents to the 54 protected party, in whose favor the order of protection or temporary order of protection is issued; provided, however, that such order may: 55 56 (A) include any appropriate provision designed to ensure that any such

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1 document is available for use as evidence in this proceeding, and avail-2 able if necessary for legitimate use by the party against whom such 3 order is issued; and (B) specify the manner in which such return shall 4 be accomplished.

5 2. For purposes of this paragraph, "identification document" shall б mean any of the following: (A) exclusively in the name of the protected 7 party: birth certificate, passport, social security card, health insurance or other benefits card, a card or document used to access bank, 8 credit or other financial accounts or records, tax returns, any driver's 9 10 license, and immigration documents including but not limited to a United 11 States permanent resident card and employment authorization document; 12 and (B) upon motion and after notice and an opportunity to be heard, any 13 of the following, including those that may reflect joint use or owner-14 ship, that the court determines are necessary and are appropriately 15 transferred to the protected party: any card or document used to access 16 bank, credit or other financial accounts or records, tax returns, and 17 any other identifying cards and documents; [and]

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

21 2. For purposes of this paragraph, "connected device" shall mean any 22 device, or other physical object that is capable of connecting to the 23 internet, directly or indirectly, and that is assigned an internet 24 protocol address or bluetooth address; and

25 (j) to observe such other conditions as are necessary to further the 26 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:

31 (7) (A) to promptly return specified identification documents to the 32 protected party, in whose favor the order of protection or temporary order of protection is issued; provided, however, that such order may: 33 34 (i) include any appropriate provision designed to ensure that any such 35 document is available for use as evidence in this proceeding, and avail-36 able if necessary for legitimate use by the party against whom such 37 order is issued; and (ii) specify the manner in which such return shall 38 be accomplished.

(B) For purposes of this subparagraph, "identification document" shall 39 mean any of the following: (i) exclusively in the name of the protected 40 41 party: birth certificate, passport, social security card, health insur-42 ance or other benefits card, a card or document used to access bank, credit or other financial accounts or records, tax returns, any driver's 43 44 license, and immigration documents including but not limited to a United 45 States permanent resident card and employment authorization document; 46 and (ii) upon motion and after notice and an opportunity to be heard, 47 any of the following, including those that may reflect joint use or ownership, that the court determines are necessary and are appropriately 48 transferred to the protected party: any card or document used to access 49 50 bank, credit or other financial accounts or records, tax returns, and 51 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

55 (B) For purposes of this subparagraph, "connected device" shall mean 56 any device, or other physical object that is capable of connecting to S. 7926

the internet, directly or indirectly, and that is assigned an internet 1 protocol address or bluetooth address. 2 § 8-a. Paragraphs (c) and (e) of subdivision 5 of section 530.12 of 3 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 paraб graph (f) is added to read as follows: 7 (c) to refrain from committing a family offense, as defined in subdivision one of section 530.11 of this article, or any criminal offense 8 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; [or] (e) to permit a designated party to enter the residence during a spec-12 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. § 9. Paragraph (c) of subdivision 1 of section 530.13 of the criminal 23 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, possessed, leased, kept or held by such victim or victims or a minor 28 child residing in such victim's or victims' household. 29 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 agriculture and markets law[+]; 32 33 (d) 1. to refrain from remotely controlling any connected devices affecting the home, vehicle or property of the person protected by the 34 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 criminal procedure law, as added by chapter 253 of the laws of 2006, is 41 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[+]; (d) 1. to refrain from remotely controlling any connected devices 50 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.

1 § 10. Subparagraphs 8 and 9 of paragraph a of subdivision 3 of section 2 240 of the domestic relations law, as amended by chapter 526 of the laws 3 of 2013, are amended to read as follows:

4 (i) to promptly return specified identification documents to the (8) 5 protected party, in whose favor the order of protection or temporary order of protection is issued; provided, however, that such order may: б 7 (A) include any appropriate provision designed to ensure that any such 8 document is available for use as evidence in this proceeding, and avail-9 able if necessary for legitimate use by the party against whom such order is issued; and (B) specify the manner in which such return shall 10 11 be accomplished.

12 (ii) For purposes of this subparagraph, "identification document" 13 shall mean any of the following: (A) exclusively in the name of the 14 protected party: birth certificate, passport, social security card, 15 health insurance or other benefits card, a card or document used to 16 access bank, credit or other financial accounts or records, tax returns, 17 any driver's license, and immigration documents including but not limit-18 ed to a United States permanent resident card and employment authorization document; and (B) upon motion and after notice and an opportunity 19 20 to be heard, any of the following, including those that may reflect 21 joint use or ownership, that the court determines are necessary and are appropriately transferred to the protected party: any card or document 22 used to access bank, credit or other financial accounts or records, tax 23 returns, and any other identifying cards and documents; [and] 24

25 (9) (i) to refrain from remotely controlling any connected devices 26 affecting the home, vehicle or property of the person protected by the 27 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

32 (10) to observe such other conditions as are necessary to further the 33 purposes of protection.

34 § 11. Paragraphs (h) and (i) of subdivision 1 of section 252 of the 35 domestic relations law, as amended by chapter 526 of the laws of 2013, 36 are amended to read as follows:

37 (h) (1) to promptly return specified identification documents to the protected party, in whose favor the order of protection or temporary 38 order of protection is issued; provided, however, that such order may: 39 include any appropriate provision designed to ensure that any such 40 (A) 41 document is available for use as evidence in this proceeding, and avail-42 able if necessary for legitimate use by the party against whom such order is issued; and (B) specify the manner in which such return shall 43 44 be accomplished.

45 (2) For purposes of this paragraph, "identification document" shall 46 mean any of the following: (A) exclusively in the name of the protected 47 party: birth certificate, passport, social security card, health insurance or other benefits card, a card or document used to access bank, 48 credit or other financial accounts or records, tax returns, any driver's 49 50 license, and immigration documents including but not limited to a United 51 States permanent resident card and employment authorization document; 52 and (B) upon motion and after notice and an opportunity to be heard, any 53 the following, including those that may reflect joint use or ownerof 54 ship, that the court determines are necessary and are appropriately 55 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

12 § 12. This act shall take effect immediately.

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