

STATE OF NEW YORK

8102--A

2021-2022 Regular Sessions

IN ASSEMBLY

June 11, 2021

Introduced by M. of A. CLARK, SEAWRIGHT -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law and the family court act, in relation to requiring the court to order the search for and immediate seizure of certain firearms when a defendant willfully refuses to surrender such firearms

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

1 Section 1. Paragraph (c) of subdivision 1 of section 530.14 of the
2 criminal procedure law, as added by section 3 of part M of chapter 55 of
3 the laws of 2020, is amended to read as follows:

4 (c) the court [~~may~~] shall where the defendant willfully refuses to
5 surrender such firearm, rifle or shotgun pursuant to paragraphs (a) and
6 (b) of this subdivision, or may for other good cause shown, order the
7 immediate seizure of such firearm, rifle or shotgun, and search there-
8 for, pursuant to an order issued in accordance with article six hundred
9 ninety of this part, consistent with such rights as the defendant may
10 derive from this article or the constitution of this state or the United
11 States.

12 § 2. Paragraph (c) of subdivision 2 of section 530.14 of the criminal
13 procedure law, as added by section 4 of part M of chapter 55 of the laws
14 of 2020, is amended to read as follows:

15 (c) the court [~~may~~] shall where the defendant willfully refuses to
16 surrender such firearm, rifle or shotgun pursuant to paragraphs (a) and
17 (b) of this subdivision, or may for other good cause shown, order the
18 immediate seizure of such firearm, rifle or shotgun, and search there-
19 for, pursuant to an order issued in accordance with article six hundred
20 ninety of this part, consistent with such rights as the defendant may

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

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1 derive from this article or the constitution of this state or the United
2 States.

3 § 3. Paragraph (c) of subdivision 3 of section 530.14 of the criminal
4 procedure law, as added by section 5 of part M of chapter 55 of the laws
5 of 2020, is amended to read as follows:

6 (c) the court [~~may~~] shall where the defendant willfully refuses to
7 surrender such firearm, rifle or shotgun pursuant to paragraphs (a) and
8 (b) of this subdivision, or may for other good cause shown, order the
9 immediate seizure of such firearm, rifle or shotgun, and search there-
10 for, pursuant to an order issued in accordance with article six hundred
11 ninety of this part, consistent with such rights as the defendant may
12 derive from this article or the constitution of this state or the United
13 States.

14 § 4. Paragraph (c) of subdivision 1 of section 842-a of the family
15 court act, as added by section 8 of part M of chapter 55 of the laws of
16 2020, is amended to read as follows:

17 (c) the court [~~may~~] shall where the defendant willfully refuses to
18 surrender such firearm, rifle or shotgun pursuant to paragraphs (a) and
19 (b) of this subdivision, or may for other good cause shown, order the
20 immediate seizure of such firearm, rifle or shotgun, and search there-
21 for, pursuant to an order issued in accordance with article six hundred
22 ninety of the criminal procedure law, consistent with such rights as the
23 defendant may derive from this article or the constitution of this state
24 or the United States.

25 § 5. Paragraph (c) of subdivision 2 of section 842-a of the family
26 court act, as added by section 9 of part M of chapter 55 of the laws of
27 2020, is amended to read as follows:

28 (c) the court [~~may~~] shall where the defendant willfully refuses to
29 surrender such firearm, rifle or shotgun pursuant to paragraphs (a) and
30 (b) of this subdivision, or may for other good cause shown, order the
31 immediate seizure of such firearm, rifle or shotgun, and search there-
32 for, pursuant to an order issued in accordance with article six hundred
33 ninety of the criminal procedure law, consistent with such rights as the
34 defendant may derive from this article or the constitution of this state
35 or the United States.

36 § 6. Paragraph (c) of subdivision 3 of section 842-a of the family
37 court act, as added by section 10 of part M of chapter 55 of the laws of
38 2020, is amended to read as follows:

39 (c) the court [~~may~~] shall where the defendant willfully refuses to
40 surrender such firearm, rifle or shotgun pursuant to paragraphs (a) and
41 (b) of this subdivision, or may for other good cause shown, order the
42 immediate seizure of such firearm, rifle or shotgun, and search there-
43 for, pursuant to an order issued in accordance with article six hundred
44 ninety of the criminal procedure law, consistent with such rights as the
45 defendant may derive from this article or the constitution of this state
46 or the United States.

47 § 7. This act shall take effect immediately.