

STATE OF NEW YORK

8102

2021-2022 Regular Sessions

IN ASSEMBLY

June 11, 2021

Introduced by M. of A. CLARK -- read once and referred to the Committee on Codes

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 for other good cause shown, order the immediate seizure of such firearm, rifle or shotgun, and search therefor,
7 pursuant to an order issued in accordance with article six hundred ninety
8 of this part, consistent with such rights as the defendant may derive
9 from this article or the constitution of this state or the United
10 States.

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

14 (c) the court [~~may~~] shall where the defendant willfully refuses to
15 surrender such firearm, rifle or shotgun pursuant to paragraphs (a) and
16 (b) of this subdivision, or for other good cause shown, order the immediate seizure of such firearm, rifle or shotgun, and search therefor,
17 pursuant to an order issued in accordance with article six hundred ninety
18 of this part, consistent with such rights as the defendant may derive
19 from this article or the constitution of this state or the United
20 States.
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [~~-~~] is old law to be omitted.

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1 § 3. Paragraph (c) of subdivision 3 of section 530.14 of the criminal
2 procedure law, as added by section 5 of part M of chapter 55 of the laws
3 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 for other good cause shown, order the imme-
7 diate seizure of such firearm, rifle or shotgun, and search therefor,
8 pursuant to an order issued in accordance with article six hundred nine-
9 ty of this part, consistent with such rights as the defendant may derive
10 from this article or the constitution of this state or the United
11 States.

12 § 4. Paragraph (c) of subdivision 1 of section 842-a of the family
13 court act, as added by section 8 of part M of chapter 55 of the laws of
14 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 for other good cause shown, order the imme-
18 diate seizure of such firearm, rifle or shotgun, and search therefor,
19 pursuant to an order issued in accordance with article six hundred nine-
20 ty of the criminal procedure law, consistent with such rights as the
21 defendant may derive from this article or the constitution of this state
22 or the United States.

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

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

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

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

45 § 7. This act shall take effect immediately.