

# STATE OF NEW YORK

6363--A

Cal. No. 469

2021-2022 Regular Sessions

## IN SENATE

April 26, 2021

Introduced by Sens. MAYER, BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

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1 ninety of this part, consistent with such rights as the defendant may  
2 derive from this article or the constitution of this state or the United  
3 States.

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

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

15 § 4. Paragraph (c) of subdivision 1 of section 842-a of the family  
16 court act, as added by section 8 of part M of chapter 55 of the laws of  
17 2020, is amended to read as follows:

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

26 § 5. Paragraph (c) of subdivision 2 of section 842-a of the family  
27 court act, as added by section 9 of part M of chapter 55 of the laws of  
28 2020, is amended to read as follows:

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

37 § 6. Paragraph (c) of subdivision 3 of section 842-a of the family  
38 court act, as added by section 10 of part M of chapter 55 of the laws of  
39 2020, is amended to read as follows:

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

48 § 7. This act shall take effect immediately.