STATE OF NEW YORK

751

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

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

AN ACT to amend the domestic relations law, in relation to awards of attorney's fees in matrimonial actions for persons convicted of certain offenses

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

Section 1. Section 237 of the domestic relations law is amended by adding a new subdivision (e) to read as follows:

(e) Notwithstanding any provision of law to the contrary, no award for attorney's fees shall be made pursuant to this section for a party who has been convicted of any of the following offenses in this state, or convicted of an offense in another jurisdiction which, if committed in this state, would constitute one of such offenses, where the defendant and the person against whom the offense was committed were members of the same family or household as defined in subdivision one of section 530.11 of the criminal procedure law and as established pursuant to section 370.15 of the criminal procedure law: assault in the third degree; menacing in the third degree; menacing in the second degree; criminal obstruction of breathing or blood circulation; unlawful imprisonment in the second degree; coercion in the third degree; criminal tampering in the third degree; criminal contempt in the second degree; harassment in the first degree; aggravated harassment in the second degree; criminal trespass in the third degree; criminal trespass in the second degree; arson in the fifth degree; or attempt to commit any of the above-listed offenses.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law and shall apply to actions and proceedings commenced on or after such effective date.

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

LBD02958-01-1