

STATE OF NEW YORK

5873

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

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

AN ACT to amend the civil practice law and rules and the executive law, in relation to extreme risk protection orders

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

1 Section 1. Paragraph (a) of subdivision 7 of section 6342 of the civil
2 practice law and rules, as added by chapter 19 of the laws of 2019, is
3 amended to read as follows:

4 (a) The court shall notify the division of state police, any other law
5 enforcement agency with jurisdiction, all applicable licensing officers,
6 the statewide computerized registry of orders of protection and warrants
7 of arrest referred to in section two hundred twenty-one-a of the execu-
8 tive law, and the division of criminal justice services of the issuance
9 of a temporary extreme risk protection order and provide a copy of such
10 order no later than the next business day after issuing the order to
11 such persons or agencies or registry. The court also shall promptly
12 notify such persons and agencies and registry and provide a copy of any
13 order amending or revoking such protection order or restoring the
14 respondent's ability to own or possess firearms, rifles or shotguns no
15 later than the next business day after issuing the order to restore such
16 right to the respondent. The court also shall report such demographic
17 data as required by the state division of criminal justice services at
18 the time such order is transmitted thereto. Any notice or report submit-
19 ted pursuant to this subdivision shall be in an electronic format, in a
20 manner prescribed by the division of criminal justice services.

21 § 2. Paragraph (a) of subdivision 4 of section 6343 of the civil prac-
22 tice law and rules, as added by chapter 19 of the laws of 2019, is
23 amended to read as follows:

24 (a) The court shall notify the division of state police, any other law
25 enforcement agency with jurisdiction, all applicable licensing officers,
26 the statewide computerized registry of orders of protection and warrants
27 of arrest referred to in section two hundred twenty-one-a of the execu-
28 tive law, and the division of criminal justice services of the issuance

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

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1 of a final extreme risk protection order and provide a copy of such
2 order to such persons and agencies and registry no later than the next
3 business day after issuing the order. The court also shall promptly
4 notify such persons and agencies and registry and provide a copy of any
5 order amending or revoking such protection order or restoring the
6 respondent's ability to own or possess firearms, rifles or shotguns no
7 later than the next business day after issuing the order to restore such
8 right to the respondent. The court also shall report such demographic
9 data as required by the state division of criminal justice services at
10 the time such order is transmitted thereto. Any notice or report submit-
11 ted pursuant to this subdivision shall be in an electronic format, in a
12 manner prescribed by the division of criminal justice services.

13 § 3. Subdivision 1 of section 221-a of the executive law, as amended
14 by chapter 492 of the laws of 2015, is amended to read as follows:

15 1. The superintendent, in consultation with the division of criminal
16 justice services, office of court administration, and the office for the
17 prevention of domestic violence, shall develop a comprehensive plan for
18 the establishment and maintenance of a statewide computerized registry
19 of all orders of protection issued pursuant to articles four, five, six,
20 eight and ten of the family court act, section 530.12 of the criminal
21 procedure law and, insofar as they involve victims of domestic violence
22 as defined by section four hundred fifty-nine-a of the social services
23 law, section 530.13 of the criminal procedure law and sections two
24 hundred forty and two hundred fifty-two of the domestic relations law,
25 extreme risk protection orders issued pursuant to article sixty-three-A
26 of the civil practice law and rules, and orders of protection issued by
27 courts of competent jurisdiction in another state, territorial or tribal
28 jurisdiction, special orders of conditions issued pursuant to subpara-
29 graph (i) or (ii) of paragraph (o) of subdivision one of section 330.20
30 of the criminal procedure law insofar as they involve a victim or
31 victims of domestic violence as defined by subdivision one of section
32 four hundred fifty-nine-a of the social services law or a designated
33 witness or witnesses to such domestic violence, and all warrants issued
34 pursuant to sections one hundred fifty-three and eight hundred twenty-
35 seven of the family court act, and arrest and bench warrants as defined
36 in subdivisions twenty-eight, twenty-nine and thirty of section 1.20 of
37 the criminal procedure law, insofar as such warrants pertain to orders
38 of protection or temporary orders of protection; provided, however, that
39 warrants issued pursuant to section one hundred fifty-three of the fami-
40 ly court act pertaining to articles three and seven of such act and
41 section 530.13 of the criminal procedure law shall not be included in
42 the registry. The superintendent shall establish and maintain such
43 registry for the purposes of ascertaining the existence of orders of
44 protection, temporary orders of protection, warrants and special orders
45 of conditions, and for enforcing the provisions of paragraph (b) of
46 subdivision four of section 140.10 of the criminal procedure law.

47 § 4. All extreme risk protection orders issued prior to the effective
48 date of this act shall be included in the computerized registry of
49 orders of protection and warrants of arrest referred to in clause (ii)
50 of subparagraph (3) of paragraph (a-1) of subdivision one of section 240
51 of the domestic relations law and in subdivision (e) of section 651 of
52 the family court act, on the effective date of this act.

53 § 5. This act shall take effect on the one hundred twentieth day after
54 it shall have become a law.