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:

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

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

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

(a) The court shall notify the division of state police, any other law enforcement agency with jurisdiction, all applicable licensing officers, **the statewide computerized registry of orders of protection and warrants of arrest referred to in section two hundred twenty-one-a of the executive 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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of a final extreme risk protection order and provide a copy of such order to such persons and agencies **and registry** no later than the next business day after issuing the order. The court also shall promptly notify such persons and agencies **and registry** and provide a copy of any order amending or revoking such protection order or restoring the respondent's ability to own or possess firearms, rifles or shotguns no later than the next business day after issuing the order to restore such right to the respondent. **The court also shall report such demographic data as required by the state division of criminal justice services at the time such order is transmitted thereto.** Any notice or report submitted pursuant to this subdivision shall be in an electronic format, in a manner prescribed by the division of criminal justice services.

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

1. The superintendent, in consultation with the division of criminal justice services, office of court administration, and the office for the prevention of domestic violence, shall develop a comprehensive plan for the establishment and maintenance of a statewide computerized registry of all orders of protection issued pursuant to articles four, five, six, eight and ten of the family court act, section 530.12 of the criminal procedure law and, insofar as they involve victims of domestic violence as defined by section four hundred fifty-nine-a of the social services law, section 530.13 of the criminal procedure law and sections two hundred forty and two hundred fifty-two of the domestic relations law, **extreme risk protection orders issued pursuant to article sixty-three-A of the civil practice law and rules,** and orders of protection issued by courts of competent jurisdiction in another state, territorial or tribal jurisdiction, special orders of conditions issued pursuant to subparagraph (i) or (ii) of paragraph (o) of subdivision one of section 330.20 of the criminal procedure law insofar as they involve a victim or victims of domestic violence as defined by subdivision one of section four hundred fifty-nine-a of the social services law or a designated witness or witnesses to such domestic violence, and all warrants issued pursuant to sections one hundred fifty-three and eight hundred twenty-seven of the family court act, and arrest and bench warrants as defined in subdivisions twenty-eight, twenty-nine and thirty of section 1.20 of the criminal procedure law, insofar as such warrants pertain to orders of protection or temporary orders of protection; provided, however, that warrants issued pursuant to section one hundred fifty-three of the family court act pertaining to articles three and seven of such act and section 530.13 of the criminal procedure law shall not be included in the registry. The superintendent shall establish and maintain such registry for the purposes of ascertaining the existence of orders of protection, temporary orders of protection, warrants and special orders of conditions, and for enforcing the provisions of paragraph (b) of subdivision four of section 140.10 of the criminal procedure law.

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

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