STATE OF NEW YORK

7202

2023-2024 Regular Sessions

IN ASSEMBLY

May 12, 2023

Introduced by M. of A. SIMON, FAHY, SILLITTI, CRUZ, DAVILA, AUBRY, SAYEGH -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules and the criminal procedure law, in relation to notifying certain individuals of their ability to apply for an extreme risk protection order

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

Section 1. The civil practice law and rules is amended by adding a new section 6349 to read as follows:

§ 6349. Notice of ability to apply for an extreme risk protection order. Where an order of protection or a temporary order of protection is applied for, issued, modified, or extended under article four, five, six, seven, eight, or ten of the family court act, or section two hundred forty or two hundred fifty-two of the domestic relations law, for the protection of a petitioner, as defined by paragraph (b) or (c) of subdivision two of section sixty-three hundred forty of this article, the court shall issue a notice accompanying such order or application for such order to such petitioner which shall notify such petitioner of his or her ability to apply for an extreme risk protection order under this article.

§ 2. Section 530.12 of the criminal procedure law is amended by adding a new subdivision 16 to read as follows:

16. Where an order of protection or a temporary order of protection is applied for, issued, modified, or extended under this section, for the protection of a petitioner, as defined by paragraph (b) or (c) of subdivision two of section sixty-three hundred forty of the civil practice law and rules, the court shall issue a notice accompanying such order to such petitioner which shall notify such petitioner of his or her ability to apply for an extreme risk protection order under article sixty-three-A of the civil practice law and rules.

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

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§ 3. Section 530.13 of the criminal procedure law is amended by adding a new subdivision 10 to read as follows:

10. Where an order of protection or a temporary order of protection is applied for, issued, modified, or extended under this section, for the protection of a petitioner, as defined by paragraph (b) or (c) of subdivision two of section sixty-three hundred forty of the civil practice law and rules, the court shall issue a notice accompanying such order to such petitioner which shall notify such petitioner of his or her ability to apply for an extreme risk protection order under article sixty-three-A of the civil practice law and rules.

§ 4. This act shall take effect on the thirtieth day after it shall have become a law.