STATE OF NEW YORK

7777

2023-2024 Regular Sessions

IN ASSEMBLY

June 15, 2023

Introduced by M. of A. SIMON -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act, in relation to the extension of an order of protection for aggravating circumstances

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

Section 1. The opening paragraph of section 842 of the family court act, as amended by chapter 335 of the laws of 2019, is amended to read as follows:

An order of protection under section eight hundred forty-one of this part shall set forth reasonable conditions of behavior to be observed for a period not in excess of two years by the petitioner or respondent or for a period not in excess of five years upon (i) a finding by the court on the record of the existence of aggravating circumstances as defined in paragraph (vii) of subdivision (a) of section eight hundred twenty-seven of this article; or (ii) a finding by the court on the record that the conduct alleged in the petition is in violation of a valid order of protection. Any finding of aggravating circumstances pursuant to this section shall be stated on the record and upon the order of protection. [~~The court may also, upon motion, extend the order of protection for a reasonable period of time upon a showing of good cause or consent of the parties~~] **The court shall also, upon request, extend the order of protection for aggravating circumstances, as defined in paragraph (vii) of subdivision (a) of section eight hundred twenty-seven of this article, to a lifetime order of protection**. The fact that abuse has not occurred during the pendency of an order shall not, in itself, constitute sufficient ground for denying or failing to extend the order. The court must articulate a basis for its decision on the record. The duration of any temporary order shall not by itself be a factor in determining the length or issuance of any final order. Any order of protection issued pursuant to this section shall specify if an

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

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order of probation is in effect. Any order of protection issued pursuant to this section may require the petitioner or the respondent:

§ 2. This act shall take effect immediately.