STATE OF NEW YORK

8604

IN ASSEMBLY

January 12, 2024

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

AN ACT to amend the judiciary law, in relation to hope cards and to amend a chapter of the laws of 2023 amending the judiciary law relating to enacting the "hope card act", as proposed in legislative bills numbers S. 5935 and A. 5040, in relation to the effectiveness thereof

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

Section 1. Section 858 of the judiciary law, as added by a chapter of the laws of 2023 amending the judiciary law relating to enacting the "hope card act", as proposed in legislative bills numbers S. 5935 and A. 5040, is amended to read as follows:

§ 858. Hope cards. 1. As used in this section, "hope card" shall mean [~~a laminated and wallet-sized card that contains information about an order of protection~~] **either:**

(a) a digital image of the final order of protection as issued in court, delivered via text message, email or other electronic communication; or

(b) a durable, wallet-sized physical card that contains a summary of information about a final order of protection.

2. The office of court administration shall develop a program to issue a hope card to [~~a petitioner that has been granted~~] **any party protected by** a final order of protection. The program shall allow [~~for petitioners the ability~~] **protected parties** to request a hope card at the time a final order of protection has been issued while in court, and the ability to apply at a later date. **A hope card shall be provided at no cost to a protected party. For the purposes of determining whether reasonable cause for an arrest exists under paragraph (b) of subdivision four of section 140.10 of the criminal procedure law, a hope card shall have the same effect as a copy of an underlying order of protection in indicating the prior issuance of such an order.**

3. [~~A hope card shall be provided at no cost to a requesting petitioner; and shall contain information about the respondent, as well as any information regarding any other individuals or companion animals covered~~

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

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~~under such order of protection, in addition to the petitioner. Hope cards shall have the same effect of a paper order of protection issued by the courts, and have the same validity contained therein. No limits shall be imposed on the number of hope cards a petitioner may request.~~

~~4.~~] **The wallet-sized, physical hope card shall contain a summary of the order of protection, including:**

(a) the name and date of birth of the primary protected party and any other protected parties;

(b) the name and date of birth of the individual restrained;

(c) the issuing court and judge;

(d) the docket or dockets, case or cases or indictment number or indictment numbers for the relevant case or cases, and the final order number; and

(e) the date of issuance and expiration of the final order.

4. Any protected party may elect to receive a hope card:

(a) in digital form, delivered via text message, email or other electronic communication;

(b) in physical form, printed on a durable, wallet-sized card; or

(c) both.

5. Applications for hope cards shall be made accessible in an online portal developed and maintained by the office of court administration, as well as a paper form to be made available at any court with jurisdiction to issue an order of protection.

§ 2. Section 3 of a chapter of the laws of 2023 amending the judiciary law relating to enacting the "hope card act", as proposed in legislative bills numbers S. 5935 and A. 5040, is amended to read as follows:

§ 3. This act shall take effect [~~on the one hundred eightieth day~~] **one year** after it shall have become a law. [~~Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.~~]

§ 3. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2023 amending the judiciary law relating to enacting the "hope card act", as proposed in legislative bills numbers S. 5935 and A. 5040, takes effect.