

STATE OF NEW YORK

6428

2023-2024 Regular Sessions

IN ASSEMBLY

April 6, 2023

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

AN ACT to amend the civil practice law and rules, in relation to the obligation to file an application for extreme risk protection order

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

1 Section 1. Section 6341 of the civil practice law and rules, as
2 amended by chapter 208 of the laws of 2022, is amended to read as
3 follows:

4 § 6341. Application for an extreme risk protection order. In accord-
5 ance with this article, a petitioner may file an application, which
6 shall be sworn, and accompanying supporting documentation, setting forth
7 the facts and circumstances justifying the issuance of an extreme risk
8 protection order. Provided, however, that a petitioner who is a police
9 officer or district attorney [~~shall~~ may] file such application upon the
10 receipt of credible information that an individual is likely to engage
11 in conduct that would result in serious harm to himself, herself or
12 others, as defined in paragraph one or two of subdivision (a) of section
13 9.39 of the mental hygiene law, unless such petitioner determines that
14 there is no probable cause for such filing. Such application and
15 supporting documentation shall be filed in the supreme court in the
16 county in which the respondent resides. The chief administrator of the
17 courts shall adopt forms that may be used for purposes of such applica-
18 tions and the court's consideration of such applications. Such applica-
19 tion form shall include inquiry as to whether the petitioner knows, or
20 has reason to believe, that the respondent owns, possesses or has access
21 to a firearm, rifle or shotgun and if so, a request that the petitioner
22 list or describe such firearms, rifles and shotguns, and the respective
23 locations thereof, with as much specificity as possible.

24 § 2. This act shall take effect immediately.

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

LBD10607-01-3