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:

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

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

§ 2. This act shall take effect immediately.

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

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