

# STATE OF NEW YORK

7717

2023-2024 Regular Sessions

## IN ASSEMBLY

June 6, 2023

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

AN ACT to amend the civil practice law and rules, in relation to extreme risk protection orders

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

1 Section 1. Subdivision 2 of section 6340 of the civil practice law and  
2 rules, as amended by chapter 208 of the laws of 2022, is amended to read  
3 as follows:

4 2. "Petitioner" means: (a) a police [~~officer, as defined in section~~  
5 ~~1.20 of the criminal procedure law~~] agency, department or division of  
6 the state or any political subdivision thereof, including but not limit-  
7 ed to authorities or agencies, maintaining police forces of individuals  
8 defined as police officers in section 1.20 of the criminal procedure  
9 law, or district attorney with jurisdiction in the county or city where  
10 the person against whom the order is sought resides; (b) a family or  
11 household member, as defined in subdivision two of section four hundred  
12 fifty-nine-a of the social services law, of the person against whom the  
13 order is sought; (c) a school administrator as defined in section eleven  
14 hundred twenty-five of the education law, or a school administrator's  
15 designee, of any school in which the person against whom the order is  
16 sought is currently enrolled or has been enrolled in the six months  
17 immediately preceding the filing of the petition; or (d) a licensed  
18 physician, licensed psychiatrist, licensed psychologist, registered  
19 nurse, licensed clinical social worker, certified clinical nurse  
20 specialist, certified nurse practitioner, licensed clinical marriage and  
21 family therapist, registered professional nurse, licensed master social  
22 worker or licensed mental health counselor who has treated the person  
23 against whom the order is sought in the six months immediately preceding  
24 the filing of the petition. For purposes of this article, a school  
25 administrator's designee shall be employed at the same school as the

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

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1 school administrator and shall be any of the following who has been  
2 designated in writing to file a petition with respect to the person  
3 against whom the order is sought: a school teacher, school guidance  
4 counselor, school psychologist, school social worker, school nurse, or  
5 other school personnel required to hold a teaching or administrative  
6 license or certificate, and full or part-time compensated school employ-  
7 ee required to hold a temporary coaching license or professional coach-  
8 ing certificate.

9 § 2. This act shall take effect immediately.