

STATE OF NEW YORK

8589

IN SENATE

February 16, 2024

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed,
and when printed to be committed to the Committee on Judiciary

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 Assem-
bly, 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
26 school administrator and shall be any of the following who has been
27 designated in writing to file a petition with respect to the person
28 against whom the order is sought: a school teacher, school guidance

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

LBD11684-01-3

1 counselor, school psychologist, school social worker, school nurse, or
2 other school personnel required to hold a teaching or administrative
3 license or certificate, and full or part-time compensated school employ-
4 ee required to hold a temporary coaching license or professional coach-
5 ing certificate.

6 § 2. This act shall take effect immediately.