

STATE OF NEW YORK

8589--A

Cal. No. 947

IN SENATE

February 16, 2024

Introduced by Sens. SCARCELLA-SPANTON, ROLISON, WEBER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 law enforcement agency that employs a
5 police officer, as such term is defined in section 1.20 of the criminal
6 procedure law, or a police officer or district attorney with jurisdic-
7 tion in the county or city where the person against whom the order is
8 sought resides; (b) a family or household member, as defined in subdivi-
9 sion two of section four hundred fifty-nine-a of the social services
10 law, of the person against whom the order is sought; (c) a school admin-
11 istrator as defined in section eleven hundred twenty-five of the educa-
12 tion law, or a school administrator's designee, of any school in which
13 the person against whom the order is sought is currently enrolled or has
14 been enrolled in the six months immediately preceding the filing of the
15 petition; or (d) a licensed physician, licensed psychiatrist, licensed
16 psychologist, registered nurse, licensed clinical social worker, certi-
17 fied clinical nurse specialist, certified nurse practitioner, licensed
18 clinical marriage and family therapist, registered professional nurse,
19 licensed master social worker or licensed mental health counselor who
20 has treated the person against whom the order is sought in the six
21 months immediately preceding the filing of the petition. For purposes of
22 this article, a school administrator's designee shall be employed at the
23 same school as the school administrator and shall be any of the follow-
24 ing who has been designated in writing to file a petition with respect
25 to the person against whom the order is sought: a school teacher, school

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

LBD11684-06-4

1 guidance counselor, school psychologist, school social worker, school
2 nurse, or other school personnel required to hold a teaching or adminis-
3 trative license or certificate, and full or part-time compensated school
4 employee required to hold a temporary coaching license or professional
5 coaching certificate.

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

8 § 6341. Application for an extreme risk protection order. In accord-
9 ance with this article, a petitioner may file an application, which
10 shall be sworn, and accompanying supporting documentation, setting forth
11 the facts and circumstances justifying the issuance of an extreme risk
12 protection order. Provided, however, that a petitioner [~~who~~] that is a
13 law enforcement agency that employs a police officer, as such term
14 defined in section 1.20 of the criminal procedure law, or is a police
15 officer or district attorney with jurisdiction in the county or city
16 where the person against whom the order is sought resides shall file
17 such application upon the receipt of credible information that an indi-
18 vidual is likely to engage in conduct that would result in serious harm
19 to [~~himself, herself~~] themselves or others, as defined in paragraph one or
20 two of subdivision (a) of section 9.39 of the mental hygiene law, unless
21 such petitioner determines that there is no probable cause for such
22 filing. Such application and supporting documentation shall be filed in
23 the supreme court in the county in which the respondent resides. The
24 chief administrator of the courts shall adopt forms that may be used for
25 purposes of such applications and the court's consideration of such
26 applications. Such application form shall include inquiry as to whether
27 the petitioner knows, or has reason to believe, that the respondent
28 owns, possesses or has access to a firearm, rifle or shotgun and if so,
29 a request that the petitioner list or describe such firearms, rifles and
30 shotguns, and the respective locations thereof, with as much specificity
31 as possible.

32 § 3. This act shall take effect immediately.