

# STATE OF NEW YORK

2227

2025-2026 Regular Sessions

## IN ASSEMBLY

January 15, 2025

Introduced by M. of A. SIMON, TAPIA, SHIMSKY, McMAHON, DAVILA, LEVENBERG  
-- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act, the domestic relations law and the criminal procedure law, in relation to orders of protection in cases involving domestic violence

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

1 Section 1. The opening paragraph of section 842 of the family court  
2 act, as amended by chapter 335 of the laws of 2019, is amended to read  
3 as follows:  
4 An order of protection under section eight hundred forty-one of this  
5 part shall set forth reasonable conditions of behavior to be observed  
6 for a period not in excess of two years by the petitioner or respondent  
7 or for a period not in excess of five years upon (i) a finding by the  
8 court on the record of the existence of aggravating circumstances as  
9 defined in paragraph (vii) of subdivision (a) of section eight hundred  
10 twenty-seven of this article; or (ii) a finding by the court on the  
11 record that the conduct alleged in the petition is in violation of a  
12 valid order of protection. In cases involving domestic violence, an  
13 order of protection shall be observed by the petitioner or respondent  
14 for a period of no less than five years. Any finding of aggravating  
15 circumstances pursuant to this section shall be stated on the record and  
16 upon the order of protection. The court may also, upon motion, extend  
17 the order of protection for a reasonable period of time upon a showing  
18 of good cause or consent of the parties. The fact that abuse has not  
19 occurred during the pendency of an order shall not, in itself, consti-  
20 tute sufficient ground for denying or failing to extend the order. The  
21 court must articulate a basis for its decision on the record. The dura-  
22 tion of any temporary order shall not by itself be a factor in determin-  
23 ing the length or issuance of any final order. Any order of protection  
24 issued pursuant to this section shall specify if an order of probation

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

LBD04790-01-5

1 is in effect. Any order of protection issued pursuant to this section  
2 may require the petitioner or the respondent:

3 § 2. The opening paragraph of subdivision 1 of section 1056 of the  
4 family court act, as amended by chapter 526 of the laws of 2013, is  
5 amended to read as follows:

6 The court may make an order of protection in assistance or as a condi-  
7 tion of any other order made under this part. Such order of protection  
8 shall remain in effect concurrently with, shall expire no later than the  
9 expiration date of, and may be extended concurrently with, such other  
10 order made under this part, except as provided in subdivision four of  
11 this section. The order of protection may set forth reasonable condi-  
12 tions of behavior to be observed for a specified time by a person who is  
13 before the court and is a parent or a person legally responsible for the  
14 child's care or the spouse of the parent or other person legally respon-  
15 sible for the child's care, or both. In cases involving domestic  
16 violence, an order of protection shall be observed by the petitioner or  
17 respondent for a period of no less than five years. Such an order may  
18 require any such person

19 § 3. The opening paragraph of paragraph a of subdivision 3 of section  
20 240 of the domestic relations law, as amended by chapter 526 of the laws  
21 of 2013, is amended to read as follows:

22 The court may make an order of protection in assistance or as a condi-  
23 tion of any other order made under this section. The order of  
24 protection may set forth reasonable conditions of behavior to be  
25 observed for a specified time by any party. In cases involving domestic  
26 violence, an order of protection shall be observed for a period of no  
27 less than five years. Such an order may require any party:

28 § 4. The opening paragraph of subdivision 5 of section 530.12 of the  
29 criminal procedure law, as amended by chapter 240 of the laws of 2015,  
30 is amended to read as follows:

31 Upon sentencing on a conviction for any crime or violation between  
32 spouses, between a parent and child, or between members of the same  
33 family or household as defined in subdivision one of section 530.11 of  
34 this article, the court may in addition to any other disposition,  
35 including a conditional discharge or youthful offender adjudication,  
36 enter an order of protection. Where a temporary order of protection was  
37 issued, the court shall state on the record the reasons for issuing or  
38 not issuing an order of protection. The duration of such an order shall  
39 be fixed by the court and: (A) in the case of a felony conviction,  
40 ~~[shall not exceed the greater of]~~ be no less than: (i) ~~[eight]~~ ten  
41 years from the date of such sentencing, ~~[except]~~ including where the  
42 sentence is or includes a sentence of probation on a conviction for a  
43 felony sexual assault, as provided in subparagraph (iii) of paragraph  
44 (a) of subdivision three of section 65.00 of the penal law~~[, in which~~  
45 ~~case, ten years from the date of such sentencing]~~, or (ii) ~~[eight]~~ ten  
46 years from the date of the expiration of the maximum term of an indeter-  
47 minate or the term of a determinate sentence of imprisonment actually  
48 imposed; or (B) in the case of a conviction for a class A misdemeanor,  
49 shall not exceed the greater of: (i) five years from the date of such  
50 sentencing, except where the sentence is or includes a sentence of  
51 probation on a conviction for a misdemeanor sexual assault, as provided  
52 in subparagraph (ii) of paragraph (b) of subdivision three of section  
53 65.00 of the penal law, in which case, six years from the date of such  
54 sentencing, or (ii) five years from the date of the expiration of the  
55 maximum term of a definite or intermittent term actually imposed; or (C)  
56 in the case of a conviction for any other offense, shall not exceed the

1 greater of: (i) two years from the date of sentencing, or (ii) two years  
2 from the date of the expiration of the maximum term of a definite or  
3 intermittent term actually imposed. For purposes of determining the  
4 duration of an order of protection entered pursuant to this subdivision,  
5 a conviction shall be deemed to include a conviction that has been  
6 replaced by a youthful offender adjudication. In addition to any other  
7 conditions, such an order may require the defendant:

8 § 5. The opening paragraph of subdivision 5 of section 530.12 of the  
9 criminal procedure law, as amended by chapter 9 of the laws of 2011, is  
10 amended to read as follows:

11 Upon sentencing on a conviction for any crime or violation between  
12 spouses, between a parent and child, or between members of the same  
13 family or household as defined in subdivision one of section 530.11 of  
14 this article, the court may in addition to any other disposition,  
15 including a conditional discharge or youthful offender adjudication,  
16 enter an order of protection. Where a temporary order of protection was  
17 issued, the court shall state on the record the reasons for issuing or  
18 not issuing an order of protection. The duration of such an order shall  
19 be fixed by the court and, in the case of a felony conviction, shall  
20 ~~[not exceed the greater of]~~ be no less than: (i) ~~[five]~~ ten years from  
21 the date of such sentencing, or (ii) ~~[three]~~ ten years from the date of  
22 the expiration of the maximum term of an indeterminate sentence of  
23 imprisonment actually imposed; or in the case of a conviction for a  
24 class A misdemeanor, shall not exceed three years from the date of such  
25 sentencing; or in the case of a conviction for any other offense, shall  
26 not exceed one year from the date of sentencing. For purposes of deter-  
27 mining the duration of an order of protection entered pursuant to this  
28 subdivision, a conviction shall be deemed to include a conviction that  
29 has been replaced by a youthful offender adjudication. In addition to  
30 any other conditions, such an order may require the defendant:

31 § 6. This act shall take effect immediately, provided that the amend-  
32 ments to the opening paragraph of subdivision 5 of section 530.12 of the  
33 criminal procedure law made by section four of this act shall be subject  
34 to the expiration and reversion of such opening paragraph pursuant to  
35 section 74 of chapter 3 of the laws of 1995, as amended, when upon such  
36 date the provisions of section five of this act shall take effect.