STATE OF NEW YORK

8406

2025-2026 Regular Sessions

IN ASSEMBLY

May 13, 2025

Introduced by M. of A. LEVENBERG -- (at request of the Unified Court System) -- read once and referred to the Committee on Codes

AN ACT to amend the family court act, the domestic relations law, the criminal procedure law and the judiciary law, in relation to issuance of warrants for seizures of firearms in cases in which orders of protection are issued in supreme court and family court

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

Section 1. Section 154-d of the family court act is amended by adding a new subdivision 3 to read as follows:

3. Applications for orders to seize firearms. When the family court is not in session, upon request of the petitioner, police officer, or other public servant acting in the course of their official duties, a local criminal court may issue an order pursuant to paragraph (c) of subdivision one, paragraph (c) of subdivision two, or paragraph (c) of subdivision three of section eight hundred forty-two-a of this act.

§ 2. Paragraphs (c) of subdivisions 1, 2 and 3 of section 842-a of the family court act, as amended by chapter 576 of the laws of 2022, are amended to read as follows:

(c) the court shall where the [~~defendant~~] **respondent** willfully refuses to surrender such firearm, rifle**,** or shotgun pursuant to paragraphs (a) and (b) of this subdivision, or may for other good cause shown, order the immediate seizure of such firearm, rifle**,** or shotgun, and search therefor, pursuant to an order issued in accordance with article six hundred ninety of the criminal procedure law, consistent with such rights as the [~~defendant~~] **respondent** may derive from this article or the constitution of this state or the United States**; provided that, notwithstanding subdivision one of section 690.05 and subdivision one of section 690.35 of the criminal procedure law, the petitioner may make an application for an order under this paragraph**.

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

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(c) the court shall where the [~~defendant~~] respondent willfully refuses to surrender such firearm, rifle, or shotgun pursuant to paragraphs (a) and (b) of this subdivision, or may for other good cause shown, order the immediate seizure of such firearm, rifle, or shotgun, and search therefor, pursuant to an order issued in accordance with article six hundred ninety of the criminal procedure law, consistent with such rights as the [~~defendant~~] respondent may derive from this article or the constitution of this state or the United States; provided that, notwithstanding subdivision one of section 690.05 and subdivision one of section 690.35 of the criminal procedure law, the petitioner may make an application for an order under this paragraph.

(c) the court shall where the [~~defendant~~] respondent willfully refuses to surrender such firearm, rifle, or shotgun pursuant to paragraphs (a) and (b) of this subdivision, or may for other good cause shown, order the immediate seizure of such firearm, rifle, or shotgun, and search therefor, pursuant to an order issued in accordance with article six hundred ninety of the criminal procedure law, consistent with such rights as the [~~defendant~~] respondent may derive from this article or the constitution of this state or the United States; provided that, notwithstanding subdivision one of section 690.05 and subdivision one of section 690.35 of the criminal procedure law, the petitioner may make an application for an order under this paragraph.

§ 3. Paragraphs (a) and (c) of subdivision 6 of section 842-a of the family court act, as amended by section 11 of part M of chapter 55 of the laws of 2020, are amended to read as follows:

(a) Where an order requiring surrender, revocation, suspension, seizure or ineligibility has been issued pursuant to this section, any temporary order of protection or order of protection issued shall state that such firearm license has been suspended or revoked or that the respondent is ineligible for such license, as the case may be, and that the [~~defendant~~] respondent is prohibited from possessing any firearms, rifles or shotguns.

(c) The court revoking or suspending the license or ordering the [~~defendant~~] respondent ineligible for such license shall give written notice thereof without unnecessary delay to the division of state police at its office in the city of Albany.

§ 4. Paragraph h of subdivision 3 of section 240 of the domestic relations law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

h. Upon issuance of an order of protection or temporary order of protection or upon a violation of such order, the court shall make a determination regarding the suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms, ineligibility for such a license and the surrender of a firearm, firearms, rifle or shotgun in accordance with sections eight hundred forty-two-a and eight hundred forty-six-a of the family court act, as applicable. Upon issuance of an order of protection pursuant to this section or upon a finding of a violation thereof, the court also may direct payment of restitution in an amount not to exceed ten thousand dollars in accordance with subdivision (e) of section eight hundred forty-one of such act; provided, however, that in no case shall an order of restitution be issued where the court determines that the party against whom the order would be issued has already compensated the injured party or where such compensation is incorporated in a final judgment or settlement of the action. The court shall, where the party against whom the order of protection or temporary order of protection was issued willfully refuses

to surrender such firearm, rifle or shotgun pursuant to subdivisions (a) and (b) of section eight hundred forty-two-a of the family court act, or may for other good cause shown, order the immediate seizure of such firearm, rifle or shotgun, and search therefor, pursuant to an order issued in accordance with article six hundred ninety of the criminal procedure law, consistent with such rights as the party may derive from this article or the constitution of this state or the United States; provided that, notwithstanding subdivision one of section 690.05 and subdivision one of section 690.35 of the criminal procedure law, a party seeking protection may make an application for an order under this paragraph.

§ 5. Subdivision 9 of section 252 of the domestic relations law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

9. Upon issuance of an order of protection or temporary order of protection or upon a violation of such order, the court shall make a determination regarding the suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms, ineligibility for such a license and the surrender of [~~firearms~~] a firearm, rifle or shotgun in accordance with sections eight hundred forty-two-a and eight hundred forty-six-a of the family court act, as applicable. Upon issuance of an order of protection pursuant to this section or upon a finding of a violation thereof, the court also may direct payment of restitution in an amount not to exceed ten thousand dollars in accordance with subdivision (e) of section eight hundred forty-one of such act; provided, however, that in no case shall an order of restitution be issued where the court determines that the party against whom the order would be issued has already compensated the injured party or where such compensation is incorporated in a final judgment or settlement of the action. The court shall, where the party against whom the order of protection or temporary order of protection was issued willfully refuses to surrender such firearm, rifle or shotgun pursuant to subdivisions (a) and (b) of section eight hundred forty-two-a of the family court act, or may for other good cause shown, order the immediate seizure of such firearm, rifle or shotgun, and search therefor, pursuant to an order issued in accordance with article six hundred ninety of the criminal procedure law, consistent with such rights as the party may derive from this article or the constitution of this state or the United States; provided that, notwithstanding subdivision one of section 690.05 and subdivision one of section 690.35 of the criminal procedure law, a party seeking protection may make an application for an order under this paragraph.

§ 6. Section 530.12 of the criminal procedure law is amended by adding a new subdivision 3-c to read as follows:

3-c. Applications for orders to seize firearms. When the family court is not in session, upon request of the petitioner, police officer or other public servant acting in the course of their official duties, a local criminal court may issue an order pursuant to paragraph (c) of subdivision one, paragraph (c) of subdivision two or paragraph (c) of subdivision three of section eight hundred forty-two-a of the family court act.

§ 7. Paragraph (n) and the opening paragraph of paragraph (o) of subdivision 2 of section 212 of the judiciary law, paragraph (n) as added by chapter 363 of the laws of 2010 and the opening paragraph of paragraph (o) as added by chapter 219 of the laws of 2002, are amended to read as follows:

(n) Have the power to authorize a court under subdivision (b) of section forty-three hundred seventeen of the civil practice law and rules to order a reference to determine [~~an application~~] applications for: (i) an order of protection (including a temporary order of protection) that, in accordance with law, is made ex parte or where all parties besides the applicant default in appearance; and (ii) an order for law enforcement to search for and seize firearms pursuant to section eight hundred forty-two-a of the family court act; provided, however, this paragraph shall only apply to applications brought in family court during the hours that the court is in session, and after five o'clock p.m. Training about domestic violence shall be required for all persons who are designated to serve as references as provided in this paragraph.

Notwithstanding the provisions of paragraph (n) of this subdivision, have the power to authorize family courts in the seventh and eighth judicial districts to establish a judicial hearing officer pilot program (hereinafter referred to as "pilot program") and, under subdivision (b) of section forty-three hundred seventeen of the civil practice law and rules, order a reference to determine [~~an application~~] applications for: (i) an order of protection or temporary order of protection, that, in accordance with law, is made ex parte or where all parties beside the applicant default in appearance; and (ii) an order for law enforcement to search for and seize firearms pursuant to section eight hundred forty-two-a of the family court act; provided, however, that the chief administrator shall not exercise this power without prior consultation with the presiding justice of the fourth judicial department. Training about domestic violence shall be required for all judicial hearing officers in the pilot program.

§ 8. This act shall take effect immediately; provided, however, the amendments to paragraph (n) of subdivision 2 of section 212 of the judiciary law made by section seven of this act shall not affect the repeal of such paragraph and shall be deemed repealed therewith.