

# STATE OF NEW YORK

3927

2025-2026 Regular Sessions

## IN ASSEMBLY

January 30, 2025

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act and the criminal procedure law, in relation to false reports of child abuse or maltreatment or abuse or neglect of a vulnerable person

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

1 Section 1. Subdivision 1 of section 812 of the family court act, as  
2 amended by chapter 541 of the laws of 2024, is amended to read as  
3 follows:  
4 1. Jurisdiction. The family court and the criminal courts shall have  
5 concurrent jurisdiction over any proceeding concerning acts which would  
6 constitute falsely reporting an incident in the third degree as set  
7 forth in subdivision four of section 240.50 of the penal law, disorderly  
8 conduct, unlawful dissemination or publication of an intimate image,  
9 harassment in the first degree, harassment in the second degree, aggra-  
10 vated harassment in the second degree, sexual misconduct, forcible  
11 touching, sexual abuse in the third degree, sexual abuse in the second  
12 degree as set forth in subdivision one of section 130.60 of the penal  
13 law, stalking in the first degree, stalking in the second degree, stalk-  
14 ing in the third degree, stalking in the fourth degree, criminal  
15 mischief, menacing in the second degree, menacing in the third degree,  
16 reckless endangerment, criminal obstruction of breathing or blood circu-  
17 lation, strangulation in the second degree, strangulation in the first  
18 degree, assault in the second degree, assault in the third degree, an  
19 attempted assault, identity theft in the first degree, identity theft in  
20 the second degree, identity theft in the third degree, grand larceny in  
21 the fourth degree, grand larceny in the third degree, coercion in the  
22 second degree or coercion in the third degree as set forth in subdivi-  
23 sions one, two and three of section 135.60 of the penal law between  
24 spouses or former spouses, or between parent and child or between

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

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1 members of the same family or household except that if the respondent  
2 would not be criminally responsible by reason of age pursuant to section  
3 30.00 of the penal law, then the family court shall have exclusive  
4 jurisdiction over such proceeding. Notwithstanding a complainant's  
5 election to proceed in family court, the criminal court shall not be  
6 divested of jurisdiction to hear a family offense proceeding pursuant to  
7 this section. In any proceeding pursuant to this article, a court shall  
8 not deny an order of protection, or dismiss a petition, solely on the  
9 basis that the acts or events alleged are not relatively contemporaneous  
10 with the date of the petition, the conclusion of the fact-finding or the  
11 conclusion of the dispositional hearing. For purposes of this article,  
12 "disorderly conduct" includes disorderly conduct not in a public place.  
13 For purposes of this article, "members of the same family or household"  
14 shall mean the following:

- 15 (a) persons related by consanguinity or affinity;
- 16 (b) persons legally married to one another;
- 17 (c) persons formerly married to one another regardless of whether they  
18 still reside in the same household;
- 19 (d) persons who have a child in common regardless of whether such  
20 persons have been married or have lived together at any time;
- 21 (e) persons who are not related by consanguinity or affinity and who  
22 are or have been in an intimate relationship regardless of whether such  
23 persons have lived together at any time. Factors the court may consider  
24 in determining whether a relationship is an "intimate relationship"  
25 include but are not limited to: the nature or type of relationship,  
26 regardless of whether the relationship is sexual in nature; the frequen-  
27 cy of interaction between the persons; and the duration of the relation-  
28 ship. Neither a casual acquaintance nor ordinary fraternization between  
29 two individuals in business or social contexts shall be deemed to  
30 constitute an "intimate relationship"; and
- 31 (f) persons who are related by consanguinity or affinity to parties  
32 who are or have been in an intimate relationship as defined in paragraph  
33 (e) of this subdivision.

34 § 2. Subdivision 1 of section 530.11 of the criminal procedure law, as  
35 amended by chapter 541 of the laws of 2024, is amended to read as  
36 follows:

37 1. Jurisdiction. The family court and the criminal courts shall have  
38 concurrent jurisdiction over any proceeding concerning acts which would  
39 constitute falsely reporting an incident in the third degree as set  
40 forth in subdivision four of section 240.50 of the penal law, disorderly  
41 conduct, unlawful dissemination or publication of an intimate image,  
42 harassment in the first degree, harassment in the second degree, aggra-  
43 vated harassment in the second degree, sexual misconduct, forcible  
44 touching, sexual abuse in the third degree, sexual abuse in the second  
45 degree as set forth in subdivision one of section 130.60 of the penal  
46 law, stalking in the first degree, stalking in the second degree, stalk-  
47 ing in the third degree, stalking in the fourth degree, criminal  
48 mischief, menacing in the second degree, menacing in the third degree,  
49 reckless endangerment, strangulation in the first degree, strangulation  
50 in the second degree, criminal obstruction of breathing or blood circu-  
51 lation, assault in the second degree, assault in the third degree, an  
52 attempted assault, identity theft in the first degree, identity theft in  
53 the second degree, identity theft in the third degree, grand larceny in  
54 the fourth degree, grand larceny in the third degree, coercion in the  
55 second degree or coercion in the third degree as set forth in subdivi-  
56 sions one, two and three of section 135.60 of the penal law between

1 spouses or former spouses, or between parent and child or between  
2 members of the same family or household except that if the respondent  
3 would not be criminally responsible by reason of age pursuant to section  
4 30.00 of the penal law, then the family court shall have exclusive  
5 jurisdiction over such proceeding. Notwithstanding a complainant's  
6 election to proceed in family court, the criminal court shall not be  
7 divested of jurisdiction to hear a family offense proceeding pursuant to  
8 this section. For purposes of this section, "disorderly conduct"  
9 includes disorderly conduct not in a public place. For purposes of this  
10 section, "members of the same family or household" with respect to a  
11 proceeding in the criminal courts shall mean the following:

- 12 (a) persons related by consanguinity or affinity;
- 13 (b) persons legally married to one another;
- 14 (c) persons formerly married to one another regardless of whether they  
15 still reside in the same household;
- 16 (d) persons who have a child in common, regardless of whether such  
17 persons have been married or have lived together at any time;
- 18 (e) persons who are not related by consanguinity or affinity and who  
19 are or have been in an intimate relationship regardless of whether such  
20 persons have lived together at any time. Factors the court may consider  
21 in determining whether a relationship is an "intimate relationship"  
22 include but are not limited to: the nature or type of relationship,  
23 regardless of whether the relationship is sexual in nature; the frequen-  
24 cy of interaction between the persons; and the duration of the relation-  
25 ship. Neither a casual acquaintance nor ordinary fraternization between  
26 two individuals in business or social contexts shall be deemed to  
27 constitute an "intimate relationship"; and
- 28 (f) persons who are related by consanguinity or affinity to parties  
29 who are or have been in an intimate relationship as defined in paragraph  
30 (e) of this subdivision.

31 § 3. This act shall take effect immediately.