

# STATE OF NEW YORK

3394--A

Cal. No. 1419

2025-2026 Regular Sessions

## IN SENATE

January 27, 2025

Introduced by Sens. GOUNARDES, ADDABBO, COMRIE, FERNANDEZ, HINCHEY, HOYLMAN-SIGAL, JACKSON, LIU, MAY, MAYER, MURRAY, OBERACKER, PALUMBO, RIVERA, ROLISON, C. RYAN, SALAZAR, SCARCELLA-SPANTON, SKOUFIS, WEBB -- 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, the penal law, the criminal procedure law, the judiciary law and the executive law, in relation to anti-stalking orders

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

1 Section 1. This act shall be known and may be cited as the "ceasing  
2 repeated and extremely egregious predatory (CREEP) behavior act".  
3 § 2. The civil practice law and rules is amended by adding a new arti-  
4 cle 63-B to read as follows:

5 ARTICLE 63-B  
6 ANTI-STALKING ORDERS

7 Section 6349. Definitions.

8 6350. Special proceeding for an anti-stalking order.

9 6351. Temporary anti-stalking order.

10 6352. Final anti-stalking order.

11 6353. Issuance of an anti-stalking order.

12 6354. Reconsideration and modification of an anti-stalking  
13 order.

14 6355. Enforcement.

15 6356. Filing and enforcement of out-of-state orders.

16 6357. Virtual proceedings.

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

LBD06824-06-5

1 § 6349. Definitions. For the purposes of this article:

2 1. "Anti-stalking order" shall mean an order of protection, either  
3 temporary or final, that entitles the petitioner to certain protections  
4 prescribed in sections sixty-three hundred fifty-one or sixty-three  
5 hundred fifty-two of this article. An anti-stalking order shall be a  
6 form of an order of protection and the terms "anti-stalking order" and  
7 "order of protection" may be used interchangeably throughout this arti-  
8 cle.

9 2. "Connected device" shall mean any device, or other physical object  
10 that is capable of connecting to the internet, directly or indirectly,  
11 and that is assigned an internet protocol address or bluetooth address.

12 3. "Course of conduct" shall mean two or more acts over a period of  
13 time, however short, which evidence a continuity of purpose, with at  
14 least one act occurring within the ninety days prior to the filing of a  
15 petition under section sixty-three hundred fifty of this article. A  
16 course of conduct shall not include conduct that was necessary to accom-  
17 plish a legitimate purpose independent of making contact with the  
18 targeted person.

19 4. "Stalking" and "stalked" shall mean when the respondent purposely  
20 or knowingly engages in a course of conduct targeted at the petitioner  
21 which would constitute stalking in the first degree, as described in  
22 section 120.60 of the penal law, stalking in the second degree, as  
23 described in section 120.55 of the penal law, stalking in the third  
24 degree, as described in section 120.50 of the penal law, stalking in the  
25 fourth degree, as described in section 120.45 of the penal law, menacing  
26 in the second degree, as described in section 120.14 of the penal law,  
27 menacing in the third degree, as described in section 120.15 of the  
28 penal law, assault in the first degree, as described in section 120.10  
29 of the penal law, assault in the second degree, as described in section  
30 120.05 of the penal law, assault in the third degree, as described in  
31 section 120.00 of the penal law, an attempted assault, harassment in the  
32 first degree, as described in section 240.25 of the penal law, harass-  
33 ment in the second degree, as described in section 240.26 of the penal  
34 law, aggravated harassment in the first degree, as described in section  
35 240.31 of the penal law, aggravated harassment in the second degree, as  
36 described in section 240.30 of the penal law, unlawful dissemination or  
37 publication of an intimate image, as described in section 245.15 of the  
38 penal law, reckless endangerment in the first degree, as described in  
39 section 120.25 of the penal law, reckless endangerment in the second  
40 degree, as described in section 120.20 of the penal law, identity theft  
41 in the first degree, as described in section 190.80 of the penal law,  
42 identity theft in the second degree, as described in section 190.79 of  
43 the penal law, identity theft in the third degree, as described in  
44 section 190.78 of the penal law, coercion in the first degree, as  
45 described in section 135.65 of the penal law, coercion in the second  
46 degree, as described in section 135.61 of the penal law, and/or coercion  
47 in the third degree, as described in section 135.60 of the penal law.

48 § 6350. Special proceeding for an anti-stalking order. 1. The supreme  
49 court shall have jurisdiction over special proceedings under this arti-  
50 cle.

51 2. A special proceeding under this article may be commenced in the  
52 county in which the acts referred to in the petition allegedly occurred  
53 or in which any party resides. If the petitioner fled their original  
54 residence to avoid stalking, the special proceeding may be commenced in  
55 the county of the petitioner's original residence or in the county of  
56 their new residence.

1 3. No anti-stalking order shall be issued between a petitioner and a  
2 respondent who are members of the same family or household, as that term  
3 is defined in subdivision one of section eight hundred twelve of the  
4 family court act.

5 4. A petition filed under this article shall contain:

6 (a) an allegation that the respondent stalked the petitioner;

7 (b) the relationship of the respondent to the petitioner, if any; and

8 (c) a request for an order of protection.

9 § 6351. Temporary anti-stalking order. 1. Upon application of a peti-  
10 tioner, and for good cause shown, the court may issue a temporary anti-  
11 stalking order without notice to the respondent upon a finding that the  
12 respondent likely poses an immediate threat to the safety or welfare of  
13 the petitioner, a member of the petitioner's household, or a companion  
14 animal, as that term is defined in subdivision five of section three  
15 hundred fifty of the agriculture and markets law, that is possessed,  
16 kept, or held by the petitioner.

17 2. The court shall rule on the application for a temporary anti-stalk-  
18 ing order in a written decision on the same day that the application is  
19 filed or the next day that the court is open.

20 3. A temporary anti-stalking order issued pursuant to this section may  
21 require that the respondent:

22 (a) cease all contact, by electronic means, telephone, mail, or any  
23 other means, with the petitioner and/or another person;

24 (b) refrain from following, monitoring, or keeping the petitioner  
25 under physical or electronic surveillance, or using telephonic, audi-  
26 ovisual, or other electronic means to monitor the actions, location, or  
27 communication of the petitioner and/or another person;

28 (c) refrain from remotely controlling any connected devices affecting  
29 the home, vehicle, or property of the petitioner and/or another person;

30 (d) stay away from the home, school, business, motor vehicle, or place  
31 of employment of the petitioner and/or any other person, or any other  
32 specified location as designated by the court; and/or

33 (e) engage or cease engaging in any other behavior which the court  
34 determines will meet the objective of protecting the petitioner, until  
35 the date of the hearing on a final anti-stalking order. Such hearing  
36 shall be scheduled as soon as practicable. Any requirements in a tempo-  
37 rary anti-stalking order imposed on the respondent which involve a  
38 person other than the petitioner may only be made if and to the extent  
39 that such requirements further the purpose of protecting the petitioner.

40 § 6352. Final anti-stalking order. 1. If the court, after notice to  
41 the respondent and a hearing, finds that the allegations of the petition  
42 are supported by a fair preponderance of the evidence, the court may  
43 issue a final anti-stalking order. A final anti-stalking order may  
44 require that the respondent:

45 (a) cease all contact, by electronic means, telephone, mail, or any  
46 other means, with the petitioner and/or another person;

47 (b) refrain from following, monitoring, or keeping the petitioner  
48 under physical or electronic surveillance, or using telephonic, audi-  
49 ovisual, or other electronic means to monitor the actions, location, or  
50 communication of the petitioner and/or another person;

51 (c) refrain from remotely controlling any connected devices affecting  
52 the home, vehicle, or property of the petitioner and/or another person;

53 (d) stay away from the home, school, business, motor vehicle, or place  
54 of employment of the petitioner and/or any other person, or any other  
55 specified location as designated by the court;

1 (e) pay the reasonable counsel fees and disbursement involved in  
2 obtaining or enforcing the anti-stalking order which the petitioner has  
3 sought; and/or

4 (f) engage or cease engaging in any other behavior which the court  
5 determines will meet the objective of protecting the petitioner, for a  
6 period of time not in excess of five years. The duration of any tempo-  
7 rary anti-stalking order shall not by itself be a factor in determining  
8 the length or issuance of any final anti-stalking order. Any require-  
9 ments in a final anti-stalking order imposed on the respondent which  
10 involve a person other than the petitioner may only be made if and to  
11 the extent that such requirements further the purpose of protecting the  
12 petitioner. The court may, upon motion, extend the order of protection  
13 for a reasonable period of time upon a showing of good cause or consent  
14 of the parties.

15 § 6353. Issuance of an anti-stalking order. 1. An anti-stalking order  
16 issued pursuant to this article shall bear in a conspicuous manner the  
17 term "order of protection" or "temporary order of protection" as the  
18 case may be and a copy shall be filed by the clerk of the court with the  
19 sheriff's office in the county in which the petitioner resides, or, if  
20 the petitioner resides within a city, with the police department of such  
21 city. The anti-stalking order shall also contain the following notice:  
22 "This order of protection will remain in effect even if the protected  
23 party has, or consents to have, contact or communication with the party  
24 against whom the order is issued. This order of protection can only be  
25 modified or terminated by the court. The protected party cannot be held  
26 to violate this order nor be arrested for violating this order.". The  
27 absence of such language shall not affect the validity of such order.  
28 Such anti-stalking order shall plainly state the date that such order  
29 expires, if temporary, or, if the order is a final anti-stalking order  
30 issued pursuant to section sixty-three hundred fifty-two of this arti-  
31 cle, the length of such order.

32 2. The court shall notify the division of state police, any other law  
33 enforcement agency with jurisdiction, and the statewide computerized  
34 registry of orders of protection and warrants of arrest referred to in  
35 section two hundred twenty-one-a of the executive law of the issuance of  
36 an anti-stalking order and provide a copy of such order no later than  
37 the next business day after issuing the order to such division and agen-  
38 cy. The court also shall promptly notify such division and agency and  
39 provide a copy of any order modifying or vacating such anti-stalking  
40 order no later than the next business day after issuing the order.

41 3. The chief administrator of the courts shall promulgate appropriate  
42 uniform temporary anti-stalking order forms, applicable to proceedings  
43 under this article, to be used throughout the state. Such forms shall be  
44 promulgated and developed in a manner to ensure the compatibility of  
45 such forms with the statewide computerized registry established pursuant  
46 to section two hundred twenty-one-a of the executive law.

47 § 6354. Reconsideration and modification of an anti-stalking order.  
48 For good cause shown, the court may, after a hearing, reconsider and  
49 modify any order issued under section sixty-three hundred fifty-three of  
50 this article.

51 § 6355. Enforcement. 1. Any violations of an anti-stalking order  
52 issued by a court under this article shall be subject to the penalties  
53 of sections 120.14, 215.50, 215.51, and 215.52 of the penal law, as  
54 prescribed by such sections.

1 2. Any anti-stalking order issued under this article is a mandate of  
2 the court for purposes of the offense of criminal contempt in subdivi-  
3 sion three of section 215.50 of the penal law.

4 3. In any proceeding in which an anti-stalking order has been issued  
5 under this article, the clerk of the court shall issue to the petitioner  
6 and respondent and respondent's counsel and to any other person affected  
7 by the order a copy of the anti-stalking order and ensure that a copy of  
8 the anti-stalking order be transmitted, if applicable, to the local  
9 correctional facility where the individual is or will be detained, the  
10 state or local correctional facility where the individual is or will be  
11 imprisoned, and the supervising probation department or department of  
12 corrections and community supervision where the individual is under  
13 probation or parole supervision. The presentation of a copy of such  
14 order to any peace officer acting pursuant to their special duties or  
15 police officer shall constitute authority for them to arrest a person  
16 who has violated the terms of such order and bring such person before  
17 the court and, otherwise, so far as lies within their power, to aid in  
18 securing the protection such order was intended to afford. The protected  
19 party in whose favor the anti-stalking order is issued may not be held  
20 to violate an order issued in their favor, nor may such protected party  
21 be arrested for violating such order.

22 § 6356. Filing and enforcement of out-of-state orders. 1. A valid  
23 order of protection or temporary order of protection that is substan-  
24 tially similar to the anti-stalking order described in this article  
25 which is issued by court of competent jurisdiction in another state,  
26 territorial, or tribal jurisdiction shall be accorded full faith and  
27 credit and enforced as if it were issued by a court within the state for  
28 as long as the order remains in effect in the issuing jurisdiction in  
29 accordance with sections two thousand two hundred sixty-five and two  
30 thousand two hundred sixty-six of title eighteen of the United States  
31 Code.

32 2. An order issued by a court of competent jurisdiction in another  
33 state, territorial, or tribal jurisdiction shall be deemed valid if:

34 (a) the issuing court had personal jurisdiction over the parties and  
35 over the subject matter under the law of the issuing jurisdiction; and

36 (b) the person against whom the order was issued had reasonable notice  
37 and an opportunity to be heard prior to issuance of the order; provided,  
38 however, that if the order was a temporary order of protection issued in  
39 the absence of such person, that notice had been given and that an  
40 opportunity to be heard had been provided within a reasonable period of  
41 time after the issuance of the order.

42 3. Notwithstanding the provisions of article fifty-four of this chap-  
43 ter, an order of protection or temporary order of protection issued by a  
44 court of competent jurisdiction in another state, territorial, or tribal  
45 jurisdiction, accompanied by a sworn affidavit that upon information and  
46 belief such order is in effect as written and has not been vacated or  
47 modified, may be filed without fee with the clerk of the court.

48 § 6357. Virtual proceedings. Any supreme court conducting a proceeding  
49 for a temporary or final anti-stalking order under this article may  
50 conduct such proceedings virtually, provided that such proceeding is  
51 conducted in a manner consistent with any rules and regulations for  
52 virtual proceedings promulgated by the chief administrator of the courts  
53 under section two hundred twelve of the judiciary law.

54 § 3. Paragraph 6 of subdivision (b) of section 8018 of the civil prac-  
55 tice law and rules, as amended by chapter 428 of the laws of 2023, is  
56 amended and a new paragraph 7 is added to read as follows:

1 6. upon the filing of an application for an extreme risk protection  
2 order pursuant to article [~~sixty-three-a~~] sixty-three-A of this chap-  
3 ter[~~]~~; or

4 7. upon the filing of a petition for an anti-stalking order pursuant  
5 to article sixty-three-B of this chapter.

6 § 4. Section 120.14 of the penal law, as amended by chapter 222 of the  
7 laws of 1994, subdivision 3 as amended by chapter 597 of the laws of  
8 1998, is amended to read as follows:

9 § 120.14 Menacing in the second degree.

10 A person is guilty of menacing in the second degree when:

11 1. [~~He or she~~] such person intentionally places or attempts to place  
12 another person in reasonable fear of physical injury, serious physical  
13 injury or death by displaying a deadly weapon, dangerous instrument or  
14 what appears to be a pistol, revolver, rifle, shotgun, machine gun or  
15 other firearm; or

16 2. [~~He or she~~] Such person repeatedly follows a person or engages in a  
17 course of conduct or repeatedly commits acts over a period of time  
18 intentionally placing or attempting to place another person in reason-  
19 able fear of physical injury, serious physical injury or death; or

20 3. [~~He or she~~] Such person commits the crime of menacing in the third  
21 degree in violation of that part of a duly served order of protection,  
22 or such order which the defendant has actual knowledge of because [~~he or~~  
23 ~~she~~] such defendant was present in court when such order was issued,  
24 pursuant to article eight of the family court act, section 530.12 of the  
25 criminal procedure law, article sixty-three-B of the civil practice law  
26 and rules, or an order of protection issued by a court of competent  
27 jurisdiction in another state, territorial or tribal jurisdiction, which  
28 directed the respondent or defendant to stay away from the person or  
29 persons on whose behalf the order was issued.

30 Menacing in the second degree is a class A misdemeanor.

31 § 5. Section 215.51 of the penal law, as amended by chapter 222 of the  
32 laws of 1994, subdivision (b) as added by chapter 353 of the laws of  
33 1996, the opening paragraph of subdivision (b) and subdivision (d) as  
34 amended by chapter 597 of the laws of 1998, subdivision (c) as amended  
35 by chapter 349 of the laws of 2006, is amended to read as follows:

36 § 215.51 Criminal contempt in the first degree.

37 A person is guilty of criminal contempt in the first degree when:

38 (a) [~~he~~] such person contumaciously and unlawfully refuses to be sworn  
39 as a witness before a grand jury, or, when after having been sworn as a  
40 witness before a grand jury, [~~he~~] such person refuses to answer any  
41 legal and proper interrogatory; or

42 (b) in violation of a duly served order of protection, or such order  
43 of which the defendant has actual knowledge because [~~he or she~~] such  
44 defendant was present in court when such order was issued, or an order  
45 of protection issued by a court of competent jurisdiction in this or  
46 another state, territorial or tribal jurisdiction, [~~he or she~~] such  
47 defendant:

48 (i) intentionally places or attempts to place a person for whose  
49 protection such order was issued in reasonable fear of physical injury,  
50 serious physical injury or death by displaying a deadly weapon, danger-  
51 ous instrument or what appears to be a pistol, revolver, rifle, shotgun,  
52 machine gun or other firearm or by means of a threat or threats; or

53 (ii) intentionally places or attempts to place a person for whose  
54 protection such order was issued in reasonable fear of physical injury,  
55 serious physical injury, or death by repeatedly following such person or

1 engaging in a course of conduct or repeatedly committing acts over a  
2 period of time; or

3 (iii) intentionally places or attempts to place a person for whose  
4 protection such order was issued in reasonable fear of physical injury,  
5 serious physical injury, or death when [~~he or she~~] such defendant commu-  
6 nicates or causes a communication to be initiated with such person by  
7 mechanical or electronic means or otherwise, anonymously or otherwise,  
8 by telephone, or by telegraph, mail, or any other form of written commu-  
9 nication; or

10 (iv) with intent to harass, annoy, threaten or alarm a person for  
11 whose protection such order was issued, repeatedly makes telephone calls  
12 to such person, whether or not a conversation ensues, with no purpose of  
13 legitimate communication; or

14 (v) with intent to harass, annoy, threaten or alarm a person for whose  
15 protection such order was issued, strikes, shoves, kicks or otherwise  
16 subjects such other person to physical contact or attempts or threatens  
17 to do the same; or

18 (vi) by physical menace, intentionally places or attempts to place a  
19 person for whose protection such order was issued in reasonable fear of  
20 death, imminent serious physical injury, or physical injury.

21 (c) [~~he or she~~] such defendant commits the crime of criminal contempt  
22 in the second degree as defined in subdivision three of section 215.50  
23 of this article by violating that part of a duly served order of  
24 protection, or such order of which the defendant has actual knowledge  
25 because [~~he or she~~] such defendant was present in court when such order  
26 was issued, under sections two hundred forty and two hundred fifty-two  
27 of the domestic relations law, articles four, five, six and eight of the  
28 family court act, [~~and~~] section 530.12 of the criminal procedure law,  
29 and article sixty-three-B of the civil practice law and rules, or an  
30 order of protection issued by a court of competent jurisdiction in  
31 another state, territorial, or tribal jurisdiction, which requires the  
32 respondent or defendant to stay away from the person or persons on whose  
33 behalf the order was issued, and where the defendant has been previously  
34 convicted of the crime of aggravated criminal contempt or criminal  
35 contempt in the first or second degree for violating an order of  
36 protection as described herein within the preceding five years; or

37 (d) in violation of a duly served order of protection, or such order  
38 of which the defendant has actual knowledge because [~~he or she~~] such  
39 defendant was present in court when such order was issued, or an order  
40 issued by a court of competent jurisdiction in this or another state,  
41 territorial or tribal jurisdiction, [~~he or she~~] such defendant inten-  
42 tionally or recklessly damages the property of a person for whose  
43 protection such order was issued in an amount exceeding two hundred  
44 fifty dollars.

45 Criminal contempt in the first degree is a class E felony.

46 § 6. Subdivision 4 of section 140.10 of the criminal procedure law, as  
47 added by chapter 222 of the laws of 1994, paragraph (a) as amended by  
48 chapter 511 of the laws of 1996, paragraph (b) as amended by chapter 107  
49 of the laws of 2004, paragraph (c) and the third undesignated paragraph  
50 as amended by chapter 4 of the laws of 1997, the second undesignated  
51 paragraph as added by chapter 480 of the laws of 2013, and the closing  
52 paragraph as amended by chapter 224 of the laws of 1994, is amended to  
53 read as follows:

54 4. Notwithstanding any other provisions of this section, a police  
55 officer shall arrest a person, and shall not attempt to reconcile the

1 parties or mediate, where such officer has reasonable cause to believe  
2 that:

3 (a) a felony, other than subdivision three, four, nine or ten of  
4 section 155.30 of the penal law, has been committed by such person  
5 against a member of the same family or household, as member of the same  
6 family or household is defined in subdivision one of section 530.11 of  
7 this chapter; or

8 (b) a duly served order of protection, anti-stalking order, or special  
9 order of conditions issued pursuant to subparagraph (i) or (ii) of para-  
10 graph (o) of subdivision one of section 330.20 of this chapter is in  
11 effect, or an order of which the respondent or defendant has actual  
12 knowledge because [~~he or she~~] the defendant was present in court when  
13 such order was issued, where the order appears to have been issued by a  
14 court of competent jurisdiction of this or another state, territorial or  
15 tribal jurisdiction; and

16 (i) Such order directs that the respondent or defendant stay away from  
17 persons on whose behalf the order of protection or special order of  
18 conditions has been issued and the respondent or defendant committed an  
19 act or acts in violation of such "stay away" provision of such order; or

20 (ii) The respondent or defendant commits a family offense as defined  
21 in subdivision one of section eight hundred twelve of the family court  
22 act or subdivision one of section 530.11 of this chapter in violation of  
23 such order of protection or special order of conditions.

24 The provisions of this subdivision shall apply only to orders of  
25 protection issued pursuant to sections two hundred forty and two hundred  
26 fifty-two of the domestic relations law, articles four, five, six and  
27 eight of the family court act and section 530.12 of this chapter,  
28 special orders of conditions issued pursuant to subparagraph (i) or (ii)  
29 of paragraph (o) of subdivision one of section 330.20 of this chapter  
30 insofar as they involve a victim or victims of domestic violence as  
31 defined by subdivision one of section four hundred fifty-nine-a of the  
32 social services law or a designated witness or witnesses to such domes-  
33 tic violence, anti-stalking orders issued pursuant to article sixty-  
34 three-B of the civil practice law and rules, and to orders of protection  
35 issued by courts of competent jurisdiction in another state, territorial  
36 or tribal jurisdiction. In determining whether reasonable cause exists  
37 to make an arrest for a violation of an order issued by a court of  
38 another state, territorial or tribal jurisdiction, the officer shall  
39 consider, among other factors, whether the order, if available, appears  
40 to be valid on its face or whether a record of the order exists on the  
41 statewide registry of orders of protection and warrants established  
42 pursuant to section two hundred twenty-one-a of the executive law or the  
43 protection order file maintained by the national crime information  
44 center; provided, however, that entry of the order of protection or  
45 special order of conditions into the statewide registry or the national  
46 protection order file shall not be required for enforcement of the  
47 order. When a special order of conditions is in effect and a defendant  
48 or respondent has been taken into custody pursuant to this paragraph,  
49 nothing contained in this paragraph shall restrict or impair a police  
50 officer from acting pursuant to section 9.41 of the mental hygiene law;  
51 or

52 (c) a misdemeanor constituting a family offense, as described in  
53 subdivision one of section 530.11 of this chapter and section eight  
54 hundred twelve of the family court act, has been committed by such  
55 person against such family or household member, unless the victim  
56 requests otherwise. The officer shall neither inquire as to whether the

1 victim seeks an arrest of such person nor threaten the arrest of any  
2 person for the purpose of discouraging requests for police intervention.  
3 Notwithstanding the foregoing, when an officer has reasonable cause to  
4 believe that more than one family or household member has committed such  
5 a misdemeanor, the officer is not required to arrest each such person.  
6 In such circumstances, the officer shall attempt to identify and arrest  
7 the primary physical aggressor after considering: (i) the comparative  
8 extent of any injuries inflicted by and between the parties; (ii) wheth-  
9 er any such person is threatening or has threatened future harm against  
10 another party or another family or household member; (iii) whether any  
11 such person has a prior history of domestic violence that the officer  
12 can reasonably ascertain; and (iv) whether any such person acted defen-  
13 sively to protect [~~himself or herself~~] themselves from injury. The officer  
14 shall evaluate each complaint separately to determine who is the primary  
15 physical aggressor and shall not base the decision to arrest or not to  
16 arrest on the willingness of a person to testify or otherwise partic-  
17 ipate in a judicial proceeding.

18 The protected party in whose favor the order of protection [~~or~~],  
19 temporary order of protection, or anti-stalking order is issued may not  
20 be held to violate an order issued in [~~his or her~~] their favor nor may  
21 such protected party be arrested for violating such order.

22 Nothing contained in this subdivision shall be deemed to (a) require  
23 the arrest of any person when the officer reasonably believes the  
24 person's conduct is justifiable under article thirty-five of title C of  
25 the penal law; or (b) restrict or impair the authority of any munici-  
26 pality, political subdivision, or the division of state police from  
27 promulgating rules, regulations and policies requiring the arrest of  
28 persons in additional circumstances where domestic violence has alleged-  
29 ly occurred.

30 No cause of action for damages shall arise in favor of any person by  
31 reason of any arrest made by a police officer pursuant to this subdivi-  
32 sion, except as provided in sections seventeen and eighteen of the  
33 public officers law and sections fifty-k, fifty-l, fifty-m and fifty-n  
34 of the general municipal law, as appropriate.

35 § 7. The opening paragraphs of paragraphs (t) and (t-1) of subdivision  
36 2 of section 212 of the judiciary law, as added by section 2 of part BB  
37 of chapter 55 of the laws of 2017, are amended to read as follows:

38 Make available translation services to all family and supreme courts  
39 to assist in the translation of orders of protection and temporary  
40 orders of protection, including a temporary or final anti-stalking order  
41 issued pursuant to article sixty-three-B of the civil practice law and  
42 rules, as provided in this paragraph, where the person protected by  
43 and/or the person subject to the order of protection has limited English  
44 proficiency or has a limited ability to read English:

45 Issue reports concerning the availability of translation services  
46 where orders of protection and temporary orders of protection, including  
47 a temporary or final anti-stalking order issued pursuant to article  
48 sixty-three-B of the civil practice law and rules, are issued; special  
49 pilot programs.

50 § 8. Subdivision 1 of section 221-a of the executive law, as amended  
51 by chapter 427 of the laws of 2024, is amended to read as follows:

52 1. The superintendent, in consultation with the division of criminal  
53 justice services, office of court administration, and the office for the  
54 prevention of domestic violence, shall develop a comprehensive plan for  
55 the establishment and maintenance of a statewide computerized registry  
56 of all orders of protection issued pursuant to articles four, five, six,

1 eight and ten of the family court act, section 530.12 of the criminal  
2 procedure law and, insofar as they involve victims of domestic violence  
3 as defined by section four hundred fifty-nine-a of the social services  
4 law, section 530.13 of the criminal procedure law and sections two  
5 hundred forty and two hundred fifty-two of the domestic relations law,  
6 extreme risk protection orders issued pursuant to article sixty-three-A  
7 of the civil practice law and rules, anti-stalking orders issued pursu-  
8 ant to article sixty-three-B of the civil practice law and rules, and  
9 orders of protection issued by courts of competent jurisdiction in  
10 another state, territorial or tribal jurisdiction, special orders of  
11 conditions issued pursuant to subparagraph (i) or (ii) of paragraph (o)  
12 of subdivision one of section 330.20 of the criminal procedure law inso-  
13 far as they involve a victim or victims of domestic violence as defined  
14 by subdivision one of section four hundred fifty-nine-a of the social  
15 services law or a designated witness or witnesses to such domestic  
16 violence, and all warrants issued pursuant to sections one hundred  
17 fifty-three and eight hundred twenty-seven of the family court act, and  
18 arrest and bench warrants as defined in subdivisions twenty-eight, twen-  
19 ty-nine and thirty of section 1.20 of the criminal procedure law, inso-  
20 far as such warrants pertain to orders of protection or temporary orders  
21 of protection; provided, however, that warrants issued pursuant to  
22 section one hundred fifty-three of the family court act pertaining to  
23 articles three and seven of such act and section 530.13 of the criminal  
24 procedure law shall not be included in the registry. The superintendent  
25 shall establish and maintain such registry for the purposes of ascer-  
26 taining the existence of orders of protection, temporary orders of  
27 protection, warrants and special orders of conditions, and for enforcing  
28 the provisions of paragraph (b) of subdivision four of section 140.10 of  
29 the criminal procedure law.

30 § 9. This act shall take effect on the one hundred eightieth day after  
31 it shall have become a law; provided, however, that the amendments to  
32 subdivision 4 of section 140.10 of the criminal procedure law made by  
33 section six of this act shall not affect the repeal of such subdivision  
34 and shall expire and be deemed repealed therewith.