

STATE OF NEW YORK

6835

2025-2026 Regular Sessions

IN SENATE

March 25, 2025

Introduced by Sen. ROLISON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to criminal contempt and escape; and to amend the criminal procedure law, in relation to arrest and securing orders for persons charged with certain contempt offenses

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

1 Section 1. Subdivision 7 of section 215.50 of the penal law, as
2 amended by chapter 702 of the laws of 1972, is amended and a new subdivi-
3 sion 8 is added to read as follows:

4 7. On or along a public street or sidewalk within a radius of two
5 hundred feet of any building established as a courthouse, [~~he~~] such
6 person calls aloud, shouts, holds or displays placards or signs contain-
7 ing written or printed matter, concerning the conduct of a trial being
8 held in such courthouse or the character of the court or jury engaged in
9 such trial or calling for or demanding any specified action or determi-
10 nation by such court or jury in connection with such trial[~~-~~]; or

11 8. Violates any terms or conditions of court ordered supervision,
12 either before or after a conviction, and such violation involves:

13 a. violating any curfew set by the court or supervising entity;

14 b. entering a location such person is prohibited from entering under
15 the terms of the supervision;

16 c. absconding from court ordered supervision;

17 d. possessing a firearm, destructive device or dangerous weapon; or

18 e. tampering with or destroying electronic monitoring equipment.

19 § 2. Subdivision (d) of section 215.51 of the penal law, as amended by
20 chapter 597 of the laws of 1998, is amended and a new subdivision (e) is
21 added to read as follows:

22 (d) in violation of a duly served order of protection, or such order
23 of which the defendant has actual knowledge because [~~he or she~~] the
24 defendant was present in court when such order was issued, or an order

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

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1 issued by a court of competent jurisdiction in this or another state,
2 territorial or tribal jurisdiction, [~~he or she~~] the defendant inten-
3 tionally or recklessly damages the property of a person for whose
4 protection such order was issued in an amount exceeding two hundred
5 fifty dollars[~~+~~]; or

6 (e) the defendant commits the crime of criminal contempt in the second
7 degree as defined in subdivision eight of section 215.50 of this article
8 and has previously been convicted of the crime of aggravated criminal
9 contempt or criminal contempt in the first or second degree within the
10 preceding five years.

11 § 3. Subdivision 3 of section 205.10 of the penal law, as added by
12 chapter 118 of the laws of 1980, is amended and a new subdivision 4 is
13 added to read as follows:

14 3. Having been adjudicated a youthful offender, which finding was
15 substituted for the conviction of a felony, [~~he~~] such person escapes
16 from custody[~~+~~]; or

17 4. While under court ordered supervision involving electronic monitor-
18 ing, such person absconds from supervision while still in possession of
19 equipment for such electronic monitoring.

20 § 4. Paragraph (h) subdivision 4 section 510.10 of the criminal proce-
21 dure law, as amended by section 2 of part UU of chapter 56 of the laws
22 of 2020, is amended to read as follows:

23 (h) criminal contempt in the second degree as defined in subdivision
24 three or subdivision eight of section 215.50 of the penal law, criminal
25 contempt in the first degree as defined in subdivision (b), (c) [~~or~~],
26 (d), or (e) of section 215.51 of the penal law or aggravated criminal
27 contempt as defined in section 215.52 of the penal law[~~, and the under-~~
28 ~~lying allegation of such charge of criminal contempt in the second~~
29 ~~degree, criminal contempt in the first degree or aggravated criminal~~
30 ~~contempt is that the defendant violated a duly served order of~~
31 ~~protection where the protected party is a member of the defendant's same~~
32 ~~family or household as defined in subdivision one of section 530.11 of~~
33 ~~this title~~];

34 § 5. Subparagraph (viii) of paragraph (b) of subdivision 1 of section
35 530.20 of the criminal procedure law, as amended by section 3 of part UU
36 of chapter 56 of the laws of 2020, is amended to read as follows:

37 (viii) criminal contempt in the second degree as defined in subdivi-
38 sion three or subdivision eight of section 215.50 of the penal law,
39 criminal contempt in the first degree as defined in subdivision (b), (c)
40 [~~or~~], (d), or (e) of section 215.51 of the penal law or aggravated crim-
41 inal contempt as defined in section 215.52 of the penal law[~~, and the~~
42 ~~underlying allegation of such charge of criminal contempt in the second~~
43 ~~degree, criminal contempt in the first degree or aggravated criminal~~
44 ~~contempt is that the defendant violated a duly served order of~~
45 ~~protection where the protected party is a member of the defendant's same~~
46 ~~family or household as defined in subdivision one of section 530.11 of~~
47 ~~this article~~];

48 § 6. Paragraph (h) of subdivision 4 of section 530.40 of the criminal
49 procedure law, as amended by section 4 of part UU of chapter 56 of the
50 laws of 2020, is amended to read as follows:

51 (h) criminal contempt in the second degree as defined in subdivision
52 three or subdivision eight of section 215.50 of the penal law, criminal
53 contempt in the first degree as defined in subdivision (b), (c) [~~or~~],
54 (d), or (e) of section 215.51 of the penal law or aggravated criminal
55 contempt as defined in section 215.52 of the penal law [~~, and the under-~~
56 ~~lying allegation of such charge of criminal contempt in the second~~

~~1 degree, criminal contempt in the first degree or aggravated criminal
2 contempt is that the defendant violated a duly served order of
3 protection where the protected party is a member of the defendant's same
4 family or household as defined in subdivision one of section 530.11 of
5 this article];~~

6 § 7. Paragraph (c) of subdivision 4 of section 140.10 of the criminal
7 procedure law, as amended by chapter 4 of the laws of 1997, is amended
8 and a new paragraph (d) is added to read as follows:

9 (c) a misdemeanor constituting a family offense, as described in
10 subdivision one of section 530.11 of this chapter and section eight
11 hundred twelve of the family court act, has been committed by such
12 person against such family or household member, unless the victim
13 requests otherwise. The officer shall neither inquire as to whether the
14 victim seeks an arrest of such person nor threaten the arrest of any
15 person for the purpose of discouraging requests for police intervention.
16 Notwithstanding the foregoing, when an officer has reasonable cause to
17 believe that more than one family or household member has committed such
18 a misdemeanor, the officer is not required to arrest each such person.
19 In such circumstances, the officer shall attempt to identify and arrest
20 the primary physical aggressor after considering: (i) the comparative
21 extent of any injuries inflicted by and between the parties; (ii) wheth-
22 er any such person is threatening or has threatened future harm against
23 another party or another family or household member; (iii) whether any
24 such person has a prior history of domestic violence that the officer
25 can reasonably ascertain; and (iv) whether any such person acted defen-
26 sively to protect [~~himself or herself~~] themselves from injury. The officer
27 shall evaluate each complaint separately to determine who is the primary
28 physical aggressor and shall not base the decision to arrest or not to
29 arrest on the willingness of a person to testify or otherwise partic-
30 ipate in a judicial proceeding[~~+~~]; or

31 (d) such person has committed the offense of criminal contempt in the
32 second degree, as defined in section 215.50 of the penal law, criminal
33 contempt in the first degree, as defined in section 215.51 of the penal
34 law, or aggravated criminal contempt, as defined in section 215.52 of
35 the penal law.

36 § 8. This act shall take effect immediately and shall apply to all
37 orders of protection regardless of when such orders were issued;
38 provided, however, that the amendments to subdivision 4 of section
39 140.10 of the criminal procedure law, made by section seven of this act,
40 shall not affect the repeal of such subdivision, and shall be deemed
41 repealed therewith.