§ 155. Arrested adult. 1. If an adult respondent is arrested under this act when the family court is not in session, he or she shall be taken to the most accessible magistrate and arraigned. The production of a warrant issued by the family court, a certificate of warrant, a copy or a certificate of the order of protection or temporary order of protection, an order of protection or temporary order of protection, or a record of such warrant or order from the statewide computer registry established pursuant to section two hundred twenty-one-a of the executive law shall be evidence of the filing of an information, petition or sworn affidavit, as provided in section one hundred fifty-four-d of this article. Upon consideration of the bail recommendation, if any, made by the family court and indicated on the warrant or certificate of warrant, the magistrate shall thereupon commit such respondent to the custody of the sheriff, as defined in subdivision thirty-five of section 1.20 of the criminal procedure law, admit to, fix or accept bail, or parole him or her for hearing before the family court, subject to the provisions of subdivision four of section 530.11 of the criminal procedure law concerning arrests upon a violation of an order of protection.

2. If no warrant, order of protection or temporary order of protection has been issued by the family court, whether or not an information or petition has been filed, and an act alleged to be a family offense as defined in section eight hundred twelve of this act is the basis of an arrest, the magistrate shall permit the filing of an information, accusatory instrument or sworn affidavit as provided for in section one hundred fifty-four-d of this article, verified in accordance with subdivision one of section 100.30 of the criminal procedure law, alleging facts in support of a petition pursuant to article eight of this act. The magistrate shall thereupon commit such respondent to the custody of the sheriff, as defined in subdivision thirty-five of section 1.20 of the criminal procedure law, admit to, fix or accept bail, or parole such respondent for hearing before the family court and/or appropriate criminal court.

3. The protected party in whose favor the order of protection or temporary order of protection is issued may not be held to violate an

order issued in his or her favor nor may such protected party be arrested for violating such order.