

# PROGRAM BILL #27

S. -----  
Senate  
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IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

**\*DOMERELA\***  
(relates to the scope of orders of  
protection and temporary orders of  
protection)

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Dom Rel. orders of protection

## AN ACT

to amend the domestic relations law,  
the family court act and the crimi-  
nal procedure law, in relation to  
the scope of orders of protection  
and temporary orders of protection

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

## IN SENATE

### Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal:

s20 Adams	s17 Felder	s63 Kennedy	s25 Montgomery	s23 Savino
s15 Addabbo	s02 Flanagan	s34 Klein	s54 Nozzolio	s29 Serrano
s11 Avella	s08 Fuschillo	s28 Krueger	s55 O'Brien	s51 Seward
s40 Ball	s59 Gullivan	s24 Lanza	s58 O'Mara	s09 Skelos
s42 Bonacic	s12 Gianaris	s39 Larkin	s21 Parker	s14 Smith
s04 Boyle	s41 Gipson	s37 Latimer	s13 Peralta	s26 Squadron
s44 Breslin	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s38 Carlucci	s47 Griffo	s52 Libous	s61 Ranzenhofer	s35 Stewart- Cousins
s50 DeFrancisco	s60 Grisanti	s45 Little	s48 Ritchie	s46 Tkaczyk
s32 Diaz	s06 Hannon	s05 Marcellino	s33 Rivera	s53 Valesky
s18 Dilan	s36 Hassell-	s43 Marchione	s56 Robach	s57 Young
s31 Espaillat	Thompson	s07 Martins	s19 Sampson	s03 Zeldin
s49 Farley	s27 Hoylman	s62 Maziarz	s10 Sanders	

## IN ASSEMBLY

### Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a081 Dinowitz	a135 Johns	a133 Nojay	a140 Schimminger
a092 Abinanti	a147 DiPietro	a113 Jordan	a037 Nolan	a087 Sepulveda
a084 Arroyo	a115 Duprey	a094 Katz	a130 Oaks	a065 Silver
a035 Aubry	a004 Englebright	a074 Kavanagh	a069 O'Donnell	a027 Simanowitz
a120 Barclay	a054 Espinal	a142 Kearns	a051 Ortiz	a036 Simotas
a106 Barrett	a109 Fahy	a076 Kellner	a091 Otis	a104 Skartados
a060 Barron	a071 Farrell	a040 Kim	a132 Palmesano	a099 Skoufis
a082 Benedetto	a126 Finch	a131 Kolb	a088 Paulin	a022 Solages
a117 Blankenbush	a008 Fitzpatrick	a105 Lalor	a141 Peoples-	a114 Stec
a062 Borelli	a124 Friend	a013 Lavine	Stokes	a110 Steck
a055 Boyland	a143 Gabryszak	a050 Lentol	a058 Perry	a079 Stevenson
a026 Braunstein	a095 Galef	a125 Lifton	a089 Pretlow	a127 Stirpe
a044 Brennan	a137 Gantt	a102 Lopez, P.	a073 Quart	a011 Sweeney
a119 Brindisi	a007 Garbarino	a123 Lupardo	a019 Ra	a112 Tedisco
a138 Bronson	a077 Gibson	a010 Lupinacci	a098 Rabbitt	a101 Tenney
a046 Brook-Krasny	a148 Giglio	a121 Magee	a012 Raia	a001 Thiele
a093 Buchwald	a080 Gjonaj	a129 Magnarelli	a006 Ramos	a061 Titone
a118 Butler	a066 Glick	a059 Maisel	a134 Reilich	a031 Titus
a103 Cahill	a023 Goldfeder	a064 Malliotakis	a078 Rivera	a146 Walter
a043 Camara	a150 Goodell	a030 Markey	a128 Roberts	a041 Weinstein
a145 Ceretto	a075 Gottfried	a090 Mayer	a056 Robinson	a020 Weisenberg
a033 Clark	a005 Graf	a108 McDonald	a068 Rodriguez	a024 Weprin
a047 Colton	a100 Gunther	a014 McDonough	a072 Rosa	a070 Wright
a032 Cook	a139 Hawley	a017 McKeivitt	a067 Rosenthal	a096 Zebrowski
a144 Corwin	a083 Heastie	a107 McLaughlin	a025 Rozic	a002
a085 Crespo	a003 Hennessey	a038 Miller	a116 Russell	a053
a122 Crouch	a028 Hevesi	a052 Millman	a149 Ryan	a086
a021 Curran	a048 Hikind	a015 Montesano	a009 Saladino	
a063 Cusick	a018 Hooper	a136 Morelle	a111 Santabarbara	
a045 Cymbrowitz	a042 Jacobs	a057 Mosley	a029 Scarborough	
a034 DenDekker	a097 Jaffee	a039 Moya	a016 Schimel	

1) Single House Bill (introduced and printed separately in either or  
both houses). Uni-Bill (introduced simultaneously in both houses and printed  
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2  
signed copies of bill and 4 copies of memorandum in support (single house);  
or 4 signed copies of bill and 8 copies of memorandum  
in support (uni-bill).

1 Section 1. Paragraph b of subdivision 3 of section 240 of the domestic  
2 relations law, as amended by chapter 597 of the laws of 1998, is amended  
3 and a new paragraph i is added to read as follows:

4 b. An order of protection entered pursuant to this subdivision shall  
5 bear in a conspicuous manner, on the front page of said order, the  
6 language "Order of protection issued pursuant to section two hundred  
7 forty of the domestic relations law". The order of protection shall also  
8 contain the following notice: "This order of protection will remain in  
9 effect even if the protected party has, or consents to have, contact or  
10 communication with the party against whom the order is issued. This  
11 order of protection can only be modified or terminated by the court. The  
12 protected party cannot be held to violate this order nor be arrested for  
13 violating this order.". The absence of such language shall not affect  
14 the validity of such order. The presentation of a copy of such an order  
15 to any peace officer acting pursuant to his or her special duties, or  
16 police officer, shall constitute authority, for that officer to arrest a  
17 person when that person has violated the terms of such an order, and  
18 bring such person before the court and, otherwise, so far as lies within  
19 the officer's power, to aid in securing the protection such order was  
20 intended to afford.

21 i. The protected party in whose favor the order of protection or  
22 temporary order of protection is issued may not be held to violate such  
23 an order nor may such protected party be arrested for violating such  
24 order.

25 § 2. Subdivision 2 of section 252 of the domestic relations law, as  
26 added by chapter 349 of the laws of 1995, is amended and a new subdivi-  
27 sion 9-a is added to read as follows:

1 2. An order of protection entered pursuant to this subdivision shall  
2 bear in a conspicuous manner, on the front page of said order, the  
3 language "Order of protection issued pursuant to section two hundred  
4 fifty-two of the domestic relations law". The order of protection shall  
5 also contain the following notice: "This order of protection will remain  
6 in effect even if the protected party has, or consents to have, contact  
7 or communication with the party against whom the order is issued. This  
8 order of protection can only be modified or terminated by the court. The  
9 protected party cannot be held to violate this order nor be arrested for  
10 violating this order.". The absence of such language shall not affect  
11 the validity of such order. The presentation of a copy of such an order  
12 to any peace officer acting pursuant to his or her special duties, or  
13 police officer, shall constitute authority, for that officer to arrest a  
14 person when that person has violated the terms of such an order, and  
15 bring such person before the court and, otherwise, so far as lies within  
16 the officer's power, to aid in securing the protection such order was  
17 intended to afford.

18 9-a. The protected party in whose favor the order of protection or  
19 temporary order of protection is issued may not be held to violate an  
20 order issued in his or her favor nor may such protected party be  
21 arrested for violating such order.

22 § 3. Section 155 of the family court act is amended by adding a new  
23 subdivision 3 to read as follows:

24 3. The protected party in whose favor the order of protection or  
25 temporary order of protection is issued may not be held to violate an  
26 order issued in his or her favor nor may such protected party be  
27 arrested for violating such order.

1 § 4. Subdivision 3 of section 168 of the family court act, as added by  
2 chapter 164 of the laws of 1989, is amended to read as follows:

3 3. Any order of protection or temporary order of protection issued by  
4 the family court shall bear, in a conspicuous manner, the language, as  
5 the case may be, "this order constitutes an order of protection" or  
6 "this order constitutes a temporary order of protection", on the front  
7 page of said order. The order of protection or temporary order of  
8 protection shall also contain the following notice: "This order of  
9 protection will remain in effect even if the protected party has, or  
10 consents to have, contact or communication with the party against whom  
11 the order is issued. This order of protection can only be modified or  
12 terminated by the court. The protected party cannot be held to violate  
13 this order nor be arrested for violating this order.". The absence of  
14 such language shall not affect the validity of such order.

15 § 5. Section 446 of the family court act is amended by adding a new  
16 closing paragraph to read as follows:

17 The protected party in whose favor the order of protection or tempo-  
18 rary order of protection is issued may not be held to violate an order  
19 issued in his or her favor nor may such protected party be arrested for  
20 violating such order.

21 § 6. Section 551 of the family court act is amended by adding a new  
22 closing paragraph to read as follows:

23 The protected party in whose favor the order of protection or tempo-  
24 rary order of protection is issued may not be held to violate an order  
25 issued in his or her favor nor may such protected party be arrested for  
26 violating such order.

27 § 7. Section 656 of the family court act is amended by adding a new  
28 closing paragraph to read as follows:

1 The protected party in whose favor the order of protection or tempo-  
2 rary order of protection is issued may not be held to violate an order  
3 issued in his or her favor nor may such protected party be arrested for  
4 violating such order.

5 § 8. Section 759 of the family court act is amended by adding a new  
6 closing paragraph to read as follows:

7 The protected party in whose favor the order of protection or tempo-  
8 rary order of protection is issued may not be held to violate an order  
9 issued in his or her favor nor may such protected party be arrested for  
10 violating such order.

11 § 9. Section 842 of the family court act is amended by adding a new  
12 closing paragraph to read as follows:

13 The protected party in whose favor the order of protection or tempo-  
14 rary order of protection is issued may not be held to violate an order  
15 issued in his or her favor nor may such protected party be arrested for  
16 violating such order.

17 § 10. Section 846 of the family court act is amended by adding a new  
18 subdivision (a-1) to read as follows:

19 (a-1) The protected party in whose favor the order of protection or  
20 temporary order of protection is issued may not be held to violate an  
21 order issued in his or her favor nor may such protected party be  
22 arrested for violating such order.

23 § 11. Section 1056 of the family court act is amended by adding a new  
24 subdivision 7 to read as follows:

25 7. The protected party in whose favor the order of protection or  
26 temporary order of protection is issued may not be held to violate an  
27 order issued in his or her favor nor may such protected party be  
28 arrested for violating such order.

1 § 12. Subdivision 4 of section 140.10 of the criminal procedure law is  
2 amended by adding a new second undesignated paragraph to read as  
3 follows:

4 The protected party in whose favor the order of protection or tempo-  
5 rary order of protection is issued may not be held to violate an order  
6 issued in his or her favor nor may such protected party be arrested for  
7 violating such order.

8 § 13. Subdivisions 6 and 8 of section 530.12 of the criminal procedure  
9 law, subdivision 6 as amended by chapter 164 of the laws of 1989, the  
10 closing paragraph of subdivision 6 as added by chapter 222 of the laws  
11 of 1994 and subdivision 8 as amended by section 81 of subpart B of part  
12 C of chapter 62 of the laws of 2011, are amended to read as follows:

13 6. An order of protection or a temporary order of protection issued  
14 pursuant to subdivision one, two, three, four or five of this section  
15 shall bear in a conspicuous manner the term "order of protection" or  
16 "temporary order of protection" as the case may be and a copy shall be  
17 filed by the clerk of the court with the sheriff's office in the county  
18 in which the complainant resides, or, if the complainant resides within  
19 a city, with the police department of such city. The order of  
20 protection or temporary order of protection shall also contain the  
21 following notice: "This order of protection will remain in effect even  
22 if the protected party has, or consents to have, contact or communi-  
23 cation with the party against whom the order is issued. This order of  
24 protection can only be modified or terminated by the court. The  
25 protected party cannot be held to violate this order nor be arrested for  
26 violating this order.". The absence of such language shall not affect  
27 the validity of such order. A copy of such order of protection or  
28 temporary order of protection may from time to time be filed by the

1 clerk of the court with any other police department or sheriff's office  
2 having jurisdiction of the residence, work place, and school of anyone  
3 intended to be protected by such order. A copy of the order may also be  
4 filed by the complainant at the appropriate police department or sher-  
5 iff's office having jurisdiction. Any subsequent amendment or revocation  
6 of such order shall be filed in the same manner as herein provided.

7 Such order of protection shall plainly state the date that such order  
8 expires.

9 8. In any proceeding, in which an order of protection or temporary  
10 order of protection or a warrant has been issued under this section, the  
11 clerk of the court shall issue to the complainant and defendant and  
12 defense counsel and to any other person affected by the order a copy of  
13 the order of protection or temporary order of protection and ensure that  
14 a copy of the order of protection or temporary order of protection be  
15 transmitted to the local correctional facility where the individual is  
16 or will be detained, the state or local correctional facility where the  
17 individual is or will be imprisoned, and the supervising probation  
18 department or department of corrections and community supervision where  
19 the individual is under probation or parole supervision. The presenta-  
20 tion of a copy of such order or a warrant to any peace officer acting  
21 pursuant to his or her special duties or police officer shall constitute  
22 authority for him or her to arrest a person who has violated the terms  
23 of such order and bring such person before the court and, otherwise, so  
24 far as lies within his or her power, to aid in securing the protection  
25 such order was intended to afford. The protected party in whose favor  
26 the order of protection or temporary order of protection is issued may  
27 not be held to violate an order issued in his or her favor nor may such  
28 protected party be arrested for violating such order.

1 § 14. Severability clause. If any clause, sentence, paragraph, subdi-  
2 vision, section or part of this act shall be adjudged by a court of  
3 competent jurisdiction to be invalid, such judgment shall not affect,  
4 impair or invalidate the remainder thereof, but shall be confined in its  
5 operation to the clause, sentence, paragraph, subdivision, section or  
6 part thereof directly involved in the controversy in which such judgment  
7 shall have been rendered. It is hereby declared to be the intent of the  
8 legislature that this act would have been enacted even if such invalid  
9 provisions had not been included herein.

10 § 15. This act shall take effect immediately and shall apply to all  
11 orders of protection regardless of when such orders were issued, except  
12 that:

13 (a) the amendments to paragraph b of subdivision 3 of section 240 of  
14 the domestic relations law made by section one of this act, the amend-  
15 ments to subdivision 2 of section 252 of the domestic relations law made  
16 by section two of this act, the amendments to subdivision 3 of section  
17 168 of the family court act made by section four of this act, and the  
18 amendments to subdivision 6 of section 530.12 of the criminal procedure  
19 law made by section thirteen of this act shall take effect on the nine-  
20 tieth day after this act shall have become a law, and shall apply to  
21 orders of protection issued on or after such effective date; and

22 (b) the amendments to subdivision 4 of section 140.10 of the criminal  
23 procedure law, made by section twelve of this act, shall not affect the  
24 repeal of such subdivision, and shall be deemed repealed therewith.