

PROGRAM BILL # 14R

S. _____
Senate

IN SENATE--Introduced by Sen

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

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

FAMICOAC* *Governor 14 R-1
(Enacts provisions relating to
domestic violence; requiring attor-
neys for children to receive train-
ing or education in domestic
violence)

Fam Ct. domestic violence

AN ACT

to amend the family court act, in
relation to requiring attorneys for
children to receive training or
education in domestic violence
prevention; to amend the domestic
relations law, in relation to
requiring the court to state on the
record the domestic violence and
child abuse factored into their
award of custody or visitation; to
amend the criminal procedure law and

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	s03 Foley	s24 Lanza	s12 Onorato	s09 Skelos
s15 Addabbo	s08 Fuschillo	s39 Larkin	s37 Oppenheimer	s14 Smith
s55 Alesi	s22 Golden	s01 LaValle	s11 Padavan	s25 Squadron
s48 Aubertine	s47 Griffo	s40 Leibell	s21 Parker	s58 Stachowski
s42 Bonacic	s06 Hannon	s52 Libous	s30 Perkins	s16 Staviisky
s46 Breslin	s36 Hassell-	s45 Little	s61 Ranzenhofer	s35 Stewart-
s50 DeFrancisco	Thompson	s05 Marcellino	s56 Robach	Cousins
s32 Diaz	s10 Huntley	s62 Maziarz	s41 Saland	s60 Thompson
s17 Dilan	s07 Johnson, C.	s43 McDonald	s19 Sampson	s49 Valesky
s29 Duane	s04 Johnson, O.	s13 Monserrate	s23 Savino	s59 Volker
s33 Espada	s34 Klein	s18 Montgomery	s31 Schneiderman	s53 Winner
s44 Farley	s26 Krueger	s38 Morahan	s28 Serrano	s57 Young
s02 Planagan	s27 Kruger	s54 Nozzolio	s51 Seward	

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	a047 Colton	a098 Gunther	a027 Mayersohn	a076 Rivera, P.
a001 Alessi	a010 Conte	a139 Hawley	a019 McDonough	a056 Robinson
a021 Alfano	a032 Cook	a148 Hayes	a104 McEneny	a067 Rosenthal
a105 Amedore	a142 Corwin	a083 Heastie	a017 McKeVitt	a118 Russell
a084 Arroyo	a085 Crespo	a028 Hevesi	a022 Meng	a012 Saladino
a035 Aubry	a107 Crouch	a048 Hkind	a102 Miller	a113 Sayward
a136 Bacalles	a063 Cusick	a018 Hooper	a052 Millman	a029 Scarborough
a099 Ball	a045 Cymbrowitz	a144 Hoyt	a103 Molinaro	a016 Schimmel
a124 Barclay	a138 DelMonte	a060 Hyer-Spencer	a132 Morelle	a140 Schimminger
a014 Barra	a034 DenDekker	a042 Jacobs	a037 Nolan	a145 Schroeder
a040 Barron	a116 Destito	a095 Jaffee	a128 Oaks	a122 Scozzafava
a082 Benedetto	a081 Dinowitz	a057 Jeffries	a069 O'Donnell	a038 Seminero
a079 Benjamin	a114 Duprey	a131 John	a137 O'Mara	a064 Silver
a073 Bing	a003 Eddington	a112 Jordan	a051 Ortiz	a100 Skartados
a055 Boyland	a004 Englebright	a074 Kavanagh	a150 Parment	a093 Spano
a008 Boyle	a130 Errigo	a065 Kellner	a088 Paulin	a121 Stirpe
a089 Bradley	a072 Espaillet	a129 Kolb	a141 Peoples	a011 Sweeney
a044 Brennan	a071 Farrell	a135 Koon	a039 Peralta	a110 Tediaco
a092 Brodsky	a005 Fields	a025 Lancman	a058 Perry	a002 Thiele
a046 Brook-Krasny	a123 Finch	a091 Latimer	a023 Pheffer	a061 Titone
a147 Burling	a007 Fitzpatrick	a013 Lavine	a068 Powell	a031 Titus
a117 Butler	a143 Gabryszak	a050 Lentol	a087 Pretlow	a062 Tobacco
a101 Cahill	a090 Galef	a125 Lifton	a146 Quinn	a054 Towns
a096 Calhoun	a133 Gantt	a127 Lopez, P.	a097 Rabbitt	a115 Townsend
a043 Camara	a036 Gianaris	a053 Lopez, V.	a009 Raia	a015 Walker
a106 Canestrari	a077 Gibson	a126 Lupardo	a006 Ramos	a041 Weinstein
a026 Carrozza	a149 Giglio	a111 Magee	a134 Reilich	a020 Weisenberg
a086 Castro	a066 Glick	a120 Magnarelli	a109 Reilly	a024 Weprin
a119 Christensen	a108 Gordon	a059 Maisel	a078 Rivera, J.	a070 Wright
a033 Clark	a075 Gottfried	a030 Markey	a080 Rivera, N.	a094 Zebrowski

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).

the family court act, in relation to orders of protection; and to amend the criminal procedure law, in relation to reporting domestic violence incidents to the supervising probation department or the division of parole

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

1 Section 1. Section 249-b of the family court act, as added by chapter
2 626 of the laws of 2007, is amended to read as follows:

3 § 249-b. Rules of court. (a) The chief administrator of the courts,
4 pursuant to paragraph (e) of subdivision two of section two hundred
5 twelve of the judiciary law, shall promulgate court rules [prescribing]
6 for attorneys for children. Such court rules shall:

7 1. prescribe workload standards for attorneys for children, including
8 maximum numbers of children who can be represented at any given time, in
9 order to ensure that children receive effective assistance of counsel
10 comporting with legal and ethical mandates, the complexity of the
11 proceedings affecting each client to which the law guardian is assigned,
12 and the nature of the court appearance likely to be required for each
13 individual client[. Appointments of attorneys for children under
14 section two hundred forty-nine of this part shall be in conformity with
15 the rules]; and

16 2. provide for the development of training programs with the input of
17 and in consultation with the state office for the prevention of domestic
18 violence. Such training programs must include the dynamics of domestic
19 violence and its effect on victims and on children, and the relationship
20 between such dynamics and the issues considered by the court, including,
21 but not limited to, custody, visitation and child support. Such training
22 programs along with the providers of such training must be approved by
23 the office of court administration following consultation with and input
24 from the state office for the prevention of domestic violence; and

25 3. require that all attorneys for children, including new and veteran
26 attorneys, receive initial and ongoing training as provided for in this
27 section.

1 (b) Appointments of attorneys for children under section two hundred
2 forty-nine of this part shall be in conformity with the rules.

3 § 2. Paragraph (a) of subdivision 1 of section 240 of the domestic
4 relations law, as amended by chapter 538 of the laws of 2008, is amended
5 to read as follows:

6 (a) In any action or proceeding brought (1) to annul a marriage or to
7 declare the nullity of a void marriage, or (2) for a separation, or (3)
8 for a divorce, or (4) to obtain, by a writ of habeas corpus or by peti-
9 tion and order to show cause, the custody of or right to visitation with
10 any child of a marriage, the court shall require verification of the
11 status of any child of the marriage with respect to such child's custody
12 and support, including any prior orders, and shall enter orders for
13 custody and support as, in the court's discretion, justice requires,
14 having regard to the circumstances of the case and of the respective
15 parties and to the best interests of the child and subject to the
16 provisions of subdivision one-c of this section. Where either party to
17 an action concerning custody of or a right to visitation with a child
18 alleges in a sworn petition or complaint or sworn answer, cross-peti-
19 tion, counterclaim or other sworn responsive pleading that the other
20 party has committed an act of domestic violence against the party making
21 the allegation or a family or household member of either party, as such
22 family or household member is defined in article eight of the family
23 court act, and such allegations are proven by a preponderance of the
24 evidence, the court must consider the effect of such domestic violence
25 upon the best interests of the child, together with such other facts and
26 circumstances as the court deems relevant in making a direction pursuant
27 to this section and state on the record how such findings, facts and
28 circumstances factored into the direction. If a parent makes a good

1 faith allegation based on a reasonable belief supported by facts that
2 the child is the victim of child abuse, child neglect, or the effects of
3 domestic violence, and if that parent acts lawfully and in good faith in
4 response to that reasonable belief to protect the child or seek treat-
5 ment for the child, then that parent shall not be deprived of custody,
6 visitation or contact with the child, or restricted in custody, visita-
7 tion or contact, based solely on that belief or the reasonable actions
8 taken based on that belief. If an allegation that a child is abused is
9 supported by a preponderance of the evidence, then the court shall
10 consider such evidence of abuse in determining the visitation arrange-
11 ment that is in the best interest of the child, and the court shall not
12 place a child in the custody of a parent who presents a substantial risk
13 of harm to that child, and shall state on the record how such findings
14 were factored into the determination. An order directing the payment of
15 child support shall contain the social security numbers of the named
16 parties. In all cases there shall be no prima facie right to the custody
17 of the child in either parent. Such direction shall make provision for
18 child support out of the property of either or both parents. The court
19 shall make its award for child support pursuant to subdivision one-b of
20 this section. Such direction may provide for reasonable visitation
21 rights to the maternal and/or paternal grandparents of any child of the
22 parties. Such direction as it applies to rights of visitation with a
23 child remanded or placed in the care of a person, official, agency or
24 institution pursuant to article ten of the family court act, or pursuant
25 to an instrument approved under section three hundred fifty-eight-a of
26 the social services law, shall be enforceable pursuant to part eight of
27 article ten of the family court act and sections three hundred fifty-
28 eight-a and three hundred eighty-four-a of the social services law and

1 other applicable provisions of law against any person having care and
2 custody, or temporary care and custody, of the child. Notwithstanding
3 any other provision of law, any written application or motion to the
4 court for the establishment, modification or enforcement of a child
5 support obligation for persons not in receipt of public assistance and
6 care must contain either a request for child support enforcement
7 services which would authorize the collection of the support obligation
8 by the immediate issuance of an income execution for support enforcement
9 as provided for by this chapter, completed in the manner specified in
10 section one hundred eleven-g of the social services law; or a statement
11 that the applicant has applied for or is in receipt of such services; or
12 a statement that the applicant knows of the availability of such
13 services, has declined them at this time and where support enforcement
14 services pursuant to section one hundred eleven-g of the social services
15 law have been declined that the applicant understands that an income
16 deduction order may be issued pursuant to subdivision (c) of section
17 fifty-two hundred forty-two of the civil practice law and rules without
18 other child support enforcement services and that payment of an adminis-
19 trative fee may be required. The court shall provide a copy of any such
20 request for child support enforcement services to the support collection
21 unit of the appropriate social services district any time it directs
22 payments to be made to such support collection unit. Additionally, the
23 copy of any such request shall be accompanied by the name, address and
24 social security number of the parties; the date and place of the
25 parties' marriage; the name and date of birth of the child or children;
26 and the name and address of the employers and income payors of the party
27 from whom child support is sought or from the party ordered to pay child
28 support to the other party. Such direction may require the payment of a

1 sum or sums of money either directly to the custodial parent or to third
2 persons for goods or services furnished for such child, or for both
3 payments to the custodial parent and to such third persons; provided,
4 however, that unless the party seeking or receiving child support has
5 applied for or is receiving such services, the court shall not direct
6 such payments to be made to the support collection unit, as established
7 in section one hundred eleven-h of the social services law. Every order
8 directing the payment of support shall require that if either parent
9 currently, or at any time in the future, has health insurance benefits
10 available that may be extended or obtained to cover the child, such
11 parent is required to exercise the option of additional coverage in
12 favor of such child and execute and deliver to such person any forms,
13 notices, documents or instruments necessary to assure timely payment of
14 any health insurance claims for such child.

15 § 3. The opening paragraph of subdivision 1 of section 530.11 of the
16 criminal procedure law, as amended by chapter 326 of the laws of 2008,
17 is amended to read as follows:

18 The family court and the criminal courts shall have concurrent juris-
19 diction over any proceeding concerning acts which would constitute
20 disorderly conduct, harassment in the first degree, harassment in the
21 second degree, aggravated harassment in the second degree, sexual
22 misconduct, forcible touching, sexual abuse in the third degree, sexual
23 abuse in the second degree as set forth in subdivision one of section
24 130.60 of the penal law, stalking in the first degree, stalking in the
25 second degree, stalking in the third degree, stalking in the fourth
26 degree, criminal mischief, menacing in the second degree, menacing in
27 the third degree, reckless endangerment, assault in the second degree,
28 assault in the third degree or an attempted assault between spouses or

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

12 § 4. The opening paragraph of subdivision 1 of section 812 of the
13 family court act, as amended by chapter 326 of the laws of 2008, is
14 amended to read as follows:

15 The family court and the criminal courts shall have concurrent juris-
16 diction over any proceeding concerning acts which would constitute
17 disorderly conduct, harassment in the first degree, harassment in the
18 second degree, aggravated harassment in the second degree, sexual
19 misconduct, forcible touching, sexual abuse in the third degree, sexual
20 abuse in the second degree as set forth in subdivision one of section
21 130.60 of the penal law, stalking in the first degree, stalking in the
22 second degree, stalking in the third degree, stalking in the fourth
23 degree, criminal mischief, menacing in the second degree, menacing in
24 the third degree, reckless endangerment, assault in the second degree,
25 assault in the third degree or an attempted assault between spouses or
26 former spouses, or between parent and child or between members of the
27 same family or household except that if the respondent would not be
28 criminally responsible by reason of age pursuant to section 30.00 of the

1 penal law, then the family court shall have exclusive jurisdiction over
2 such proceeding. Notwithstanding a complainant's election to proceed in
3 family court, the criminal court shall not be divested of jurisdiction
4 to hear a family offense proceeding pursuant to this section. For
5 purposes of this article, "disorderly conduct" includes disorderly
6 conduct not in a public place. For purposes of this article, "members
7 of the same family or household" shall mean the following:

8 § 5. Paragraph (a) of subdivision 1 of section 821 of the family court
9 act, as amended by chapter 635 of the laws of 1999, is amended to read
10 as follows:

11 (a) An allegation that the respondent assaulted or attempted to
12 assault his or her spouse, or former spouse, parent, child or other
13 member of the same family or household or engaged in disorderly conduct,
14 harassment, sexual misconduct, forcible touching, sexual abuse in the
15 third degree, sexual abuse in the second degree as set forth in subdivi-
16 sion one of section 130.60 of the penal law, stalking, criminal
17 mischief, menacing or reckless endangerment toward any such person;
18 [and]

19 § 6. Subdivision 5 of section 140.10 of the criminal procedure law, as
20 amended by chapter 626 of the laws of 1997, is amended to read as
21 follows:

22 5. Upon investigating a report of a crime or offense between members
23 of the same family or household as such terms are defined in section
24 530.11 of this chapter and section eight hundred twelve of the family
25 court act, a law enforcement officer shall prepare and file a written
26 report of the incident, on a form promulgated pursuant to section eight
27 hundred thirty-seven of the executive law, including statements made by
28 the victim and by any witnesses, and make any additional reports

1 required by local law enforcement policy or regulations. Such report
2 shall be prepared and filed, whether or not an arrest is made as a
3 result of the officers' investigation, and shall be retained by the law
4 enforcement agency for a period of not less than four years. Where the
5 reported incident involved an offense committed against a person who is
6 sixty-five years of age or older a copy of the report required by this
7 subdivision shall be sent to the New York state committee for the coor-
8 dination of police services to elderly persons established pursuant to
9 section eight hundred forty-four-b of the executive law. Where the
10 reported incident involved an offense committed by an individual known
11 by the law enforcement officer to be under probation or parole super-
12 vision, he or she shall transmit a copy of the report as soon as practi-
13 cable to the supervising probation department or the division of parole.

14 § 7. Paragraph (a) of subdivision 1 of section 160.55 of the criminal
15 procedure law, as amended by chapter 169 of the laws of 1994, is amended
16 to read as follows:

17 (a) every photograph of such person and photographic plate or proof,
18 and all palmprints and fingerprints taken or made of such person pursu-
19 ant to the provisions of this article in regard to the action or
20 proceeding terminated, and all duplicates and copies thereof, except a
21 digital fingerprint image where authorized pursuant to paragraph (e) of
22 this subdivision, except for the palmprints and fingerprints concerning
23 a disposition of harassment in the second degree as defined in section
24 240.26 of the penal law, committed against a member of the same family
25 or household as the defendant, as defined in subdivision one of section
26 530.11 of this chapter, and determined pursuant to subdivision eight-a
27 of section 170.10 of this title, shall forthwith be, at the discretion
28 of the recipient agency, either destroyed or returned to such person, or

1 to the attorney who represented such person at the time of the termi-
2 nation of the action or proceeding, at the address given by such person
3 or attorney during the action or proceeding, by the division of criminal
4 justice services and by any police department or law enforcement agency
5 having any such photograph, photographic plate or proof, palmprints or
6 fingerprints in its possession or under its control;

7 § 8. Paragraph (d) of subdivision 1 of section 160.55 of the criminal
8 procedure law, as amended by chapter 169 of the laws of 1994, is amended
9 to read as follows:

10 (d) the records referred to in paragraph (c) of this subdivision shall
11 be made available to the person accused or to such person's designated
12 agent, and shall be made available to (i) a prosecutor in any proceeding
13 in which the accused has moved for an order pursuant to section 170.56
14 or 210.46 of this chapter, or (ii) a law enforcement agency upon ex
15 parte motion in any superior court, if such agency demonstrates to the
16 satisfaction of the court that justice requires that such records be
17 made available to it, or (iii) any state or local officer or agency with
18 responsibility for the issuance of licenses to possess guns, when the
19 accused has made application for such a license, or (iv) the New York
20 state division of parole when the accused is under parole supervision as
21 a result of conditional release or parole release granted by the New
22 York state board of parole and the arrest which is the subject of the
23 inquiry is one which occurred while the accused was under such super-
24 vision, or (v) the probation department responsible for supervision of
25 the accused when the arrest which is the subject of the inquiry is one
26 which occurred while the accused was under such supervision, or (vi) a
27 police agency, probation department, sheriff's office, district attor-
28 ney's office, department of correction of any municipality and parole

1 department, for law enforcement purposes, upon arrest in instances in
2 which the individual stands convicted of harassment in the second
3 degree, as defined in section 240.26 of the penal law, committed against
4 a member of the same family or household as the defendant, as defined in
5 subdivision one of section 530.11 of this chapter, and determined pursu-
6 ant to subdivision eight-a of section 170.10 of this title; and

7 § 9. Subdivision 4 of section 170.10 of the criminal procedure law is
8 amended by adding a new paragraph (e) to read as follows:

9 (e) Where an information, a simplified information, a prosecutor's
10 information, a misdemeanor complaint, a felony complaint or an indict-
11 ment charges harassment in the second degree, as defined in section
12 240.26 of the penal law, if there is a judgment of conviction for such
13 offense and such offense is determined to have been committed against a
14 member of the same family or household as the defendant, as defined in
15 subdivision one of section 530.11 of this chapter, the record of such
16 conviction shall be accessible for law enforcement purposes and not
17 sealed, as specified in paragraph (a) and subparagraph (vi) of paragraph
18 (d) of subdivision one of section 160.55 of this title; and

19 § 10. Subdivision 2 of section 160.55 of the criminal procedure law,
20 as added by chapter 142 of the laws of 1991, is amended to read as
21 follows:

22 2. A report of the termination of the action or proceeding by
23 conviction of a traffic violation or a violation other than a violation
24 of loitering as described in paragraph (d) or (e) of subdivision one of
25 section 160.10 of this [chapter] title or the violation of operating a
26 motor vehicle while ability impaired as described in subdivision one of
27 section eleven hundred ninety-two of the vehicle and traffic law, shall
28 be sufficient notice of sealing to the commissioner of the division of

1 criminal justice services unless the report also indicates that the
2 court directed that the record not be sealed in the interests of
3 justice. Where the court has determined pursuant to subdivision one of
4 this section that sealing is not in the interests of justice, the clerk
5 of the court shall include notification of that determination in any
6 report to such division of the disposition of the action or proceeding.
7 When the defendant has been found guilty of a violation of harassment in
8 the second degree and it was determined pursuant to subdivision eight-a
9 of section 170.10 of this title that such violation was committed
10 against a member of the same family or household as the defendant, the
11 clerk of the court shall include notification of that determination in
12 any report to such division of the disposition of the action or proceed-
13 ing for purposes of paragraph (a) and subparagraph (vi) of paragraph (d)
14 of subdivision one of this section.

15 § 11. Section 170.10 of the criminal procedure law is amended by
16 adding a new subdivision 8-a to read as follows:

17 8-a. (a) Where an information, a simplified information, a
18 prosecutor's information, a misdemeanor complaint, a felony complaint or
19 an indictment charges harassment in the second degree as defined in
20 section 240.26 of the penal law, the people may serve upon the defendant
21 and file with the court a notice alleging that such offense was commit-
22 ted against a member of the same family or household as the defendant,
23 as defined in subdivision one of section 530.11 of this chapter. Such
24 notice must be served within fifteen days after arraignment on an infor-
25 mation, a simplified information, a prosecutor's information, a misde-
26 meanor complaint, a felony complaint or an indictment for such charge
27 and before trial. Such notice must include the name of the person
28 alleged to be a member of the same family or household as the defendant

1 and specify the specific family or household relationship as defined in
2 subdivision one of section 530.11 of this chapter.

3 (b) If a defendant, charged with harassment in the second degree as
4 defined in section 240.26 of the penal law stipulates, or admits in the
5 course of a plea disposition, that the person against whom the charged
6 offense is alleged to have been committed is a member of the same family
7 or household as the defendant, as defined in subdivision one of section
8 530.11 of this chapter, such allegation shall be deemed established for
9 purposes of paragraph (a) and subparagraph (vi) of paragraph (d) of
10 subdivision one of section 160.55 of this title. If the defendant denies
11 such allegation, the people may, by proof beyond a reasonable doubt,
12 prove as part of their case that the alleged victim of such offense was
13 a member of the same family or household as the defendant. In such
14 circumstances, the trier of fact shall make its determination with
15 respect to such allegation orally on the record or in writing.

16 § 12. The opening paragraph of subdivision 5 of section 530.12 of the
17 criminal procedure law, as amended by chapter 215 of the laws of 2006,
18 is amended to read as follows:

19 Upon conviction of any crime or violation between spouses, parent and
20 child, or between members of the same family or household as defined in
21 subdivision one of section 530.11 of this article, the court may in
22 addition to any other disposition, including a conditional discharge or
23 youthful offender adjudication, enter an order of protection. Where a
24 temporary order of protection was issued, the court shall state on the
25 record the reasons for issuing or not issuing an order of protection.
26 The duration of such an order shall be fixed by the court and[,]: (A) in
27 the case of a felony conviction, shall not exceed the greater of: (i)
28 eight years from the date of such conviction, or (ii) eight years from

1 the date of the expiration of the maximum term of an indeterminate or
2 the term of a determinate sentence of imprisonment actually imposed; or
3 (B) in the case of a conviction for a class A misdemeanor, shall not
4 exceed the greater of: (i) five years from the date of such conviction,
5 or (ii) five years from the date of the expiration of the maximum term
6 of a definite or intermittent term actually imposed; or (C) in the case
7 of a conviction for any other offense, shall not exceed the greater of:
8 (i) two years from the date of conviction, or (ii) two years from the
9 date of the expiration of the maximum term of a definite or intermittent
10 term actually imposed. For purposes of determining the duration of an
11 order of protection entered pursuant to this subdivision, a conviction
12 shall be deemed to include a conviction that has been replaced by a
13 youthful offender adjudication. In addition to any other conditions,
14 such an order may require the defendant:

15 § 13. The opening paragraph of subdivision 4 of section 530.13 of the
16 criminal procedure law, as amended by chapter 215 of the laws of 2006,
17 is amended to read as follows:

18 Upon conviction of any offense, where the court has not issued an
19 order of protection pursuant to section 530.12 of this article, the
20 court may, in addition to any other disposition, including a conditional
21 discharge or youthful offender adjudication, enter an order of
22 protection. Where a temporary order of protection was issued, the court
23 shall state on the record the reasons for issuing or not issuing an
24 order of protection. The duration of such an order shall be fixed by the
25 court and[,]; (A) in the case of a felony conviction, shall not exceed
26 the greater of: (i) eight years from the date of such conviction, or
27 (ii) eight years from the date of the expiration of the maximum term of
28 an indeterminate or the term of a determinate sentence of imprisonment

1 actually imposed; or (B) in the case of a conviction for a class A
2 misdemeanor, shall not exceed the greater of: (i) five years from the
3 date of such conviction, or (ii) five years from the date of the expira-
4 tion of the maximum term of a definite or intermittent term actually
5 imposed; or (C) in the case of a conviction for any other offense, shall
6 not exceed the greater of: (i) two years from the date of conviction, or
7 (ii) two years from the date of the expiration of the maximum term of a
8 definite or intermittent term actually imposed. For purposes of deter-
9 mining the duration of an order of protection entered pursuant to this
10 subdivision, a conviction shall be deemed to include a conviction that
11 has been replaced by a youthful offender adjudication. In addition to
12 any other conditions such an order may require that the defendant:

13 § 14. Consistent with available resources, the division of human
14 rights, in conjunction with the office for the prevention of domestic
15 violence, shall develop training programs where necessary to implement
16 subdivision 20 of section 296 of the executive law, as added by a chap-
17 ter of the laws of 2009.

18 § 15. This act shall take effect on the ninetieth day after it shall
19 have become a law; provided, however, sections seven, eight and ten of
20 this act shall take effect on the one hundred twentieth day after it
21 shall have become a law and shall apply to convictions entered on or
22 after such effective date; provided, however, that sections nine and
23 eleven of this act shall take effect on the thirtieth day after it shall
24 have become a law; and provided, further, that the amendments to the
25 opening paragraph of subdivision 5 of section 530.12 and the opening
26 paragraph of subdivision 4 of section 530.13 of the criminal procedure
27 law made by sections twelve and thirteen of this act shall not affect

1 the expiration of such paragraphs and shall be deemed to expire there-
2 with.

