

**BILL TEXT:****STATE OF NEW YORK**

7747

2005-2006 Regular Sessions

**IN ASSEMBLY**

April 28, 2005

Introduced by M. of A. ZEBROWSKI -- read once and referred to the  
Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to provid-  
ing domestic violence victims or crime victims with supervision while  
taking depositions

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

- 1 Section 1. This act shall be known and may be cited as the "Lydia  
2 Peikon Cotz act".  
3 § 2. Section 3104 of the civil practice law and rules is amended by  
4 adding a new subdivision (f) to read as follows:  
5 (f) Whenever a party is protected by an order of protection issued  
6 under section eight hundred forty-two of the family court act or a  
7 protective order issued under subdivision one of section 530.12 of the  
8 criminal procedure law, upon application, the court shall provide a  
9 secure location within the courthouse, and a court officer, for taking  
10 the deposition of either the party or the opposing party.  
11 § 3. This act shall take effect immediately.

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

LBD07704-01-5

**SPONSORS MEMO:**

**NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(e)**

BILL NUMBER: A7747

SPONSOR: Zebrowski

TITLE OF BILL: An act to amend the civil practice law and rules, in  
relation to providing domestic violence victims or crime victims with  
supervision while taking depositions

**RETRIEVE BILL**

**PURPOSE OR GENERAL IDEA OF BILL:** To allow victims of crime and/or domestic violence with Orders of Protection to be protected in depositions and allow upon motion of any party or witness to request the Court to allow victims to take depositions in the courthouse under the supervision of a court officer.

**SUMMARY OF SPECIFIC PROVISIONS:** A new subdivision (f) is added to Section 3104 of the CPLR to require the court, upon motion, to provide a secure location within the courthouse, and a court officer for taking the deposition of either the party or the opposing party.

**JUSTIFICATION:** Victims should not be continually threatened or in fear while court depositions are being taken. This measure will provide security and peace of mind to those victims.

**LEGISLATIVE HISTORY:**

2003-2004 A.8324, referred to codes

**FISCAL IMPLICATIONS:** To be determined

**EFFECTIVE DATE:** This act shall take effect immediately.

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