

BILL TEXT:

STATE OF NEW YORK

8647--C

Cal. No. 597

2007-2008 Regular Sessions

IN ASSEMBLY

May 23, 2007

Introduced by M. of A. WEINSTEIN, O'DONNELL -- read once and referred to the Committee on Judiciary -- again amended on special order of third reading, ordered reprinted, retaining its place on the special order of third reading -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the civil practice law and rules, in relation to orders of attachment

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

1 Section 1. Section 6201 of the civil practice law and rules, as
2 amended by chapter 860 of the laws of 1977, subdivision 4 as added and
3 subdivision 5 as renumbered by chapter 618 of the laws of 1992, is
4 amended to read as follows:
5 § 6201. Grounds for attachment. [~~Am~~] (a) Pre-judgment order of
6 attachment. A pre-judgment order of attachment may be granted in any
7 action, except a matrimonial action, where the plaintiff has demanded
8 and would be entitled, in whole or in part, or in the alternative, to a
9 money judgment against one or more defendants, when:
10 1. the defendant is a nondomiciliary residing without the state, or is
11 a foreign corporation not qualified to do business in the state; or
12 2. the defendant resides or is domiciled in the state and cannot be
13 personally served despite diligent efforts to do so; or
14 3. the defendant, with intent to defraud his creditors or frustrate
15 the enforcement of a judgment that might be rendered in plaintiff's
16 favor, has assigned, disposed of, encumbered or secreted property, or
17 removed it from the state or is about to do any of these acts; or
18 4. the action is brought by the victim or the representative of the
19 victim of a crime, as defined in subdivision six of section six hundred
20 twenty-one of the executive law, against the person or the legal repre-

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

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1 tentative or assignee of the person convicted of committing such crime
2 and seeks to recover damages sustained as a result of such crime pursu-
3 ant to section six hundred thirty-two-a of the executive law; or

4 5. the cause of action is based on a judgment, decree or order of a
5 court of the United States or of any other court which is entitled to
6 full faith and credit in this state, or on a judgment which qualifies
7 for recognition under the provisions of article 53 of this chapter.

8 (b) Post-judgment order of attachment. A post-judgment order of
9 attachment may be granted upon a showing by the judgment creditor that a
10 reasonable basis exists for delaying the issuance of an execution with
11 respect to specific identifiable property of, or debt owed to, the judg-
12 ment debtor. Such attachment shall remain in place subject to further
13 order of the court or issuance of an execution.

14 § 2. This act shall take effect on the first of January next succeed-
15 ing the date on which it shall have become a law.
