

## BILL TEXT:

## STATE OF NEW YORK

3166--F

Cal. No. 637

2007-2008 Regular Sessions

## IN SENATE

February 27, 2007

Introduced by Sen. VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading -- substituted by Assembly No. 8647-A, substitution reconsidered, restored to third reading, committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in 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:

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

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1 1. the defendant is a nondomiciliary residing without the state, or is  
2 a foreign corporation not qualified to do business in the state; or

3 2. the defendant resides or is domiciled in the state and cannot be  
4 personally served despite diligent efforts to do so; or

5 3. the defendant, with intent to defraud his creditors or frustrate  
6 the enforcement of a judgment that might be rendered in plaintiff's  
7 favor, has assigned, disposed of, encumbered or secreted property, or  
8 removed it from the state or is about to do any of these acts; or

9 4. the action is brought by the victim or the representative of the  
10 victim of a crime, as defined in subdivision six of section six hundred  
11 twenty-one of the executive law, against the person or the legal repre-  
12 sentative or assignee of the person convicted of committing such crime  
13 and seeks to recover damages sustained as a result of such crime pursu-  
14 ant to section six hundred thirty-two-a of the executive law; or

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

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

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