

ORI No: _____
Order No: _____
NYSID No. _____
CJTN No. _____

At a term of the _____ Court, County of _____
at the courthouse at (address) _____, State of New York

PRESENT: Hon. _____

People of the State of New York
-against-

Defendant

ORDER OF PROTECTION

Non-Family Offense – C.P.L. 530.13¹
(Not involving victims of domestic violence)

Youthful Offender (check if applicable)

Part _____ **Index/Docket No.** _____

Indictment No., if any: _____

Charges _____

(Check one): **Ex parte**
 Defendant Present in Court

Date of Birth: _____

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND THEN CONTINUES IN EFFECT UNTIL A NEW DATE SET BY THE COURT.

TEMPORARY ORDER OF PROTECTION. Whereas good cause has been shown for the issuance of a temporary order of protection [as a condition of recognizance release on bail adjournment in contemplation of dismissal],

ORDER OF PROTECTION. Whereas defendant has been convicted of [specify crime or violation]: _____

And the court having made a determination in accordance with section 530.13 of the Criminal Procedure Law,

IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior [check applicable paragraphs and subparagraphs]:

Stay away from [name(s) of protected person(s) or witness(es)]: _____
and/or from the home of _____
school of _____
business of _____
place of employment of _____
other _____;

Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail, or other electronic or any other means with [specify protected person(s)]: _____;

Refrain from remotely controlling, monitoring, or otherwise interfering with any electronic device or other object affecting the home, vehicle, or property of the protected person(s) by connection through any means, including, but not limited to, the internet, Bluetooth, a wired or wireless network, or other wireless technology.

Refrain from harassing, intimidating, threatening, or otherwise interfering with the victim or victims of, or designated witnesses to, the alleged offense and such members of the family or household of such victim(s) or witness(es) as shall be specifically named [specify]: _____;

Refrain from intentionally injuring or killing without justification the following companion animal(s) (pet(s)) [specify type(s) and, if available, name(s)]: _____;

Surrender any and all handguns, pistols, revolvers, rifles, shotguns, and other firearms owned or possessed, including, but not limited to, the following: _____ and do not obtain any further guns or other firearms. Such surrender shall take place immediately, but no later than [specify date/time]: _____ at _____ AM PM at [specify location]: _____

Specify other conditions defendant must observe for the purposes of protection: _____

IT IS FURTHER ORDERED that the above-named defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby [13A] suspended or [13B] revoked (note: final order only), and/or [13C] the defendant shall remain ineligible to receive a firearm license during the period of this order (check **all** applicable boxes). **NOTE: If this paragraph is checked, a copy of this form must be sent to: New York State Police, Pistol Permit Section, State Campus Building #22, 1220 Washington Avenue, Albany, New York 12226-2252**

IT IS FURTHER ORDERED that this order of protection shall remain in force until and including [specify date]: _____, but if you fail to appear in court as required, the order may be extended and continue in effect until a new date is set by the court.

Dated: _____

JUDGE/JUSTICE
(COURT SEAL)

Defendant advised in court of issuance and contents of order

Order personally served on defendant in court _____
(Defendant's signature)

Service directed by other means [specify]: _____

Warrant issued for defendant

Additional service information [specify]: _____

The Criminal Procedure Law provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize, and in some situations may require, such officer to arrest a defendant who is alleged to have violated its terms and to bring him or her before the court to face penalties authorized by law.

Federal law requires that this order must be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if the person against whom the order is sought is an intimate partner of the protected party and has been or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's rights (18 U.S.C. §§2265, 2266).

It is a federal crime to:

- cross state lines to violate this order or to stalk, harass or commit domestic violence against an intimate partner or family member;
- buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition while this Order remains in effect (Note: there is a limited exception for military or law enforcement officers but only while they are on duty); and
- buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition after a conviction of a domestic violence-related crime involving the use or attempted use of physical force or a deadly weapon against an intimate partner or family member, even after this Order has expired. (18 U.S.C. "922(g)(8), 922(g)(9), 2261, 2261A, 2262).

¹ Use this form for non-family offense orders of protection, issued pursuant to CPL §530.13, that are not issued to protect victims of family offenses, intimate partners and family and household members and are not entered onto the statewide domestic violence registry. See Exec. L. §221-a(1); CPL §§530.11(1), 530.12(1), 530.13.