



NEW YORK STATE SENATOR

John J. Flanagan

Senator Flanagan And Republican Senators Unveil Domestic Violence Act of 2010

JOHN J. FLANAGAN March 4, 2010

| ISSUE: **DOMESTIC VIOLENCE**

Senator John Flanagan (2nd Senate District) today joined with other members of the New York State Senate Republican delegation to unveil the Domestic Violence Act of 2010, a comprehensive effort to strengthen the State's porous and ineffective domestic violence laws.

This groundbreaking initiative would, among other enhancements, create a specific crime of domestic abuse in State law and provide law enforcement with greater tools to stamp out domestic violence.

"It is so very important – especially in light of recent events – that victims of domestic violence know that they have the strength of the law behind them in their toughest moments. Our police, our attorneys general and our elected leaders must continue to work together to make our laws as strong as possible and this is a great step in making New York State a leader in the fight to protect those who are affected by domestic violence," stated Senator Flanagan. "It is important that we pass this as soon as possible to provide domestic victims with the rights they need and deserve."

According to the National Coalition Against Domestic Violence, 1 in 4 women will experience domestic violence in their lifetime, and there are more than 400,000 domestic violence incidents in New York State each year. In addition, fifty percent of all women murdered in New York State are killed as a result of domestic violence.

“Victims of domestic violence need to know that they have the strength of the law behind them and that their rights will be protected at one of the most troubling times in their lives. The Domestic Violence Act of 2010 will let them know that the state and community are there to support them and that they are not alone. To a domestic violence victim, that can provide them with the peace of mind they deserve and, for some, mean the difference between life and death. I applaud Senator Flanagan and the Senate Republican Delegation for proposing this groundbreaking plan,” said Laura Ahearn, Executive Director of the Crime Victims Center Program at [Parents for Megan's Law](#).

“I applaud Senator Flanagan's support for strengthening the criminal code and improving protection for victims and their children. Victims of domestic violence live in constant fear of someone with whom they have on-going contact, and far too many are seriously injured or killed in spite of having sought legal protection. Our criminal code must be strong enough to provide adequate protection to victims and effective criminal sanctions to abusers,” stated Pamela Johnston, Executive Director of [VIBS - Family Violence and Rape Crisis Center](#).

Under current state law, individuals who commit domestic violence can only be charged with harassment, menacing or third degree assault, which carries a class A misdemeanor. The Domestic Violence Act of 2010 would create new crimes of Domestic Abuse in the First, Second and Third degrees. Domestic Abuse in the First Degree would be a Class E felony.

The plan would also make orders of protection more effective by utilizing GPS technology to track offenders. The proposal would require individuals who have been served with an order of protection to wear an ankle bracelet equipped with a GPS tracking device.

This system would be used to notify both the victim and law enforcement officials when the subject of the order enters a so-called “safety-zone” near the victim, and provide clear evidence that an order was or was not violated, eliminating the “he said, she said” nature of many domestic disputes.

The cost of the equipment and monitoring would be paid for by the offender and present little if any cost to taxpayers. In 2008, more than 220,000 orders of protection were granted in New York State.

In addition, the measure would require the mandatory arrest of any individual who commits a domestic violence offense, even if the offense was not committed in the presence of a police officer, as is the current threshold.

The comprehensive anti-domestic violence legislation would also hold deadbeat parents accountable for failure to pay child support by cracking down on parents who deliberately hide their assets. More specifically, it would close a loophole in current law that allows parents to escape criminal liability by shifting the burden of proof of the inability to pay from the prosecutor to the parent.

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