



NEW YORK STATE SENATOR

Joseph P. Addabbo Jr.

Addabbo: New Domestic Violence Laws Will Close NYS Loopholes

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New York State Senate Member

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Press Release

For Immediate Release

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ADDABBO: NEW DOMESTIC VIOLENCE LAWS WILL CLOSE NYS LOOPHOLES

Queens, NY, April 6, 2010 – NYS Senator Joseph P. Addabbo, Jr., today announced his support for recent bipartisan legislative changes to domestic violence laws introduced in the State Senate and joins with domestic violence victims, law enforcement officials and advocates, who are pressing for changes in the legal loopholes.

Senator Addabbo today noted that in difficult financial times, domestic violence often increases dramatically. According to a recent report by the Mary Kay Ash Charitable Foundation, 75% of domestic violence shelters reported an increase in women seeking help since last year as a result of the economy nationwide. Each year, an estimated 400,000 domestic violence incidents are reported to law enforcement in New York, and some 300,000 calls come in to hotlines all over the state. Nearly 165,000 orders of protection were issued in domestic violence cases in family, criminal and supreme courts in 2007 alone.

The Strangulation Prevention Act of 2010, a bipartisan effort (S.6987), makes intentional strangulation and suffocation into unconsciousness a violent felony, whether physical injury is evident or not. Intentional strangulation is one of the most lethal forms of domestic violence, causing one in ten deaths, but it's not a crime in New York State. This legislation changes that. Abusers who terrorize their victims through choking or suffocation without causing unconsciousness or physical injury would face a lower-

level felony charge.

Intentional strangulation is often more dangerous than punching, shoving and other kinds of abuse. If an attacker applies 11 pounds of pressure for just 10 seconds, a victim can be rendered unconscious. With greater pressure, death can occur within minutes. And even after the attacker relents, a victim can collapse and die hours or even days later because of underlying damage to the neck, or to the brain due to oxygen deprivation.

About half the states in the country have laws specifically addressing intentional strangulation. But in states that have not enacted such laws, including New York, batterers have an incentive to choose choking and suffocation over other forms of attack. They often escape criminal charges and, perhaps emboldened by their impunity, choke their victims again.

In addition to the Strangulation Prevention Act of 2010, two other anti-domestic violence bills that passed the legislative body were:

- **Witness Tampering:**

This bill closes gaps in the current law to better protect victims and witnesses in domestic violence cases. It authorizes new penalties for conduct aimed at wrongfully interfering with an order of protection; expands the scope of witness tampering crimes; and creates a new class A misdemeanor for a person who wrongfully induces or attempts to induce someone from withholding information about a criminal violation to a law enforcement officer or court.

- **Public Safety:**

This bill requires a court issuing a temporary order of protection in a criminal case to order the immediate surrender of all firearms owned or possessed by the person against whom the order of protection is issued – and the suspension of any existing firearm license where the court finds a

“substantial risk” that the individual may use or threaten to use a firearm unlawfully against the person for whose protection the order was issued.

Additional Senate bills that are now under committee review by the Assembly to amend existing executive law, will prohibit employers from discriminating against victims of domestic violence in housing and employment. “Stable housing and employment are often important resources a domestic violence victim needs in order to stay safe. Often, abuse victims are up against challenges to finding and maintaining housing when some landlords view them as problem tenants solely because of the violence they suffer at home. And often, victims can’t obtain or maintain employment due to stressful incidents at home, the abuser’s interference with the victim’s ability to perform at work, or their need to access services necessary to be safe from harm,” Addabbo explained.

By including victims of domestic violence as a protected class in the housing and the employment provisions of the Human Rights Law, the proposed new law will ensure that victims won’t be prevented from getting or keeping a job, merely because they suffer abuse at home. The bill allows employees a reasonable accommodation in taking time off to seek medical attention or counseling or appear in court on matters related to their abuse, including child protective proceedings, unless time off would constitute an undue hardship for the employer. Employers will have the option of requiring such employees to charge this time to accumulated leave credits or, where such leave credits are unavailable, take unpaid leave.

In 1987, the first National Domestic Violence Hotline (<http://www.ndvh.org> or 1-800-799-SAFE) was initiated. Often, victims of domestic violence are difficult to identify. Warning signs include injuries, absences from work or school, low self-esteem and personality changes.

To learn more about domestic violence, and how to prevent abuse, Senator Addabbo encourages people to visit:

- The New York State Office for the Prevention of Domestic Violence (www.opdv.state.ny.us or 800-942-6906)

• Safe Horizon (www.safehorizon.org or 212-577-7700)

• The National Coalition Against Domestic Violence (www.ncadv.org or 303-839-1852)

“Help is out there. It is so important that victims, as well as those who know someone who may be abused, know where to turn for assistance,” Senator Addabbo added. “We all play a role in ending domestic violence—whether that means seeking help for yourself, or just paying closer attention to the messages that our loved ones or neighbors may be sending our way.”

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