



NEW YORK STATE SENATOR

Ruth Hassell-Thompson

Majority Stands Together with Domestic Violence Survivors

RUTH HASSELL-THOMPSON June 22, 2010

| ISSUE: **DOMESTIC VIOLENCE**

Legislative package establishes stronger rights, strengthens services

Albany, NY) The Senate Democratic Majority has passed a package of 12 bills to address the causes and effects of domestic violence in New York. These bills will significantly enhance domestic violence survivors' safety, improve state services available, and strengthen penalties against those who inflict the pain of domestic violence on others. Measures included in the Majority's package will:

Increase penalties for witness tampering and repeat offenders of orders of protection.

Prohibit housing and employment discrimination of a survivor based on the violence they may have endured.

Protect survivors' identities from leaking to the public, or found via FOIL request.

Ease the process of courts and law enforcement officials issuing orders of protection.

In New York State approximately 400,000 domestic incidents are reported to police departments. Moreover, 20-percent of total assaults outside New York City in 2008 were committed by "intimate partners."

Unfortunately, the 2008 numbers are significantly higher across the board than those from 2007; intimate partner homicides increased 25-percent statewide and 45-percent in counties outside of New York City. The 31 Domestic Violence Courts handled more than 31,000 cases in

2008, an increase of nearly 7,000 from 2007.

Senator Ruth Hassell-Thompson (D-Mt. Vernon) said, “Victims of domestic violence face many daunting challenges when beginning their lives again after abuse. The intent of my legislation is to assist these survivors while they transition into an emotionally and physically safer position.”

Senator Darrel J. Aubertine (D-Cape Vincent) said, “As a state, we must have in place the common sense protections needed for survivors of domestic violence. These protections save lives and cut down on this crime. This package of legislation gives victims a better opportunity to be free from abuse and protects the ability of survivors to move on with their lives. I am proud to stand up for survivors and pass these important bills.”

Senator José Peralta (D-Queens) said, “As the newest member of the Senate Task Force on Domestic Violence, I am proud that this vital legislative package passed the Senate. The reforms passed today, will strengthen the penalties against individuals who commit these heinous crimes. This legislation will ensure that victims of domestic violence can live without fear and are provided with the protections and resources necessary to rebuild their lives.”

Michelle McKeon, Chief Executive Officer of the New York State Coalition Against Domestic Violence said, “The New York State Coalition Against Domestic Violence applauds the Senate for their efforts today to enhance the safety of countless victims and survivors of domestic violence all across New York State. On behalf of NYSCADV's 140 member programs and those we serve, we thank you for recognizing the devastating effects of the crime of domestic violence within all of our communities. We look forward to the on-going work with our Senate partners to continue to strengthen the State's response and improve the programs and services available for victims of domestic violence and their families.”

Lisa A. Frisch, Executive Director of The Legal Project said, "We applaud the many members of the NYS Senate who truly understand the seriousness of the crime of domestic violence and who have introduced this legislation to further enhance our ability to better protect victims of abuse and hold offenders accountable for their actions. Stronger penalties for offenders and protections for victims such as increased confidentiality will go far to keep New York State in the forefront in the fight against domestic violence."

Senator Brian X. Foley (D-Blue Point) said, "As elected officials we have a duty to protect the people we represent, especially those who may not be able to protect themselves. By passing laws that will protect victims of domestic and sexual violence, we are fulfilling that duty and helping to bring peace of mind to these individuals. I was glad to be able to bring forth legislation that will keep the voter registration information of victims of sexual violence confidential. This, in conjunction with my legislation offering the same protection for victims of domestic violence, which was signed into law last month, will go a long way to providing a sense of security for victims so that their fear of being found by their abuser or attacker is minimized."

Senator Suzi Oppenheimer (D-Mamaroneck) said, "As a member of the Senate Task Force on Domestic Violence, I am pleased that this critical legislative package passed the Senate. These much needed reforms afford victims of domestic violence the opportunity to reclaim their lives by shielding their identity and location from abusers, strengthening the penalties against their attackers, and precluding discrimination in housing and employment."

Senator Liz Krueger (D-Manhattan) said, "The sad reality is that the struggles of those who survive domestic violence do not end as soon as they escape their abusers, there are so many terrible repercussions that they must continue to battle every day. I support this legislation as a way to help address the needs of victims of domestic violence and enable them to regain a hold of their lives. No one should be haunted by domestic violence forever."

Senator Eric Adams (D-Brooklyn) said, “The crime of domestic violence occurs among people of all economic and cultural backgrounds. Women are much more likely than men to be targeted, with almost one-third of American female murder victims each year killed by a current or former partner, usually a husband. Children are often involved, either directly (as victims of the battering) or indirectly (as witnesses to the violence). We cannot tolerate an atmosphere in which the sanctuary of the home is unsafe or insecure; a family thrives only when its most fundamental and essential haven, its home, is tranquil. We must prioritize the eradication of domestic violence by establishing and maintaining prevention programs that include education, counseling, and legal services, by holding domestic abusers accountable to the full extent of the law, and by offering victims the support of government officials, community leaders, health care professionals, teachers, employers, friends, and neighbors.”

Senator Eric T. Schneiderman (D-Manhattan/Bronx) said, “Today we are sending a strong message that no one in New York State will be immune from accountability for committing such a horrific crime or covering it up. I am proud of the overwhelming bipartisan support for this legislative package, and grateful for the leadership of law enforcement and domestic violence victims’ advocates who have worked so hard to make our laws better.”

Senator Kevin Parker (D-Brooklyn) said, "Financial dependency is one of the leading reasons people stay in abusive relationships. My bill means that abusive victims will not face further penalization from telephone companies if they opt for an unlisted number."

Senator Neil D. Breslin (D-Albany) said, “Often, even after a survivor of domestic violence has physically removed themselves from their abuser, the fear of being harmed remains. I fully support this package of bills that will protect the identity and personal information of survivors and allow them to live as normal a life as possible.”

State Senator and Deputy Majority Leader Jeffrey D. Klein (D-Bronx/Westchester) said, “Under current law, it’s all too easy for attackers to track down their victims through insurance claims and bills. My bill will help to protect survivors of domestic violence, and ensure that no one has to fear seeing a doctor or filing an insurance claim.”

Senate President Pro Tempore Malcolm A. Smith said, “Protecting those who have survived domestic abuse is imperative to their safety. Survivors of domestic violence often go to great lengths to distance themselves and their children from their abuser. This package of bills strengthens protections already in place and prevents their personal information from being made public.”

Senate Majority Conference Leader John L. Sampson said, “The emotional scars of domestic violence often run deeper and last longer than the affects of physical injury. Today’s legislation helps survivors of domestic violence escape the cycle of abuse, opening up a safer and stronger road to recovery.”

Statements in Support of the Majority’s Legislative Package

Laurel W. Eisner, Executive Director of Sanctuary for Families, Inc. said, “Sanctuary for Families gratefully applauds the State Senate for the powerful message it sends today: ‘Batterers Beware. Domestic violence in New York State will not be tolerated. Victims will be protected, and perpetrators will be punished to the full extent of the law.’”

Ellen C. Schell, Legal Director of CDWBA Legal Project, Inc. said, “Victims of domestic violence need safety and independence, and our current system of divorce laws does not reliably provide them with either. It is time to reform our divorce laws so they no longer present such an insurmountable obstacle to victims.”

“I am very glad that the legislature and legislators are taking serious action to address the very pressing challenges faced by domestic violence survivors. Unfortunately, not all states are as progressive and forward thinking as New York when it comes to dealing with cases of domestic violence,” said Roslyn Bacon, Executive Director of Jonah Village, Inc. “While our focus is on youth, healthy homes are important as instances of domestic violence have a very significant impact on the lives of children. I applaud Senator Ruth Hassell-Thompson and the rest of the Senate Majority Task Force on their efforts in helping current survivors and preventing future cases of domestic violence.”

Majority Stands Together with Domestic Violence Survivors

Preserving Rights | S5999A/Hassell-Thompson, S6000A/Hassell-Thompson, S7379/Adams

Both bills, S5999A and S6000A, aim to protect survivors of domestic violence abuse by prohibiting discrimination against these survivors in housing and employment. Many survivors face landlords that deny housing based on the violence suffered by survivors, the former will address this. The latter (S6000A) will require employers to make reasonable accommodations for survivors when it comes to leaving work to handle the many medical and legal matters that come when dealing with a domestic violence case.

S7379 will establish a new program to assist survivors in maintaining confidentiality by allow them to use a different address than their actual address for registration with state programs.

Enhancing Safety for Survivors | S5980A/Klein, S7424B/Foley, S5615A/Parker

Within the 11-bill package, four focus on enhancing the safety of domestic violence survivors by preserving the confidentiality of their identity to prevent their abusers from locating

them. S5615A eliminates the fee for requesting an unlisted phone number; S5980A provides the option for alternate contact information to be given to insurance companies for situations of medical treatment for a domestic violence related injury; and S7424B, which allows survivors to have their voter records kept separate from other voter registration records to prevent their information from being exposed under a FOIL request.

Providing Greater Protection / S2972A/Sampson, S5696A/Sampson, S7289/Sampson

The group of bills aims to ease the process of courts and law enforcement officials issuing orders of protection on abusers. S2972A will allow a court to extend an order of protection for a reasonable period of time without requiring that the survivor has been abused again; S5696A allows judges to grant an order of protection even if the application was not filed immediately after the violent incident; and S7289 expands a 2007 pilot program that will provide quicker service of orders of protection on abusers by allowing police officers with the orders through an electronic and/or fax-based system.

Strengthening Penalties for Abusers / S6987A/Schneiderman, S7141A/Schneiderman, S7856/Stavisky

A major aspect of preventing cases of abuse comes from having penalties that actually suit the crime. This trio of bills aims to deter domestic violence crimes by strengthening the penalties that come with them, including creating enhanced crimes for strangulation to first and second degrees (S6987A), enhances the strength of parameters for witness tampering for domestic violence cases (S7141A) and also increases penalties for repeat offenders of orders of protection (S7856).

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