



NEW YORK STATE SENATOR

Stephen M. Saland

Senator Saland Passes Several Bills to Provide Enhanced Protections for Domestic Violence Victims

STEPHEN M. SALAND March 30, 2011

| ISSUE: **CODES, VICTIMS**

| COMMITTEE: **CODES**

Senator Steve Saland (R, I, C - Poughkeepsie) today announced that the Senate has passed his legislation that requires the court to consider certain risk factors to the victim when determining bail (S.1414A), allows for the entering of an order of protection upon sentencing (S.1428), amends the definitions of “victim of domestic violence” and “family and household members” for the purposes of domestic violence prevention (S.4222), and imposes stricter regulations on the purchasing of a firearm based upon conviction for certain misdemeanor crimes of domestic violence (S.4244).

“Domestic violence is a societal problem of enormous prevalence and impact. It has been identified by the U.S. Surgeon General as the number one health problem affecting American women, and it floods the justice system of New York State as well as the courts of every other state in the nation. It affects not only those abused, but witnesses, family members, co-workers, friends, and the community at large,” said Senator Steve Saland. Senator Saland has had a long history of addressing domestic violence issues and has passed numerous progressive laws over the past few decades, including the mandatory arrest law, the law creating the registry of orders of protection, and a law requiring judges to consider evidence of domestic violence in all child custody and visitation cases.

Each of Senator Saland's bills address critical components to provide additional safety measures for domestic violence victims. Under S.1414A, the court will be required to consider prior acts of violence or threats, prior orders of protection, prior arrests or convictions for offenses against intimates or family members, prior violations of orders of protection, and access to firearms, when making bail determination. S.1428 amends the entering of a final order of protection to begin at sentencing rather than conviction which may allow for an extended period in which the order is valid. Additionally, this bill will allow for the entering of an order of protection on a conviction of any crime or violation between spouses, between parent and child or between members of the same family or household.

Additional legislation S.4222 sponsored by Senator Saland responds to amending the definition of "victim of domestic violence" to include in the definition acts of sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, strangulation and criminal obstruction of breathing or blood circulation. It also makes conforming changes by including unrelated persons in intimate relationships in the definition of "family or household members". Under S.4244, pertinent information regarding misdemeanor crimes of domestic violence will be required to be transmitted to the Federal Bureau of Investigation for purposes of determining whether a person is disqualified from purchasing a firearm under federal law based upon conviction for certain violent crimes of domestic violence.

"With four domestic violence related deaths in Dutchess County in the past year, I am keenly aware of the need to strengthen the laws to provide further protections to victims of domestic violence. As the former Chair of the Senate Committee on Children and Families, we made great strides in strengthening the laws pertaining to domestic violence, including the 1994 Family Protection and Domestic Violence Intervention Act. And now as the current Chairman of the Senate Codes Committee, domestic violence issues remain a chief priority," said Saland.

Currently, two of the four measures have passed both houses of the Legislature and will be sent to the Governor for his consideration.

