



NEW YORK STATE SENATOR

Jack M. Martins

Senate Acts to Protect Children and Families From Abuse

JACK M. MARTINS March 31, 2011

| ISSUE: **CRIME**

The New York State Senate passed a legislative package that would strengthen penalties and provide additional protections for children and families who are victims of domestic or sexual abuse. The proposals build upon the Senate's commitment to supporting victims of domestic violence and sexual assault, preventing abuse from continuing, and ensuring appropriate penalties for criminals who prey upon the state's most vulnerable populations.

"The abhorrent crimes of domestic violence and sexual assault have far-reaching effects for individual families as well as entire communities," Senate Majority Leader Dean Skelos said. "Today, we took a stand to tell criminals that this hateful behavior will never be tolerated and that we will support the victims and families to ensure continued protections are in place."

The legislation was supported by Senator Jack M. Martins. "We need to provide the tools necessary to protect children and families from these terrible crimes. Those who commit these crimes deserve harsh punishment," he said.

The legislative package acted upon includes:

· Bill S.1541 sponsored by Senator Skelos creates new criminal charges and increases penalties for when a person in a position of trust commits sexual assault of a child. This bill is significant because it ensures that abusers who violate the trust and responsibility of caring for a child's well-being be held accountable. The bill has been sent to the Assembly.

· Bill S.1428 sponsored by Senator Stephen Saland (R,I,C-Poughkeepsie) changes the terms of when final orders of protection can begin to ensure coverage for longer periods of time after sentencing. It also expands definitions in the law relating to familial and intimate relationships to ensure protection to more domestic violence victims. The bill will be delivered to the Governor.

· Bill S.754 sponsored by Senator Catharine Young (R,I,C-Olean) enables more domestic violence victims to provide testimony using live, two-way closed circuit televisions in order to prevent additional emotional or mental harm. Televised testimony is currently allowed for children aged 14 and younger, and this bill would offer additional victims the option. The bill has been sent to the Assembly.

· Bill 1414A sponsored by Senator Saland expands the factors that courts must consider when determining recognizance or bail for those accused of domestic violence. This would prevent accused abusers from potentially causing injury or harm to victims while on release prior to trial. The bill has been sent to the Assembly.

· Bill S.4222 sponsored by Senator Saland amends the Social Services Law to make it consistent with definitions in the Family Court Act and Criminal Procedure Law. This would ensure that victims of domestic violence are not arbitrarily excluded from services based on incomplete definitions relating to family or household members and victims of domestic violence. The bill will be delivered to the Governor.

· Bill S.4244 sponsored by Senator Saland seeks to limit the illegal use of guns by ensuring that information about misdemeanor crimes of domestic violence is provided to the national firearm database that performs background checks. This will help determine whether a person should be disqualified from purchasing a firearm based upon conviction for certain misdemeanor crimes of domestic violence. The bill has been sent to the Assembly.