



NEW YORK STATE SENATOR

Martin J. Golden

Electeds, Advocates, Law Enforcement Call for Immediate Passage of Bill to Strengthen Penalties for Repeat Domestic Violence Offenders

MARTIN J. GOLDEN June 3, 2011

| ISSUE: **DOMESTIC VIOLENCE**

Legislation Gives DAs New Tool -- Felony-Level Crime -- to Better Protect Domestic Violence Victims

With Less Than Three Weeks to Go in Session, Albany Must Act Now

“Officer Schaberger Bill” Dedicated to NYPD Officer Killed Responding to Serial Domestic Abuser

NEW YORK – Today, State Senator Daniel Squadron, Assemblymember Linda B. Rosenthal, State Senator Martin J. Golden, Manhattan District Attorney Cyrus R. Vance, Jr., City Council Speaker Christine C. Quinn, Manhattan Borough President Scott Stringer and New York State District Attorneys Association President Derek Champagne joined advocates and law enforcement to call for immediate passage of a bill which would increase penalties for repeat domestic violence offenders.

The legislation - S.1510/A.1986 (Golden-Squadron/Rosenthal) - would provide district attorneys with the tools to crack down on recurring violence and abuse by establishing the

felony-level crime of “aggravated domestic violence” for abusers who commit two or more offenses within five years.

Under current law, only those who cause serious physical injury or kill their victims face felony-level charges. Even those who repeatedly commit domestic violence offenses can only be charged with a low-level misdemeanor that puts them back out on the streets again and again.

The elected officials also announced that the Senate bill would be dedicated to NYPD Officer Alain Schaberger, who was killed in March responding to a domestic violence call. Officer Schaberger was thrown over a staircase railing by a serial domestic abuser who had a 12-year history of offenses.

“The crime of domestic violence, all too often, has a terrible, rippling consequence and we cannot tell ourselves that it will not affect us,” said Paul Schaberger, father of Officer Alain Schaberger.

“Law enforcement needs the tools to protect victims and families from the scourge of domestic violence,” said Senator Daniel Squadron. “Today, abusers rack up domestic violence offenses without any promise of protection for their victims. By elevating repeat offenses to a felony, this bill would protect victims and prevent incidents like the one that took Officer Schaberger’s life. But the clock is running out on this legislative session. In the name of Officer Schaberger and the many others affected by domestic violence, Albany must act now to make New York a safer place.”

“Too many women in New York State are repeat victims of domestic violence abusers,” said Assemblymember Linda B. Rosenthal (D/WF-Manhattan). “The laws we have now on the books are inadequate, and allow abusers to go free, despite repeated instances of abuse and

subsequent convictions. This bill will make sure that if you are an abuser with a history of abuse, you will go to jail. This bill will prevent an untold number of needless deaths, and send a strong message to victims that they are valued members of our community, that they deserve the fullest protection the law can offer, and that their abusers will be punished to the fullest extent of the law.”

Senator Martin J. Golden (R-C-I, Brooklyn) stated, "This legislation is named in honor of fallen NYC Police Officer Alain Schaberger, a ten year veteran of the NYPD, who was killed when he was pushed off a stoop by a suspect he was attempting to arrest. Officer Schaberger was responding to a call of a domestic dispute in Brooklyn when he lost his life. Domestic violence is real and very destructive. It has destroyed families and communities all across New York for years and it time that we do something so to save lives and to save families. Domestic violence has no place in our society, but we all know that it exists. That is why I am a sponsor of this bill, which targets repeat domestic violence offenders in an attempt to bring an end to this wrong within our society."

“Safety in our streets is no victory if we cannot keep New Yorkers safe in their homes,” said Manhattan District Attorney Cyrus R. Vance. “Too often, victims of domestic violence suffer at the hands of their abusers over and over again, and we have seen how quickly these cases can turn deadly. Domestic violence is a criminal justice and public health crisis that must be aggressively addressed now. For that reason, we are proposing this common-sense law to deal with domestic violence offenders so that victims know that there are ways to end the cycle of abuse and control. I thank my partners in law enforcement, government officials, and advocates for their support and hard work on this issue, and I urge lawmakers to pass this important bill.”

“This legislation will give law enforcement new tools to crack down on domestic abusers,” said City Council Speaker Christine C. Quinn, “Putting proper laws in place that protect

victims of domestic violence is crucial to the safety of New Yorkers living in fear behind closed doors. I strongly support Senator Dan Squadron, Assembly Member Linda Rosenthal, and District Attorney Cyrus Vance's bill that will make serial domestic abuse a felony, provide women with stronger legal protections, and make New York a safer city."

"I have been startled by the number of intimate partner homicides our city has witnessed over the last few months," said Manhattan Borough President Scott Stringer. "Many of the suspects in these cases have a history of domestic violence, and it is time that we implement harsher laws to penalize those who abuse their partners. I commend Senator Squadron, Assemblymember Rosenthal and District Attorney Vance for crafting a bill that will hold accountable repeat offenders by creating a new Class E Felony – 'Aggravated Domestic Violence' for those convicted of one or more specified domestic violence-related offenses. New York needs to be a leader in protections for women and children and with this legislation we have the opportunity to set an example here and nationwide."

"Domestic violence is a serious crime which deserves a serious punishment. Prosecutors shouldn't have to wait until an abuser kills or permanently injures someone before they can charge them with a felony. It's time we give law enforcement the tools they need to ensure that abusers who repeatedly harm women, children, and other innocent victims face felony charges," said Senator Charles J. Fuschillo, Jr. (R-Merrick).

"The New York State Coalition Against Domestic Violence would like to thank Senator Squadron, Assemblywoman Rosenthal and District Attorney Cy Vance for their dedication and passionate work on this bill," said Michele McKeon, Chief Executive Officer of the New York State Coalition Against Domestic Violence. "We appreciate an effort that recognizes the dynamics of power and control and the patterns of abuse that occur in relationships that experience domestic violence. This will be an additional opportunity to hold offenders accountable, particularly those who choose to commit their crimes repeatedly against the

same party. The crime of Aggravated Domestic Violence used in conjunction with other tools available to the criminal justice system will work to, hopefully, increase safety for victims and their children.”

“Safe Horizon, the nation’s leading victim assistance organization, strongly supports the ‘Aggravated Domestic Violence Act’ that will increase penalties for recurrent domestic violence offenders and help keep New Yorkers safe from repeated abuse,” said Michele Vigeant, Vice President for Community & Criminal Justice Programs at Safe Horizon. “Under this proposal, persons who commit two or more domestic violence offenses in the immediately preceding 5 years will be charged with an E level felony. This is important because in New York County alone, 679 individuals were convicted of two or more domestic violence offenses between 2005 and 2010. Under current law, they can only be charged with the same Class A misdemeanor offenses no matter how many times they engage in this vicious behavior. We share the legislature’s belief that domestic violence is a scourge that terrorizes victims, tears apart families and devastates children. Therefore, we ask that the existing laws be adjusted to account for predicate domestic violence offenders. The bill proposed by Assembly Member Linda Rosenthal and Senator Dan Squadron is an important step in this process. We especially thank Manhattan District Attorney Cy Vance, Jr. for proposing this law and for his unwavering commitment to ending domestic violence for all New Yorkers.”

“Domestic violence is not a one-time occurrence – nearly 40% of battered women will be victimized again within 6 months,” said Laurel W. Eisner, the Executive Director of Sanctuary for Families. “Under current law, an abuser can be arrested and prosecuted for dozens of misdemeanor domestic violence offences, confident that he will serve little or no time in jail. The consequences are severe – if the proposed law were in place, police officer Alain Schaberger might be alive today. We are grateful to Senator Squadron for sponsoring this

critical piece of legislation.”

" We wholeheartedly support and applaud this bill and thank Senator Squadron and Assemblymember Rosenthal for seeking a legislative solution to this serious problem for victims of domestic violence," said Susan Xenarios, Co-Chair of the Downstate Coalition for Crime Victims and Director of the Crime Victims Treatment Center at St. Luke's-Roosevelt Hospital Center. "Domestic violence is a pattern of aggressive behavior which often begins with psychological and verbal abuse and escalates to serious physical violence. When victims 'do the right thing' and report the abuse which results in a series of misdemeanor convictions there is no incentive for the abuser to stop because there are no real consequences....and the violence goes on and on. This bill stops that by making multiple misdemeanor convictions a felony and this has real consequences."