



NEW YORK STATE SENATOR

Catharine Young

Senate Passes Domestic Violence Legislation Sponsored by Senator Catharine Young

CATHARINE YOUNG May 8, 2012

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ALBANY – Imagine you’ve been beaten or sexually assaulted by an abuser. It may have been a spouse, significant other, or another relative that harmed you, maybe even repeatedly. Now, imagine how you would feel facing your abuser in court.

Currently, New York State’s Criminal Procedure Law only permits children deemed “vulnerable” by a judge to testify by closed-circuit television. Now, thanks to a bill sponsored by Senator Catharine Young (R,C,I – Olean), which has been passed in the state Senate, the law also would include “domestic violence victims” as “vulnerable” witnesses in criminal proceedings.

“Courts have considered children to be vulnerable witnesses who are allowed to testify using closed-circuit television because they could be afraid to talk in front of someone who harmed them. Similarly, victims of domestic violence who otherwise may be hesitant to testify about crimes committed against them would be able to come forward without having to directly face their abuser in court.” Senator Young said.

Senate bill 754 states that the court may use findings of fact to determine that closed-circuit

television will decrease the chance of harm to the victim. Several factors considered are whether there have been threats against the witness or the witness' family, if the witness suffered serious physical injury as a result of the crime, if the crime committed was particularly heinous, or that it is likely the witness will suffer serious mental or emotional harm if not permitted to testify using closed-circuit technology.

"In the last few years, over two-thirds of violent attacks against women were committed by someone known to them. Very often, these women experience anxiety, depression, low self-esteem, and other painful reactions to their abuse. They tend to blame their own behavior, and continue to change their behavior to please their abuser. Therefore, many are fearful about testifying about the crimes in the presence of the individual who harmed them," Senator Young said.

"Offering an alternate forum for victims of domestic violence to testify will increase their willingness to come forward and report their crimes. This approach is critical in light of the fact that domestic violence is the most common cause of intentional homicide of women in this state, and due to its presence in child welfare cases," she added.

"We need to take every step possible to increase the likelihood of a just outcome for victims and their families. No one should feel apprehensive about entering a courtroom to testify about abuse. Amending this legislation is an important step in decreasing the risk that someone may choose not to report an incident out of fear of having to face an attacker," Senator Young said.

The bill is now in the Assembly.