



NEW YORK STATE SENATOR

Joseph A. Griffo

## Griffo Says Senate Moves Measure to Combat Domestic Violence

JOSEPH A. GRIFFO June 13, 2012

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### **Senate Passes Domestic Violence Legislation Bill Represents Three-Way Agreement**

(Albany) - State Senator Joseph A. Griffo (R-C-IP, Rome) said that the Senate today passed legislation that will protect victims of domestic violence and establish stronger criminal penalties to punish individuals who commit acts of domestic violence.

Senate bill 7638 represents a three-way agreement among the Senate, Governor Cuomo and the Assembly. It includes several important provisions included in bills that have already passed the Senate this year, such as bail reforms and increased penalties for domestic violence crimes.

“New York State treats this violence as a menace to health and safety,” Griffo said. “While it’s taken more changes to criminal and civil law sanctions to address the ongoing threat, doing more to stop the abuse meant improving existing policies to protect victims from injury and death. Today, we moved in that direction.”

**Highlights of the domestic violence legislation include the following:**

- > Establishing a domestic violence fatality review team to examine factors involved in deaths related to domestic violence;
- > Expanding factors for bail consideration including prior violations of orders of protection;
- > Creating a new felony-level crime of Aggravated Family Offense, where the defendant and victim are members of the same family or household;
- > Elevating the crime of Harassment from a violation to a Class A misdemeanor, where the defendant and victim are members of the same family or household; and
- > Prohibiting a person who was served with an order of protection or charged in the death of a decedent from controlling the disposition of the person's remains.

#### **Summary of Comprehensive Domestic Violence Bill**

- > Establishes within the Office for the Prevention of Domestic Violence a domestic violence fatality review team to examine factors involved in domestic violence homicides and suicides and make recommendations.
- > Expands factors courts must consider when determining recognizance or bail for domestic violence crimes. The court must consider and take into account any prior violations of orders of protection and the defendant's history of use or possession of a firearm.
- > Prohibits a person who was served with an order of protection or arrested or charged in the death of a decedent from controlling the person's remains.

> Creates a new crime of Aggravated Family Offense committed when one commits a "specified offense" and has been convicted of one or more such offenses within the immediately preceding five years. Aggravated Family Offense is a Class E felony. The victim does not have to be the same person or member of the same family or household.

> Among the crimes considered to be a "specified offense" are the following: Assault; Menacing; Reckless Endangerment; Stalking; Strangulation; Manslaughter; Murder; Sexual Misconduct; Rape; Sexual Abuse, Unlawful Imprisonment; Burglary; Predatory Sexual Assault of a Child; and Harassment.

> Increases the crime of Harassment from a violation to a Class A misdemeanor, where the defendant and victim are members of the same family or household;

> Allows a victim of domestic violence to request an alternative mailing address, telephone number or other contact information to receive specific health claim and billing information.

"It's clear that children and adults continue to live in fear and suffer in silence," Griffo added. "I can speak from seeing it in the communities that I represent; we are shocked when the abuse becomes public and become horrified when the stories end tragically. I'm pleased that Governor Cuomo shares this viewpoint and has expressed his unwavering support for this comprehensive measure."

The Assembly did act on the bill and passed its version later in the day. The Governor is expected to approve the measure.