



NEW YORK STATE SENATOR

Hugh T. Farley

Senate Passes Domestic Violence Legislation

HUGH T. FARLEY June 13, 2012

| ISSUE: **CRIME**



State Senator Hugh T. Farley (R, C, I - Schenectady) announced recently that he and his colleagues in the New York State Senate passed legislation that will protect victims of domestic violence and establish stronger criminal penalties to punish individuals who commit acts of domestic violence.

The bill (S7638) 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.

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.
- * 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.

The bill passed both the Senate and the Assembly and is being sent to the Governor to be signed into law.