



NEW YORK STATE SENATOR

Jack M. Martins

Senate Passes Domestic Violence Legislation

JACK M. MARTINS June 14, 2012

| ISSUE: **CRIME**



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.

“This is common sense legislation to combat domestic violence. I think everyone agrees that domestic violence will not be tolerated in New York State,” said Senator Jack M. Martins, who supported the legislation. “These crime are appalling and perpetrators have to be held accountable. Thank you to my colleagues in the Senate, Senator Marty Golden and Senator Andrew Lanza, for their leadership on this important legislation.”

HIGHLIGHTS 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.

The bill was sent to the Assembly.