



NEW YORK STATE SENATOR

Timothy M. Kennedy

Senator Kennedy, Family of Jackie Wisniewski Push for Jackie's Law

TIMOTHY M. KENNEDY May 28, 2013

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Jackie's Law will make it a criminal offense to install a GPS tracking device with the intent to stalk or constantly follow the location or movement of another person.

Prior to her death, Jackie found a GPS device installed on her car, tracking her whereabouts.

Kennedy: Jackie's Law will ensure anyone who uses a GPS device to stalk their victim ends up behind bars. Survivors of domestic violence are in dire need of this protection.

BUFFALO, N.Y. – In the days and weeks following the tragic murder of Jackie Wisniewski, the horrifying details of the domestic violence she endured came to light. In March 2012, Jackie discovered a GPS tracking device that Timothy Jorden had installed on her car to stalk her and constantly follow her movement and location. Although Jorden was clearly stalking Wisniewski with the use of GPS technology, this specific action could not be deemed criminal due to a gap in state law. Just months later, in June 2012, Jorden shot and killed Wisniewski in a stairwell at the Erie County Medical Center (ECMC).

Senator Tim Kennedy, D-Buffalo, has proposed legislation to fix this gap in the law. It's called Jackie's Law, and it will empower law enforcement to pursue charges and prosecute individuals who install GPS tracking systems with the intention of stalking another person.

"Under Jackie's Law, police agencies and prosecutors will have the power to intervene in domestic violence cases before it's too late," said **Senator Kennedy**. "When Jackie's life was tragically taken from her, it shook our entire community, and I can't imagine the sadness and pain her family has gone through. Jackie Wisniewski endured constant harassment and suffering which was amplified after her abuser installed a GPS tracking device to monitor her every movement. It's appalling that this action alone is not illegal. We must ensure state law catches up with technology by passing Jackie's Law. Anyone who uses a GPS tracking device to stalk their victim belongs locked up behind bars. Survivors of domestic violence are in dire need of this protection. Once this bill becomes law, it will save lives."

Dan and Kris Wisniewski, Jackie's parents, said. "We continue on in this life with debilitating sadness. Our loving daughter Jackie was senselessly taken from us on June 13th of last year. She was a kind-hearted woman who was devoted to her family. We ask New York State to fix the law to make sure people who stalk their victims by using GPS tracking systems be sent to prison. Jackie's Law will fill that gap and save lives. We will work hard with Senator Kennedy to pass Jackie's Law and save another family from the grief we feel."

Currently, there is no legal statute that specifically outlaws the use of GPS devices in stalking cases. Jackie's Law adds a new section to the state's penal code, under "Unlawful Surveillance in the Second Degree," which makes the use of a GPS device to track a person's movement, without their consent, a class E felony.

Often, victims of abuse do not feel comfortable filing for an Order of Protection or pressing charges against their abuser. They are so fearful of retaliation that they become stuck in the abusive relationship, and may hesitate to press charges. In Jackie's case, she was afraid to press charges, and the police were unable to identify a crime in the state penal code, as it presently exists, to charge Jorden with.

This legislation allows law enforcement to prosecute perpetrators for the crime of unlawful surveillance, without requiring the victim to file an Order of Protection or press charges. Law enforcement will have the ability to charge and prosecute an individual for a criminal offense if he or she takes the action of installing and using a GPS device to track the movement or location of their victim. With this law, the onus of pursuing criminal charges will shift from the victim to law enforcement officials.

Tragically, Jackie's story is not entirely unique. In 2006, nearly 100,000 stalking cases involved the use of GPS devices nationwide. With the proliferation of GPS technology in recent years, it's likely the use of GPS technology has become even more prevalent.

Abusers utilize GPS devices on their victims for a number of reasons:

- To ensure their victim does not escape.
- To track their victim's every movement and stalk him or her.
- To ensure their victim only goes to the abuser's approved places, such as taking kids to school or grocery shopping, and does not go to the police or a place like the Family Justice

Center to report the abuse

Senator Kennedy believes the state needs to step up its efforts to protect survivors of domestic violence, and he is urging his legislative colleagues in Albany to take swift action on Jackie's Law. Currently, the bill is awaiting its vote in the Senate Codes Committee. Once it's through committee, it will move toward the Senate floor for a vote from the full chamber.

If you or someone you know is experiencing domestic violence, you are encouraged to immediately call the 24-Hour Domestic Violence Hotline Response for Erie County at 716-862-HELP (4357). If you are in need of shelter, dial 716-884-6000. Hotline counselors provide crisis intervention, safety planning, support, information and referrals.

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Senator Timothy M. Kennedy represents the New York State Senate's 63rd District, which is comprised of the town of Cheektowaga, city of Lackawanna and most of the city of Buffalo. More information is available at <http://kennedy.nysenate.gov>.