



NEW YORK STATE SENATOR

Timothy M. Kennedy

## Senator Kennedy: October is Domestic Violence Awareness Month; Commitment to Domestic Violence Prevention Must Remain Strong Every Month, All Year.

TIMOTHY M. KENNEDY October 11, 2013

| ISSUE: **CRIME, DOMESTIC VIOLENCE**



*To recognize Domestic Violence Awareness Month, Senator Kennedy reiterates urgent need to pass Jackie's Law and enact new initiatives to "break the cycle" of domestic violence.*

BUFFALO, N.Y. – This October, Senator Tim Kennedy, D-Buffalo, is encouraging all Western New Yorkers to take the time to reflect on the significance of Domestic Violence Awareness Month and recognize it as a call to action in the fight against domestic violence – a fight that

deserves our unrelenting commitment every day throughout the year. In recognizing Domestic Violence Awareness Month, Kennedy reiterated the urgent need to pass Jackie's Law (S.4187) and enact new initiatives to "break the cycle" of domestic abuse.

Senator Kennedy introduced Jackie's Law following tragic death of Jackie Wisniewski, who was murdered by her former boyfriend Timothy Jorden in June 2012 at the Erie County Medical Center. Jackie's Law will make it a felony offense to install a GPS tracking device with the intent to stalk or constantly follow the location or movement of another person without their consent. Prior to her death, Jackie discovered a GPS device that Jorden had installed on her car to stalk her. Stalkers and domestic abusers often use GPS technology to track the whereabouts and monitor the activities of their victims.

"Under Jackie's Law, law enforcement will have the power to intervene in domestic violence cases before it's too late," said Senator Kennedy. "Jackie Wisniewski endured constant harassment and suffering which was amplified after her abuser installed a GPS tracking device to monitor her every movement and constantly stalk her. It's appalling that this action alone is not illegal. With the rapid proliferation of GPS technology in recent years, Jackie's Law will help ensure state law finally catches up with technology.

"Survivors of domestic violence are in dire need of strong protections that will help 'break the cycle' of abuse," Kennedy added. "It can start with Jackie's Law, but it can't end there – New York State needs to ramp up its efforts to prevent domestic violence and protect those who endure it."

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. Those convicted of a class E felony can

face up to 4 years in prison.

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 current state penal code to independently – without Jackie pressing charges – charge Jorden with.

Senator Kennedy outlined some staggering statistics demonstrating the prevalence of domestic abuse. Domestic violence accounted for more than a quarter (27 percent) of reported physical assault cases in New York State during 2012, yet 70 percent of domestic violence incidents go unreported, according to the National Coalition Against Domestic Violence. Last year, 58 percent of female homicide victims in New York, ages 16 and older, were killed by an intimate partner.

Domestic violence has affected families in communities across the state and nation.

- Every 9 seconds in the U.S. a woman is assaulted or beaten.
- Around the world, at least one in every three women has been beaten, coerced into sex or otherwise abused during her lifetime.
- Up to 10 million children witness some form of domestic violence annually.
- Domestic violence is the leading cause of injury to women – more than car accidents, muggings, and rapes combined.

“Domestic violence is one of the most prevalent and problematic safety issues for women not only in New York State but throughout the country,” Senator Kennedy said. “Having the proper resources and information readily available can make the difference between

discouragement and empowerment, and help change feelings of oppression into strength.”

In addition to Jackie’s Law, Senator Kennedy has introduced strong legislation ([S.375](#)) that will crackdown on domestic violence by establishing specific penal-code definitions and clear penalties under newly-defined crimes of domestic abuse in the first, second and third degree. Under this measure, law enforcement will be able to ratchet up penalties for repeat offenders and charge them with felony-level crimes. Kennedy’s comprehensive bill also creates a judicial diversion program for domestic abusers, which is designed to eliminate abusive behavior.

“Every day, law enforcement officials across our state deal with violent criminals committing repeat domestic offenses – often against the same victim,” Kennedy said. “Our legislation will help ensure survivors are protected and repeat offenders are locked up.”

If you or someone you know is experiencing domestic violence, you are encouraged to immediately call the 24-Hour Domestic Violence Hotline 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. If you are in immediate danger, always contact 911.

For more information on domestic violence prevention or on resources available to help, visit the website of the New York State Office for the Prevention of Domestic Violence:

<http://www.opdv.ny.gov/>.

###

*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>.*