



NEW YORK STATE SENATOR

Timothy M. Kennedy

Governor Cuomo Signs Jackie's Law, Authored by Senator Kennedy and Assemblywoman Peoples-Stokes, to Crack Down on GPS Stalking and Domestic Violence

TIMOTHY M. KENNEDY July 23, 2014

| ISSUE: **DOMESTIC VIOLENCE**



ALBANY, N.Y. (July 23, 2014) – Governor Andrew M. Cuomo today signed legislation, authored by Senator Tim Kennedy and Assemblywoman Crystal Peoples-Stokes, that strengthens state law to protect New Yorkers from domestic violence and GPS stalking. This critically important legislation was prompted by the tragic death of Jackie Wisniewski, and is widely known as Jackie's Law. The new law will crack down on GPS stalking by updating New York

State's stalking statutes to allow law enforcement to pursue criminal charges against those who use GPS or other electronic tracking devices to stalk their victims.

In addition to Kennedy and Peoples-Stokes' bill to prevent GPS stalking, **Governor Cuomo also signed legislation today** to strengthen protect victims of domestic violence by cracking down on aggravated harassment and public lewdness.

"Protecting New Yorkers from domestic violence – whether its harassment, stalking, or indecent exposure – is a priority for our administration, and strengthening these state laws will help keep our citizens safe," **Governor Cuomo** said. "I am proud to sign these bills into law today, and I thank their legislative sponsors for their hard work on each of these issues."

Senator Tim Kennedy said, "Jackie Wisniewski's tragic death caused deep sadness and pain for her family, yet they courageously stepped forward to fight for new laws to prevent domestic violence. Our state owes the Wisniewski family a debt of gratitude. It is with heavy hearts that we mark the signing of this important legislation, as we reflect on the tragedies that have prompted it. In a surging number of cases, stalkers are using GPS technology to track their victims, instill fear and destroy lives. It happened to Jackie and to so many others, but there was nothing in state law to prevent it, until today.

"With the Governor's signature," Kennedy added, "New York State finally closes a dangerous loophole in the law and can now crack down on GPS stalking. Thank you to Governor Cuomo for signing this bill and always standing up to protect New Yorkers in need. If this law helps save one victim like Jackie, and spares one family, like the Wisniewski's, the unimaginable pain they've suffered, Jackie's legacy will continue to live on."

Assemblywoman Crystal Peoples-Stokes said, "The loss of a loved one is a long process for a family to endure. Jackie Wisniewski was a daughter, mother, and loving aunt. Her tragedy

identifies the need to bring more attention to domestic violence. Jackie's killer was able to install a GPS tracking device in her car, this should have been illegal; I applaud Governor Cuomo for signing this into law to prevent this situation from occurring again. I also applaud and thank the Wisniewski family for their steadfast support and advocacy towards honoring Jackie's memory by having this law to watch over domestic violence victims in the future."

The new law addresses important and longstanding public safety concerns about the use of GPS devices in stalking cases, which are also significant issues in the area of domestic violence. This law expands the crime of stalking to include the unauthorized use of a GPS or other electronic device to track another individual. Jackie's Law, as it's become known, is in memory of Jackie Wisniewski of West Seneca, who was killed after being stalked by a former boyfriend utilizing a GPS tracking device on her car.

Often, victims of abuse do not feel comfortable pressing charges against their abuser. They can be so fearful of retaliation that they feel stuck in the abusive relationship, and may hesitate to press charges. In Jackie's case, she may have been afraid to press charges after finding the GPS device tracking her, and the police were unable to identify a crime in the current state penal code to charge her abuser with.

This legislation allows law enforcement to prosecute perpetrators for the crime of stalking in the fourth degree, without requiring the victim to press charges or to file an order of protection. Law enforcement will have the ability to charge and prosecute an individual if he or she installs a GPS device to track the movement or location of their victim. The onus of pursuing criminal charges will shift from the victim to law enforcement officials.

Kennedy and Peoples-Stokes believe this new law will be an important step forward in the ongoing efforts to prevent domestic violence. In Erie County, there were more than 6,300

victims of domestic violence in 2012, and over 4,000 of those victims were women, according to the NYS Division of Criminal Justice Services,. In Buffalo, there were about 4,000 reported victims of domestic violence, and about 3,000 of those victims were women.

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. If you suspect you are being stalked with the use of a GPS device, contact the Family Justice Center at (716) 558-SAFE (7233).

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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, the city of Lackawanna and nearly all of the city of Buffalo. More information is available at <http://kennedy.nysenate.gov>.

Assemblymember Crystal D. Peoples-Stokes represents the New York State Assembly's 141st District which covers a large portion of the city of Buffalo including sections of North Buffalo and Allentown, the entire East Side, Larkinville and the downtown central business district. More information is available at <http://assembly.state.ny.us/mem/Crystal-D-Peoples-Stokes>.