



NEW YORK STATE SENATOR

Roxanne J. Persaud

## Domestic Violence Survivor's Justice Act, Longtime Bill Sponsored by Senator Persaud, Passes Senate

ROXANNE J. PERSAUD March 12, 2019

| ISSUE: DOMESTIC VIOLENCE, DOMESTIC VIOLENCE AWARENESS, DOMESTIC VIOLENCE SURVIVORS JUSTICE ACT



Today, the Senate passed legislation sponsored by Senator Persaud that reduces prison sentences for survivors of domestic violence and allows judges to order them to community-based programs instead of incarceration. Additionally, eligible victims currently imprisoned would be given the opportunity to apply for resentencing.

On March 12, the Senate passed [Bill S1077](#), the Domestic Violence Survivor's Justice Act, soon after the legislation was voted out of the Rules Committee. The DVSJA allows judges in New York to sentence male and female victims of domestic violence who are convicted of a crime to lesser prison time — determinate or indeterminate — if the defendant was largely influenced by their abuse at the time of the offense. It also adds the option of community-based alternative-to-incarceration programs and gives eligible survivors currently in prison the opportunity to apply for resentencing.

Currently, the state's criminal justice system does not allow judges' discretion in taking into account the impact of domestic violence when determining sentence lengths. In 1995, this was addressed with the Sentencing Reform Act, commonly known as "Jenna's Law," but New York barely saw it reflected in sentences to this day. In 2007, the New York State Sentencing Commission suggested Jenna's Law be replaced with a provision that properly imposes condensed sentences in cases involving domestic violence. The first version of the DVSJA was introduced in 2011; its current version in 2015. Senator Persaud has sponsored the bill since 2017.

*q*

*“It is due time the criminal justice system stops harshly punishing survivors of domestic violence for defending themselves or their children. These victims do not deserve further mistreatment with years of prison time, and alternative community-based sentences prove far more effective in positive recovery and keeping families together. The Domestic Violence Survivor's Justice Act corrects the contradictory injustice victims in New York face and gives second chances to those already wronged by the very system designed to help protect them,”*  
*Senator Persaud said.*

Beyond relieving countless wrongfully incarcerated men and women — 9 out of 10 of whom have been physically or sexual abused and who usually have no prior criminal records or

history of violence and extremely low recidivism rates — New York would also save taxpayers tens of thousands of dollars every year under this legislation. It costs about \$43,000 per year to incarcerate a person in state prison, while the alternative — community-based programs — amount to around \$11,000 (in New York City). Additionally, these programs prove to be far more effective than prison by allowing survivors to participate in their communities, heal and remain close with their families, especially if they have children.

For further insight on the impact the DVSJA would have, [listen to some stories](#) told by formerly incarcerated survivors themselves, including a woman who served [17 years for second-degree murder](#) before Governor Andrew Cuomo granted her clemency. Additionally, read about another woman who spent [17 years in prison for first-degree manslaughter](#) and is now an advocate for the DVSJA.

---

#### RELATED LEGISLATION

---

### **2019-S1077**

---

- Introduced
  
- - In Committee Assembly
  - In Committee Senate
  
- - On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Relates to sentencing and resentencing in domestic violence cases

January 10, 2019

Senate Floor Calendar

Sponsored by **Roxanne J. Persaud**

Do you support this bill?