



NEW YORK STATE SENATOR

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Senator Webb & Senate Majority Pass Legislation Protecting the Rights of Domestic and Sexual Violence Survivors

LEA WEBB May 9, 2023

| ISSUE: **DOMESTIC & SEXUAL VIOLENCE**



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(BINGHAMTON, NY) Senator Webb and the Senate Democratic Majority passed legislation today to strengthen the rights of victims of domestic and sexual violence and strengthen protections for survivors. This legislation builds on the Senate Majority's recent victories in the 2023-2024 budget, where we secured \$13 million for State victim and witness assistance, \$5 million in grants for assistance to survivors

and victims of domestic violence, and \$4.5 million for rape.

This package contains legislation that would require statewide housing authorities to give domestic violence survivors the same preference as other prioritized populations; allow prosecutors to access orders of protection issued in association with sealed prior domestic violence cases in the instance of re-offense; require extreme risk protection orders to be added to the statewide computerized registry of protection orders; expand eligibility for victims and survivors of crime to access victim compensation funds; enact the "New York State Phoenix Act,"; clarify and expand the definition of "welfare" to increase the amount for awards made to crime victims; inform the victims of crimes of their rights upon sentencing; expand the definition of a victim of a sexual offense to include unlawful dissemination of an intimate photo, and enact "Emma's Law." These changes will make a significant difference in the lives of survivors and help ensure that true justice and accountability are afforded to each affected individual.

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"Here in New York, we have some of the greatest demand for domestic violence support services in the country," **said Senator Webb**. "While domestic violence does not discriminate, its effects are experienced disproportionately by some groups, including women, Black women, Black men, and the LGBTQIA+ community. Survivors of domestic violence experience health- and mental-health issues as a result of their trauma. This package of legislation will increase support for survivors and domestic violence support services to ensure that survivors have safety and the ability to heal from the trauma they have endured."

The legislation passed by the Senate Democratic Majority includes:

- **Housing Prioritization for Domestic Violence Survivors:** This bill, [S936](#), sponsored by Senator Jamaal Bailey requires statewide housing authorities to grant domestic violence survivors the same preference as granted to other prioritized populations.
- **Improved Access to Orders of Protection Records:** This bill, [S3071](#), sponsored by Senator Nathalia Fernández allows prosecutors to access orders of protection issued in association with sealed prior domestic violence cases if the offender commits a new domestic violence offense.
- **Removal of Time Period for Persistent Sexual Abuse Definition:** This bill, [S1951](#), sponsored by Senator Brad Hoylman-Sigal removes the ten year lookback period in relation to being defined as a person who has committed persistent sexual abuse.
- **Requirements for ERPO Reports:** This bill, [S3340](#), sponsored by Senator Shelley B. Mayer requires extreme risk protection orders to be reported to the statewide computerized registry of orders of protection and certain warrants of arrest.

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- **Expanded Eligibility for Victim Compensation Funds:** This bill, [S214-A](#), sponsored by Senator Zellnor Myrie, expands eligibility for victims and survivors of crime to access victim compensation funds by removing the mandatory law enforcement reporting requirement, providing alternative forms of evidence that would show that a qualifying crime was committed and the confidentiality of certain records.
- **Enacting the New York State Phoenix Act:** This bill, [S4686](#), sponsored by Senator Kevin Parker enacts the "New York State Phoenix Act," which extends the statute of limitations for felony family offenses to ten years and misdemeanor family offenses to five years.
- **Expands Definition of “Welfare” for Reimbursement of a Victim’s Personal Property:** This bill, [S303](#), sponsored by Senator Julia Salazar would expand the definition of "welfare" in order to enable victims of crime to receive reimbursement for personal property that has been lost, damaged, or stolen as a result of a crime. The reimbursement or replacement of such property is meant to assist the victim in regaining stability and maintaining a reasonable standard of living.
- **Victims’ Rights Disclosures:** This bill, [S5502](#), sponsored by Senator Jessica Scarcella-Spanton would provide additional rights to crime victims and require the court or district attorney, either at sentencing or at the earliest time possible, to provide the victims of said crime with an informational sheet explaining their rights.
- **Defining Victims of Unlawful Image Dissemination:** This bill, [S3236](#), sponsored by Senator Luis Sepúlveda would add to the definition of a victim of a sexual offense by including a victim of unlawful dissemination or publication of an intimate image.
- **Enacting Emma’s Law:** This bill, [S1901](#), sponsored by Senator Toby Ann Stavisky enacts Emma's Law, providing for victim statements to be read at the sentencing of a defendant for a misdemeanor.

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