

## SUMMARY OF NY SENATE DOMESTIC VIOLENCE LEGISLATION

*Unless otherwise noted, these bills have passed both houses of the  
NYS Legislature and are awaiting consideration by the Governor.*

### **SAFETY**

- **S.5615A/A.6509B** – Those escaping a dangerous domestic violence situation often do so with little or no financial resources, so that even the fee for the unlisted phone number they need to protect their new location can be a burden. ***This bill provides domestic violence survivors with the option to request an unlisted telephone number at no charge or use an altered name for a directory listing.***
- **S.5980A/A.4052B** – A domestic violence victim may be afraid to seek medical treatment for fear that her or his abuser will find out either about the treatment sought or the survivor's new location, when medical claims information is mailed to the policyholder, who may be the abuser. ***This bill affords victims of domestic violence the opportunity to designate an alternate address for insurance claims or billing purposes.*** [This bill is currently pending in the NYS Assembly].
- **S.7424B/A.111014A** – Many domestic violence survivors do not vote because their abusers can find their new address through a FOIL request to the board of elections. ***This bill allows domestic violence survivors to petition to have their voter registration records kept separate from other registration records to prevent their information from being exposed under a FOIL request.*** [This bill is currently spending in the Assembly].

### **PRESERVATION OF RIGHTS AND ACCESS TO SERVICES**

- **S.5999A/A.9020A** – Safe, affordable housing is one of the greatest needs of domestic violence survivors, but it can be challenging for victims to obtain housing as they may be viewed by potential landlords as problem tenants solely because of the abuse they may have suffered. ***This bill prohibits housing discrimination against victims of domestic violence.***
- **S.6000A/A.9018A** – Stable employment is another critical factor in a domestic violence survivor's efforts to rebuild her or his life. ***This legislation prohibits employers from discriminating against victims of domestic violence and requires them to make reasonable accommodations that would allow survivors to use their leave or take unpaid leave for medical, family or legal matters relating to the abuse they have suffered.***
- **S.7379/A.10180** – Currently, requirements that survivors use their actual addresses for many state and local programs may facilitate their abusers' ability to find their new locations through public records searches. This practice has deterred many victims from

seeking the assistance of state and local agencies. ***This bill directs the Secretary of State to create an address confidentiality program under which the Secretary would accept service of process and mail on behalf of victims wishing to keep their location secret.***

## **ORDERS OF PROTECTION**

- **S.2972/A.6195A** – When a Family Court order of protection expires, a domestic violence survivor must wait for new abuse or harassment to occur in order to apply for a new protection order. ***This legislation would permit a court, upon a showing of good cause, to extend an order of protection for a reasonable time without first requiring the survivor have been abused again.***
- **S.5697/A.8393A** – Domestic violence is often a pattern of abuse that escalates over time, not a single, unexpected violent incident; however, a line of recent cases have denied orders of protection on the grounds that the events being alleged were not contemporaneous with the application for an order. Further, many courts are relying on the length of the temporary order to determine the duration of a final order of protection. ***This bill would clarify that judges can grant an order of protection even if the application was not filed immediately after an incident and that the duration of the temporary order should not be a factor in determining the final order.***
- **S.7289/A.10410** – In 2007, the state began a pilot program in Westchester and several other counties, to test an electronic and/or fax-based system for providing local police departments with orders of protection that need to be served on abusers. ***This bill expands and makes permanent this program throughout the state, enhancing the victim's safety by ensuring quicker service of orders of protection on abusers.***

## **INCREASING PENALTIES ON ABUSERS**

- **S.6087/A.10161A** – Strangulation has been identified as one of the most lethal forms of domestic abuse. While extremely dangerous and painful, strangulation does not always leave visible external marks, making it difficult to prosecute under current law, which requires visible physical injury to warrant even a misdemeanor charge of assault. ***This legislation creates crimes of criminal obstruction of breathing or blood circulation (a misdemeanor) and first and second degree strangulation (felonies).***
- **S.7141A** – Current law provides little or no protection for victims of domestic violence from those who would wrongfully seek to prevent them from obtaining judicial intervention. ***This bill would address those inadequacies by, among other things, expanding the scope of protection of existing witness tampering crimes to include Family Court and matrimonial proceedings, and by creating new misdemeanor and felony provisions to punish those who wrongfully attempt to prevent survivors from obtaining the legal protection and relief they require.*** [This bill is currently pending in the Assembly].

- **S.7856/A.11441** – Over 220,000 orders of protection in domestic violence cases were issued in 2008. These orders, however, are only effective at keeping domestic violence survivors safe if they are a deterrent to further violence and are enforced. ***This bill would create the crime of “persistent criminal contempt,” punishable by up to a year in prison, for an abuser who violates an order of protection again after having already been found guilty of aggravated criminal contempt for initially violating the order.***  
[This bill is currently pending in the Assembly].