



NEW YORK STATE SENATOR

Lea Webb

## Senator Webb and the Senate Majority Passes Legislation Protecting the Rights of Domestic and Sexual Violence Survivors

LEA WEBB May 14, 2024

| ISSUE: **DOMESTIC VIOLENCE**



**(Binghamton, NY)** Today, Senator Webb and the Senate Democratic Majority passed legislation 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 helping secure \$35.7 million in the FY 2024-2025 budget to combat and prosecute domestic violence crimes, and enacting New York's "Rape is Rape" Act at the beginning of

this year to significantly expand the gamut of assaults that would be legally classified as rape. We want to close all existing legal loopholes that prevent our State's courageous survivors from seeking and receiving the justice that they deserve.

This package contains legislation that would prevent the voluntary intoxication of a victim from being used as a permissible defense in sex crimes; require extreme risk protection orders to be added to the statewide computerized registry of protection orders; 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 conviction. 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.

"As the Chair of Women's Issues, an advocate for social justice and a public servant, I believe that the voices of victims and survivors of Domestic Violence deserve to be heard and supported," **said Senator Lea Webb**. This issue is pervasive throughout our communities and state, our legislative efforts are integral in providing more equitable policies and resources to those impacted and their families. Thank you to Majority Leader Andrea Stewart-Cousins for continuing to prioritize justice with this package of legislation. I am proud to sponsor two bills in this package of legislation to ensure we are protecting victims of crimes in every way we can."

The legislation passed by Senator Webb and the Senate Democratic Majority includes:

- **Combatting Coerced Consumer Debt:** This bill, [S2278A](#), sponsored by Senator Cordell Cleare, would protect survivors of domestic violence and others who have been victims of economic abuse by establishing a right of action for claims arising out coerced debt.

- **Removing ‘Voluntary Intoxication’ Exclusion:** This bill, [S4555B](#), sponsored by Senator Nathalia Fernández, would prohibit the use of the intoxication of victims as a defense in sex crimes, and establish that a person who is voluntarily intoxicated can be incapable of consent.
- **Removal of Time Period for Persistent Sexual Abuse Definition:** This bill, [S1951](#), sponsored by Senator Brad Hoylman-Sigal removes the ten year lookback time period limit 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.
- **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.
- **Notifying Victims about Final Verdict:** This bill, [S1815](#), sponsored by Senator Toby Ann Stavisky, requires victims to be notified about the final disposition of their case within sixty days following a conviction, and notifies them about their right to make a victim impact statement, which they have the option to personally read at parole hearings.

- **Forfeiture of Convicted Beneficiaries Rights:** This bill, [S5131](#), sponsored by Senator Lea Webb would prevent named beneficiaries, who commit an act of domestic violence against a state or city retiree, from receiving any pension benefits
- **Lethality Assessment of Domestic Violence:** This bill, [S8977](#), sponsored by Senator Webb would require law enforcement officers to conduct a lethality assessment as part of the standardized domestic incident report form when responding to incidents of domestic violence.

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- **[Video: Senator Webb Explains Her Vote \(S8977, Lethality Assessments\) on May 14, 2024](#)**
- **[Video: Senator Webb Speaks on Resolution Proclaiming May 14, 2024 as Domestic Violence Awareness Day in NYS](#)**

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#### RELATED LEGISLATION

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### **2023-S2278A**

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- 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

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Establishes a right of action for claims arising out of coerced debts

January 19, 2023

Assembly Floor Calendar

Sponsored by **Cordell Cleare**

Do you support this bill?

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## 2023-S4555B

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- 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

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Prohibits the use of intoxication of the victim as a defense in sex crimes

February 10, 2023

In Assembly Committee

Sponsored by **Nathalia Fernandez**

Do you support this bill?

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## 2023-S1951

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- 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

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Relates to removing the ten year time period from the crime of persistent sexual abuse

January 17, 2023

In Assembly Committee

Sponsored by **Brad Hoylman-Sigal**

Do you support this bill?

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## 2023-S3340

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- 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
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Relates to the reporting of extreme risk protection orders

January 30, 2023

Signed by Governor

Sponsored by [Shelley B. Mayer](#)

Do you support this bill?

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## 2023-S303

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- 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
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Relates to awards made to crime victims

December 30, 2022

In Assembly Committee

Sponsored by [Julia Salazar](#)

Do you support this bill?

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## 2023-S5502

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- 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
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Relates to victims assistance

March 06, 2023

Signed by Governor

Sponsored by [Jessica Scarcella-Spanton](#)

Do you support this bill?

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## 2023-S1815

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- 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

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Requires victims be notified of right to make a victim impact statement and allows them to personally appear at parole hearings and make such a statement

January 17, 2023

In Assembly Committee

Sponsored by **Toby Ann Stavisky**

Do you support this bill?

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## 2023-S5131

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- 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

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Relates to forfeiture of a beneficiary's right to benefits upon conviction of domestic violence offense

February 23, 2023

In Assembly Committee

Sponsored by [Lea Webb](#)

Do you support this bill?

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## 2023-S8977

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- 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

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Requires a lethality assessment in incidents of domestic violence

April 04, 2024

In Assembly Committee

Sponsored by [Lea Webb](#)

Do you support this bill?