



NEW YORK STATE SENATOR

William Larkin

Senate Passes Domestic Violence Bills

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April 26, 2007

Senator Bill Larkin (R-C, Cornwall-on-Hudson) today announced that the New York State Senate Majority Conference today passed a comprehensive package of legislation aimed at protecting victims of domestic violence.

Senate action on the legislation was announced at a Capitol news conference where members of the Senate Majority were joined by Mrs. New York State 2007, Lori Donaudy of Smithtown, Long Island. A former victim of domestic abuse, Lori's platform as Mrs. New York includes raising awareness of domestic violence, supporting victims, and raising funds for Joe Torre's "Safe at Home Foundation."

"Domestic violence victims should have all the support they need to take control of their lives and feel safe again," said Senator Larkin. "The legislation we have passed aims to do that. It will help break the cycle of these crimes and hopefully remove the fear that too many women are living with."

The Senate Majority Task Force on Critical Choices has advanced an aggressive criminal justice agenda including cracking down on child porn and Internet predators; locating criminals who are missing from the Sex Offender Registry; ensuring student safety on school buses with the use of video monitoring; raising penalties for thugs who attack senior citizens; and now protecting domestic violence victims.

"The time is long overdue for the topic of domestic violence to emerge from a 'hidden, taboo discussion' to an open, nationwide conversation about its devastating impact on society," said Lori Donaudy, the reigning Mrs. New York United States 2007. "Domestic violence victims are most often made to feel embarrassed and shamed into a corner of silence, which only results in further empowerment of the perpetrators to continue their torment without consequence, or government intervention. Giving voice to the abused, from the most privileged in our society to the least, will help send a message that everyone has rights under the law to live life free of the enslaved feeling that domestic abuse breeds, which is unconstitutional at its very core."

Endangering the Welfare of a Child

The Senate passed two bills today (S.2034) and (S.1755) to strengthen existing law and establish the crime of endangering the welfare of a child when an act of domestic violence is committed in the presence of a child. Studies indicate that children who witness domestic violence exhibit more aggressive behavior, depression, anxiety, low self-esteem, and low cognitive, verbal and motor skills. The bill is designed at breaking the cycle of domestic abuse by diminishing a child's exposure to violence.

Orders of Protection

The Senate today passed a bill (S.3646) to authorize family courts to issue orders of protection for witnesses called to testify in family court. Very often witnesses are fearful of testifying because it may put them in danger. Providing an order of protection will help ensure the safety of witnesses.

In addition, the Senate passed legislation (S.894) to allow courts to issue orders of protection for a period of time beyond that currently authorized or a permanent order of protection. Other states have enacted similar provisions to provide increased and continued protection for both domestic violence and stalking victims.

The bills were sent to the Assembly.

The Senate today also announced the introduction of legislation that would:

- > require GPS monitoring on persons who have an order of protection issued against them (S.4796);
- > require a court, when issuing a temporary order of protection, to suspend a firearm license, and order the immediate surrender of all firearms if the individual has been previously convicted of violating an order of protection by inflicting physical injury upon someone (S.4066);
- > permit the use of closed-circuit television for the victims of alleged domestic violence to testify in court (S.4875; and
- > allow electronic filing of orders of protection (S.4704).

Earlier in the legislative session, the Senate passed the following bills related to the protection of victims of domestic violence that would:

- > include stalking by technological means -- including illegal wiretapping, cell phones, caller ID, the Internet, GPS, and any other type of tracking device -- as an element of the current crimes of stalking in the first, second, and third degrees (S.884);
- > add victims of domestic violence to the list of protected classes who shall not be discriminated against by an employer in terms of hiring or employment practices (S.3052).

To date, there has been no action in the State Assembly on either of these two bills.