



NEW YORK STATE SENATOR

Frank Padavan

Padavan and Senate Republicans Join Richmond County DA Donovan to Unveil Domestic Violence Act of 2010

FRANK PADAVAN March 4, 2010

| ISSUE: **DOMESTIC VIOLENCE**

New York State Senator Frank Padavan (Queens) and his New York State Senate Republican colleagues today joined Richmond County District Attorney Dan Donovan in Albany to unveil the Domestic Violence Act of 2010, a comprehensive effort to strengthen the State's porous and ineffective domestic violence laws.

Among other things, the initiative would for the first time ever create a specific crime of domestic abuse in the State penal law and provide law enforcement with greater tools to stamp out domestic violence.

"Domestic violence in any form is deplorable, intolerable and wrong," Senator Frank Padavan said. "As elected leaders, it's our duty to proactively combat domestic violence and enact common sense measures that will help protect victims. Women deserve to know that law enforcement has all the tools to protect them and this legislation is a major step forward in the fight to end domestic violence. There is no reason that the measures included in this legislative package should not receive quick bipartisan support and enactment in the State Senate and Assembly."

"I want to thank District Attorney Donovan for standing with us today to highlight the pressing need to strengthen our domestic violence laws to get tough on abusers and provide more adequate protection for victims. The District Attorney is a recognized leader in pushing innovative solutions to combat domestic violence and we look forward to working with him to achieve passage of this comprehensive legislation," Senate Republican Leader Dean G. Skelos said.

"This comprehensive package prepared by my office recognizes the need to treat domestic abuse as a unique crime in our penal law. It further enforces orders of protection through the use of the latest technology. This legislation also will strengthen our ability to prosecute "deadbeat" parents who evade court-orders to support their children, giving victims of domestic violence freedom from their dependence on an abusive partner. I thank Senator Skelos for his commitment to introducing this legislation and ending the cycle of violence that impacts so many New York families," District Attorney Dan Donovan said.

Under current law, individuals can only be charged with harassment, menacing or third degree assault, which carries a class A misdemeanor. The changes Republicans are advocating for would create new crimes of Domestic Abuse in the First, Second and Third degrees. Domestic Abuse in the First Degree would be a Class E felony.

The Domestic Violence Act of 2010 would increase penalties for those who commit the most serious crimes or are repeat offenders, as well as utilize GPS technology to better enforce orders of protection to keep women safe. In addition, the measure would require the mandatory arrest of any individual who commits a domestic violence offense, even if the offense was not committed in the presence of a police officer, as is the current threshold.

Currently, an order of protection is a piece of paper that provides no real protection if a

woman is confronted by a violent assailant. The Domestic Violence Act of 2010 would put in place enhanced monitoring of individuals who have been served with an order of protection by requiring them to wear an ankle bracelet equipped with a GPS tracking device.

The GPS technology would be used to notify both the victim and law enforcement officials when the subject of the order enters a so-called “safety-zone” near the victim, and provide clear evidence that an order was or was not violated, eliminating the “he said, she said” nature of many domestic disputes. The cost of the equipment and monitoring would be paid for by the offender and present little if any cost to taxpayers. In 2008, more than 220,000 orders of protection were granted in New York State.

Still, the most recent statistics from the State’s Division of Criminal Justice Services show that nearly 4,000 women in New York City alone were treated in emergency rooms for injuries they acknowledged were caused by their intimate partners.

“The insidious and violent nature of domestic abuse, plaguing and victimizing women across our state, requires this new class of stronger laws to prove we are once and for all serious about combating this crime. As the author of the order of protection GPS technology bill in the Senate, I will aggressively work with DA Donovan and my Senate and Assembly colleagues to enact this package of bills which will give our domestic violence laws new teeth, and the mothers and daughters of our state greater protection,” Senator Andrew Lanza (R,I-Staten Island)

The comprehensive anti-domestic violence legislation would also hold deadbeat parents accountable for failure to pay child support by cracking down on parents who deliberately hide their assets. In addition, the bill closes a loophole in current law that allows parents to escape criminal liability by shifting the burden of proof of the inability to pay from the prosecutor to the parent.

Senator Golden stated, "There is no denying that victims of domestic violence need better protection under New York State law. It is unfortunate that while there is no place in our society for domestic violence, some believe it to be acceptable. Therefore, we must enhance the penalties for those who commit the heinous acts of domestic violence, and do more to protect the victims," Senator Martin Golden (R,C-Brooklyn) said.

According to the National Coalition Against Domestic Violence, 1 in 4 women will experience domestic violence in their lifetime, and there are more than 400,000 domestic violence incidents in New York State each year. In addition, fifty percent of all women murdered in New York State are killed as a result of domestic violence.

District Attorney Donovan is the current Chairperson of the State District Attorneys Association Board of Directors, and a former President of the statewide organization. His office has made targeting domestic violence its top priority.