



NEW YORK STATE SENATOR

Jack M. Martins

Senate Passes Bill to Protect Domestic Violence Victims

Jack M. Martins

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The New York State Senate passed legislation that gives judges the ability to consider well-established risk factors in determining bail or recognizance in domestic violence cases so that a victim and their family can be further protected from an assailant.

The bill (S.1414A) would allow the history of violence or threats of violence, prior orders of protection, and the accused's access to guns to be considered by a judge, potentially affecting their release conditions and sparing many victims and their children additional harm or even death.

"This measure will add protection to victims of domestic violence who should be able to rely on the courts for greater protection," said Senator Jack M. Martins, who supported the measure.

In December 2002, a perpetrator of domestic violence was released on \$1,500 bail by a city judge in Westchester County after an attempted assault with a gun on his former girlfriend. Within days after his release on bail, the perpetrator shot his former girlfriend in the head and killed himself. As recently as July 2010, a similar tragic incident occurred in Dutchess County when the perpetrator killed his wife before turning the gun on himself. This incident occurred only days after his release on bail, following one month in jail stemming from an incident of domestic violence. These and many other cases demonstrate that it is essential that the judge determining recognizance or bail consider factors that indicate a risk of harm to the victim-witness.

This bill recognizes the high rate of recidivism in domestic violence cases. It requires judges to consider specific factors including prior acts of violence or threats of violence, prior orders of protection, prior arrests or convictions for offenses against family or household members, prior violations of orders of protection, and access to firearms or a history of firearm use.

The bill will be sent to the Assembly.