



NEW YORK STATE SENATOR

David J. Valesky

## Senator Valesky Co-Sponsors Legislation to Strengthen Domestic Violence Legislation

DAVID J. VALESKY June 13, 2012

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The State Senate unanimously passed co-sponsored by Senator David J. Valesky (D-Oneida) to protect victims of domestic violence and increases penalties against abusers.

“Domestic violence poses a serious problem in New York State, with hundreds of thousands of victims reporting incidents each year,” Senator Valesky said. “Too often, victims are subject to repeat offenses, and this legislation gives law enforcement a new tool to prosecute those with a history of abuse, and additional protections to keep victims safe.”

The legislation ([S.7638](#)) includes provisions to:

**Create a two new offenses to protect victims and prosecute repeat offenders.** Aggravated Family Offense, a Class E felony, ensures that defendants who have a history of committing misdemeanor offenses can be prosecuted as felons. Aggravated Harassment in the 2<sup>nd</sup> Degree, a class A misdemeanor, is committed when a defendant, with intent to harass, annoy, threaten or alarm, causes physical injury to an individual or their family or household member.

**Allow judges to consider additional risk factors in determining bail.** Courts will now be required to consider well-established risk factors, such as an offender's prior violation of an order of protection and the accused's access to guns, when considering bail for a defendant who is charged with an offense against a family or household member.

**Establish a statewide fatality review team to find new ways to reduce intimate partner homicides.** The team will be made up of professionals in the field and will review homicides, factors involved and ways to improve the system to prevent more deaths.

**Prevent domestic violence offenders from controlling the disposition of a victim's remains.**

Individuals who have been charged with causing the death, or who were the subject of a restraining order protecting the deceased person, will not be eligible to exercise control of final funeral and burial arrangements.

**Improve safeguards to shield the location of domestic violence victims.** The legislation gives victims access to a substitute mailing address maintained by the Department of State, which will forward the mail to the participants' actual address. The legislation would also allow victims to designate alternative contact information so they may receive health insurance correspondence in a safe location of their own choosing, such as the home of a friend or family member, a post office box, or a shelter.