



NEW YORK STATE SENATOR

James L. Seward

## Strengthen Domestic Violence Laws

JAMES L. SEWARD March 4, 2010

| ISSUE: **CRIME, VICTIMS**



According to the National Coalition Against Domestic Violence, 1 out of every 4 women will experience domestic violence in her 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.

These staggering figures prove the need for stronger, more effective laws to protect victims and combat the horrifying domestic violence epidemic. Over the years, I have taken an

aggressive stance on this issue, supporting a call for zero tolerance in regard to domestic violence crimes and fighting for stronger protection for victims and their families. The newly introduced Domestic Violence Act of 2010 will continue and intensify the fight.

The legislation is a comprehensive plan that provides innovative solutions to crack down on abusers, and offer better protection to victims of domestic violence. 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 bring offenders to justice.

Under current law, individuals can only be charged with harassment, menacing or third degree assault, which carries a class A misdemeanor. The changes I am advocating 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 also increase penalties for those who commit the most serious crimes or are repeat offenders,

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.

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 victims safe.

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 ankle bracelets equipped with GPS tracking devices.

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.

The comprehensive anti-domestic violence legislation would also strengthen the 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. In addition, the bill would crack down on parents who deliberately hide their assets and force them to prove claims that they can't make support payments.

Victims of domestic violence need better protection under New York state law. It is a heinous crime and must be stopped. The package of bills addresses longstanding deficiencies in the law and will help discourage domestic violence and provide more appropriate punishment when it regrettably occurs.

For too long in New York state, victims of domestic violence have not been given a voice and the proper means to protect themselves and their families from the devastating effects caused by this horrific crime. These innocent individuals need to know they are not alone in this battle and that we are serious about protecting their well-being and their rights.