



NEW YORK STATE SENATOR

Roxanne J. Persaud

Governor Cuomo Signs the Domestic Violence Survivors Justice Act, Longtime Bill Sponsored by Senator Persaud

ROXANNE J. PERSAUD May 5, 2019

| ISSUE: [NYS SENATOR PERSAUD](#), [SENATOR PERSAUD](#), [PERSAUD](#), [DOMESTIC VIOLENCE SURVIVORS JUSTICE ACT](#)



On May 15, the Governor signed Bill S1077, the Domestic Violence Survivors Justice Act, which allows judges in New York to sentence male and female victims of domestic violence convicted of a crime to lesser prison time — determinate or indeterminate — if the defendant was largely influenced by their abuse at the time of the offense. It also adds the option of community-based alternative-to incarceration programs and gives eligible

survivors currently in prison the opportunity to apply for resentencing. The legislation is a key initiative of Governor Cuomo's 2019 Women's Justice Agenda.

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"The vast majority of incarcerated women have experienced physical or sexual violence in their lifetime, and too often these women wind up in prison in the first place because they're protecting themselves from an abuser," Governor Cuomo said. "By signing this critical piece of our 2019 women's justice agenda, we can help ensure the criminal justice system takes into account that reality and empowers vulnerable New Yorkers rather than just putting them behind bars."

Currently, the state's criminal justice system does not allow judges' discretion in taking into account the impact of domestic violence when determining sentence lengths. In 1995, this was addressed with the Sentencing Reform Act, commonly known as "Jenna's Law," but New York barely saw it reflected in sentences to this day. In 2007, the New York State Sentencing Commission suggested Jenna's Law be replaced with a provision that properly imposes condensed sentences in cases involving domestic violence. The first version of the DVSJA was introduced in 2011; its current version in 2015. Senator Persaud has sponsored the bill since 2017.

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"Too often survivors of domestic violence are punished by our criminal justice system for defending themselves or their family, leading to unjustified prison sentences," Senator Persaud said. "These brave survivors deserve support and the ability to rebuild their lives, instead of being unfairly incarcerated. The Domestic Violence Survivors Justice Act will finally right this wrong, which is why I staunchly fought for and sponsored this bill. I applaud Governor Cuomo for signing it into law today."

Beyond relieving countless wrongfully incarcerated men and women — 9 out of 10 of whom have been physically or sexual abused and who usually have no prior criminal records or history of violence and extremely low recidivism rates — New York would also save taxpayers tens of thousands of dollars every year under this legislation. It costs about \$43,000 per year to incarcerate a person in state prison, while the alternative — community-based programs — amount to around \$11,000 (in New York City). Additionally, these programs prove to be far more effective than prison by allowing survivors to participate in their communities, heal and remain close with their families, especially if they have children.