



NEW YORK STATE SENATOR

Anna M. Kaplan

Senator Anna Kaplan Helps Pass Stronger Protections for Survivors of Sexual Abuse and Domestic Violence

SENATOR ANNA KAPLAN April 26, 2022

| ISSUE: **SEXUAL ABUSE VICTIMS, DOMESTIC VIOLENCE, SEXUAL ASSAULT VICTIMS**



ALBANY, NY (April 26, 2022) – Today, **Senator Anna M. Kaplan** (D-North Hills) and the New York State Senate passed legislation to support survivors of sexual abuse and domestic violence by strengthening protections for victims in New York State. The legislation that has been advanced builds on the Senate Majority's work to provide greater protections to all survivors of domestic violence and sexual abuse to ensure they are treated fairly and have the needed resources to seek accountability. This legislative package enacts the Adult

Survivors Act so that survivors of sexual abuse have the opportunity to hold those who committed these crimes accountable in civil court, passes the New York State Phoenix Act, redefines the term “physically helpless” to include individuals who are physically unable to communicate affirmative consent and creates the “Purple Alert System” for missing victims of domestic violence.

In addition, this legislative package will relieve survivors of domestic violence from utility contracts, establish a public housing priority waiting list for domestic violence survivors, prohibit discrimination against domestic violence survivors, and require the court to inquire whether a firearm is owned or in possession of a defendant when a protection order is issued. This package also directs the Office for the Prevention of Domestic Violence to conduct a study on domestic violence in the transgender community.

Senator Anna M. Kaplan said “for too long, New York’s outdated laws made it difficult for survivors of abuse to seek justice, causing too many to suffer in silence to avoid being re-victimized by an unforgiving legal process. The Adult Survivors Act recognizes that we have failed too many survivors, and finally gives them an opportunity to speak out, have their day in court, and hopefully find an opportunity for healing. I’m extremely proud to co-sponsor the Adult Survivors Act and to support the full package of legislation passing today, because we can and must do more to support survivors and victims of sexual assault and domestic violence.”

The legislation being passed today, includes:

- **Adult Survivors Act:** This bill, [S.66A](#), sponsored by Senator Brad Hoylman will create a one-year window for the revival of otherwise time-barred civil claims arising out of sexual offenses committed against people who were 18 or older at the time of the conduct. Those who have had justice denied them as a result of New York's formerly insufficient statutes

of limitations should be given the opportunity to seek civil redress against their abuser or their abuser's enablers in a court of law.

- **Establishes Public Housing Waiting List Priority for Domestic Violence Survivors:** This bill, [S.1681](#), sponsored by Senator Jamaal Bailey, establishes priority preference for survivors of domestic violence at public housing authorities that maintain a uniform priority waiting list for disenfranchised populations.
- **Redefines the Term Physically Helpless:** This bill, [S.2115](#), sponsored by Senator Jamaal Bailey, redefines the term physically helpless to mean an individual who is physically unable to communicate affirmative consent through words or clear actions that offer permission and a willingness to engage in sexual activity.
- **Relief from Contracts:** This bill, [S.7157A](#), sponsored by Senator Kevin Parker, allows individuals to break contracts with utility, phone and television providers when fleeing instances of domestic violence.
- **Identifying the Location of Firearms:** This bill, [S.6443A](#), sponsored by Senator Shelley Mayer, will require the court to inquire of the defendant and the protected party, outside of the presence of the defendant, as to the existence and location of any firearm owned or possessed by the defendant or the protected party whenever an order of protection is issued.
- **Establishing a Study on Domestic Violence:** This bill, [S.5940](#), sponsored by Senator Kevin Parker, requires the Office For The Prevention of Domestic Violence to conduct a study on domestic violence in the transgender community.
- **New York State Phoenix Act:** This bill, [S. 3020A](#), sponsored by Senator Kevin Parker, enacts the New York State Phoenix Act which extends the statute of limitations for felony family offenses to ten years and misdemeanor family offenses to five years.

- **Purple Alert System:** This bill, [S.7562](#), sponsored by Senator Julia Salazar will create a "purple alert system" for missing victims of domestic violence.
- **Prohibit Discrimination Against Domestic Violence Survivors:** This bill, [S. 8417B](#), sponsored by Senate Roxanne Persaud, prohibits discrimination based on status as a victim of domestic violence.
- **Access To Past Protection Orders in Domestic Violence Cases:** This bill, [S.404](#) , sponsored by Senator Alessandra Biaggi, amends the criminal procedure law to ensure that prosecutors have access to past orders of protection in domestic violence cases so they can charge abusers with criminal contempt if they violated a past order.

RELATED LEGISLATION

2021-S66A

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate

- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to the statute of limitations for civil actions related to certain sexual offenses committed against a person eighteen years of age or older

December 18, 2020

Signed by Governor

Sponsored by **Brad Hoylman-Sigal**

Do you support this bill?

2021-S1681

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate

- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Establishes uniform waiting list priorities for domestic violence survivors applying for public housing

January 14, 2021

In Assembly Committee

Sponsored by **Jamaal T. Bailey**

Do you support this bill?

2021-S2115

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate

- ◦ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Re-defines the term physically helpless

January 19, 2021

In Assembly Committee

Sponsored by Jamaal T. Bailey

Do you support this bill?

2021-S7157A

- Introduced
- ◦ In Committee Assembly
 - In Committee Senate
- ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ◦ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Requires the release of individuals from utility, phone and television contracts in instances of domestic violence; repealer

June 03, 2021

Signed by Governor

Sponsored by **Kevin S. Parker**

Do you support this bill?

2021-S6443A

- Introduced
- ◦ In Committee Assembly
 - In Committee Senate
- ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ◦ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to orders of protection

April 28, 2021

Signed by Governor

Sponsored by Shelley B. Mayer

Do you support this bill?

2021-S5940

- Introduced
- ◦ In Committee Assembly
 - In Committee Senate
- ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate

- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Requires the office for the prevention of domestic violence to conduct a study on domestic violence in the transgender community

March 23, 2021

In Assembly Committee

Sponsored by **Kevin S. Parker**

Do you support this bill?

2021-S3020A

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate

- ◦ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Enacts the "New York state phoenix act"

January 27, 2021

In Assembly Committee

Sponsored by Kevin S. Parker

Do you support this bill?

2021-S7562

- Introduced
- ◦ In Committee Assembly
 - In Committee Senate
- ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ◦ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Creates a "purple alert system" for missing victims of domestic violence

December 03, 2021

In Assembly Committee

Sponsored by **Julia Salazar**

Do you support this bill?

2021-S8417B

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- Introduced
 - ◦ In Committee Assembly
 - In Committee Senate
 - ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate

- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
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Prohibits discrimination based on status as a victim of domestic violence

February 28, 2022

Signed by Governor

Sponsored by **Roxanne J. Persaud**

Do you support this bill?

2021-S404

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate

- ◦ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Enables prosecutors to access orders of protection issued in association with sealed prior domestic violence cases

December 30, 2020

In Assembly Committee

Sponsored by **Alessandra Biaggi**

Do you support this bill?