



NEW YORK STATE SENATE DEMOCRATIC MAJORITY

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Senate Majority to Pass Legislation Protecting the Rights of Domestic and Sexual Violence Survivors

(Albany, NY) Today, the Senate Democratic Majority will pass legislation to strengthen the rights of victims of domestic and sexual violence and strengthen protections for survivors. This legislation builds on the Senate Majority's recent victories in helping secure \$35.7 million in the FY 2024-2025 budget to combat and prosecute domestic violence crimes, and enacting New York's "Rape is Rape" Act at the beginning of this year to significantly expand the gamut of assaults that would be legally classified as rape. We want to close all existing legal loopholes that prevent our State's courageous survivors from seeking and receiving the justice that they deserve.

This package contains legislation that would prevent the voluntary intoxication of a victim from being used as a permissible defense in sex crimes; require extreme risk protection orders to be added to the statewide computerized registry of protection orders; clarify and expand the definition of "welfare" to increase the amount for awards made to crime victims; inform the victims of crimes of their rights upon conviction. These changes will make a significant difference in the lives of survivors and help ensure that true justice and accountability are afforded to each affected individual.

Senate Majority Leader Andrea Stewart-Cousins said, "Those who have survived domestic and sexual violence should have access to all available resources and protection during their journey toward recovery. Unfortunately, existing regulations and practices often create unnecessary obstacles, bureaucratic processes, and discourage individuals from seeking essential services. Through this legislative package, we aim to clarify procedures and genuinely prioritize the rights of victims. I express my gratitude to the Senators who authored this legislation, as it represents progress for those impacted by these forms of violence and shows that they have truly listened to those who are often never heard."

Chair of the Senate Crime Victims, Crime and Correction Committee, Senator Julia Salazar said, “Crime victims deserve compensation for their personal property that has been lost, damaged, or stolen as a result of the crime they have endured, but the parameters for determining what they receive remains too narrow. This bill clarifies and expands those provisions to ensure victims can stabilize their lives and achieve a reasonable standard of living. Passing this legislation is the right thing to do for crime victims, their families, and our communities—and we should do it this year.”

The legislation being passed by the Senate Democratic Majority includes:

- **Combatting Coerced Consumer Debt:** This bill, [S2278A](#), sponsored by Senator Cordell Cleare, would protect survivors of domestic violence and others who have been victims of economic abuse by establishing a right of action for claims arising out coerced debt.
- **Removing ‘Voluntary Intoxication’ Exclusion:** This bill, [S4555B](#), sponsored by Senator Nathalia Fernández, would prohibit the use of the intoxication of victims as a defense in sex crimes, and establish that a person who is voluntarily intoxicated can be incapable of consent.
- **Removal of Time Period for Persistent Sexual Abuse Definition:** This bill, [S1951](#), sponsored by Senator Brad Hoylman-Sigal removes the ten-year lookback time period limit in relation to being defined as a person who has committed persistent sexual abuse.
- **Requirements for ERPO Reports:** This bill, [S3340](#), sponsored by Senator Shelley B. Mayer requires extreme risk protection orders to be reported to the statewide computerized registry of orders of protection and certain warrants of arrest.
- **Expands Definition of “Welfare” for Reimbursement of a Victim’s Personal Property:** This bill, [S303](#), sponsored by Senator Julia Salazar would expand the definition of "welfare" in order to enable victims of crime to receive reimbursement for personal property that has been lost, damaged, or stolen as a result of a crime. The reimbursement or replacement of such property is meant to assist the victim in regaining stability and maintaining a reasonable standard of living.
- **Victims’ Rights Disclosures:** This bill, [S5502](#), sponsored by Senator Jessica Scarcella-Spanton would provide additional rights to crime victims and require the court or district attorney, either at sentencing or at the earliest time possible, to provide the victims of said crime with an informational sheet explaining their rights.
- **Notifying Victims about Final Verdict:** This bill, [S1815](#), sponsored by Senator Toby Ann Stavisky, requires victims to be notified about the final disposition of their case within sixty days following a conviction, and notifies them about their right to make a victim impact statement, which they have the option to personally read at parole hearings.
- **Forfeiture of Convicted Beneficiaries Rights:** This bill, [S5131](#), sponsored by Senator Lea Webb would prevent named beneficiaries, who commit an act of domestic violence against a state or city retiree, from receiving any pension benefits.
- **Lethality Assessment of Domestic Violence:** This bill, [S8977](#), sponsored by Senator Webb would require law enforcement officers to conduct a lethality assessment as part of

the standardized domestic incident report form when responding to incidents of domestic violence.

Bill Sponsor Senator Cordell Cleare said, “In order to empower survivors, we must ensure that they are able to heal and grow from all harms inflicted upon them, including economic and financial destruction. They deserve our support and our affirmative action to make certain that coerced debts do not follow them for the rest of their life. This bill sets up a rational process for the expungement of coerced debts and provides for a private right of action to enforce the law in cases where an institution does not follow the statutory guidelines and forgive the debt.”

Bill Sponsor Senator Nathalia Fernández said, “Today is a great step forward in protecting and demanding justice for survivors of domestic violence and sexual assault. I am proud to sponsor legislation to close the gaps in our current law as there should be no grey area when someone is incapable of providing consent. I earnestly hope that the victims whose voices have been silenced for too long will find solace in the new day that this legislation provides to seek justice in the State of New York. I want to thank the Majority Leader for putting this package forward and demonstrating to all New Yorkers that we will always listen to survivors.”

Bill Sponsor Senator Brad Hoylman-Sigal said, “Today, New York is once again standing up for survivors of domestic and sexual abuse and declaring that those who perpetrate such acts will be held accountable for their crimes. My bill (S.1951) will remove the lookback time period limit that currently limits the legal definition of persistent sexual abuse. As of now, a perpetrator can only be classified as a persistent abuser if their actions of abuse happen within 10 years of each other. This meaningless line in the sand holds some defendants culpable for their crimes while exempting others from accountability for the same actions. Survivors of abuse can tell you that there is no time limit on the pain from abuse. There should be no time limit on how we classify repeat offenders either. I’m grateful to Majority Leader Stewart-Cousins, and the full Senate Democratic Majority, for listening to survivors and updating our laws to reflect their concerns, not just with the passage of my own bill, but with this full package of bills to support survivors of domestic and sexual violence.”

Bill Sponsor Senator Shelley B. Mayer said, “I am proud my bill S.3340, to modernize the state’s process for filing extreme risk protection orders (ERPOs), is part of this important legislative package to strengthen protections for victims of domestic and sexual violence. ERPOs are designed to take guns out of the hands of individuals at imminent risk of hurting themselves or others. By requiring all temporary and final ERPOs to be reported to the statewide computerized registry for orders of protection and arrest warrants, we can improve enforcement by ensuring police know when someone has an outstanding ERPO and better protect victims who face an ongoing risk of violence from someone in their life. I thank Senate Majority Leader Stewart-Cousins and my colleagues for their commitment to keeping New Yorkers safe.”

Bill Sponsor Senator Jessica Scarcella-Spanton said, “It is crucial that we prioritize and uphold the rights of victims because informing them of their rights isn't just a courtesy—it's a necessity. Reporting a crime is a daunting first step for many, and fear of this process is all too

common. This bill will provide more clarity to this process for victims and ensure they are aware of their rights every step of the way in New York.”

Bill Sponsor Senator Toby Ann Stavisky said, “Victim impact statements can go a long way in helping survivors of a crime recover mentally and emotionally. However, many are not aware of their right to submit a statement. My legislation will ensure survivors are aware of their rights to speak at parole board hearings, which will help many recover and resume their lives.”

Bill Sponsor Senator Lea Webb said, “As the Chair of Women’s Issues, an advocate for social justice and a public servant, I believe that the voices of victims and survivors of Domestic Violence deserve to be heard and supported. This issue is pervasive throughout our communities and state, our legislative efforts are integral in providing more equitable policies and resources to those impacted and their families. Thank you to Majority Leader Andrea Stewart-Cousins for continuing to prioritize justice with this package of legislation. I am proud to sponsor two bills in this package of legislation to ensure we are protecting victims of crimes in every way we can.”

Connie Neal, Executive Director of the New York State Coalition Against Domestic Violence, said, “On this day, designated by resolution in both chambers as Domestic Violence Awareness and Prevention Day, we are thrilled the Senate has approved a package of legislation that will support survivors of domestic violence, sexual assault, and crime. This legislation will provide critical assistance for those experiencing domestic violence, including increasing access to housing and improving their financial security. These are necessary steps for DV survivors to enhance their safety and rebuild their lives. We are particularly grateful to Senate Majority Leader Andrea Stewart-Cousins and Senator Cordell Cleare for passage of S2278A, a bill prioritized today during NYSCADV’s Legislative Day of Action with nearly 100 DV advocates elevating the needs of DV survivors to the Legislature. Financial abuse occurs in 99% of DV cases and is one of the primary reasons survivors cite for staying in or returning to an abusive partner. Coerced debt, which refers to credit-related transactions entered into without an individual’s consent, is a popular tactic used by abusers to maintain power and control over their victims. This bill creates a process for DV survivors to free themselves of such debt, a key tool that will support their ability to gain financial independence.”

District Attorney Michael E. McMahon, President of the District Attorneys Association of the State of New York said, “For far too long, the voices and pain of crime victims have been overlooked and overshadowed in our public and legislative discourse. I am heartened to see that the Senate is undertaking this series of legislative reforms to begin to reverse that trend. From increasing survivors’ access to victims’ compensation and housing to enabling prosecutors access to orders of protection issued in domestic violence cases previously sealed and removing constraints associated with holding persistent sexual abusers accountable, this legislative package will bring meaningful change that strengthens the protections provided to victims of crime and in particular to domestic violence survivors. As Staten Island’s chief law enforcement officer and president of the District Attorneys Association of the State of New York, I am committed to ensuring the victims of crime are never forgotten and I commend our state legislators for standing up for survivors and assisting District Attorney’s offices across the state in our efforts to secure justice and keep them safe.”

Michael Polenberg, Vice President of Government Affairs, Safe Horizon said, “Safe Horizon, the nation's largest nonprofit victim assistance organization, applauds Senate Majority Leader Andrea Stewart-Cousins and her colleagues in the State Senate for passing a package of legislation that will help domestic violence survivors across the state receive critical support and access safety and justice. Through these bills, the State Senate recognizes the full array of services and options that domestic violence survivors need to stay safe. We are grateful to Senators Bailey, Harckham, Cleare, Mayer, Salazar, Webb, Stavisky, Hoylman-Sigal, Fernandez and Scarcella-Spanton for their leadership, and to the entire State Senate for taking such bold action to protect survivors.”

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