



NEW YORK STATE SENATE DEMOCRATIC MAJORITY

Senate Majority Strengthens Protections for Survivors of Sexual Abuse and Domestic Violence

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(Albany, NY) Today, the Senate Democratic Majority will pass 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 Conference’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.

“When we passed the Child Victims Act in 2019, we righted a historical wrong by empowering survivors of childhood sexual abuse to hold their abusers and institutions that may have looked the other way accountable,” **Senate Majority Leader Andrea Stewart-Cousins** said. “Last year, we passed the Adult Survivors Act (ASA) unanimously, because we understand that we cannot leave any survivor of sexual abuse behind. Adult survivors of sexual abuse deserve the chance to seek justice so they can start their journey towards healing. In addition to the Adult Survivors Act, we are advancing a legislation package to strengthen protections for survivors of sexual abuse and domestic violence and remove the obstacles in their way to seek justice and safety. I thank the survivors and advocates for their courage and persistence in their pursuit of justice. I am also grateful to Sen. Brad Hoylman for his unwavering commitment and leadership to pass the Adult Survivors Act and my colleagues in the Senate Majority for their efforts in passing these important protections.”

The legislation being passed by the Senate Majority, 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.

Bill Sponsor Senator Brad Hoylman said, “We’ve expanded the civil window for young survivors of sexual violence with the successful Child Victims Act — and now the Senate has done the same for adult survivors. Legislation to protect survivors must support how survivors process trauma. Until 2019, New York’s statute of limitations was prohibitively short for adult survivors. It’s a matter of restorative justice to give survivors whose abuse occurred before we changed the law their day in court. I am proud to stand with Safe Horizon, Assembly Member Rosenthal, and the many survivor-advocates who have worked so tirelessly to pass this bill. I thank Senate Majority Leader Cousins for making this critical passage possible.”

Chair of the Senate Committee on Codes and Bill Sponsor, Senator Jamaal Bailey said, “This sweeping legislative package represents a long overdue expansion of protections for victims and survivors, providing a pathway to healing while improving access to the immediate safety and housing needs of survivors. My bill S2115 changes our state’s definition of the term ‘physically helpless’ to indicate that a person is unconscious or, for any other reason, physically unable to communicate affirmative consent to an act. We all have heard ‘no means no,’ but a more accurate standard to implement as a model of consent would be that ‘only yes means yes.’ The burden should not fall on the victim to say ‘no’ in situations where doing so is impossible. This bill is more than a

change in language – it clarifies our past definition of consent and bolsters the protections encoded in the justice system for victims of sexual assault.

No one should have to choose between facing homelessness and staying in a home with a violent partner. My bill S1681 establishes uniform waiting list priorities for domestic violence survivors applying for public housing. Victims of domestic violence are among the most vulnerable populations in need of emergency shelter, yet they still face barriers in securing permanent housing. Our state’s housing assistance program has made great strides in helping communities like the elderly, the disabled, and the homeless find safe housing, and now we can make further progress by adding victims of domestic violence into priority placement as well. By connecting people with housing services, New York can improve the lives of the most at-risk domestic violence victims as they look for safe and accessible housing services that prioritize their need and meet the extreme urgency of their circumstances.”

Bill Sponsor, Senator Alessandra Biaggi said, “Domestic violence is a pervasive issue in New York State and has only been exacerbated by the COVID-19 pandemic. By allowing prosecutors to petition a court to access to previous orders of protection, we can make it easier for survivors to receive the protection they need and hold abusers accountable. New York owes survivors comprehensive support– including policies for prevention, and means of protection.”

Bill Sponsor, Senator Shelley Mayer said, “I am proud to sponsor S.6443A, which would increase victim protections by requiring judges to inquire about the presence of firearms when orders of protection are issued. In the context of domestic violence cases, the presence of guns increases the risk of violence and death. This common-sense measure will make both defendants and victims safer. Thank you to Senate Majority Leader Andrea Stewart-Cousins and my Senate colleagues for their support of this important bill.”

Bill Sponsor, Senator Kevin Parker said, “Leaving a domestic violence situation is a courageous decision and a difficult process. When a survivor is looking to start a new life it is crucial that we remove the barriers to ensure that survivors have the support they need to end the cycle of abuse and seek justice. I am pleased that my bills, S. 3020A-“New York State Phoenix Act”, S.5940, and S.7157, are part of this legislative package because these reforms prioritize the safety of survivors of domestic violence. I am proud to stand with my colleagues in the Senate Democratic Majority to pass this life saving legislation and I thank Senate Majority Leader Andrea Stewart-Cousins for her leadership on this issue.”

Bill Sponsor, Senator Roxanne Persaud said, “Victims and survivors of domestic violence often face situations that test their resilience as they work to recover and rebuild their lives”, said Senator Roxanne J. Persaud. “My legislation broadens protections for victims of domestic violence in the state Human Rights Law to address discrimination in other areas including housing, credit, public accommodations and educational institutions. No New Yorker should face discrimination as a victim or survivor of domestic violence”.

Bill Sponsor Senator Julia Salazar said, "Survivors of domestic violence face many obstacles, including maintaining their safety as they work to rebuild their lives. I am proud that today the Senate passed my "purple alert" bill creating a new alert system, similar to the existing amber alerts, to assist in finding a survivor of domestic violence who is reported as missing. This important step will help to ensure the safety of survivors of domestic violence."

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