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## 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 the 2023-2034 budget, where we secured \$13 million for State victim and witness assistance, \$5 million in grants for assistance to survivors and victims of domestic violence, and \$4.5 million for rape crisis centers.

This package contains legislation that would require statewide housing authorities to give domestic violence survivors the same preference as other prioritized populations; allow prosecutors to access orders of protection issued in association with sealed prior domestic violence cases in the instance of reoffense; require extreme risk protection orders to be added to the statewide computerized registry of protection orders; expand eligibility for victims and survivors of crime to access victim compensation funds; enact the "New York State Phoenix Act,"; 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 sentencing; expand the definition of a victim of a sexual offense to include unlawful dissemination of an intimate photo, and enact "Emma's Law." 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, "Survivors of domestic and sexual violence deserve to have every resource and protection at their disposal on the road to recovery. Too often, the regulations and practices in place hinder their wellbeing and result in needless red tape, bureaucratizing the process and discouraging people from utilizing crucial services. With this legislative package, we are clarifying important procedures and ensuring that the rights of victims are truly prioritized. I am grateful to the Senators who've authored this legislation, and for the progress it makes on behalf of those affected by these forms of violence."

"Asking for help can be tough to do as a victim or survivor. Survivors need equitable access to the resources and information that our state provides, such as compensation, housing, and

counseling, so we can ensure we are servicing all victims to the greatest extent possible,” said **Chair of the Senate Crime Victims, Crime and Correction Committee, Senator Julia Salazar**. “My bill, S303, clarifies and expands the definition of ‘welfare’ to allow crime victims to be compensated for what is needed to restore stability in their lives. Legislation in this package takes significant steps for New York to support victims and survivors throughout their entire healing process.”

**The legislation being passed by the Senate Democratic Majority includes:**

- **Housing Prioritization for Domestic Violence Survivors:** This bill, S936, sponsored by Senator Jamaal Bailey requires statewide housing authorities to grant domestic violence survivors the same preference as granted to other prioritized populations.
- **Improved Access to Orders of Protection Records:** This bill, S3071, sponsored by Senator Nathalia Fernández allows prosecutors to access orders of protection issued in association with sealed prior domestic violence cases if the offender commits a new domestic violence offense.
- **Removal of Time Period for Persistent Sexual Abuse Definition:** This bill, S1951, sponsored by Senator Brad Hoylman-Sigal removes the ten-year lookback period 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.
- **Expanded Eligibility for Victim Compensation Funds:** This bill, S214-A, sponsored by Senator Zellnor Myrie, expands eligibility for victims and survivors of crime to access victim compensation funds by removing the mandatory law enforcement reporting requirement, providing alternative forms of evidence that would show that a qualifying crime was committed and the confidentiality of certain records.
- **Enacting the New York State Phoenix Act:** This bill, S4686, 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.
- **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.

- **Defining Victims of Unlawful Image Dissemination:** This bill, S3236, sponsored by Senator Luis Sepúlveda would add to the definition of a victim of a sexual offense by including a victim of unlawful dissemination or publication of an intimate image.
- **Enacting Emma's Law:** This bill, S1901, sponsored by Senator Toby Ann Stavisky enacts Emma's Law, providing for victim statements to be read at the sentencing of a defendant for a misdemeanor.

**Bill Sponsor Senator Jamaal Bailey said,** “This legislative package represents a long overdue expansion of protections for survivors, providing a pathway to healing while improving access to the immediate safety and housing needs of survivors. My bill S936 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, people with disabilities, veterans, 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 Nathalia Fernández said,** “S3071 is essential in advancing the protections of domestic violence survivors and preventing domestic abusers from continuing a cycle of violence. The Bronx has the highest rates of domestic homicide in New York City. I cannot let that be the end of the story. Our borough has lost too many great people as it is. We need to make sure our people are protected and prevent domestic violence as well as make sure there is justice and recourse. I will be fighting the rest of the 2023 session for these bills and others that my colleagues and I are bringing to the agenda. We are here and we will not let domestic and sexual violence be ignored.”

**Bill Sponsor Senator Brad Hoylman-Sigal said,** "I'm proud to be part of a Senate Majority that takes justice for victims seriously. This package of bills enacts real reforms that will help victims, not simply pander for headlines. Victims of sexual abuse are among the most mistreated in our legal system, which we've tried to remedy with landmark legislation like the Child Victims Act and the Adult Survivors Act. With my bill, S.1951, persistent sexual abusers will not be able to escape appropriate criminal charges through arbitrary time limits in the law. I thank Majority Leader Andrea Stewart-Cousins for bringing this legislation to the floor and my colleagues for supporting it."

**Bill Sponsor Senator Shelley B. Mayer said,** “I am proud my bill S.3340 is part of this package to strengthen protections for victims of domestic and sexual violence. It is clear that we must do more to protect New Yorkers from acts of violence by preventing people who are at risk of

harming themselves or others from possessing firearms. My bill will increase public safety by requiring that temporary and final extreme risk protection orders (ERPOs) be included in the existing statewide computerized registry, preventing the purchase or possession of a firearm when a judge has determined they are a risk to themselves or others. Thank you to Senate Majority Leader Andrea Stewart-Cousins and my colleagues for your dedication to ensuring the safety of New Yorkers.”

**Bill Sponsor Senator Zellnor Myrie** said, "As we make our criminal legal system more fair, we must be equally committed to upholding the rights and dignity of victims and survivors of crime. I'm proud to sponsor legislation that centers healing for New Yorkers, and cuts the red tape keeping victims and survivors from accessing the compensation they are entitled to. I'm grateful to my Senate colleagues for standing with them."

**Bill Sponsor Senator Kevin Parker** said, "As a public servant and advocate for social justice, I believe that victims of crimes deserve a voice and access to resources that can help them through their difficult times. Supporting victims' rights legislation is a critical step in ensuring that they have the necessary protections and support to heal and recover from their trauma. I am committed to working alongside my colleagues to pass legislation that strengthens the rights of victims and holds offenders accountable for their actions. We must always stand with and support victims of crime, as they are the most vulnerable among us."

**Bill Sponsor Senator Jessica Scarcella-Spanton** said, "Thank you to Majority Leader Andrea Stewart-Cousins for prioritizing justice for victims with this package of legislation. I am proud to sponsor legislation that requires a sentencing judge or district attorney to provide victims of crime with information explaining their rights when there is a conviction for an offense involving state prison time. We need to make sure that we're protecting victims of crime and they're aware of all their rights."

**Bill Sponsor Senator Luis Sepúlveda** said, "As the sponsor of Bill S3236, which amends the executive law to include victims of revenge porn in the definition of 'victims of a sexual offense,' I am proud of the critical protections this legislation provides to survivors of this heinous crime. This important step acknowledges the devastating impact that non-consensual dissemination of intimate images can have on a person's life and mental health. The comprehensive package of legislation is a critical step forward in protecting the rights and well-being of victims of crimes. These reforms demonstrate our unwavering commitment to ensuring that all survivors, including those who have experienced domestic violence, sexual assault, trafficking, and revenge porn, have the necessary support and resources to rebuild their lives. I applaud my colleagues in the Senate for their leadership on this issue and their dedication to true justice and accountability for all affected individuals."

**Bill Sponsor Senator Toby Ann Stavisky** said, "Misdemeanor offenses can be life altering experiences and often carry the same trauma as felonies. This was the case for Emma Grace

O'Rourke, her father and her family. Victim impact statements are not only powerful in laying bare the lasting impact of a crime, but can also be therapeutic for survivors in desperate need of an emotional outlet. They are survivors and should be able to speak out if they so choose.”

**Common Justice** said, “Common Justice is thrilled that S.214A (Myrie)/A.2105A (Meeks) has passed in the Senate. We commend the legislature for taking a critical step toward decoupling victim compensation from law enforcement interaction and lessening racial and ethnic disparities in support of survivors. Supporting victims and survivors, not incarceration, keeps communities safe.”

**Connie Neal, Executive Director of the New York State Coalition Against Domestic Violence**, said, “We are thrilled the Senate has approved this package of legislation that will significantly enhance accommodations for survivors of domestic violence, sexual assault and human trafficking. Of particular note is passage of the Fair Access to Victim Compensation bill, which eliminates the requirement for victims to report their harm to law enforcement within one year of the crime occurring. We understand that for a variety of reasons, including fear of retaliation or blame, stigma, shame or mistrust in law enforcement, victims may wait to report or even choose not to report a crime to law enforcement. Current requirements leave far too many New Yorkers without the financial support they deserve. We appreciate the work of Majority Leader Andrea Stewart-Cousins and Senator Zellnor Myrie for advancing this critical piece of legislation and ensuring DV victims have access to life-stabilizing victim compensation funds.”

**Kris Brown, President of the Brady Center to Prevent Gun Violence** said, “For decades, survivors who are directly impacted and disproportionately excluded from victim compensation, an essential pathway for survivors to access support, have been leading calls for changes that would remove barriers to accessing compensation. This bill would remove discriminatory barriers and expand the forms of evidence that could be used to show that a survivor suffered harm. This type of funding is crucial to the healing of survivors of crimes and would interrupt the cycles of violence that pervade homes and communities, including communities of color, who have no recourse or resources to move forward. Brady thanks Senator Myrie, Assm. Meeks, and the Fair Access to Victims Compensation Coalition for their leadership on this important legislation.”

**Rebecca Fischer, Executive Director of New Yorkers Against Gun Violence** said, “If we're committed to tackling gun violence as a public health crisis, we have to ensure that survivors have equitable access to resources and compensation to help them live and thrive. Helping those with trauma to heal, especially those most often left behind by our current system, is not only a form of justice—it also helps disrupt the continued cycle of powerlessness and violence. We need comprehensive solutions to address gun violence from all angles, and we applaud the NYS Senate for passing the Fair Access to Victim Compensation bill, an essential solution to the path to saving lives.”

**Safe Horizon** said, “Safe Horizon, the nation's largest non-profit victim assistance organization, applauds Senate Majority Leader Andrea Stewart-Cousins, bill sponsor Sen. Zellnor Myrie and the entire State Senate for passing this package of critical legislation to support survivors across NY including the "Fair Access to Victim Compensation" bill (S.214-A). This important legislation will help expand the paths to victim compensation for New Yorkers impacted by violence or abuse by allowing victim service providers to certify their applications in lieu of a police report. We are grateful to our coalition partners who helped lead this effort, and look forward to more victims and survivors charting paths to healing in the coming years.”

**Sonia Ossorio, Executive Director Women's Justice NOW and NOW-NYC** said: “The Senate is taking an important step forward in addressing the endemic violence that women face in their daily lives. Improving laws and systems and the means for women to seek safety, security and justice is the mark of an effective governing body.”

**Not Another Child** said, “**Not Another Child applauds the NYS Senate for passing the Fair Victims Act Compensation** bill. The expansion of victims compensation will ensure that victims and survivors receive promised resources that put them on the road to healing without excessive retraumatization.”

**Pamela Hight, Volunteer with Moms Demand Action and Fellow with the Everytown Survivor Network**, whose son Ya-Quin English, was shot and killed on Christmas Eve in 2013 and other son, Jermaine Hight, was stabbed and killed in June 12, 2016, said, “Gun violence has severe economic consequences and continues to disproportionately impact communities of color — these communities should not have to endure additional challenges because New York’s victim support systems are inaccessible. As we approach the year mark of the Buffalo mass shooting this week, we applaud the Senate for recognizing that fair access to victim compensation is a social equity issue and passing legislation that will give people the resources they need by removing barriers to better support survivors in their healing.”

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