

2022 Legislative Priorities

Domestic violence advocates across New York State are joining NYSCADV in supporting specific legislation to improve services and expand rights for New York's domestic violence victims. These include:

Rights of Domestic Violence Survivors:

1. **A648A Rosenthal L./S66A Hoylman:** Called the Adult Survivor Act, creates one-year window for 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.
2. **A2519 Cymbrowitz/S7263 Liu:** Permits DV survivors who are concerned about their safety to self-attest to their status as a victim in order to provide alternative contact information to health providers and HMOs; current law requires provision of a valid Order of Protection.
3. **A3436 Kim:** Requires state agencies that directly serve the public to enact policies to ensure interpretation and translation services are provided to individuals of limited English proficiency; requires each agency to designate a language access coordinator and publish a language access plan every two years.
4. **A3534 Stirpe/S1681 Bailey:** Requires statewide housing authorities, in reviewing applicants, to grant DV survivors the same preference granted to other prioritized populations such as the disabled, the elderly and the homeless.
5. **A6207A Rosenthal L./S7157 Parker:** Permits DV survivors to self-attest to their status as a victim to be eligible to break utility, wireless phone, landline, and cable and satellite TV contracts without penalty; legislation includes ability for DV survivors to obtain an anonymous phone listing without charge.
6. **A7428A Joyner/S5236A Kennedy:** Requires certain state documents and forms to be provided in the 12 most common non-English languages spoken by limited English proficiency immigrants, as designated by the U.S. census bureau and requires each state agency to provide interpretation services to individuals in their primary language with respect to the provision of services or benefits.
7. **A7672A Rosenthal L./S5574A Persaud:** Updates and expands the resources than an applicant of public assistance may possess without affecting eligibility for assistance.
8. **A8552 Reyes/S3593A Biaggi:** Requires New York State to pay all costs to ensure individuals living in temporary shelters, including DV shelters, have access to the Internet.
9. **A8619A Meeks/S7573 Myrie:** Expands eligibility for victims of crime to access victim compensation funds by eliminating New York's requirement for victims to report crime to law enforcement; extends time period for filing compensation claims from one year to seven years; permits victims to self-attest to their injuries or provide third-party attestations from a victim service provider, witness, health care provider, or Order of Protection to show a qualifying crime was committed.

Prevention:

1. **A6616 Nolan/S2584A Brouk:** Requires K-12 comprehensive sexuality instruction for students in grades K-12 which addresses age and developmentally appropriate physical, mental, emotional and social dimensions of human sexuality, healthy relationships, consent and the use of technology and social media in intimate relationships.
2. **A8102 Clark/S6363 Mayer:** Requires courts to order the search and immediate seizure of weapons when a defendant willfully refuses to surrender them; currently, judges may order a search and seizure, but it is not mandatory.

Family Court and Child Protective Services:

1. **A2375C Dinowitz/S6385B Hoylman:** Requires all court-ordered child custody evaluators to be trained in domestic violence, coercive control and child abuse; such training would be developed and updated, as appropriate, by OPDV and NYSCADV.
2. **A3314 Hunter/S1584 Sanders:** Establishes guidelines for custody agreements, including those involving child abuse or domestic violence, and the awarding of supervised or unsupervised visitation for offending parents.
3. **A3503 Hevesi/S7742 Palumbo:** Prohibits courts from ordering child custody evaluations in child custody and visitation proceedings.
4. **A5398 Hevesi/S7425 Kaplan:** Prioritizes the health and safety of children over other best interest factors in child custody and visitation proceedings; sets requirements for judicial training in DV and child abuse; restricts admissibility of parental alienation and other non-scientifically valid theories.
5. **A7879 Hevesi/S7326 Brisport:** Requires a caller making a report of suspected child abuse or maltreatment to the central registry to leave their name and contact information.
6. **A8110 Weinstein/S753 Biaggi:** Enables parents and their attorneys to obtain copies of court-ordered child custody evaluations and the underlying information supporting the evaluation.
7. **S4837 Biaggi:** Requires certain judges and justices to receive at least 10 hours of training every two years on issues relating to domestic violence.

Criminal Justice System:

1. **A544A Braunstein/S1477A Krueger:** Expands the definition of aggravated harassment in the second degree to include contacts via text, email or other electronic communication.
2. **A607 Rosenthal L./S403 Biaggi:** Deems a person who engages in sexual conduct during the period of their probation is incapable of consenting to such conduct with their supervising probation officer.
3. **A3422 Rosenthal L./S404 Biaggi:** Enables prosecutors to access prior Orders of Protection issued in domestic violence cases so repeat violators can be charged with criminal contempt.
4. **A4484 Hunter/S2153 May:** Establishes that a person who is a witness to, suspect or victim of an incident under investigation by police cannot consent to sexual conduct with a police officer.
5. **A5519A Dinowitz:** Prohibits the use of voluntary intoxication of a victim as a defense to any criminal charge for sex crimes, if a reasonable person in the defendant's person should have known that the victim was incapable of giving consent due to that intoxication.
6. **A8412 Anderson:** Ensures collaboration between law enforcement agencies investigating cases of missing persons; if missing person is believed to be a DV victim, creates presumption that victim is missing under circumstances where there are reasonable concerns for the victim's safety; ensures families of missing persons are provided with adequate resources and information during the investigation.

Incarcerated Individuals:

1. **A8022 Davila/S7229 Bailey:** Ensures individuals being released from state and local correctional facilities receive appropriate support and services when re-entering the community; requires DOCCS to provide a comprehensive discharge plan to individuals upon their release to help them obtain health care, housing, mental health and social services from local re-entry service providers.

Established in 1978, the New York State Coalition Against Domestic Violence (NYSCADV) is designated by the U.S. Department of Health and Human Services as the information clearinghouse, primary point of contact, and resource center on domestic violence for the State of New York. NYSCADV works to create and support the social change necessary to prevent and confront all forms of domestic violence. NYSCADV's policy agenda employs both legislative and systems change advocacy to support the needs of domestic violence survivors and their families and the programs that support them.

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