

# **NYSCADV**

## **NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE**

### **2020 DOMESTIC VIOLENCE RELATED LAWS APPROVED BY LEGISLATURE AND SIGNED BY GOVERNOR**

#### **NEW: INCARCERATED PARENTS TO BE PLACED AT FACILITY CLOSEST TO THEIR CHILDREN**

##### **Chapter 355 (A6710A Rozic/S724A Montgomery)**

Requires Department of Corrections and Community Services (DOCCS) to place incarcerated parents at the facility closest to their children's home. *Effective December 23, 2021.*

#### **NEW: CONFIDENTIALITY OF CONTACT TRACING**

##### **Chapter 377 (A10500C Gottfried/S8450C Rivera)**

Provides for the confidentiality of contact tracing information. Authorizes individuals to waive confidentiality in a written, informed and voluntary waiver. Also, prohibits law enforcement agents or immigration authorities from participating in contact tracing. *Effective immediately.*

#### **NEW: RESTRICTS DRIVER'S LICENSE SUSPENSION FOR FAILURE TO PAY FINES**

##### **Chapter 382 (A7463B Hunter/S5348B Kennedy)**

Limits the grounds for suspending a driver's license for the non-payment of fines and fees and for failure to appear in court. Provides for additional notification when a person is required to make an appearance in court. Requires income-based payment plans to be available for fines, fees and mandatory surcharges incurred as a result of a vehicle and traffic law violation. *Effective March 31, 2021.*

#### **NEW: PUBLIC HEARING REQUIREMENT FOR NEW HOMELESS SHELTERS IN NYC**

##### **Chapter 383 (A7820A Fall/S7215A Savino)**

Requires the NYC Department of Homeless Services to hold at least one public hearing in the community where a proposed shelter is to be located before being approved. *Effective December 31, 2021.*

#### **GENDER NEUTRAL BATHROOMS**

##### **Chapter 14 (A8974 Rosenthal L./S6937 Salazar)**

Requires that all single-occupancy bathrooms in state-owned or operated buildings and office space be designated as gender neutral. *Effective immediately.*

#### **REFINES REQUIREMENT FOR DOMESTIC VIOLENCE TRAINING FOR HOSPITAL EMPLOYEES TO THOSE WHO INTERACT WITH PATIENTS**

##### **Chapter 37 (A9134 Lavine/S7192 Salazar)**

Modifies Chapter 733 of the Laws of 2019 (which requires general hospitals to establish policies/procedures regarding domestic violence, to establish training programs, and to designate staff to coordinate services) to target training to employees that interact with patients. *Effective immediately.*

**EQUAL PAY FOR THOSE WITH SAME PROFESSIONAL TITLE**

**Chapter 46 (A8971 Rosenthal L./S6942 Montgomery)**

Makes a technical correction to a 2019 law regarding equal pay for similar work protections for protected classes. Under the new law, employees with the same title shall receive the same salary. *Effective immediately.*

**EXPANDS ELIGIBILITY FOR OVS COMPENSATION TO INCLUDE DOMESTIC PARTNERS**

**Chapter 70 (A8959 Glick/S7168 Parker)**

Amends the Executive Law to expand eligibility for Office of Victim Services compensation to include domestic partners (defined as individuals who reside together, share income or expenses, or have children in common but are not married.) *Effective immediately.*

**INCLUDES NYSCASA, IN ADDITION TO NYSCADV, IN TRAINING DEVELOPMENT FOR APPEARANCE ENHANCEMENT PROFESSIONALS**

**Chapter 71 (A8975 Rosenthal L./S7169 Benjamin)**

Amends a 2019 law requiring domestic violence and sexual assault awareness education for individuals seeking to be licensed as hair stylists, cosmetologists or nail technicians, to include NYSCASA in the development of the training; NYSCADV was included in the initial 2019 legislation. *Effective immediately.*

**HOSPITAL GUIDELINES FOR OBSTETRIC HEMORRHAGE**

**Chapter 75 (A9520 Joyner/S7173 Rivera)**

Amends Public Health Law to require the NYS Department of Health to develop guidance to hospitals on obstetric hemorrhages, including a toolkit and checklist, both of which must be posted on the DOH website. *Effective immediately.*

**PROVISION OF INFORMATION REGARDING PREGNANCY COMPLICATIONS**

**Chapter 76 (A9133 Richardson/S7175 Montgomery)**

Amends Public Health Law to require hospitals offering maternity or women’s wellness services to provide information concerning pregnancy complications. Requires the NYS Department of Health to develop and update information on possible complications from pregnancy that can endanger the life or health of the newborn or mother. *Effective immediately.*

**EXTENDS TIME TO FILE CHILD SEXUAL ABUSE CASES**

**Chapter 130 (A9036 Rosenthal L./S7082 Hoylman)**

Amends the Penal Law to extend by one year the time an individual may file an otherwise time-barred civil claim revived by the Child Victims Act. *Effective immediately.*

**REASONABLE ACCOMMODATION FOR INDIVIDUAL WITH DISABILITIES WHO NEEDS AN ANIMAL**

**Chapter 137 (A7331 Dilan/S6172 Martinez)**

Bars a housing provider from using a “no pets” provision to deny housing to an individual with disabilities who demonstrates that an animal “alleviates the symptoms or effects of the disability.” In such instances, the housing provider must provide a reasonable accommodation for the individual to use and enjoy the premises with the animal. *Effective immediately.*

**REDUCTION OF RENT TO LANDLORDS WHO DO NOT PAY WATER, UTILITY BILLS**

**Chapter 143 (A3190A Hunter/S3942A Sepulveda)**

Permits tenant to deduct water and other utility payments from rent in cases where the landlord fails to pay water or utility bills, especially to the point that service may be cut off. Provides a clear and straightforward defense against eviction in these cases. *Effective immediately.*

**WAIVES SURCHARGES AND FEES FOR DEFENDANTS UNDER 21**

**Chapter 144 (A5045 Davila/S3457 Montgomery)**

Amends the Criminal Procedure Law to allow courts to waive surcharges and fees for defendants under 21 if fees would impose undue hardship, prevent successful reintegration or interests of justice require it. *Effective immediately.*

**MOVES STUDY ON EFFECTS OF TRAUMA ON CHILD DEVELOPMENT AND LEARNING FROM STATE ED DEPARTMENT TO OCFS**

**Chapter 196 (A1913 Joyner/S1195 Bailey)**

Amends A 2018 law by directing OCFS, rather than the State Education Department, to conduct a study on the effects of trauma on child development and learning. The study, which will be undertaken in collaboration with SED and NYS Department of Health, will examine all types of trauma experienced by students, the impacts of such trauma on children and learning, and best practices for school personnel in the area of trauma. *Effective immediately.*

**POSTING INFORMATION ON PATIENT REPORTING RIGHTS REGARDING PROFESSIONAL MISCONDUCT**

**Chapter 203 (A7991A Simotas/S6678A Salazar)**

Requires the Office of Professional Medical Conduct to post on its website information on patients' reporting rights regarding professional misconduct involving sexual harassment and assault. Requires physicians to post signage directing patients to such website for information. *Effective immediately.*

**OPDV ROLES AND RESPONSIBILITIES**

**Chapter 204 (A8023 Williams/S6665 Benjamin)**

Adds the Commissioner of Homes and Community Renewal to the OPDV DV advisory council. Also repeals statute pertaining to OPDV's former "Batterers Project" and gives OPDV the responsibility for "promoting best practices for abusive partner intervention." *Effective immediately.*

**DEFINES EMPLOYMENT-RELATED TRANSPORTATION EXPENSES FOR OVS REIMBURSEMENT**

**Chapter 233 (A10307 Cruz/S5443 Persaud)**

Creates a new, enumerated OVS reimbursable expense to cover transportation costs an individual must incur traveling to and from work due to a temporary physical limitation as the result of a crime. Reimbursable costs will be capped at \$2,500. *Effective April 7, 2021.*

**PERMITS APPEALS IN DISMISSED HOUSING CASES**

**Chapter 236 (A9525 Buchwald/S6569 Jackson)**

Permits a complainant the option of appealing a final order or bringing a de novo action in court in housing cases after dismissal for lack of probable cause or jurisdiction. *Effective January 7, 2021.*

**ABOLITION COMMEMORATION DAY**

**Chapter 237 (A10831 Pretlow/S6658B Bailey)**

Designates the second Monday in July each year as Abolition Commemoration Day, commemorating the Abolition Act, which passed the NYS Legislature on March 31, 1817 and abolished slavery effective July 4, 1827. This marked the end of slavery in NY. *Effective immediately.*

**JUNETEENTH**

**Chapter 249 (A10628 Hyndman/S8598 Parker)**

Designates June nineteenth, known as “Juneteenth,” as a public holiday. *Effective immediately.*

**REPORT ON SERVICES PROVIDED TO HUMAN TRAFFICKING VICTIMS**

**Chapter 257 (A8645 Hevesi/S8743 Liu)**

Requires OTDA and the Division of Criminal Justice Services DCJS to submit a report on the services provided to human trafficking victims in order to assess the availability, utilization, necessity and appropriate funding levels for such services and housing needs. *Effective May 11, 2021.*

**PERMITS COURTS TO ADD SMART HOME TECH ABUSE TO ORDERS OF PROTECTION**

**Chapter 261 (A10039 Rozic/S7926 Bailey)**

Permits the court to expand the behaviors that can be controlled by an order of protection to explicitly include remote control of connected devices in the home, vehicle or property of the survivor. *Effective immediately.*

**ESTABLISHES FRONTLINE WORKERS TRAUMA-INFORMED CARE ADVISORY COUNCIL**

**Chapter 295 (A10629A Gunther/S8608A Carlucci)**

Establishes the frontline workers trauma-informed care advisory council within the Office of Mental Health to ensure the trauma related behavioral health needs of essential workers during the COVID-19 Pandemic are met. *Effective immediately.*

**PROVIDES RIGHT OF ACTION FOR UNLAWFUL DISSEMINATION**

**Chapter 304 (A5605C Weinstein/S5959D Savino)**

Provides for a private right of action for unlawful dissemination or publication of a sexually explicit depiction of an individual. Also creates a right of publicity for deceased individuals and creates a registry to publicly post such interests, thereby giving notice to people who may seek to use an individual’s image after death for advertising purposes. *Effective May 30, 2021.*

**NO ICE IN COURTS**

**Chapter 322 (A2176A Solages/S425A Hoylman)**

Protects people from civil arrest while accessing the justice system and the courts. Ensures that all members of the community have access to the justice system and courts without fear of immigration-related consequences. *Effective December 15, 2020.*

**ACCESS TO INFORMATION REGARDING FINANCIAL LITERACY**

**Chapter 324 (A6070A Seawright/S8721 Comrie)**

Directs state agencies that compile financial literacy information they maintain (e.g., information on borrowing, identity theft and credit reporting) to provide such information to the Department of Financial Services, which will then post the information on its website, enabling consumers to have one-stop access to the information. **Effective immediately.**

**OCFS TO COLLECT DATA ON CHILD WELFARE PREVENTIVE SERVICES**

**Chapter 329 (A10513 Hevesi/S8421A Persaud)**

Requires OCFS to collect data on child welfare preventive services by DSS, including the total number of children and families receiving services, the average length of time services were provided, a list of services provided, and the number of children entering the foster care system. **Effective immediately.**

**COLLECT DATA ON HOMELESS POPULATIONS DURING COVID-19 PANDEMIC**

**Chapter 331 (A10566A Hevesi/S8643A Liu)**

Requires state agencies to collect data on sheltered and unsheltered homeless populations during the COVID-19 Pandemic, including the number of confirmed COVID-19 cases, the number of hospitalizations, the number of deaths and if known, the age, family composition and shelter status of each individual. A report will be prepared, with data aggregated by county, and posted on local health departments' websites. **Effective immediately and applied retroactively beginning March 7, 2020.**

**AUTHORIZES SNAP FOR ONLINE GROCERY PURCHASES**

**Chapter 342 (A10673 Hevesi/S8247A Kaminsky)**

Authorizes the use of Supplemental Nutrition Assistance Program (SNAP) benefits to purchase online groceries. **Effective immediately.**

**2020 DOMESTIC VIOLENCE RELATED BILLS  
APPROVED BY LEGISLATURE AND  
AWAITING GOVERNOR'S SIGNATURE OR VETO**

**BROADBAND AND FIBER OPTIC SERVICES**

**A6679C Ryan/S8805 Metzger**

Requires the Public Service Commission to study the availability, affordability and reliability of high-speed internet and broadband access in NY, and provide a detailed access map indicating Internet service by location. Requires PSC to hold four regional public hearings to solicit public input and to work with Internet service providers to prioritize access in communities that have experienced negative economic and social impacts due to absent or insufficient service. **If signed, effective 30 days after becoming law.**

**2020 POLICE REFORM LAWS**  
**APPROVED BY LEGISLATURE AND SIGNED BY GOVERNOR**

**PREVENTS MISUSE OF 911**

**Chapter 93 (A1531B Richardson/S8492 Parker)**

Amends the Civil Rights Law to prevent the misuse of 911 and other organizations that deal with emergencies by establishing civil penalties for summoning a police officer when there is no reason to believe a crime or offense, or imminent threat to person or property, is occurring, and the reason the call is made is due to a belief or perception regarding an individual's race, ethnicity, gender, religion or status within another protected class. *Effective immediately.*

**ERIC GARNER ANTI-CHOKEHOLD ACT**

**Chapter 94 (A6144B Mosley/S6670B Benjamin)**

Establishes the crime of aggravated strangulation for police officers or peace officers where such officer commits the crime of criminal obstruction or breathing or blood circulation, or uses a chokehold or similar restraint, and causes serious physical injury or death. *Effective immediately.*

**ESTABLISHES AN OFFICE OF SPECIAL INVESTIGATION IN AG'S OFFICE**

**Chapter 95 (A1601C Perry/S2574C Bailey)**

Creates an Office of Special Investigation within the Office of the Attorney General to investigate any incident involving someone's death caused by a police officer. Additionally, the Offices would investigate incidents where a death or matters relating to a death caused by a police officer involved criminal conduct. *Effective April 1, 2021.*

**PERMITS DISCLOSURE OF POLICE DISCIPLINARY RECORDS**

**Chapter 96 (A10611 O'Donnell/S8496 Bailey)**

Repeals Section 50-A of the Civil Rights Law, which was used by police departments to shield disciplinary records, thereby permitting disclosure of such records provided that sensitive information such as social security numbers, home addresses, medical history, etc., is redacted. *Effective immediately.*

**RIGHT TO RECORD CERTAIN LAW ENFORCEMENT ACTIVITIES**

**Chapter 100 (A1360A Perry/S3253A Parker)**

Permits a person not under arrest or in the custody of a law enforcement official to record police activity and to maintain custody and control of the recording and any property used to record police activities. *Effective immediately.*

**REQUIRES POLICE OFFICER WHO DISCHARGES WEAPON TO IMMEDIATELY REPORT INCIDENT**

**Chapter 101 (A10608 Perry/S2575B Bailey)**

Requires that any police officer who discharges a weapon, while on or off duty, where a person could have been struck by a bullet from the weapon, to verbally report the incident to a supervisor within six hours and prepare and file a written report within 48 hours of the incident. *Effective September 13, 2020.*

**REQUIRES COMPILATION OF DATA ON MISDEMEANORS AND VIOLATIONS BY RACE, ETHNICITY**

**Chapter 102 (A10609 Lentol/S1830C Hoylman)**

Requires the Chief Administrator of the Courts to compile county-by-county data regarding the race, ethnicity, age and sex of all individuals charged with misdemeanors and violations, whether individual was issued a summons or appearance ticket or was subject to arrest, the zip code where the crime occurred and the disposition of the case. Also requires police departments to promptly report to DCJS any arrest-related death. **Effective December 12, 2020.**

**RIGHT TO MEDICAL, MENTAL ATTENTION WHILE IN CUSTODY**

**Chapter 103 (A8226B Fernandez/S6601B Bailey)**

Affirms the duty of police officers, peace officers, and other law enforcement to address the medical and mental health needs of people in custody. **Effective immediately.**

**CREATES LAW ENFORCEMENT MISCONDUCT INVESTIGATIVE OFFICE**

**Chapter 104 (A10002B Taylor/S3595C Parker)**

Establishes a law enforcement misconduct investigative office in the AG’s Office tasked with receiving and investigating complaints of corruption, fraud, use of excessive force, criminal activity, conflicts of interest, or abuse in law enforcement agencies. **Effective April 1, 2021.**

**STATE POLICE BODY CAMERAS PROGRAM**

**Chapter 105 (A8674A Walker/S8493 Parker)**

Requires the state police officers on patrol to wear body cameras and record times before an officer leaves a patrol vehicle to interact with an individual, all uses of force, all arrests and summonses, all interactions with people suspected of criminal activity, all searches of persons and property, and any call to a crime in progress. **Effective April 1, 2021.**

**RELEVANT 2020 COVID-19 LAWS  
APPROVED BY LEGISLATURE AND SIGNED BY GOVERNOR**

**SUSPENDS FORFEITURE OF UNEMPLOYMENT BENEFITS DURING PANDEMIC**

**Chapter 97 (A10348-A Rosenthal L./S8275A Martinez)**

During the COVID-19 pandemic, forfeiture days (as a result of an individual’s forfeit penalties levied against them from past claims) may not be applied to the claims of individuals otherwise entitled to receive unemployment insurance benefits. **Effective immediately. Expires when COVID-19 state of emergency ends.**

**NYS DOH STUDY OF COVID-19 IMPACTS ON MINORITIES**

**Chapter 99 (A10517 Aubry/S8245A Parker)**

Requires the NYS Department of Health to complete a study to identify statewide and regional rates of infection, hospitalization, recovery and mortality and any racial and ethnic disparities in such rates, in addition to any system-related factors which may contribute to such disparities. Study will also identify ways to reduce or eliminate racial and ethnic disparities that contributed to COVID-19 impact on minority communities. **Effective immediately.**

**MORATORIUM ON TERMINATION OF UTILITY SERVICE DURING PANDEMIC**

**Chapter 108 (A10521 Mosley/S8113A Parker)**

Prevents utility corporations or municipalities from terminating utility services of residential customers who are enduring financial hardship due to the COVID-19 Pandemic. *Effective immediately.*

**FORBEARANCE OF RESIDENTIAL MORTGAGE PAYMENTS DURING PANDEMIC**

**Chapter 112 (A10351B Rozic/S8243C Kavanagh)**

Requires NY banks to grant 90 days of forbearance to residential mortgagors who can demonstrate financial hardship due to the COVID-19 Pandemic. Allows mortgagor to choose either to extend their loan for the length of the forbearance or to defer the arrears as a lump sum payment due at the maturity of the mortgage.

*Effective immediately.*

**CULTURAL, LINGUISTIC DIVERSITY OF NYC CONTACT TRACERS**

**Chapter 115 (A10447A Joyner/S8362A Serrano)**

Requires COVID-19 contact tracers in New York City to be representative of the cultural and linguistic diversity of the communities in which they serve, to the greatest extent possible. *Effective immediately. Expires on January 1, 2022.*

**EMERGENCY RESIDENTIAL RENT RELIEF**

**Chapter 125 (A10522 Cymbrowitz/S8419 Kavanagh)**

Provides rental assistance vouchers through the NYS Homes and Community Renewal agency to landlords on behalf of tenants who experienced an increase in rent burden because of a loss of income during Pandemic. The agency is required to prioritize households with the greatest economic and social need, accounting for historic income levels, the rent burden of the household, the percentage of income lost and the risk of homelessness or eviction. *Effective immediately.*

**ENHANCED PROTECTIONS FOR INDIVIDUALS EXPERIENCING FINANCIAL HARDSHIP**

**Chapter 126 (A10530 Mosley/S8428 Parker)**

Restricts telephone companies from terminating service to customers who default or owe arrears to the company for a period of 180 days after the COVID-19 state of emergency is lifted. Also clarifies rules for banks to give forbearance relief to a mortgagor experiencing financial difficulties and requires bank to notify the Department of Financial Services within five days to explain why a forbearance request was denied. *Effective immediately.*

**PROHIBITS CERTAIN EVICTIONS DURING COVID-19 EMERGENCY**

**Chapter 127 (A10290B Dinowitz/S8192B Hoylman)**

Disallows courts from issuing possessory judgments or warrants of evictions for unpaid rent that was due from beginning of Pandemic through the period that restrictions on businesses, public accommodations and nonessential gatherings are in place. Landlords may still obtain money judgments for unpaid rent that accrues during this period, but tenants are permitted to remain in the housing unit in the meantime. *Effective immediately.*

**COVID-19 EMERGENCY EVICTION AND FORECLOSURE PREVENTION ACT**

**Chapter 381 (A11181 Dinowitz/S9114 Kavanagh)**

Places a moratorium on residential evictions and residential foreclosure proceedings until May 1 for tenants or homeowners who endured a “COVID-related hardship.” To be eligible, tenants or homeowners must show documentation explaining their situation to prevent evictions or foreclosures. *Effective immediately.*

**2020 ELECTION REFORM LAWS  
APPROVED BY LEGISLATURE AND SIGNED BY GOVERNOR**

**PERMITS ELECTRONIC APPLICATION FOR 2020 GENERAL ELECTION ABSENTEE BALLOTS**

**Chapter 91 (A10516A Simotas/S8130D Myrie)**

Allows qualified voters to request an absentee ballot for the 2020 General Election by electronic mail, an electronic transmittal system or a web portal established by the state Board of Elections or city or county Board of Elections. Removes requirement that absentee ballot requests be signed by the voter no matter how the request is made. *Effective immediately. Expires on December 31, 2020.*

**ALLOWS VOTERS TO APPLY FOR AN ABSENTEE BALLOT EARLIER THAN PREVIOUSLY ALLOWED**

**Chapter 138 (A10807 Taylor/S8783A Myrie)**

Removes a provision limiting the availability of applications for absentee ballots to 30 days before an election, thereby enabling voters to apply for absentee ballots earlier. This will enable voters to vote by mail earlier, ensuring they can be efficiently processed and tabulated. *Effective immediately. Expires on December 31, 2020.*

**ALLOWS VOTERS TO VOTE BY ABSENTEE BALLOT IF CONCERNED ABOUT COVID-19 EXPOSURE**

**Chapter 139 (A10833 Dinowitz/S8015D Biaggi)**

Allows NY voters who are concerned about appearing personally at a polling place due to an epidemic or disease outbreak to apply for an absentee ballot to vote by mail. *Effective immediately. Expires on January 1, 2022.*

**PERMITS ABSENTEE BALLOTS WITHOUT DATED POSTMARKS TO BE COUNTED**

**Chapter 140 (A10808A Bichotte/S8799A Gianaris)**

Allows Boards of Elections to assume absentee ballots without a dated postmark have been timely mailed or delivered, thereby ensuring they are counted. *Effective immediately.*

**PERMITS VOTERS AN OPPORTUNITY TO CONTEST CHALLENGES TO ABSENTEE BALLOTS**

**Chapter 141 (A10830 Lavine/S8370B Myrie)**

Safeguards the constitutional right of absentee voters to have their votes counted by requiring voters to be notified if their absentee ballots contain deficiencies. Gives voters an opportunity to fix deficiencies contained in an absentee ballot by submitting an affirmation. *Effective immediately.*

**NEW YORK AUTOMATIC VOTER REGISTRATION ACT OF 2020**

**Chapter 350 (A8280C Walker/S8806 Gianaris)**

Provides individuals who interact with one or more government agencies the opportunity to automatically register to vote. *Effective January 1, 2023 for the Department of Motor Vehicles; Effective January 1, 2024 for the Department of Health, the Office of Temporary and Disability Assistance and the Department of Labor; Effective January 1, 2025 for the State University of New York.*

**2020 DV-RELATED ARTICLE VII MEASURES IN FY'20-'21 NYS BUDGET APPROVED BY LEGISLATURE AND SIGNED BY GOVERNOR**

**ONE YEAR EXTENSION OF MANDATORY ARREST LAW**

**Public Protection and General Government Budget Part A Section 17 (Chapter 55)**

Extends mandatory arrest law for one additional year, through September 1, 2021. *Effective immediately.*

**ONE YEAR EXTENSION OF CLOSED CIRCUIT TV TESTIMONY FOR CHILD VICTIMS**

**Public Protection and General Government Budget Part A Section 18 (Chapter 55)**

Extends for one additional year, through September 1, 2021, the ability for children to testify via closed circuit TV, if there is clear and convincing evidence the child will suffer serious mental or emotional harm if required to testify without the use of CCTV. *Effective immediately.*

**ONE YEAR EXTENSION OF MAXIMUM LENGTHS FOR CRIMINAL ORDERS OF PROTECTION**

**Public Protection and General Government Budget Part A Section 19 (Chapter 55)**

Extends for one additional year, through September 1, 2021, the increased maximum length of Orders of Protection (e.g., eight years for a felony conviction; five years for a misdemeanor conviction; two years for other offenses or violations). *Effective immediately.*

**SAFE HOMES AND FAMILIES ACT**

**Public Protection and General Government Budget Part M (Chapter 55)**

Allows police to temporarily seize weapons when responding to a call involving a family offense. Weapons must be in plain sight or discovered during a consensual or lawful search. Weapon owners receive a receipt for any weapons seized, and may get the weapons back after 48 hours, unless the court has issued an Order of Protection, an Extreme Risk Protection Order or an order restricting the individual from possessing a weapon, or pending a criminal charge which prohibits gun ownership. *Effective November 1, 2020.*

**COURT ORDERED IMMEDIATE WEAPONS SEARCH AND SEIZURE FOR GOOD CAUSE SHOWN**

**Public Protection and General Government Budget Part M (Chapter 55)**

Allows court to order immediate weapon search and seizure if an individual refuses to surrender a weapon, or for good cause shown. The court must have reasonable cause to believe weapons are located at the designated location. Immediate seizure orders also include license suspension and notice of the seizure order will be made to the DV registry. *Effective November 1, 2020.*

**NO GUN OWNERSHIP IN NYS IF CRIMES COMMITTED IN OTHER STATES**

**Public Protection and General Government Budget Part N (Chapter 55)**

Restricts gun ownership in New York State for individuals who commit offenses in other states that have the “essential elements” of NY-defined offenses; requires DCJS to maintain a list of all offenses in other states and territories to facilitate implementation of new law. *Effective immediately with some elements effective in April 2021.*

**ELIGIBILITY FOR INCLUSION IN NICS DATABASE**

**Public Protection and General Government Budget Part Q (Chapter 55)**

Requires, rather than permits, district attorneys to serve notice alleging a familial relationship to defendants charged with family offense, for purposes of including defendant, upon conviction, in the FBI’s National Instant Criminal Background Check System (or NICS). *Effective immediately.*

**EQUITABLE DISTRIBUTION OF ASSETS FOR DV SURVIVORS DURING DIVORCE**

**Public Protection and General Government Budget Part PP (Chapter 55)**

Adds consideration for whether either party in a divorce has committed an act or acts of domestic violence and the nature, extent, duration and impact of such act(s) when determining equitable distribution of property during divorce. *Effective immediately.*

**REVISION OF 2019 SAFE WAY HOME ACT**

**Public Protection and General Government Budget Part XX Subpart A (Chapter 55)**

The 2019 Safe Way Home Act required the state Office of Victim Services to provide free rides home from medical facilities for sexual assault victims and advocates. This new law requires the same free rides home, but only for victims not advocates, and requires rape crisis centers and victim service organizations to cover associated costs. *Effective immediately.*

**ELDER LGBTQ+ TRAINING**

**Public Protection and General Government Budget Part XX Subpart J (Chapter 55)**

Requires the NYS Office of Aging to incorporate elder LGBTQ+ training into its sexual discrimination training and make it available to local aging agencies. The purpose of such training is to raise awareness, eliminate barriers and improve services to older adults based on sexual orientation and gender identity and expression. *Effective immediately.*

**POST-EXPOSURE PROPHYLAXIS HIV MEDICATION**

**Public Protection and General Government Budget Part XX Subpart S (Chapter 55)**

Modifies a 2019 law to require state Office of Victim Services to cover the costs of a 7-day starter pack for victims aged 18 and older, and a full 28-day regimen for victims aged 17 and younger. New law also permits victims to decline private health insurance coverage for the costs of such medication. *Effective immediately.*

**PAID SICK LEAVE**

**Education, Labor and Family Assistance Budget Part J (Chapter 56)**

Requires all employers with 5+ employees or net income greater than \$1 million, including not for profits, to provide paid sick leave. Requires all employers with fewer than 5 employees or net income less than \$1 million,

including not for profits, to provide unpaid sick leave. Employees to begin accruing time on Sept. 30, 2020, and may start using accrued time after Jan. 1, 2021. **Effective immediately.**

**AMENDMENTS TO 2019 BAIL REFORM LAW**

**Education, Labor and Family Assistance Budget Part UU (Chapter 56)**

Amends 2019 bail reform law by making some misdemeanors bail eligible, including criminal obstruction of breathing/blood circulation if committed as DV offense; expanding non-violent felonies eligible for money bail and remand, including unlawful imprisonment if committed as DV offense; and expanding violent felonies eligible for bail or remand, including strangulation in 2<sup>nd</sup> degree if committed as DV offense; broadens categories of defendants eligible for bail or remand and expands non-monetary conditions for pre-trial release to protect safety of victims and witnesses. **Effective immediately.**

**AMENDMENTS TO 2019 DISCOVERY REFORM LAW**

**Education, Labor and Family Assistance Budget Part HHH (Chapter 56)**

Amends 2019 discovery reform law by modifying timeframes for disclosure of evidence between prosecution and defense; permits prosecution to withhold identifying information of 911 callers, victims and witnesses unless they intend to seek the testimony of such witnesses. **Effective immediately.**

**2020 DOMESTIC VIOLENCE RELATED BILLS  
PASSED BY THE ASSEMBLY**

**EQUAL RIGHTS AMENDMENT**

**A271 Seawright/S3249 Salazar**

Amends the NYS constitution to ensure equal rights for women.

**REDEFINES RAPE**

**A794E Simotas/S8279 Hoylman**

Removes the penetration requirement from rape statutes and re-defines rape to include oral and anal sexual conduct.

**PERMITS DV VICTIMS TO PROVIDE ALTERNATE CONTACT INFO FOR HEALTH INSURANCE**

**A2832 Cymbrowitz/S67 Robach**

Requires health insurers/HMOs to provide domestic violence victims with the option of providing alternative contact information so they may be able to access their claims information and benefits in a manner that shields and protects them from their abusers.

**CYBER-BULLYING TASK FORCE**

**A3057C Barrett/S8751 Kaminsky**

Establishes a Task Force of legislatively appointed individuals to explore the effects of cyber-bullying of young people and potential measures to address the effects.

**PROHIBITS FILING UNNECESSARY PERSONALLY IDENTIFYING INFO WITH PUBLIC AGENCIES**

**A3349 Englebright/S2121 Sanders**

Prohibits filing of unnecessary personally identifying information by persons or businesses with government entities. Authorizes the Attorney General to enforce the provisions of this legislation by seeking an injunction against a violator.

**PROPHYLAXIS INSURANCE COVERAGE**

**A4962A O'Donnell/S34A Hoylman**

Requires insurance companies to cover pre- and post-exposure prophylaxis coverage to prevent HIV infection.

**CLERGY AS MANDATORY REPORTERS FOR CHILD SEXUAL ABUSE**

**A6662B Wallace/S5711B Hoylman**

Amends the Social Services Law to include clergy as mandatory reporters for child abuse or maltreatment.

**VACATES CONVICTIONS FOR VICTIMS OF TRAFFICKING AND COMPELLING PROSTITUTION OFFENSES**

**A6983B Gottfried/S4981B Ramos**

Amends Criminal Procedural Law to vacate convictions resulting from sex trafficking, labor trafficking and compelling prostitution and provides for confidentiality of records of such proceedings.

**REQUIRES STATE CONTRACTORS TO SUBMIT A STATEMENT ON HUMAN TRAFFICKING**

**A8061 Williams/S6660 Benjamin**

In contract bids with NYS, requires state contractors to submit a statement on preventing human trafficking and maintain a written policy for preventing human trafficking within its operations, business dealings, and supply chain.

**EXPANDS RIGHTS OF PREGNANT INMATES**

**A9965 Rosenthal L./S7868 Biaggi**

Amends the Correction Law to allow pregnant inmates to have a support person with them during delivery. Expands information provided to pregnant inmates. Also, requires state correctional facilities to inform new mothers about a nursery program, pregnancy counseling services and her right to abortion services.

**WARN EMPLOYEES OF CONDITIONS IN WORKPLACE**

**A10349 Frontus/S8774 Comrie**

Requires employers to warn employees of potential hazardous environmental and health conditions in the workplace and to take steps to mitigate risks to workers' health, including by providing personal protective equipment.

**NOTIFY EMPLOYEES OF VIRUS INFECTION**

**A10353A Aubry/S8239A Ramos**

Requires employers to notify employees if they come into contact with other employees who have been infected with a virus that is causing a public health emergency. Prohibits employers from disclosing the name of the diagnosed employee.

**FREE COVID-19 TESTING FOR UNINSURED**

**A10494A Gottfried/S8123B Sanders**

Permits any uninsured individual to obtain free COVID-19 testing. NYS would provide for the cost of the testing. All information collected would be kept confidential.

**CREATES MENTAL HEALTH UNITS TO RESPOND TO MENTAL HEALTH CRISES**

**A10667A Joyner**

Creates the NYS Council on Mental Health Emergency and Crisis Response, within the Office of Mental Health, to identify best practices for response to mental health crises, recommend initiatives to increase training opportunities and participation of mental health professionals on mobile crisis outreach teams, and evaluate public education and outreach on the benefit of mobile crisis outreach teams and how to access their services.

**2020 DOMESTIC VIOLENCE RELATED BILLS  
PASSED BY THE SENATE**

**TECHNOLOGY ABUSE**

**A231 Braunstein/S2636 Krueger**

Amends the Penal Law to include contacts via text, email or other electronic communication in the definition of the offense of aggravated harassment in the second degree.

**NO CONSIDERATION OF SEXUAL ORIENTATION, GENDER IDENTITY IN CUSTODY DECISIONS**

**A861A Simotas/S432A Hoylman**

Prevents a judge from considering a party's sex, sexual orientation, gender identity or gender expression when determining the best interest of the child for purposes of determining custody. Prevents a judge from prohibiting a party from undergoing gender reassignment.

**ESTABLISHES CLASS A MISDEMEANOR FOR PUBLISHING IMAGE OF CRIME VICTIM**

**A989 Cusick/S2662 Savino**

Establishes a class A misdemeanor for a public servant — or anyone acting as a public servant — to broadcast or publish an image of a crime victim outside of their official duties.

**ANIMAL ABUSE AND CHILD ABUSE**

**A1211A Glick/S3415A Martinez**

Allows child abuse mandated reporters to also report suspected animal abuse without the fear of liability. Provides a clear process for such reports to be made.

**SEXTORTION**

**A4466A Zebrowski/S4345A Martinez**

Expands the definition of coercion in the second degree to include the production or dissemination of intimate images. Amends the Correction Law in relation to the definition of "sex offense."

**REVOCAION OF DRIVERS' LICENSES**

**A5633B Weinstein/S3836A Krueger**

Increases the amount of tax delinquent liabilities for which an individual's driver's license can be revoked. Prohibits revocation for those on public assistance or SSI or those earning below 250% of poverty level.

**RESTRICTS SHACKLES FOR CHILDREN AND YOUNG ADULTS IN FAMILY COURT**

**A7528 Gantt/S6534 Montgomery**

Prohibits the use of handcuffs, chains, shackles, irons, straitjackets and other restraints on children under the age of 21 appearing before Family Court.

**KEEPS CONFIDENTIAL VOTER REGISTRATION OF SEXUAL VIOLENCE VICTIMS**

**A7617 Thiele/S257 Kennedy**

Allows victims of sexual violence to have their voter records sealed. Victims can petition the Supreme Court in the county where they are registered, which may then issue an order requiring confidentiality of the records.

**DOMESTIC VIOLENCE ADVOCATE CONFIDENTIALITY**

**A7775 Weinstein/S2224B Sanders**

Establishes a DV advocate-survivor privilege, similar to the privilege afforded to rape crisis counselors, except when privilege is waived by the survivor or if the survivor reveals an intent to commit a crime or harmful act.

**PUBLIC NOTICE OF BASIC RIGHTS**

**A8453 Hunter/S3041 Sanders**

Requires all local social service districts to conspicuously post a notice of basic rights developed by OTDA for applicants and recipients of public assistance. Such rights include rights to a fair hearing, to emergency assistance, to apply, to child care, to free language services, etc.

**EXPANDS LANGUAGE ACCESSIBILITY**

**A8470 Fernandez/S2174 Bailey**

Assures individuals with limited English proficiency and in need of communication assistance receive appropriate, written, verbal and other language translation services in the six most common non-English languages spoken by recipients. Includes those who need assistance due to partial or total deafness, blindness, speech impediment, or cognitive impairment.

**UNPAID LEAVE OF ABSENCE**

**A8472 De La Rosa/S5090A Parker**

Provides domestic violence and sexual assault victims and/or parents of victims with two weeks paid and two weeks unpaid leave of absence for medical attention from physical or psychological injuries, counseling, seeking legal assistance, participating in court proceedings, or to relocate.

**CONSENT OF INTOXICATED INDIVIDUAL**

**A8634C Dinowitz/S6679C Biaggi**

Allows sex crime charges to be brought in cases where the victim was voluntarily intoxicated if a reasonable person in the defendant's position should have known that the victim was incapable of giving consent due to that intoxication.

**SAFE WAY HOME ACT AMENDMENT**

**A8948 Lentol/S6956 Salazar**

Makes technical changes to a 2019 law to require rape crisis and victim assistance service agencies to fund free transportation for sexual assault victims from medical facilities.

**HIV POST-EXPOSURE PROPHYLAXIS MEDICATION AMENDMENT**

**A9522 Peoples-Stokes/S7161 Hoylman**

Amends a 2019 law to require sexual assault victims be informed of rape crisis and local victim assistance services in the area, and to require victims 18 years of age or older to be provided with a 7-day starter pack of HIV post-exposure prophylaxis, and the full regimen of medication for victims younger than 18 years of age.

**GRANTS DV SURVIVORS THE ABILITY TO BREAK SHARED UTILITY CONTRACTS**

**A9585 De La Rosa/S5322 Parker**

Requires utility companies to allow domestic violence survivors under a shared contract to opt-out of such contract without charge when requested in writing and when providing a valid police report, domestic violence incident report, order of protection or signed affidavit from a medical or mental health provider, court employee, social worker, rape crisis counselor, or domestic violence advocate.

**INCLUDES IDENTITY THEFT INTO DEFINITION OF ELDER ABUSE**

**A10064 Cruz/S7712 May**

Incorporates identity theft into the definition of elder abuse for purposes of support services and programs for the elderly.

**ELIMINATES THE USE OF TERM "INCORRIGIBLE"**

**A10141 Simotas/S7930 Salazar**

Eliminates the use of the term "incorrigible" to describe young women in Persons In Need of Supervision (PINS) proceedings.

**MEDICAL ASSISTANCE FOR PERSONS WITH TRAUMATIC BRAIN INJURY**

**A10486 Gottfried/S8403 Rivera**

Provides eligibility for medical assistance for personal care services for persons with traumatic brain injury, developmental disability, cognitive impairments, blindness or visual impairment.

**NOTIFICATION OF ABILITY TO APPLY FOR EXTREME RISK ORDER OF PROTECTION**

**A10487 Simotas/S7929 Mayer**

Requires notification to individuals who apply for or are issued an order of protection or a temporary order of protection of their ability to apply for an extreme risk protection order.

**REIMBURSEMENT FOR PEER RECOVERY TELEHEALTH SERVICES**

**A10665A Rosenthal L./S8609A Harckham**

Permits reimbursement for peer recovery advocate telehealth services.

**ENSURES TEMPORARY UNEMPLOYMENT COMPENSATION WILL NOT AFFECT PUBLIC ASSISTANCE BENEFITS**

**A10743 Hevesi/S8739 Persaud**

Ensures that receipt of federal temporary emergency unemployment compensation benefits will not affect an individual's earned income and eligibility to receive certain public assistance benefits.

**REVENGE PORN VICTIMS CAN BE INCLUDED IN ADDRESS CONFIDENTIALITY PROGRAM**

**A10969 Walker/S7728 Sepulveda**

Allows victims of revenge porn to be included in the NYS Address Confidentiality Program.

**ESTABLISH NYS COUNCIL ON MENTAL HEALTH EMERGENCY AND CRISIS RESPONSE**

**S8786A Parker/No Same As**

Establishes the New York State Council on Mental Health Emergency and Crisis Response to study and understand the need for a non-law enforcement emergency response unit, and how such a unit can be properly implemented.