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New York Senate Majority Advances Legislation to Safeguard and Aid Domestic Violence Survivors

(Albany, N.Y.) Today, the Senate Democratic Majority passed a package of bills to safeguard and aid survivors of domestic violence in New York. The legislation in this package builds on our efforts from last year, when we enacted of the “Rape is Rape” Act to expand the extent of assaults that would be legally classified as rape under state law. We remain committed to closing remaining legal loopholes that prevent our state’s survivors from attaining the justice they deserve.

This package includes legislation that would award meaningful compensation to crime victims deprived of essential personal property, establish statewide waiting list priorities for domestic violence survivors who have applied for public housing, require law enforcement officers to conduct lethality assessments when responding to domestic violence incidents, and allow domestic violence survivors to opt out of or be released from a shared contract without penalty.

Senate Majority Leader Andrea Stewart-Cousins said, “Here in New York State, we know that it is not only imperative that survivors of domestic violence have access to the resources they need, but that they are also informed about the options available to them. Oftentimes, existing regulations and obstacles discourage individuals from seeking the services and support they need. This bill package works to break down barriers and close loopholes in our state laws that prevent New York’s courageous survivors from receiving the justice that they deserve. I want to thank all of the bill sponsors in this package for safeguarding the rights and dignity of all victims of domestic violence.”

Chair of the Senate Crime Victims, Crime and Correction Committee, Senator Julia Salazar, said, “Victims of crime deserve justice, meaningful support, and yes — compensation for what they've lost. My bill, S.156, would expand the amount of award a crime survivor is eligible for and ensure survivors have the means to replace or restore property that was damaged or stolen because of a crime. This is common sense legislation, and so I urge my fellow lawmakers and the governor to enact it into law this session. There is truly no reason to delay its passage.”

The legislation being passed by the Senate Democratic Majority includes:

- **Clarifies and Expands the Meaning of “Welfare” in Relation to Crime Victim Awards:** This bill, [S.156](#), sponsored by Senator Julia Salazar, would expand the definition of “essential personal property” as it relates to determining awards for crime

victims, ensuring those whose property has been lost, damaged, or stolen because of a crime can receive meaningful compensation necessary to restore stability and/or maintain a basic standard of living.

- **Establishes Statewide Public Housing Waiting List Priorities for Domestic Violence Survivors:** This bill, [S.871](#), sponsored by Senator Jamaal Bailey, would require public housing authorities that have established waiting list priorities to grant domestic violence survivors applying for public housing the same priority as other prioritized populations.
- **Combatting Coerced Debt:** This bill, [S.1353A](#), 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 of coerced debt.
- **Removing ‘Voluntary Intoxication’ Exclusion:** This bill, [S.54](#), sponsored by Senator Nathalia Fernandez, 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.
- **Requires Police to Take Temporary Custody of Firearms When Responding to Family Violence Reports:** This bill, [S.1985](#), sponsored by Senator Pete Harckham, would require police officers to take temporary custody of firearms and licenses to carry such weapons issued to the person arrested on suspicion of family violence. This custody period would last for up to one-hundred and twenty hours unless an Order of Protection, Extreme Risk Protection Order, or other court order has been issued.
- **Protects Domestic Violence Survivors in Shared Contracts:** This bill, [S.2416](#), sponsored by Senator Kevin Parker, would allow individuals who are under a shared contract to opt-out and be released of such contract without charges or penalties due to their status as a domestic violence survivor.
- **Redefines “Following” for Stalking in the Fourth Degree:** This bill, [S.3519](#), sponsored by Senator Jessica Scarcella-Spanton, would expand the definition of “following” for a crime of stalking in the fourth degree. It would include the use of certain devices or computers to gain access to, record, track, or report the movement or location of either a person or their property without permission or the authority to do so.
- **Codifies Lethality Assessment Requirements:** This bill, [S.2280A](#), sponsored by Senator Lea Webb, would require law enforcement officers to receive training on the use of lethality assessments, which they would be required to conduct when responding to incidents of domestic violence.

Bill Sponsor Senator Jamaal Bailey said, “When safety is a necessity, not a luxury, we must ensure survivors of domestic violence are not left waiting. With S.871, it will grant them equal priority on public housing lists, we affirm their right to stability, dignity, and a future free from fear. The Safeguarding and Aiding Domestic Violence Survivors legislative package is a vital step toward justice and equity, ensuring that survivors of domestic violence are not only protected from harm but also empowered with the resources they need to rebuild their lives.”

Bill Sponsor Senator Cordell Cleare said, “Sadly, domestic violence and abuse takes many forms including the shackling of survivors with unimaginable debts and financial

responsibilities. This bill provides a clear pathway to make certain that coerced debts are erased, perpetrators are pursued, and survivors can rebuild their life.”

Bill Sponsor Senator Nathalia Fernandez said, “Justice should not hinge on how a survivor became incapacitated. Our laws must recognize that a person who is too impaired to consent — regardless of how they arrived at that state — deserves protection, not dismissal. This legislation corrects a longstanding failure in our legal system and affirms a basic principle: that consent must be knowing, clear, and freely given. I thank the Senate Majority Leader for championing this critical package and standing with survivors across New York.”

Bill Sponsor Senator Peter Harckham said, “Too many domestic violence incidents involve shootings that could be avoided if handguns and other firearms were temporarily removed from the possession of accused defendants pending court action. This protective measure will keep families safe while authorities prepare safety plans. I thank Majority Leader Stewart-Cousins and my Senate colleagues for supporting my common-sense legislation and the other bills in this package because they will protect residents at risk of domestic violence and save lives while justice is being served.”

Bill Sponsor Senator Kevin Parker said, "No one should be shackled by a contract when they escape the darkness of domestic violence. This bill is a bold declaration: survivors are not bound by their past but empowered to embrace their future."

Bill Sponsor Senator Jessica Scarcella-Spanton said, “As technology advances, abusers and predators have more tools than ever to track someone without consent or consequence. Currently, there are no legislative safeguards or legal protections in place against using technology as a tool for stalking. My legislation will help close those dangerous loopholes by updating how we define stalking in New York State to include tech-assisted tracking. Using technology to terrorize someone is just as serious and damaging as any other form of harassment, and this bill — along with the important legislation from my colleagues in the Safeguarding and Aiding Domestic Violence Survivors legislative package — sends that message loud and clear.”

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 a bill in this package of legislation to ensure we are protecting victims of crimes in every way we can by implementing the lethality assessment.”

Retired Police Chief and Director of the Westchester County DV High Risk Team David M. Ryan said, “This legislation package will be a game-changer for how law enforcement responds to all forms of domestic violence, including intimate partner violence. The lethality assessment which is an evidence based and Office for Violence Against Women validated danger assessment tool will save lives and immediately connect victims with life-saving safety planning and other DV services. It will also provide for a more consistent and efficient response by law enforcement

throughout NY State to identify those victims at the highest risk for homicide or serious physical harm. I applaud the NY State Senate and the sponsors of this legislation for putting a proven lifesaving tool in the hands of law enforcement. One of the highest lethality factors is access to firearms and the legislation to temporarily remove firearms is also a well-researched mechanism to reducing homicides and keeping victims while also protecting the abusers from potential self-harm. This package will save lives, provide law enforcement and service providers with more tools and resources to assist victims and continue to keep NY safe while also building stronger communities. I commend the sponsoring Senators for such a comprehensive legislative package.”

Staten Island District Attorney and DAASNY President Michael E. McMahon said, “Domestic Violence is a grave and pervasive issue that affects individuals and families across all communities, often leaving victims isolated, powerless, and afraid to speak out. It is imperative that both the legislature and prosecutors take decisive and compassionate action — such as the steps taken here, with this package of legislation, to ensure that victims are fully informed of their rights, supported through the justice system, and made aware that they do not have to suffer in silence. By actively promoting awareness, accessibility of resources, and accountability for abusers, we affirm our commitment to protecting the vulnerable and breaking the cycle of abuse. Today is a great day for victim advocacy.”

Executive Director of the New York State Coalition Against Domestic Violence Connie Neal said, “We’re encouraged by the Senate’s approval of a comprehensive legislative package aimed at supporting survivors of domestic violence, sexual assault, financial abuse and coerced debt, and other crimes. This legislation will provide critical assistance to those impacted by abuse — expanding access to safe housing, ensuring police connect victims to critical life-changing resources at crime scenes, and empowering victims to clear themselves of coerced debts. Additionally, this legislative package shows an understanding of the uniquely dangerous situation victims of domestic violence face when firearms are present in the home and when abusers use technology as a means of stalking and control.”

Safe Horizon Vice President of Government Affairs Michael Polenberg said, “Safe Horizon, the nation's largest nonprofit victim assistance organization, commends Majority Leader Andrea Stewart-Cousins and the entire New York State Senate for proposing common-sense measures to help survivors of domestic violence and sexual assault find paths to safety and healing. We are grateful to have such strong allies in the State Senate who recognize the profound safety risks that survivors face each day, and who work together with advocates to develop meaningful and impactful legislative fixes. We urge the full state legislature to pass these measures as quickly as possible.”

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