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2011-2012 Regular Sessions

I N S E N A T E

February 8, 2011

Introduced by Sens. HUNTLEY, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged and said bill committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to establish a temporary state commission, within the office for the prevention of domestic violence, to study intimate partner violence; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings and intent. The legislature hereby
2 finds that intimate partner violence against women is a major public
3 health concern that needs to be addressed with all practical and prag-
4 matic tools at its disposal and that those tools should be effectively
5 and responsibly utilized by communities all across the state.
6 According to the Journal of the American Medical Association (JAMA),
7 1.5 million women are physically and/or sexually abused by an intimate
8 partner each year, and 25% will experience intimate partner violence at
9 some time during their lifetimes. Moreover, 25% of adolescents have
10 experienced physical or sexual dating violence. In another report, the
11 U.S. Department of Justice found out that females are approximately ten
12 times more likely to be killed by an intimate partner than are males.
13 Similarly, injuries that result from such violence are significantly
14 more common among females for both adolescents and adult populations,

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 and approximately 10% of intentional injuries to adolescent girls are
2 reported to be the result of violent male dating. External factors such
3 as race, age, illiteracy and ethnicity are closely related with the
4 climbing rates of intimate partner violence. Furthermore, health risks
5 and demographics have been found to be associated with both dating
6 violence variables and health risk outcomes.

7 Research suggests that the incidence of physical dating violence was
8 associated with substance use (heavy smoking, binge drinking, driving
9 after drinking, cocaine use), unhealthy weight control (diet pills use,
10 laxative use), risky sexual behavior (first intercourse before the age
11 of fifteen years, not using a condom at last intercourse, at least three
12 sex partners in the last three months), pregnancy, and suicidality
13 (considered, attempted suicide).

14 A study found that many secondary effects are commonly related with
15 the prevalence of intimate partner violence. For example, both adoles-
16 cent girls and adult women who experienced forcible sex are more likely
17 to exhibit eating disorders; also, violent childhood experiences cata-
18 lyze the vulnerability to become victims of intimate partner violence.
19 Likewise, the humiliation of those who experienced intimate partner
20 violence may play a major role in predisposing teens to suicidal idea-
21 tion and behavior. Moreover, based on recent data from abused adults,
22 adolescents who experience dating violence may be less likely than
23 others to receive treatment for mental health concerns.

24 Adolescents experiencing dating violence are at significantly elevated
25 risks for having greater numbers of sex partners, making them more
26 vulnerable to contracting HIV and other sexually transmitted diseases
27 than adolescent girls who are not abused by dating partners. Similarly,
28 abused high school girls are found to be more likely than their non-a-
29 bused peers to have ever been pregnant. In contrast, younger girls were
30 found to be at lower risk for experiences of dating violence, due to
31 reduced opportunity for such experiences.

32 Evidently, the legislature needs to address this issue thoroughly due
33 to the disturbing statistics that show an increasing rate of adolescent
34 dating violence. Bearing in mind that the state's population is composed
35 mainly of minority groups, and that for example, according to JAMA,
36 black female students appear to be more likely than individuals from
37 other groups to report sexual violence in the absence of physical
38 violence from dating partners, it is imperative to formulate legislation
39 that would study this issue properly and then make necessary recommenda-
40 tions that would lead to minimizing this problem.

41 As noted, it is relevant to make a relationship between dating
42 violence and health risks among, but not limited to, adolescent girls in
43 the state of New York. Health experts agree that perhaps the most press-
44 ing need for research involves the development of this violent behavior
45 among perpetrators of abuse against dating partners. Prevention efforts
46 in this area should be expanded and support should be provided for
47 development and implementation of prevention programs and services
48 specific to teen dating violence. Equally important, is the finding of
49 this legislature that medical and mental health professionals should
50 routinely screen adolescents for dating violence and be aware of appro-
51 priate referrals.

52 It is the finding of this legislature that a body of experts in this
53 area be convened to report and recommend solutions to intimate partner
54 violence that can be quickly implemented throughout the state.

55 S 2. A temporary state commission on intimate partner violence is
56 hereby established, within the office for the prevention of domestic

1 violence, to examine, evaluate and make recommendations concerning the
2 prevalence, causes, effects, risks and costs to the state of intimate
3 partner violence, including dating violence toward young women. Such
4 commission shall review the impact of the existing conditions on inti-
5 mate partner violence, and how to reduce such violence and increase the
6 reporting of such violence.

7 S 3. The temporary state commission on intimate partner violence shall
8 consist of 15 members to be appointed as follows: 7 shall be appointed
9 by the governor; 3 shall be appointed by the temporary president of the
10 senate; 3 shall be appointed by the speaker of the assembly; 1 shall be
11 appointed by the minority leader of the senate; and 1 shall be appointed
12 by the minority leader of the assembly. Of the members appointed by the
13 governor: 1 member shall be a representative of the office of mental
14 health, 1 member shall be a representative of the education department,
15 1 member shall be a representative of the office for the prevention of
16 domestic violence, 1 member shall be a representative of the office of
17 children and family services and 1 member shall be a representative of
18 the crime victims board. The appointed members of the commission shall
19 be broadly representative of the geographic areas of the state. The
20 members shall each have expertise in the prevalence, causes, effects or
21 risks of intimate partner violence, or the solutions for such violence.
22 The governor shall designate the chair and vice chair from among his or
23 her appointees. Vacancies in the membership of the commission shall be
24 filled in the manner provided for original appointments.

25 S 4. The members of the temporary state commission on intimate partner
26 violence shall convene as necessary as determined by the chair. The
27 members of the temporary state commission shall receive no compensation
28 for their services, but shall be allowed their necessary expenses
29 incurred in the performance of their duties pursuant to this act.

30 S 5. The temporary state commission on intimate partner violence may
31 hold public hearings, and within all relevant laws and regulations
32 governing confidentiality, shall be entitled to request and receive data
33 of any applicable court, department, division, board, bureau, commission
34 or agency of the state or any political subdivision thereof as it may
35 reasonably request to carry out properly its powers and duties pursuant
36 to this act.

37 S 6. The temporary state commission on intimate partner violence shall
38 make a preliminary report to the governor and the legislature of its
39 findings, conclusions and recommendations within twelve months of the
40 effective date of this act; a second report of its findings, conclusions
41 and recommendations, and shall include an outcome analysis of the imple-
42 mentation of its recommendations from the preliminary report within
43 twenty-four months of the effective date of this act; and a final report
44 of its final findings, conclusions and recommendations, and an outcome
45 analysis of the implementation of its recommendations from its previous
46 two reports within thirty-six months of the effective date of this act;
47 and shall submit with its reports such legislative proposals as it deems
48 necessary to implement its recommendations.

49 S 7. This act shall take effect on the ninetieth day after it shall
50 have become a law and shall expire 3 years after such effective date
51 when upon such date the provisions of this act shall be deemed repealed;
52 provided, however that any and all actions necessary to effectuate the
53 provisions of this act shall take effect immediately.