

3079--A

2011-2012 Regular Sessions

I N   S E N A T E

February 8, 2011

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Introduced by Sen. HUNTLEY -- 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

AN ACT to establish a temporary state commission, within the office of mental health, 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,  
15 and approximately 10% of intentional injuries to adolescent girls are  
16 reported to be the result of violent male dating. External factors such  
17 as race, age, illiteracy and ethnicity are closely related with the  
18 climbing rates of intimate partner violence. Furthermore, health risks  
19 and demographics have been found to be associated with both dating  
20 violence variables and health risk outcomes.  
21     Research suggests that the incidence of physical dating violence was  
22 associated with substance use (heavy smoking, binge drinking, driving  
23 after drinking, cocaine use), unhealthy weight control (diet pills use,  
24 laxative use), risky sexual behavior (first intercourse before the age  
25 of fifteen years, not using a condom at last intercourse, at least three

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

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1 sex partners in the last three months), pregnancy, and suicidality  
2 (considered, attempted suicide).

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

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

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

30 As noted, it is relevant to make a relationship between dating  
31 violence and health risks among, but not limited to, adolescent girls in  
32 the state of New York. Health experts agree that perhaps the most press-  
33 ing need for research involves the development of this violent behavior  
34 among perpetrators of abuse against dating partners. Prevention efforts  
35 in this area should be expanded and support should be provided for  
36 development and implementation of prevention programs and services  
37 specific to teen dating violence. Equally important, is the finding of  
38 this legislature that medical and mental health professionals should  
39 routinely screen adolescents for dating violence and be aware of appro-  
40 priate referrals.

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

44 S 2. A temporary state commission on intimate partner violence is  
45 hereby established, within the office of mental health, to examine,  
46 evaluate and make recommendations concerning the prevalence, causes,  
47 effects, risks and costs to the state of intimate partner violence,  
48 including dating violence toward young women. Such commission shall  
49 review, with particular care, the impact of the existing conditions on  
50 intimate partner violence, and how to reduce such violence and increase  
51 the reporting of such violence.

52 S 3. The temporary state commission on intimate partner violence shall  
53 consist of 15 members to be appointed as follows: 7 shall be appointed  
54 by the governor; 3 shall be appointed by the temporary president of the  
55 senate; 3 shall be appointed by the speaker of the assembly; 1 shall be  
56 appointed by the minority leader of the senate; and 1 shall be appointed

1 by the minority leader of the assembly. Of the members appointed by the  
2 governor: 1 member shall be a representative of the office of mental  
3 health, 1 member shall be a representative of the education department,  
4 1 member shall be a representative of the office of children and family  
5 services and 1 member shall be a representative of the crime victims  
6 board. The appointed members of the commission shall be broadly repre-  
7 sentative of the geographic areas of the state. The members shall each  
8 have expertise in the prevalence, causes, effects or risks of intimate  
9 partner violence, or the solutions for such violence. The governor  
10 shall designate the chair and vice chair from among his or her appoint-  
11 ees. Vacancies in the membership of the commission shall be filled in  
12 the manner provided for original appointments.

13 S 4. The temporary state commission on intimate partner violence may  
14 meet within and without the state, shall hold public hearings, and shall  
15 have all the powers of a legislative committee pursuant to the legisla-  
16 tive law.

17 S 5. The members of the temporary state commission on intimate partner  
18 violence shall receive no compensation for their services, but shall be  
19 allowed their actual and necessary expenses incurred in the performance  
20 of their duties pursuant to this act.

21 S 6. To the maximum extent feasible, the temporary state commission on  
22 intimate partner violence shall be entitled to request and receive, and  
23 shall utilize and be provided with such facilities, resources and data  
24 of any court, department, division, board, bureau, commission or agency  
25 of the state or any political subdivision thereof as it may reasonably  
26 request to carry out properly its powers and duties pursuant to this  
27 act.

28 S 7. The temporary state commission on intimate partner violence shall  
29 make a preliminary report to the governor and the legislature of its  
30 findings, conclusions and recommendations within twelve months of the  
31 effective date of this act; a second report of its findings, conclusions  
32 and recommendations, and shall include an outcome analysis of the imple-  
33 mentation of its recommendations from the preliminary report within  
34 twenty-four months of the effective date of this act; and a final report  
35 of its final findings, conclusions and recommendations, and an outcome  
36 analysis of the implementation of its recommendations from its previous  
37 two reports within thirty-six months of the effective date of this act;  
38 and shall submit with its reports such legislative proposals as it deems  
39 necessary to implement its recommendations.

40 S 8. This act shall take effect immediately and shall expire and be  
41 deemed repealed three years and one day after such effective date;  
42 provided, however, that if upon such effective date, an appropriation to  
43 the office of mental health shall not have been made for reimbursement  
44 services for the purpose of implementing the provisions of sections two,  
45 three, four, five, six and seven of this act, then this act shall take  
46 effect on the forty-fifth day after such an appropriation is made, and  
47 provided, further, that the division of the budget shall notify the  
48 legislative bill drafting commission on September 1, 2011 whether such  
49 an appropriation has been made, and if such appropriation shall not have  
50 been made on or before such date, the division of the budget shall noti-  
51 fy the legislative bill drafting commission upon the date such an appro-  
52 priation shall have been made, in order that the commission may maintain  
53 an accurate and timely effective data base of the official text of the  
54 laws of the state of New York in furtherance of effectuating the  
55 provisions of section 44 of the legislative law and section 70-b of the  
56 public officers law.