

3079--B

2011-2012 Regular Sessions

I N S E N A T E

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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 -- 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

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

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

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1 and demographics have been found to be associated with both dating
2 violence variables and health risk outcomes.

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

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

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

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

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

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

51 S 2. A temporary state commission on intimate partner violence is
52 hereby established, within the office of mental health, to examine,
53 evaluate and make recommendations concerning the prevalence, causes,
54 effects, risks and costs to the state of intimate partner violence,
55 including dating violence toward young women. Such commission shall
56 review, with particular care, the impact of the existing conditions on

1 intimate partner violence, and how to reduce such violence and increase
2 the reporting of such violence.

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

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

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

28 S 6. To the maximum extent feasible, the temporary state commission on
29 intimate partner violence shall be entitled to request and receive, and
30 shall utilize and be provided with such facilities, resources and data
31 of any court, department, division, board, bureau, commission or agency
32 of the state or any political subdivision thereof as it may reasonably
33 request to carry out properly its powers and duties pursuant to this
34 act.

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

47 S 8. This act shall take effect immediately and shall expire and be
48 deemed repealed three years and one day after such effective date;
49 provided, however, that if upon such effective date, an appropriation to
50 the office of mental health shall not have been made for reimbursement
51 services for the purpose of implementing the provisions of sections two,
52 three, four, five, six and seven of this act, then this act shall take
53 effect on the forty-fifth day after such an appropriation is made, and
54 provided, further, that the division of the budget shall notify the
55 legislative bill drafting commission on September 1, 2012 whether such
56 an appropriation has been made, and if such appropriation shall not have

1 been made on or before such date, the division of the budget shall noti-
2 fy the legislative bill drafting commission upon the date such an appro-
3 priation shall have been made, in order that the commission may maintain
4 an accurate and timely effective data base of the official text of the
5 laws of the state of New York in furtherance of effectuating the
6 provisions of section 44 of the legislative law and section 70-b of the
7 public officers law.