

STATE OF NEW YORK

10993

IN ASSEMBLY

May 29, 2018

Introduced by M. of A. JAFFEE -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to establishing the domestic violence rehabilitation program; and to amend the penal law, in relation to mandatory domestic violence counseling

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The social services law is amended by adding a new section 459-i to read as follows:

§ 459-i. Domestic violence rehabilitation program. 1. There is hereby established a domestic violence rehabilitation program within the department. The commissioner shall establish, by regulation, the instructional and rehabilitative aspects of the program. Such program shall consist of at least twenty-six and up to fifty-two sessions of one hour to one and one-half hours each and include, but need not be limited to, classroom instruction in areas deemed suitable by the commissioner.

2. The form, content and method of presentation of the various aspects of such program shall be established by the commissioner. In the development of the form, curriculum and content of such program, the commissioner may consult with the commissioner of mental health, the director of the division of alcoholism and alcohol abuse, the director of the division of substance abuse services, the office of the attorney general and any other state department or agency and request and receive assistance from them. The commissioner is also authorized to develop more than one curriculum and course content for such program in order to meet the varying rehabilitative needs of the participants.

3. A course in such program shall be available in at least every county in the state, except where the commissioner determines that there is not a sufficient number of domestic violence offenses in a county to mandate the establishment of said course, and that provisions be made for the residents of said county to attend a course in another county where a course exists.

4. Participation in the program shall be limited to those persons convicted of domestic abuse offenses or persons who have been adjudi-

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

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1 cated youthful offenders for domestic abuse offenses, who choose to
2 participate and who satisfy the criteria and meet the requirements for
3 participation as established by this section and the regulations promul-
4 gated thereunder; provided, however, in the exercise of discretion, the
5 judge imposing sentence may require the defendant to enroll in such
6 program. The commissioner or deputy may exercise discretion, to reject
7 any person from participation referred to such program and nothing
8 contained in this section shall be construed as creating a right to be
9 included in any course or program established under this section.

10 5. The commissioner shall establish a schedule of fees to be paid by
11 or on behalf of each participant in the program, and may, from time to
12 time, modify same. Such fees shall defray the ongoing expenses of the
13 program. Provided, however, that pursuant to an agreement with the
14 department a municipality, department, or other agency may conduct a
15 course in such program with all or part of the expense of such course
16 and program being borne by such municipality, department or agency. In
17 no event shall such fee be refundable, either for reasons of the partic-
18 ipant's withdrawal or expulsion from such program or otherwise.

19 § 2. The penal law is amended by adding a new section 60.38 to read as
20 follows:

21 § 60.38 Mandatory domestic violence counseling.

22 Any defendant convicted of any of the following offenses, where the
23 defendant and the person against whom the offense was committed were
24 members of the same family or household as defined in subdivision one of
25 section 530.11 of the criminal procedure law and as established pursuant
26 to section 370.15 of the criminal procedure law; any offense listed
27 under title H, title I or title O of part 3 of this chapter; or attempt
28 to commit any of the offenses under title H, title I or title O of part
29 3 of this chapter, shall be required to enroll and complete a domestic
30 violence rehabilitation program as a condition of conditional discharge,
31 probation or parole.

32 § 3. This act shall take effect on the one hundred eightieth day after
33 it shall have become a law. Effective immediately, the addition, amend-
34 ment and/or repeal of any rule or regulation necessary for the implemen-
35 tation of this act on its effective date are authorized to be made and
36 completed on or before such effective date.