STATE OF NEW YORK

4899

2025-2026 Regular Sessions

IN ASSEMBLY

February 10, 2025

Introduced by M. of A. CLARK, McMAHON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law and the general business law, in relation to requiring a lethality assessment in incidents of domestic violence

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

Section 1. Subdivision 3 of section 646 of the executive law, as added by chapter 152 of the laws of 2019, is amended to read as follows:

3. An individual who has been the victim in this state of a family offense as defined in subdivision one of section 530.11 of the criminal procedure law or section eight hundred twelve of the family court act may, upon alleging that it would be a hardship for [~~him or her~~] **such individual** to make such complaint in the local jurisdiction in which such offense occurred, make a complaint to any local law enforcement agency in the state regardless of where the act took place. Such local law enforcement agency shall take a police report of the matter, as well as prepare a domestic [~~violence~~] incident report **which includes lethality assessment questions** as defined in subdivision fifteen of section eight hundred thirty-seven of this chapter and provide the complainant with a copy of such report free of charge. A copy of the police report and completed domestic [~~violence~~] incident report**, including the lethality assessment questions** shall be promptly forwarded to the appropriate law enforcement agency with jurisdiction over the location where the incident is reported to have occurred for the purposes of further investigation.

§ 2. Subdivision 15 of section 837 of the executive law, as added by chapter 222 of the laws of 1994 and the opening paragraph as amended by chapter 432 of the laws of 2015, is amended to read as follows:

15. Promulgate, in consultation with the superintendent of state police and the state office for the prevention of domestic violence, and

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

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in accordance with paragraph (f) of subdivision three of section eight hundred forty of this article, a standardized "domestic [~~violence~~] incident report form" for use by state and local law enforcement agencies in the reporting, recording and investigation of all alleged incidents of domestic violence, regardless of whether an arrest is made as a result of such investigation. Such form shall be prepared in multiple parts, one of which shall be immediately provided to the victim, and shall include designated spaces for: the recordation of the results of the investigation by the law enforcement agency and the basis for any action taken; the recordation of a victim's allegations of domestic violence; the age and gender of the victim and the alleged offender or offenders; and immediately thereunder a space on which the victim may sign and verify such victim's allegations. Such form shall also include, but not be limited to spaces to identify:

(a) what other services or agencies, including but not limited to medical, shelter, advocacy and other supportive services are or have previously been involved with the victim; [~~and~~]

(b) whether the victim has been provided with the written notice described in subdivision five of section eight hundred twelve of the family court act and subdivision six of section 530.11 of the criminal procedure law[~~.~~]**; and**

(c) the results of a lethality assessment. By January first, two thousand twenty-six, the division, in consultation with the New York state office for the prevention of domestic violence and stakeholders, shall update the domestic incident report form and develop training for law enforcement. Training on how to administer such assessment shall be delivered by the office for the prevention of domestic violence. All law enforcement officers shall successfully complete such training by January first, two thousand twenty-seven. Beginning January first, two thousand twenty-seven, such training shall be incorporated into any training requirements for new law enforcement officers.

(i) To administer the lethality assessment questions, a law enforcement officer shall ask the victim, in the same or similar wording and in the same order, all of the following questions; provided, however, the division, in consultation with the office for the prevention of domestic violence, shall have the authority to issue guidance to amend, supplement, or remove any of such questions:

(1) Have they ever used a weapon against you or threatened you with a weapon?

(2) Did they ever threaten to kill you, your children, or your pets?

(3) Do you believe they will try to kill you or have they tried to kill you?

(4) Have they ever strangled or choked you or attempted to strangle or choke you?

(5) Do they have a firearm or could they get one easily?

(6) Are they violently or constantly jealous, or do they control most of your daily activities?

(7) Have you left them or separated from them after living together or being married?

(8) Are they unemployed?

(9) Have they ever tried to kill themselves?

(10) Do you have a child whom they believe is not their biological child?

(11) Do they follow, spy on, or send threatening messages to you?

(12) Is there anything else that worries you about your safety and, if so, what worries you?

(13) Any other questions the division, in consultation with the office for the prevention of domestic violence, shall deem necessary.

(ii) A law enforcement officer shall advise the victim of the results of the assessment and refer the victim to the local domestic violence program and provide the number of the New York state domestic and sexual violence hotline. The law enforcement officer shall follow all directions on the domestic incident report regarding scoring responses and referrals based on such scoring, including sharing a copy of the report with the local domestic violence program and any applicable high risk teams. If the law enforcement officer determines the information collected in response to such questions establishes credible information that an individual is likely to engage in conduct that would result in serious harm to such individual or others, as defined in paragraph one or two of subdivision (a) of section 9.39 of the mental hygiene law, the office shall file an application for an extreme risk protection order in accordance with section sixty-three hundred forty-one of the civil practice law and rules.

(iii) If the victim does not, or is unable to, provide information to a law enforcement officer sufficient to allow the law enforcement officer to administer a lethality assessment, the law enforcement officer shall note the lack of a lethality assessment in a written police report and attempt to refer the victim to the nearest certified domestic violence program or the New York state domestic and sexual violence hotline.

§ 3. Subdivision (a) of section 214-b of the executive law, as amended by chapter 432 of the laws of 2015, is amended to read as follows:

(a) intake and recording of victim statements, and the prompt translation of such statements if made in a language other than English, in accordance with subdivision (c) of this section, on a standardized "domestic [~~violence~~] incident report form" promulgated by the state division of criminal justice services in consultation with the superintendent and with the state office for the prevention of domestic violence, and the investigation thereof so as to ascertain whether a crime has been committed against the victim by a member of the victim's family or household as such terms are defined in section eight hundred twelve of the family court act and section 530.11 of the criminal procedure law;

§ 4. Subparagraph 1 of paragraph (f) of subdivision 3 of section 840 of the executive law, as amended by chapter 432 of the laws of 2015, is amended to read as follows:

(1) intake and recording of victim statements, and the prompt translation of such statements if made in a language other than English, in accordance with subparagraph three of this paragraph, on a standardized "domestic [~~violence~~] incident report form" promulgated by the division of criminal justice services in consultation with the superintendent of state police, representatives of local police forces and the state office for the prevention of domestic violence, and the investigation thereof so as to ascertain whether a crime has been committed against the victim by a member of the victim's family or household as such terms are defined in section eight hundred twelve of the family court act and section 530.11 of the criminal procedure law; and

§ 5. Subparagraph 5 of paragraph a of subdivision 2 of section 654-a of the general business law, as amended by chapter 17 of the laws of 2013, is amended to read as follows:

(5) the purchaser of a contract signed by more than one purchaser provides to the operator a copy of any of the following, within six

months of its issuance, involving domestic violence by another signatory of the same contract: (A) a valid domestic [~~violence~~] incident report form as such term is defined in subdivision fifteen of section eight hundred thirty-seven of the executive law; (B) a valid police report; (C) a valid order of protection; or (D) a signed affidavit from a licensed medical or mental health care provider, employee of a court acting within the scope of [~~his or her~~] **such individual's** employment, social worker, a rape crisis counselor as defined in section forty-five hundred ten of the civil practice law and rules, or advocate acting on behalf of an agency that assists domestic violence victims. Paragraph d of this subdivision shall not apply to a purchaser canceling under this subparagraph. A claim for termination under this subparagraph shall be made in good faith. Termination under this subparagraph shall require, and the provision of any of the items in (A) through (D) of this subparagraph, for the purposes of this subparagraph, shall be presumptive evidence of the continued existence of a substantial risk of physical or emotional harm to the purchaser or purchaser's child.

§ 6. This act shall take effect immediately.