

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:

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

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

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

23 15. Promulgate, in consultation with the superintendent of state
24 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.

LBD03826-01-5

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

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

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

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

32 (i) To administer the lethality assessment questions, a law enforce-
33 ment officer shall ask the victim, in the same or similar wording and in
34 the same order, all of the following questions; provided, however, the
35 division, in consultation with the office for the prevention of domestic
36 violence, shall have the authority to issue guidance to amend, supple-
37 ment, or remove any of such questions:

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

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

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

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

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

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

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

50 (8) Are they unemployed?

51 (9) Have they ever tried to kill themselves?

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

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

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

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

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

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

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

27 (a) intake and recording of victim statements, and the prompt trans-
28 lation of such statements if made in a language other than English, in
29 accordance with subdivision (c) of this section, on a standardized
30 "domestic [~~violence~~] incident report form" promulgated by the state
31 division of criminal justice services in consultation with the super-
32 intendent and with the state office for the prevention of domestic
33 violence, and the investigation thereof so as to ascertain whether a
34 crime has been committed against the victim by a member of the victim's
35 family or household as such terms are defined in section eight hundred
36 twelve of the family court act and section 530.11 of the criminal proce-
37 dure law;

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

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

52 § 5. Subparagraph 5 of paragraph a of subdivision 2 of section 654-a
53 of the general business law, as amended by chapter 17 of the laws of
54 2013, is amended to read as follows:

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

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

18 § 6. This act shall take effect immediately.