S T A T E  O F  N E W  Y O R K

7348--D

2011-2012 Regular Sessions

I N  A S S E M B L Y

May 2, 2011

Introduced by M. of A. N. RIVERA, GIBSON, CASTRO, AUBRY, CRESPO, M. MILLER, SCARBOROUGH, COOK, WEPRIN -- Multi-Sponsored by -- M. of A. ARROYO, BARRON, CLARK, CROUCH, LINARES, McDONOUGH, MENG, J. MILLER, RAMOS, J. RIVERA, P. RIVERA, ROBINSON, RODRIGUEZ, SALADINO, SAYWARD, STEVENSON -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Children and Families in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reference changed to the Committee on Social Services -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to establish a temporary state commission, within the office for the prevention of domestic violence, 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:

Section 1. Legislative findings and intent. The legislature hereby finds that intimate partner violence against women is a major public health concern that needs to be addressed with all practical and pragmatic tools at its disposal and that those tools should be effectively and responsibly utilized by communities all across the state.

According to the Journal of the American Medical Association (JAMA), 1.5 million women are physically and/or sexually abused by an intimate partner each year, and 25% will experience intimate partner violence at some time during their lifetimes. Moreover, 25% of adolescents have experienced physical or sexual dating violence. In another report, the U.S. Department of Justice found out that females are approximately ten times more likely to be killed by an intimate partner than are males.

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

LBD00951-08-2

Similarly, injuries that result from such violence are significantly more common among females for both adolescents and adult populations, and approximately 10% of intentional injuries to adolescent girls are reported to be the result of violent male dating. External factors such as race, age, illiteracy and ethnicity are closely related with the climbing rates of intimate partner violence. Furthermore, health risks and demographics have been found to be associated with both dating violence variables and health risk outcomes.

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

A study found that many secondary effects are commonly related with the prevalence of intimate partner violence. For example, both adolescent girls and adult women who experienced forcible sex are more likely to exhibit eating disorders; also, violent childhood experiences catalyze the vulnerability to become victims of intimate partner violence. Likewise, the humiliation of those who experienced intimate partner violence may play a major role in predisposing teens to suicidal ideation and behavior. Moreover, based on recent data from abused adults, adolescents who experience dating violence may be less likely than others to receive treatment for mental health concerns.

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

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

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

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

S 2. A temporary state commission on intimate partner violence is hereby established, within the office for the prevention of domestic violence, to examine, evaluate and make recommendations concerning the prevalence, causes, effects, risks and costs to the state of intimate partner violence, including dating violence toward young women. Such commission shall review the impact of the existing conditions on intimate partner violence, and how to reduce such violence and increase the reporting of such violence.

S 3. The temporary state commission on intimate partner violence shall consist of 15 members to be appointed as follows: 7 shall be appointed by the governor; 3 shall be appointed by the temporary president of the senate; 3 shall be appointed by the speaker of the assembly; 1 shall be appointed by the minority leader of the senate; and 1 shall be appointed by the minority leader of the assembly. Of the members appointed by the governor: 1 member shall be a representative of the office of mental health, 1 member shall be a representative of the education department, 1 member shall be a representative of the office for the prevention of domestic violence, 1 member shall be a representative of the office of children and family services and 1 member shall be a representative of the crime victims board. The appointed members of the commission shall be broadly representative of the geographic areas of the state. The members shall each have expertise in the prevalence, causes, effects or risks of intimate partner violence, or the solutions for such violence. The governor shall designate the chair and vice chair from among his or her appointees. Vacancies in the membership of the commission shall be filled in the manner provided for original appointments.

S 4. The members of the temporary state commission on intimate partner violence shall convene as necessary as determined by the chair. The members of the temporary state commission shall receive no compensation for their services, but shall be allowed their necessary expenses incurred in the performance of their duties pursuant to this act.

S 5. The temporary state commission on intimate partner violence may hold public hearings, and within all relevant laws and regulations governing confidentiality, shall be entitled to request and receive data of any applicable court, department, division, board, bureau, commission or agency of the state or any political subdivision thereof as it may reasonably request to carry out properly its powers and duties pursuant to this act.

S 6. The temporary state commission on intimate partner violence shall make a preliminary report to the governor and the legislature of its findings, conclusions and recommendations within twelve months of the effective date of this act; a second report of its findings, conclusions and recommendations, and shall include an outcome analysis of the implementation of its recommendations from the preliminary report within twenty-four months of the effective date of this act; and a final report of its final findings, conclusions and recommendations, and an outcome analysis of the implementation of its recommendations from its previous two reports within thirty-six months of the effective date of this act; and shall submit with its reports such legislative proposals as it deems necessary to implement its recommendations.

S 7. This act shall take effect on the ninetieth day after it shall have become a law and shall expire 3 years after such effective date when upon such date the provisions of this act shall be deemed repealed; provided, however that any and all actions necessary to effectuate the provisions of this act shall take effect immediately.