

3079

2011-2012 Regular Sessions

I N   S E N A T E

February 8, 2011

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Introduced by Sen. HUNTLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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  
19 and demographics have been found to be associated with both dating  
20 violence variables and health risk outcomes.  
21     Research suggests that the incidence of physical dating violence was  
22 associated with substance use (heavy smoking, binge drinking, driving  
23 after drinking, cocaine use), unhealthy weight control (diet pills use,  
24 laxative use), risky sexual behavior (first intercourse before the age

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

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1 of fifteen years, not using a condom at last intercourse, at least three  
2 sex partners in the last three months), pregnancy, and suicidality  
3 (considered, attempted suicide).

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

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

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

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

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

45 S 2. A temporary state commission on intimate partner violence is  
46 hereby established, within the office of mental health, to examine,  
47 evaluate and make recommendations concerning the prevalence, causes,  
48 effects, risks and costs to the state of intimate partner violence,  
49 including dating violence toward young women. Such commission shall  
50 review, with particular care, the impact of the existing conditions on  
51 intimate partner violence, and how to reduce such violence and increase  
52 the reporting of such violence.

53 S 3. The temporary state commission on intimate partner violence shall  
54 consist of 15 members to be appointed as follows: 7 shall be appointed  
55 by the governor; 3 shall be appointed by the temporary president of the  
56 senate; 3 shall be appointed by the speaker of the assembly; 1 shall be

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

14 S 4. The commission may meet within and without the state, shall hold  
15 public hearings, and shall have all the powers of a legislative commit-  
16 tee pursuant to the legislative law.

17 S 5. The members of the commission shall receive no compensation for  
18 their services, but shall be allowed their actual and necessary expenses  
19 incurred in the performance of their duties pursuant to this act.

20 S 6. To the maximum extent feasible, the commission shall be entitled  
21 to request and receive, and shall utilize and be provided with such  
22 facilities, resources and data of any court, department, division,  
23 board, bureau, commission or agency of the state or any political subdi-  
24 vision thereof as it may reasonably request to carry out properly its  
25 powers and duties pursuant to this act.

26 S 7. The commission shall make a preliminary report to the governor  
27 and the legislature of its findings, conclusions and recommendations  
28 within twelve months of the effective date of this act; a second report  
29 of its findings, conclusions and recommendations, and shall include an  
30 outcome analysis of the implementation of its recommendations from the  
31 preliminary report within twenty-four months of the effective date of  
32 this act; and a final report of its final findings, conclusions and  
33 recommendations, and an outcome analysis of the implementation of its  
34 recommendations from its previous two reports within thirty-six months  
35 of the effective date of this act; and shall submit with its reports  
36 such legislative proposals as it deems necessary to implement its recom-  
37 mendations.

38 S 8. This act shall take effect immediately and shall expire and be  
39 deemed repealed three years and one day after such effective date.