

2312

2013-2014 Regular Sessions

I N A S S E M B L Y

January 14, 2013

Introduced by M. of A. CRESPO, CASTRO, GIBSON, AUBRY, MILLER, SCARBOROUGH, COOK, WEPRIN -- Multi-Sponsored by -- M. of A. ARROYO, BARRON, CLARK, CROUCH, McDONOUGH, RAMOS, RIVERA, ROBINSON, RODRIGUEZ, SALADINO, STEVENSON -- read once and referred to the Committee on Children and Families

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:

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.

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

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

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

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

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

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

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

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

1 S 3. The temporary state commission on intimate partner violence shall
2 consist of 15 members to be appointed as follows: 7 shall be appointed
3 by the governor; 3 shall be appointed by the temporary president of the
4 senate; 3 shall be appointed by the speaker of the assembly; 1 shall be
5 appointed by the minority leader of the senate; and 1 shall be appointed
6 by the minority leader of the assembly. Of the members appointed by the
7 governor: 1 member shall be a representative of the office of mental
8 health, 1 member shall be a representative of the education department,
9 1 member shall be a representative of the office for the prevention of
10 domestic violence, 1 member shall be a representative of the office of
11 children and family services and 1 member shall be a representative of
12 the crime victims board. The appointed members of the commission shall
13 be broadly representative of the geographic areas of the state. The
14 members shall each have expertise in the prevalence, causes, effects or
15 risks of intimate partner violence, or the solutions for such violence.
16 The governor shall designate the chair and vice chair from among his or
17 her appointees. Vacancies in the membership of the commission shall be
18 filled in the manner provided for original appointments.

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

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

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

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