

2400--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 15, 2013

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Introduced by M. of A. GABRYSZAK, JACOBS, GUNTHER, CAHILL, COLTON, GIBSON, SCARBOROUGH, PEOPLES-STOKES, SCHIMMINGER, ROBERTS, ENGLE-BRIGHT, RAIA, McDONOUGH, MOYA, PERRY, WALTER, JAFFEE, WEPRIN, BOYLAND, DIPIETRO -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, BARCLAY, BRENNAN, CERETTO, COOK, HOOPER, RA, SKARTADOS, SWEENEY -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to reporting of programs available to survivors of domestic violence

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1.     Section 575 of the executive law is amended by adding a  
2 new subdivision 11 to read as follows:  
3     11. LEGISLATIVE INTENT. (A) THE LEGISLATURE HEREBY FINDS THAT DOMESTIC  
4 VIOLENCE IS A PERVASIVE PROBLEM IN NEW YORK STATE, WITH HUNDREDS OF  
5 THOUSANDS OF INCIDENTS BEING REPORTED EACH YEAR. THE LEGISLATURE FURTHER  
6 FINDS THAT DOMESTIC VIOLENCE FORENSIC EXAMINER PROGRAMS HAVE THE POTEN-  
7 TIAL TO IMPROVE THE STATE'S ABILITY TO PROSECUTE SUCH CRIMES, AND  
8 ENHANCE THE PROVISION OF TREATMENT AND SERVICES TO VICTIMS. THEREFORE,  
9 THE LEGISLATURE FINDS IT PRUDENT AND NECESSARY TO REQUIRE A COMPREHEN-  
10 SIVE EVALUATION OF EXISTING SERVICES AND SUCH FORENSIC EXAMINER PROGRAMS  
11 TO DETERMINE HOW TO BEST REDUCE AND ADDRESS DOMESTIC VIOLENCE WITHIN THE  
12 STATE.  
13     (B) ON OR BEFORE NOVEMBER THIRTIETH, TWO THOUSAND FOURTEEN, THE EXECU-  
14 TIVE DIRECTOR OF THE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE  
15 SHALL, IN CONJUNCTION WITH THE COMMISSIONER OF HEALTH AND THE COMMIS-  
16 SIONER OF CRIMINAL JUSTICE SERVICES, PROVIDE A REPORT AND RECOMMENDA-  
17 TIONS TO THE GOVERNOR, THE TEMPORARY RESIDENT OF THE SENATE, AND THE  
18 SPEAKER OF THE ASSEMBLY REGARDING THE POTENTIAL ESTABLISHMENT OF A  
19 STATEWIDE DOMESTIC VIOLENCE FORENSIC EXAMINER PROGRAM.

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

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(C) SUCH REPORT AND RECOMMENDATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO:

(1) THE TYPES OF TREATMENT PROGRAMS AND RESOURCES CURRENTLY AVAILABLE TO SURVIVORS OF DOMESTIC VIOLENCE;

(2) AN EVALUATION OF ANY EXISTING DOMESTIC VIOLENCE FORENSIC EXAMINER PROGRAMS, INCLUDING THEIR IMPACT ON DOMESTIC VIOLENCE PROSECUTIONS;

(3) A LIST OF CRIMINAL OFFENSES FOR WHICH PROSECUTIONS COULD BE AIDED BY A STATEWIDE DOMESTIC VIOLENCE FORENSIC EXAMINER PROGRAM;

(4) RECOMMENDATIONS REGARDING POTENTIAL PRACTICES AND PROTOCOLS THAT COULD ENHANCE THE COLLECTION OF EVIDENCE IN DOMESTIC VIOLENCE CASES, AND IMPROVE THE QUALITY OF TREATMENT AND SERVICES PROVIDED TO VICTIMS; AND

(5) AN EVALUATION OF FISCAL COSTS ASSOCIATED WITH THE ESTABLISHMENT OF A STATEWIDE DOMESTIC VIOLENCE FORENSIC EXAMINER PROGRAM, INCLUDING THE POTENTIAL ROLE OF PRIVATE INSURANCE PROVIDERS AND RECOMMENDED MEASURES TO AVOID SUBJECTING LOCAL GOVERNMENTAL UNITS TO ANY UNFUNDED MANDATE.

S 2. This act shall take effect immediately.