

828

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. PARKER -- 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 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.
21 Research suggests that the incidence of physical dating violence was
22 associated with substance use (heavy smoking, binge drinking, driving

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

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1 after drinking, cocaine use), unhealthy weight control (diet pills use,
2 laxative use), risky sexual behavior (first intercourse before the age
3 of fifteen years, not using a condom at last intercourse, at least three
4 sex partners in the last three months), pregnancy, and suicidality
5 (considered, attempted suicide).

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

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

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

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

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

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

55 S 3. The temporary state commission on intimate partner violence shall
56 consist of 15 members to be appointed as follows: 7 shall be appointed

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

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

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

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

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