STATE OF NEW YORK

8599--A

IN SENATE

May 10, 2018

Introduced by Sens. RANZENHOFER, FUNKE, GRIFFO, HELMING, MARCHIONE, ROBACH, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to establishing the domestic violence accountability program; and to amend the penal law, in relation to mandatory domestic violence counseling

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The social services law is amended by adding a new section 459-i to read as follows:

§ 459-i. Domestic violence accountability program. 1. There is hereby established a domestic violence accountability program within the office for the prevention of domestic violence. The executive director of the office for the prevention of domestic violence, in consultation with providers of domestic violence programs and domestic violence accountability programs and such other professionals as he or she may deem appropriate shall establish, by regulation, the instructional and rehabilitative aspects of the program. Such program shall consist of at least twenty-six and up to fifty-two sessions of one hour to one and one-half hours each and include, but need not be limited to, classroom instruction in areas deemed suitable by the executive director.

2. The form, content and method of presentation of the various aspects of such program shall be established by the executive director. In the development of the form, curriculum and content of such program, the executive director may consult with the office of the attorney general and any other state department or agency and request and receive assistance from them. The executive director is also authorized to develop more than one curriculum and course content for such program in order to meet the varying needs of the participants.

3. A course in such program shall be available in at least every county in the state, except where the executive director determines that there is not a sufficient number of domestic violence offenses in a

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

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county to mandate the establishment of said course, and that provisions be made for the residents of said county to attend a course in another county where a course exists.

4. Participation in the program shall be required for those persons convicted of domestic abuse offenses or persons who have been adjudicated youthful offenders for domestic abuse offenses who satisfy the criteria and meet the requirements for participation as established by this section and the regulations promulgated thereunder. The executive director may exercise discretion, to reject any person from participation referred to such program and nothing contained in this section shall be construed as creating a right to be included in any course or program established under this section.

5. The executive director shall establish a list of approved providers and a schedule of fees to be paid by or on behalf of each participant in the program, and may, from time to time, modify same. Such fees shall defray the ongoing expenses of the program. Provided, however, that pursuant to an agreement with the department a municipality, department, or other agency may conduct a course in such program with all or part of the expense of such course and program being borne by such municipality, department or agency. In no event shall such fee be refundable, either for reasons of the participant's withdrawal or expulsion from such program or otherwise.

§ 2. The penal law is amended by adding a new section 60.38 to read as follows:

§ 60.38 Mandatory domestic violence counseling.

Any defendant convicted of any of the following offenses, where the defendant and the person against whom the offense was committed were members of the same family or household as defined in subdivision one of section 530.11 of the criminal procedure law and as established pursuant to section 370.15 of the criminal procedure law; any offense listed under title H, title I or title O of part 3 of this chapter; or attempt to commit any of the offenses under title H, title I or title O of part 3 of this chapter, shall be required to enroll and complete a domestic violence accountability program as a condition of conditional discharge, probation or parole.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.