

# STATE OF NEW YORK

3955

2019-2020 Regular Sessions

## IN SENATE

February 21, 2019

Introduced by Sens. RANZENHOFER, FUNKE, GRIFFO, HELMING, ROBACH, SEPULVEDA, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

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:

1 Section 1. The social services law is amended by adding a new section  
2 459-i to read as follows:

3 § 459-i. Domestic violence accountability program. 1. There is hereby  
4 established a domestic violence accountability program within the office  
5 for the prevention of domestic violence. The executive director of the  
6 office for the prevention of domestic violence, in consultation with  
7 providers of domestic violence programs and domestic violence account-  
8 ability programs and such other professionals as he or she may deem  
9 appropriate shall establish, by regulation, the instructional and reha-  
10 bilitative aspects of the program. Such program shall consist of at  
11 least twenty-six and up to fifty-two sessions of one hour to one and  
12 one-half hours each and include, but need not be limited to, classroom  
13 instruction in areas deemed suitable by the executive director.

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

22 3. A course in such program shall be available in at least every coun-  
23 ty in the state, except where the executive director determines that

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

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1 there is not a sufficient number of domestic violence offenses in a  
2 county to mandate the establishment of said course, and that provisions  
3 be made for the residents of said county to attend a course in another  
4 county where a course exists.

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

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

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

26 § 60.38 Mandatory domestic violence counseling.

27 Any defendant convicted of any of the following offenses, where the  
28 defendant and the person against whom the offense was committed were  
29 members of the same family or household as defined in subdivision one of  
30 section 530.11 of the criminal procedure law and as established pursuant  
31 to section 370.15 of the criminal procedure law; any offense listed  
32 under title H, title I or title O of part 3 of this chapter; or attempt  
33 to commit any of the offenses under title H, title I or title O of part  
34 3 of this chapter, shall be required to enroll and complete a domestic  
35 violence accountability program as a condition of conditional discharge,  
36 probation or parole.

37 § 3. This act shall take effect on the one hundred eightieth day after  
38 it shall have become a law. Effective immediately, the addition, amend-  
39 ment and/or repeal of any rule or regulation necessary for the implemen-  
40 tation of this act on its effective date are authorized to be made and  
41 completed on or before such effective date.