

STATE OF NEW YORK

4899--C

2025-2026 Regular Sessions

IN ASSEMBLY

February 10, 2025

Introduced by M. of A. CLARK, McMAHON, LEVENBERG, LUNSFORD, BURROUGHS, TAPIA, GRIFFIN, DeSTEFANO, KELLES, BUTTENSCHON, PAULIN, REYES, BARRETT, CUNNINGHAM, HEVESI, MEEKS, BEEPHAN, SIMON, SHIMSKY, OTIS, BURDICK, SLATER, McDONALD, WALKER -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law and the general business law, in relation to requiring a lethality assessment in incidents of domestic violence

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

1 Section 1. Subdivision 3 of section 646 of the executive law, as added
2 by chapter 152 of the laws of 2019, is amended to read as follows:
3 3. An individual who has been the victim in this state of a family
4 offense as defined in subdivision one of section 530.11 of the criminal
5 procedure law or section eight hundred twelve of the family court act
6 may, upon alleging that it would be a hardship for [~~him or her~~] such
7 individual to make such complaint in the local jurisdiction in which
8 such offense occurred, make a complaint to any local law enforcement
9 agency in the state regardless of where the act took place. Such local
10 law enforcement agency shall take a police report of the matter, as well
11 as prepare a domestic [~~violence~~] incident report which includes lethali-
12 ty assessment questions as defined in subdivision fifteen of section
13 eight hundred thirty-seven of this chapter and provide the complainant
14 with a copy of such report free of charge. A copy of the police report

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

LBD03826-06-6

1 and completed domestic [~~violence~~] incident report, including the lethality assessment questions shall be promptly forwarded to the appropriate
2 law enforcement agency with jurisdiction over the location where the
3 incident is reported to have occurred for the purposes of further inves-
4 tigation.

5
6 § 2. Subdivision 15 of section 837 of the executive law, as added by
7 chapter 222 of the laws of 1994 and the opening paragraph as amended by
8 chapter 432 of the laws of 2015, is amended to read as follows:

9 15. Promulgate, in consultation with the superintendent of state
10 police and the state office for the prevention of domestic violence, and
11 in accordance with paragraph (f) of subdivision three of section eight
12 hundred forty of this article, a standardized "domestic [~~violence~~] inci-
13 dent report form" for use by state and local law enforcement agencies in
14 the reporting, recording and investigation of all alleged incidents of
15 domestic violence, regardless of whether an arrest is made as a result
16 of such investigation. Such form shall be prepared in multiple parts,
17 one of which shall be immediately provided to the victim, and shall
18 include designated spaces for: the recordation of the results of the
19 investigation by the law enforcement agency and the basis for any action
20 taken; the recordation of a victim's allegations of domestic violence;
21 the age and gender of the victim and the alleged offender or offenders;
22 and immediately thereunder a space on which the victim may sign and
23 verify such victim's allegations. Such form shall also include, but not
24 be limited to spaces to identify:

25 (a) what other services or agencies, including but not limited to
26 medical, shelter, advocacy and other supportive services are or have
27 previously been involved with the victim; [~~and~~]

28 (b) whether the victim has been provided with the written notice
29 described in subdivision five of section eight hundred twelve of the
30 family court act and subdivision six of section 530.11 of the criminal
31 procedure law[~~-~~]; and

32 (c) the results of a lethality assessment.

33 (i) By January first, two thousand twenty-eight, the division, in
34 consultation with the New York state office for the prevention of domes-
35 tic violence and relevant stakeholders, shall update the domestic inci-
36 dent report form and develop training for law enforcement on how to
37 administer the lethality assessment questions. Such training shall be
38 delivered by the New York state office for the prevention of domestic
39 violence in consultation with the division. All law enforcement officers
40 shall successfully complete such training by January first, two thousand
41 twenty-nine. Beginning January first, two thousand twenty-nine, such
42 training shall also be incorporated into the training requirements for
43 new law enforcement officers.

44 (ii) Lethality assessment questions shall be set forth in a separate
45 and clearly designated section of the domestic incident report form. The
46 lethality assessment questions may be duplicated or included in any
47 other part of the domestic incident form. To administer the lethality
48 assessment questions, a law enforcement officer shall ask the victim, in
49 the same or similar wording and in the same order, all of the following
50 questions; provided, however, the division, in consultation with the
51 office for the prevention of domestic violence, may issue guidance to
52 amend, supplement, or remove any questions:

53 (1) Have they ever used a weapon against you or threatened you with a
54 weapon?

55 (2) Did they ever threaten to kill you, your children, or your pets?

1 (3) Do you believe they will try to kill you or have they tried to
2 kill you?

3 (4) Have they ever strangled or choked you or attempted to strangle or
4 choke you?

5 (5) Do they have a firearm or could they get one easily?

6 (6) Are they violently or constantly jealous, or do they control most
7 of your daily activities?

8 (7) Have you left them or separated from them after living together or
9 being married?

10 (8) Are they unemployed?

11 (9) Have they ever threatened to kill themselves?

12 (10) Do you have a child whom they believe is not their biological
13 child?

14 (11) Do they follow, spy on, or send threatening messages to you?

15 (12) Is there anything else that worries you about your safety and, if
16 so, what worries you?

17 (13) Any other questions the division, in consultation with the office
18 for the prevention of domestic violence, shall deem necessary.

19 (iii) A law enforcement officer shall advise the victim of the results
20 of the assessment and refer the victim to the local domestic violence
21 program and provide the number of the New York state domestic and sexual
22 violence hotline. The law enforcement officer shall follow all
23 directions on the domestic incident report regarding scoring responses
24 and referrals based on such scoring, including sharing a copy of the
25 report with the local domestic violence program and any applicable high
26 risk teams. If the law enforcement officer determines the information
27 collected in response to such questions establishes credible information
28 that an individual is likely to engage in conduct that would result in
29 serious harm to such individual or others, as defined in paragraph one
30 or two of subdivision (a) of section 9.39 of the mental hygiene law, the
31 office shall file an application for an extreme risk protection order
32 in accordance with section sixty-three hundred forty-one of the civil
33 practice law and rules.

34 (iv) If the victim does not, or is unable to, provide information to a
35 law enforcement officer sufficient to allow the law enforcement officer
36 to administer a lethality assessment, the law enforcement officer shall
37 note the lack of a lethality assessment in a written police report and
38 attempt to refer the victim to the nearest certified domestic violence
39 program or the New York state domestic and sexual violence hotline.

40 § 3. Subdivision (a) of section 214-b of the executive law, as amended
41 by chapter 432 of the laws of 2015, is amended to read as follows:

42 (a) intake and recording of victim statements, and the prompt trans-
43 lation of such statements if made in a language other than English, in
44 accordance with subdivision (c) of this section, on a standardized
45 "domestic [**violence**] incident report form" promulgated by the state
46 division of criminal justice services in consultation with the super-
47 intendent and with the state office for the prevention of domestic
48 violence, and the investigation thereof so as to ascertain whether a
49 crime has been committed against the victim by a member of the victim's
50 family or household as such terms are defined in section eight hundred
51 twelve of the family court act and section 530.11 of the criminal proce-
52 dure law;

53 § 4. Subparagraph 1 of paragraph (f) of subdivision 3 of section 840
54 of the executive law, as amended by chapter 432 of the laws of 2015, is
55 amended to read as follows:

1 (1) intake and recording of victim statements, and the prompt trans-
2 lation of such statements if made in a language other than English, in
3 accordance with subparagraph three of this paragraph, on a standardized
4 "domestic [~~violence~~] incident report form" promulgated by the division
5 of criminal justice services in consultation with the superintendent of
6 state police, representatives of local police forces and the state
7 office for the prevention of domestic violence, and the investigation
8 thereof so as to ascertain whether a crime has been committed against
9 the victim by a member of the victim's family or household as such terms
10 are defined in section eight hundred twelve of the family court act and
11 section 530.11 of the criminal procedure law; and

12 § 5. Subparagraph 5 of paragraph a of subdivision 2 of section 654-a
13 of the general business law, as amended by chapter 17 of the laws of
14 2013, is amended to read as follows:

15 (5) the purchaser of a contract signed by more than one purchaser
16 provides to the operator a copy of any of the following, within six
17 months of its issuance, involving domestic violence by another signatory
18 of the same contract: (A) a valid domestic [~~violence~~] incident report
19 form as such term is defined in subdivision fifteen of section eight
20 hundred thirty-seven of the executive law; (B) a valid police report;
21 (C) a valid order of protection; or (D) a signed affidavit from a
22 licensed medical or mental health care provider, employee of a court
23 acting within the scope of [~~his or her~~] such individual's employment,
24 social worker, a rape crisis counselor as defined in section forty-five
25 hundred ten of the civil practice law and rules, or advocate acting on
26 behalf of an agency that assists domestic violence victims. Paragraph d
27 of this subdivision shall not apply to a purchaser canceling under this
28 subparagraph. A claim for termination under this subparagraph shall be
29 made in good faith. Termination under this subparagraph shall require,
30 and the provision of any of the items in (A) through (D) of this subpar-
31 agraph, for the purposes of this subparagraph, shall be presumptive
32 evidence of the continued existence of a substantial risk of physical or
33 emotional harm to the purchaser or purchaser's child.

34 § 6. This act shall take effect immediately.