

STATE OF NEW YORK

2280--C

Cal. No. 289

2025-2026 Regular Sessions

IN SENATE

January 16, 2025

Introduced by Sens. WEBB, ADDABBO, HARCKHAM, JACKSON, MAYER, MURRAY, MYRIE, PERSAUD, ROLISON, SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

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eight hundred thirty-seven of this chapter and provide the complainant with a copy of such report free of charge. A copy of the police report and completed domestic [~~violence~~] incident report, including the lethality assessment questions shall be promptly forwarded to the appropriate law enforcement agency with jurisdiction over the location where the incident is reported to have occurred for the purposes of further investigation.

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

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

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

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

(c) the results of a lethality assessment.

(i) By January first, two thousand twenty-eight, the division, in consultation with the New York state office for the prevention of domestic violence and relevant stakeholders, shall update the domestic incident report form and develop training for law enforcement on how to administer the lethality assessment questions. Such training shall be delivered by the New York state office for the prevention of domestic violence in consultation with the division. All law enforcement officers shall successfully complete such training by January first, two thousand twenty-nine. Beginning January first, two thousand twenty-nine, such training shall also be incorporated into the training requirements for new law enforcement officers.

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

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

1 (2) Did they ever threaten to kill you, your children, or your pets?
2 (3) Do you believe they will try to kill you or have they tried to
3 kill you?
4 (4) Have they ever strangled or choked you or attempted to strangle or
5 choke you?
6 (5) Do they have a firearm or could they get one easily?
7 (6) Are they violently or constantly jealous, or do they control most
8 of your daily activities?
9 (7) Have you left them or separated from them after living together or
10 being married?
11 (8) Are they unemployed?
12 (9) Have they ever threatened to kill themselves?
13 (10) Do you have a child whom they believe is not their biological
14 child?
15 (11) Do they follow, spy on, or send threatening messages to you?
16 (12) Is there anything else that worries you about your safety and, if
17 so, what worries you?
18 (13) Any other questions the division, in consultation with the office
19 for the prevention of domestic violence, shall deem necessary.
20 (iii) A law enforcement officer shall advise the victim of the results
21 of the assessment and refer the victim to the local domestic violence
22 program and provide the number of the New York state domestic and sexual
23 violence hotline. The law enforcement officer shall follow all
24 directions on the domestic incident report regarding scoring responses
25 and referrals based on such scoring, including sharing a copy of the
26 report with the local domestic violence program and any applicable high
27 risk teams. If the law enforcement officer determines the information
28 collected in response to such questions establishes credible information
29 that an individual is likely to engage in conduct that would result in
30 serious harm to such individual or others, as defined in paragraph one
31 or two of subdivision (a) of section 9.39 of the mental hygiene law, the
32 office shall file an application for an extreme risk protection order
33 in accordance with section sixty-three hundred forty-one of the civil
34 practice law and rules.
35 (iv) If the victim does not, or is unable to, provide information to a
36 law enforcement officer sufficient to allow the law enforcement officer
37 to administer a lethality assessment, the law enforcement officer shall
38 note the lack of a lethality assessment in a written police report and
39 attempt to refer the victim to the nearest certified domestic violence
40 program or the New York state domestic and sexual violence hotline.
41 § 3. Subdivision (a) of section 214-b of the executive law, as amended
42 by chapter 432 of the laws of 2015, is amended to read as follows:
43 (a) intake and recording of victim statements, and the prompt trans-
44 lation of such statements if made in a language other than English, in
45 accordance with subdivision (c) of this section, on a standardized
46 "domestic [**violence**] incident report form" promulgated by the state
47 division of criminal justice services in consultation with the super-
48 intendent and with the state office for the prevention of domestic
49 violence, and the investigation thereof so as to ascertain whether a
50 crime has been committed against the victim by a member of the victim's
51 family or household as such terms are defined in section eight hundred
52 twelve of the family court act and section 530.11 of the criminal proce-
53 dure law;
54 § 4. Subparagraph 1 of paragraph (f) of subdivision 3 of section 840
55 of the executive law, as amended by chapter 432 of the laws of 2015, is
56 amended to read as follows:

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

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

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

§ 6. This act shall take effect immediately.