

# STATE OF NEW YORK

7396

2025-2026 Regular Sessions

## IN SENATE

April 14, 2025

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed,  
and when printed to be committed to the Committee on Crime Victims,  
Crime and Correction

AN ACT to amend the executive law, in relation to the investigation of  
suspicious deaths and domestic violence

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

1 Section 1. The executive law is amended by adding a new article 23-A  
2 to read as follows:

### ARTICLE 23-A

#### SUSPICIOUS DEATHS

3 Section 649-aa. Suspicious deaths and domestic violence.

4 § 649-aa. Suspicious deaths and domestic violence. 1. For the purposes  
5 of this section:

6 (a) "Domestic violence" shall have the same meaning as a family  
7 offense as defined in section 530.11 of the criminal procedure law.

8 (b) "Identifiable history of being victimized by domestic violence"  
9 shall mean demonstrable past incidents of being victimized by domestic  
10 violence that may be verified by prior police reports, written or photo-  
11 graphic documentation, restraining order declarations, eyewitness state-  
12 ments, or other evidence that corroborates a history of such incidents.

13 (c) "Family member" shall mean a parent, sibling, or child of the  
14 deceased.

15 (d) "Close friend" shall mean any person who has maintained regular  
16 contact and has a significant relationship with the deceased.

17 (e) "Partner" shall mean a spouse, former spouse, cohabitant, former  
18 cohabitant, fiance, someone with whom the decedent had a dating  
19 relationship or engagement for marriage, or the parent of the decedent's  
20 child.

21 2. Prior to making any findings as to the manner and cause of death of  
22 a deceased individual with an identifiable history of being victimized  
23

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

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1 by domestic violence, and in the presence of three or more factors list-  
2 ed in subdivision three of this section, law enforcement shall interview  
3 family members, such as parents, siblings, or other close friends or  
4 relatives of the decedent with relevant information regarding that  
5 history of domestic violence.

6 3. Law enforcement investigators must request a complete autopsy in a  
7 case where they have determined there is an identifiable history of  
8 being victimized by domestic violence and any of the following condi-  
9 tions are present:

10 (a) the decedent died prematurely or in an untimely manner;

11 (b) the scene of the death gives the appearance of death due to  
12 suicide or accident;

13 (c) one partner wanted to end the relationship;

14 (d) there is a history of being victimized by domestic violence that  
15 includes coercive control;

16 (e) the decedent is found dead in a home or place of residence;

17 (f) the decedent is found by a current or previous partner;

18 (g) there is a history of being victimized by domestic violence that  
19 includes strangulation or suffocation;

20 (h) the current or previous partner of the decedent, or child of the  
21 decedent or the decedent's current or previous partner, is the last to  
22 see the decedent alive;

23 (i) the partner had control of the scene before law enforcement  
24 arrived; or

25 (j) the body of the decedent has been moved or the scene or other  
26 evidence is altered in some way.

27 4. During the pendency of such investigation and any review, family  
28 members and close friends of the decedent shall have access to all  
29 victim services and support provided under article twenty-two of this  
30 chapter.

31 5. In the event that a local law enforcement agency makes a finding  
32 that the death is not a homicide and closes the case, family members or  
33 close friends of the decedent or their legal counsel shall have the  
34 right to:

35 (a) request any and all records of the investigation currently avail-  
36 able under the New York freedom of information law; and

37 (b) request an autopsy and second opinion from a board-certified  
38 forensic pathologist certified by the American Board of Pathology.

39 § 2. This act shall take effect on the sixtieth day after it shall  
40 have become a law.