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 Assembly, do enact as follows:

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

ARTICLE 23-A

SUSPICIOUS DEATHS

Section 649-aa. Suspicious deaths and domestic violence.

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

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

(b) "Identifiable history of being victimized by domestic violence" shall mean demonstrable past incidents of being victimized by domestic violence that may be verified by prior police reports, written or photographic documentation, restraining order declarations, eyewitness statements, or other evidence that corroborates a history of such incidents.

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

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

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

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

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

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

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

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

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

(c) one partner wanted to end the relationship;

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

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

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

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

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

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

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

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

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

(a) request any and all records of the investigation currently available under the New York freedom of information law; and

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

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