

# **NYSCADV**

## **NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE**

### **2019 DOMESTIC VIOLENCE RELATED LAWS APPROVED BY LEGISLATURE AND SIGNED BY GOVERNOR**

#### **DOMESTIC VIOLENCE SURVIVORS JUSTICE ACT**

##### **Chapter 31 (A3974 Aubry/S1077 Persaud)**

Allows judges to sentence survivors to alternative sentences of imprisonment including determinate sentences and, in some cases, community-based alternative-to incarceration program. Provides survivors currently in prison the opportunity to apply for resentencing, granting much-deserved relief for incarcerated individuals who pose no threat to public safety. *Effective August 12<sup>th</sup>, 2019.*

#### **REPRODUCTIVE HEALTH ACT**

##### **Chapter 1 (A21 Glick/S240 Krueger)**

Updates New York's abortion statutes to address constitutional flaws in our laws and recognize a woman's fundamental right to access safe, legal abortion. *Effective Immediately.*

#### **COMPREHENSIVE CONTRACEPTION COVERAGE ACT**

##### **Chapter 25 (A585A Cahill/S659A Salazar)**

Requires health insurance policies to include coverage of all FDA-approved contraceptive drugs, devices and products, as well as voluntary sterilization procedures, contraceptive education and counseling, and related follow-up services. Prohibits a health insurance policy from imposing any cost-sharing requirements or other restrictions or delays with respect to coverage. *Effective January 1<sup>st</sup>, 2020.*

#### **CHILD VICTIMS ACT**

##### **Chapter 11 (A2683 Rosenthal/S2440 Hoylman)**

Allows victims who are under the age of 18 when abuse occurs to have the option of filing a criminal lawsuit to age 28, and a civil lawsuit to age 55. Creates a one-year look-back window for anyone to bring a lawsuit, regardless of whether the statute of limitations in their case has expired. Eliminates requirement that child victims file a notice of claim within 90 days of when the abuse occurred, if it occurred at a public institution. Requires Office of Court Administration (OCA) to provide training for judges concerning crimes involving the sexual abuse of minors. *Most Provisions Effective Immediately; Judicial Training Relative to Cases Brought as a Result of the Look-Back Window Effective May 14<sup>th</sup>, 2020; Provision Requiring OCA to Promulgate Rules for Timely Adjudication of Claims Brought as a Result of the Look-Back Window Effective May 14<sup>th</sup>, 2020; All Other Judicial Training Effective August 14<sup>th</sup>, 2020.*

**GENDER EXPRESSION NON-DISCRIMINATION ACT (GENDA)**

**Chapter 8 (A585A Cahill/S659A Salazar)**

Prohibits discrimination based on gender identity or expression and includes offenses regarding gender identity or expression under the hate crimes statute. ***Discriminatory Provisions Effective Immediately; Hate Crime Provisions Effective November 1<sup>st</sup>, 2019.***

**SEXUAL ORIENTATION CHANGE EFFORTS**

**Chapter 7 (A585A Cahill/S659A Salazar)**

Designates engaging in sexual orientation change efforts by mental health professionals upon patients under 18 years of age as professional misconduct. Subjects providers who engage in these efforts to discipline by the provider’s licensing entity. ***Effective Immediately.***

**HOUSING STABILITY AND TENANT PROTECTION ACT**

**Chapter 36 (A8281 Heastie/S6458 Stewart-Cousins)**

Extends current New York City and downstate suburban rent regulations to upstate communities, ensuring tenants can live without the threat of eviction, the fear of rapid and unaffordable rent increases, or rent burden. Requires more notice to tenants if a landlord wants to bring a court proceeding against them. Allows for more leniency throughout an eviction proceeding, including stays of eviction and execution of warrants. ***Effective Immediately.***

**JOSE PERALTA NEW YORK STATE DREAM ACT**

**Chapter 26 (A782 De La Rosa/S1250 Sepulveda)**

Creates DREAM Fund commission and a DREAM fund to advance the educational opportunities of children of immigrants by providing scholarships to college bound students. Eliminates potential financial obstacles to obtaining state financial aid and extends opportunities for undocumented students to attend higher education institutions. Allows immigrant aliens to open a New York State 529 family tuition account to save for their families’ higher education expenses. ***Commission Effective January 1<sup>st</sup>, 2020; College Savings Plan Effective July 12, 2019.***

**DRIVER’S LICENSES FOR UNDOCUMENTED INDIVIDUALS**

**Chapter 37 (A3675B Crespo/S1747B Sepulveda)**

Enables undocumented immigrants to obtain driver’s licenses and protects the data of those applying for such privilege from unwarranted release. ***Effective December 17<sup>th</sup>, 2019.***

**EXTREME RISK PROTECTION ORDERS (ERPO)**

**Chapter 19 (A2689 Simon/S2451 Kavanagh)**

Enables family or household member, police officer, district attorney, or school administrator or designee to petition court to issue court-ordered ERPO. Creates grounds for issuance, which include threats or acts of violence or use of physical force directed toward self, the petitioner or another person. If temporary ERPO is issued, individual is prohibited from purchasing, attempting to purchase or possessing firearms and must surrender any firearms, rifles or shotguns to law enforcement. A court hearing will be held within three to six days after the issuance of a temporary order. If a final ERPO is ordered, law enforcement will retain the individual’s firearms and the individual will be prohibited from possessing or purchasing firearms for up to one year, subject to renewal. Any firearm license also will be suspended for the duration of time the ERPO is in effect.

**2019 DOMESTIC VIOLENCE RELATED BILLS  
PASSED BOTH HOUSES - AWAITING ACTION BY GOVERNOR**

**RIGHT TO CALL 911**

**A2665A Lavine/S4657A Hoylman**

Ensures victims are able to call for police or emergency medical assistance without fear of being evicted or that their landlord and community will take action to remove them from their home. Provides that municipalities cannot impose penalties on a property owner or tenant on the basis of a residential occupant's exercise of his or her right to seek or utilize police or emergency aid, and prohibits landlords from taking negative housing actions against individuals for this protected conduct. Ensures that when municipalities seek to enforce local nuisance ordinances, that they must provide notice and give both the landlord and tenant an opportunity to contest.

**WORKPLACE TIME OFF FOR DV VICTIMS**

**A5618 Weinstein/S1040 Persaud**

Adds status as a victim of DV as a protected class under the employment provisions of the Human Rights Law. Allows employees a reasonable accommodation in taking time off to seek medical attention or counseling or appear in court on matters related to incidents of domestic violence, including child protective proceedings, unless time off would constitute an undue hardship for the employer. Employers would have the option of requiring that employees charge this time to accumulated leave credits or, where such leave credits are unavailable, take unpaid leave.

**DV VICTIM RIGHTS NOTIFICATION**

**A7395 Weinstein/S6158 Liu**

Simplifies the language in the victim rights notice and expands the information provided. Ensures notice is available in plain English, Spanish, Russian, and Chinese.

**BREAKING RESIDENTIAL LEASES BY DV VICTIMS**

**A4267A Hevesi/S4281A Biaggi**

Streamlines the process for tenants who are victims of DV to terminate residential leases or rental agreements. Enables victims to provide, as documentation, a temporary or final order of protection; a record, complaint or report from a federal, state or local law enforcement agency of an act of DV or certifying that the tenant or member of the tenant's household has been subjected to DV; a record from a health care provider for treatment related to DV; or a written verification from a qualified third party, including court employee, attorney, medical professional or DV advocate. Removes requirement that tenant victim of DV be current on their rent before terminating lease. Eliminates current requirement that abusers who are co-tenants be notified.

**REVENGE PORN**

**A5981 Braunstein/S1719C Martinez**

Criminalizes intentional, non-consensual disclosures of sexually explicit images that were obtained under reasonable expectations of privacy as a Class A misdemeanor. Allows victims to seek civil remedy against offenders. Allows victims to obtain a court order to permanently remove an intimate image from the Internet while preventing an Internet company from being held liable for the activities of its users.

**SPECIAL MAIL-IN ELECTION BALLOT FOR DV VICTIMS**

**A219A Paulin/ S3232A Savino**

Allows DV victims the right to vote by mailing in a special ballot, including those who remain in the county where they are registered. Ensures distribution of such ballots to voters is made in sufficient time for DV victims to cast their ballots prior to the close of Election Day.

**UNIVERSAL HOSPITAL POLICIES, PROCEDURES IN TREATING DV VICTIMS**

**A2850 Lavine/S3962A Salazar**

Requires hospitals to develop, maintain and disseminate written policies and procedures for the identification, assessment, treatment and referral of confirmed or suspected cases of DV. Requires hospitals to advise DV victims of availability of local services and to contact local DV agency if requested. Hospitals are required to contact local DV agencies to establish coordination of services. Also requires hospitals to train, on an ongoing basis, all current and new employees and designation of a staff member to coordinate services to DV victims. Curriculum will be developed by the Department of Health in consultation with OPDV.

**REPORTING DV INCIDENTS REGARDLESS OF WHERE INCIDENT OCCURRED**

**A4467A Zebrowski/S1243B Carlucci**

Allows DV victims who allege that returning to the community where a DV incident occurred would be a “hardship” to make complaints to any local law enforcement agency in the State, even if the incidents did not take place in that jurisdiction. The police agency taking the report and DIR will promptly forward the information to the police agency with jurisdiction over the location where the incident occurred.

**CANCELLATION OF TELEPHONE AND CABLE CONTRACTS FOR DV VICTIMS**

**A5318 Rozic/ S2356 Parker**

Requires telephone, cable TV or satellite TV companies to allow victims of DV to cancel contracts without charge when a DV incident report, a police report, an order of protection, or a signed affidavit from a medical or mental health care provider, court employee, social worker, rape crisis counselor, or DV advocate is provided.

**TRAINING FOR DV DIRECT CARE STAFF ABOUT ADVERSE CHILDHOOD EXPERIENCES (ACES)**

**A4268 Hevesi/S2659 Savino**

Requires development, adoption and implementation of an approved training in Adverse Childhood Experiences. Builds on the work already being performed in many DV agencies throughout the state by piloting a consistent program across all DV shelters, safe dwellings and DV programs. The Office of Temporary and Disability Assistance and OCFS will approve a non-profit, or group of non-profits, experienced in DV, child abuse and ACEs policy and practice to provide the curriculum and training. NYSCADV will certify completion of the program.

**EXTENDS STATUTE OF LIMITATIONS FOR DV-RELATED CIVIL SUITS**

**A1945 Zebrowski/ S2416 Kaplan**

Extends the length of time DV victims may file a civil claim against an abuser for DV-related injuries from one year to two years.

**PERMITS DV VICTIMS TO OBTAIN COMPENSATION FOR FAILURE TO ENFORCE ORDERS OF PROTECTION**  
**A5614 Weinstein/ S1868 Bailey**

Currently, a procedural rule in the civil practice law and rules limits a party’s liability to its proportionate share of the damages in cases where it has been found liable. This has made it extremely difficult for courts to find law enforcement and municipalities liable for failing to obey or enforce orders of protection. This bill modifies current law to ensure, in a situation where a court or jury finds defendants liable, DV victims can recover non-economic and economic damages from such defendants.

**ADDS ECONOMIC ABUSE TO SOCIAL SERVICES LAW**  
**A5608 Weinstein/S2625 Lanza**

In 2013, New York State expanded the family offense law to include certain forms of economic abuse. At the time, similar changes were not made to the Social Services Law, creating an inconsistency in the laws. This bill makes conforming changes to the definition of DV in the Social Services Law to reflect the prior changes made to the domestic relations law and the family court act.

**EXPAND THE USE OF PROBLEM SOLVING COURTS TO CERTAIN COUNTIES**  
**A5937 Galef/S3889 Carlucci**

Allows courts outside of New York City to move cases from one town or village justice court to a court designated by the Office of Court Administration as a “problem solving” court. This will allow counties to centralize similar cases to concentrate both law enforcement and therapeutic services to specific populations, such as DV victims who are better served when their cases are heard in Integrated DV Courts.

**TEMPORARY SPOUSAL SUPPORT WITH ORDERS OF PROTECTION**  
**A7529 Wallace/S6423 Montgomery**

Current law authorizes Family Courts, when issuing orders of protection in family offense cases, to issue temporary orders of child support. However, there is no analogous safety net provided to married petitioners in family offense proceedings who do not have minor, dependent children. This bill permits issuance of temporary orders of spousal support in such cases to provide temporary resources to DV victims as they seek a more long-term order in a Supreme or Family Court proceeding.

**DV AND SEXUAL ASSAULT EDUCATION FOR ESTHETICIANS AND HAIR PROFESSIONALS**  
**A57 Rosenthal/S6307 Benjamin**

Requires appearance enhancement professionals, including nail specialty, waxing, natural hair styling, estheticians and cosmetologists, to complete a one-hour training course in DV and sexual assault, when obtaining their license, and voluntarily upon license renewal. Training would be developed by the Department of State, OPDV and NYSCADV and available on the Department of State’s website.

**ACCESS TO HIV POST-EXPOSURE MEDICATION**  
**A1204A Peoples-Stokes/S2279A Hoylman**

Permits victims of sexual assault to receive a full regimen, not merely a 7-day starter pack, of HIV post-exposure prophylaxis. Requires pharmaceutical and follow-up costs to be billed directly to the Office of Victim Services (OVS) and reimbursement to be paid directly to a health care provider. Authorizes OVS and Department of Health to annually review reimbursement rate for charges exceeding \$800 and, if feasible, adjust the rate accordingly.

**DOMESTIC PARTNERS TO RECEIVE OVS COMPENSATION**

**A2566 Glick/S4958 Parker**

Permits domestic partners of homicide victims to be eligible for compensation from the Crime Victim Board for actual out-of-pocket losses and counseling expenses.

**COMPENSATION FOR UNLAWFUL SURVEILLANCE**

**A7079 McMahon/S6167 Persaud**

Permits victims of dissemination of an unlawful surveillance image in the first and second degree to be eligible to receive compensation.

**COMPENSATION FOR CHILD VICTIMS WHO WITNESS CRIMES**

**A7051 Burke/S6353 Montgomery**

Expands definition of child victim, for purposes of receiving compensation to include a non-injured person less than 18 years of age who witnessed a crime.

**K-8 CURRICULUM ABOUT CHILD SEX EXPLOITATION (ERIN'S LAW)**

**A2577B Dinowitz/S4070B Biaggi**

Requires all public schools to provide instruction to students in grades K-8 designed to prevent child sexual exploitation and child sexual abuse. Curriculum to be developed by the Department of Education in consultation with the Department of Health. Curriculum will be age appropriate and developed to provide awareness, skills, information, self-confidence and support to aid in prevention.

**A STUDY OF TRAUMA ON CHILD DEVELOPMENT**

**A1913 Joyner/S1195 Bailey**

Prior law authorized the Department of Education (DOE) to study the effects of trauma on child development and learning, including the types of trauma experienced, impacts, screening and assessment of trauma in schools, programs and services related to trauma available in schools, and best practices. This bill amends that law to require OCFS, rather than DOE, to conduct the study.

**BUS DRIVERS TO REPORT POTENTIAL CHILD ABUSE**

**A5842 Nolan/S273A Gallivan**

Requires all bus drivers, including those employed by private schools, to report suspected child abuse to law enforcement and to be trained accordingly.

**TIMELY REPORTS TO FAMILY COURT AND CHILD ATTORNEYS**

**A7974 Richardson/S6215 Montgomery**

Ensures Family Courts and children's attorneys are informed promptly of any changes in placement and of any indicated reports of maltreatment that may warrant court intervention. Requires an agency with which a child has been placed, either voluntarily or as a result of a finding of abuse or neglect, or to whom guardianship and custody has been transferred as a result of the child being freed for adoption, to report to the attorney for the child at least 10 days before such child is moved, or one day after an emergency placement change has been made.

**ALLOWING PERSON WITH CUSTODY OF CHILD TO MAKE MEDICAL DECISIONS**

**A1239 Jaffee/S3248 Salazar**

Amends Family Court Act to include non-parents with lawful orders of custody as persons who may make medical decisions for minors in their care. Amends Public Health Law to include non-parents with lawful orders of custody along with parents and guardians as persons whose consent is not needed for the provision of medical, dental, health and hospital services when, in the judgment of a physician, emergency medical care is needed.

**SAFE WAY HOME ACT FOR SEXUAL ASSAULT VICTIMS**

**A5775A Lentol/S3966A Salazar**

Provides free transportation home or to safe shelter for any sexual assault victim and their advocate from any medical facility where the victim received care. Medical facilities will use funds from victim service programs to provide the service.

**EXTENDS STATUTE OF LIMITATIONS FOR SEXUAL OFFENSES**

**A8412 Simotas/S6574 Biaggi**

Extends statute of limitations for a victim to bring a civil suit to 20 years for rape in the second degree, criminal sexual act in the second degree, or incest in the second degree; and to 10 years for rape in the third degree and criminal sexual act in the third degree.

**EXPANDS ADDRESS CONFIDENTIALITY PROGRAM**

**A7515 Cruz/S5444 Salazar**

Enables victims of sexual offenses, stalking and human trafficking to be eligible to participate in the address confidentiality program, which allows victims to shield their actual address from abusers and offenders. Under the program, the Department of State forwards legal process and mail to a confidential mailing address provided by the participant.

**CRIMINAL POSSESSION OF UNDETECTABLE FIREARMS**

**A763A Abinanti/S1414A Parker**

Establishes crimes for the manufacture, sale, transport and possession of firearms, rifles, shotguns and the major components of such weapons which are not detectable by a metal detector or the types of detection devices commonly used at airports for security screening.

**STATEWIDE MATERNAL MORTALITY REVIEW BOARD**

**A3276 Joyner/S1819 Rivera**

Establishes Maternal Mortality Review Board to review maternal mortality and morbidity. Board will assess the cause of death and factors leading to death, and the possible prevention of each, to develop strategies for reducing the risk of maternal mortality. Members will include multi-disciplinary experts in the field of maternal mortality, women’s health and public health, and shall include members who are representative of the racial, ethnic and socioeconomic diversity of women and mothers in the State.

**MATERNAL MORTALITY REVIEW BOARDS**

**A8338 Joyner/S6529 Rivera**

Clarifies the roles of the statewide maternal mortality review board and the existing New York City maternal mortality review board. Also outlines the collaborative relationship between the two boards.

**STUDY OF SHORT-TERM MENTAL HEALTH CRISIS RESPITE PROGRAMS**

**A8014 Richardson/S6486 Myrie**

Requires a study of short-term crisis respite and intensive crisis respite programs that assist individuals suffering from serious mental illness. Data collection and assessment will help determine the most effective method for the delivery of these programs and whether there is a need for expansion.

**PELVIC EXAMS ON ANESTHETIZED OR UNCONSCIOUS WOMEN**

**A6325C Solages/S1092E Persaud**

Bans the performance of pelvic exams on unconscious or anesthetized women unless they have given prior consent, the pelvic exam is within the scope of care for the surgical procedure, or the person receiving the exam is unconscious and the exam is required for diagnostic purposes. Disregarding these rules would be considered an act of professional misconduct.

**NO DISCRIMINATION BASED ON REPRODUCTIVE CHOICES**

**A584 Jaffee/S660 Metzger**

Prohibits employers from accessing an employee’s personal information to discriminate or take retaliatory measures based on the employee’s or employee’s dependent’s reproductive health decision making, including the decision to use or access a particular drug, device or medical service without first obtaining the employee’s informed affirmative written consent. Allows employees to bring civil actions if employers violate this new provision.

**EXTENDS LIFE OF INTERAGENCY TASK FORCE ON HUMAN TRAFFICKING**

**A7591 Reyes/S5858 Persaud**

Extends the Interagency Task Force on Human Trafficking to 2021.

**LANGUAGE ACCESS**

**A754 Joyner/S1950 Bailey**

Requires the Office of Court Administration to collect and maintain data on limited English proficiency (LEP) litigants, to lay the groundwork for a more comprehensive approach to the translation needs of all LEP New Yorkers. The goal of the bill is to ensure equitable access to courts regardless of the language spoken by the parties.

**LGBTQ+ TRAINING FOR HOMELESS SHELTER STAFF**

**A3619A Ortiz/S3619A Hoylman**

Requires all employees of approved programs providing care to runaway and/or homeless youth to complete training with instruction on the needs and issues of the LGBTQ+ community, with particular emphasis on the correct terminology to use when talking about gender and sexual identity; addressing homophobia and transphobia from other youth in shelters; and how to deal with the families of LGBTQ+ youth. Requires OCFS to promulgate regulations regarding such training.



**BANS PANIC DEFENSE**

**A8375 O'Donnell/S6543 Hoylman**

Clarifies that, for the purpose of the “extreme emotional disturbance” affirmative defense that may, in some instances, reduce a homicide charge from murder to manslaughter, a defendant cannot justify such conduct by stating it was the result of the discovery of the victim’s sexual orientation, sex, gender, gender identity, gender expression or sex assigned at birth.

**EQUAL PAY FOR SIMILAR WORK**

**A7748 Rosenthal/S6436 Montgomery**

Ensures equal pay for individuals within a protected class who are conducting substantially similar work, when viewed as a composite of skill, effort and responsibility and performed under similar working conditions for the same employer at workplaces located in the same geographical location.

**EQUAL PAY RIGHT OF ACTION FOR PUBLIC EMPLOYEES**

**A1047B Simotas/S456B Benjamin**

Clarifies that public employees have the same rights as private employees and may bring a private right of action to enforce their right to equal pay for equal and equivalent work.

**BANS PAY DIFFERENTIALS BASED ON PROTECTED CLASS STATUS**

**A8093A McMahon/S5248B Biaggi**

Prohibits wage discrimination based on age, race, creed, color, national origin, sexual orientation, gender identity and expression, military status, disability, predisposing genetic characteristics, familial status, marital status, and DV victim status. These employees are already protected against other forms of unlawful discrimination in the workplace under the Human Rights Law and this bill ensures their employers cannot also discriminate in terms of their compensation.

**ELIMINATES SEVERE OR PERVASIVE STANDARD FOR SEXUAL HARASSMENT**

**A8421 Simotas/S6577 Biaggi**

Expands protections for victims of sexual harassment by eliminating the “clear and pervasive” standard applied to sexual harassment cases. Includes significant additional reforms to help employees and victims understand their rights in the workplace. Expands the powers of the Attorney General to prosecute cases of discrimination based on all protected classes. Extends the timeframe for victims of sexual harassment in the workplace to file administrative complaints with the Division of Human Rights from one year to three years. Requires the Commissioner of Labor to review the State’s model sexual harassment prevention guidance document and sexual harassment policy and update as necessary.