

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

**2022 Legislative Session**  
**Review Webinar**

Presented by Joan Gerhardt

Director of Public Policy and Advocacy

# Today's Agenda

- Review 2022 Legislative Session
  - New DV-Related Laws
  - DV-Related Bills Awaiting Governor's Action
- FY'22-'23 NYS Budget Discovery and Bail Reform Article VII
- 2023 Legislative Look Ahead
- Q&A

# 2022 New DV-Related Laws

- Adds DV survivors to all anti-discriminatory provisions in Human Rights Law
- Claims can be brought to Division of Human Rights or in court
  - Free to file to DHR and individuals do not need an attorney
- Liberal construction
- DHR is working on guidance document to identify examples of inappropriate discrimination

## **Adult Survivors Act** (*Chapter 203*)

- Creates one-year window for adult survivors who experienced sexual assault before 2019 to file civil action
  - In 2019, NYS extended statute of limitations for select number of sexual offenses (Child Victims Act)
    - Was not retroactive
  - Window is open 11/24/22-11/24/23
  - Courts have three months to prepare for filing of cases resulting from one-year window
- 2022 NYSCADV Legislative Priority

# Human Trafficking (HT)

- Social or legal services information for HT victims  
(Chapter 80)
  - Requires LE agencies and DA's to inform victims of availability of online information
  - Requires LE and DA's to offer to contact service providers and connect with victims, if requested
- Human trafficking posters in numerous venues  
(Chapters 387-391 and 394)
- HT training for hotel staff (Chapter 393)
- HT training for future bartenders (Chapter 392)

# Identity Theft

- Incorporates identity theft into definition of elder abuse (Chapter 63)
  - For purposes of support services and programs
- Simplifies debt collection procedures related to identity theft (Chapter 238)
  - Removes requirement for individuals to report crime to police
  - Permits victims to self attest to status as victim of identity theft to get a creditor to cease collection activities until completion of a review
  - Adds court documents to those that would support a claim

# Firearms

- Redefines definition of large capacity ammunition feeding device (Chapter 209)
- Unlawful purchase and sale of body vests (Chapter 210)
- Redefines definition of firearm to include weapons that expel projectile via explosive (Chapter 211)
- No sale of semiautomatic rifles to those under 21 (Chapter 212)
- Modifies concealed carry weapon law (Chapter 371)
  - Identifies several sensitive locations where carrying concealed weapons is prohibited



# Reproductive Health

- New cause of action for unlawful interference with protected rights (Chapter 218)
- Protections for abortion providers (Chapter 219)
- Prohibits disciplinary charges against abortion providers (Chapter 220)
- Prohibits medical malpractice insurers from taking adverse action against abortion providers (Chapter 221)
- Address confidentiality for abortion providers, employees, volunteers and patients (Chapter 222)
- Study of unmet health and resource needs of pregnant New Yorkers (Chapter 217)

## Additional 2022 Laws

- Compensation eligibility for victims of unlawful dissemination of photos (Chapter 239)
- Expand compensation eligibility for victims of reckless endangerment (Chapter 343)
- Free menstrual products in temporary shelter (Chapter 72)
- Expanded group of health care professionals authorized to file Extreme Risk Protection Order application (Chapter 208)
  - Also requires police/DA to file ERPO application when presented with credible evidence

## Additional 2022 Laws

- New Transgender and Gender Non-Binary Wellness and Equity Program (Chapter 232)
- Workplace sexual harassment hotline (Chapter 138)
- Prohibits release of personnel files in retaliation against employees who complain about discrimination (Chapter 140)
- Social media platforms to collect reports of hateful conduct (Chapter 204)

## Additional 2022 Laws

- Requires non-regulated camps to perform staff background checks (Chapter 248)
- Increase number of judges in some judicial districts and Family Court (Chapter 365)
- Requires community supervision programs to be integrated into employment, educational schedules (Chapter 484)
- Study the employment rate of transgender New Yorkers (Chapter 492)

# **2022 Legislation Awaiting Governor's Action**

## Required Weapons Search and Seizure (A8102A/S6363A)

- Courts must order surrender of weapons when OP is issued, if certain risk factors are present
- If defendant willfully refuses to surrender weapons, or if good cause is shown, courts can order immediate search and seizure for weapons
- Legislation would require courts to order weapons search and seizure if defendant willfully refuses to surrender them
  - Eliminates judicial discretion and requires judges to order immediate search and seizure

## **Court Inquiries About Firearms**

(A8105B/S6443B)

- When OP is issued, would require Criminal Court to ask prosecutor and defendant about existence, location of firearms
  - Prosecutor to make reasonable efforts to obtain information
- When OP is issued, would require Family Court to ask petitioner and respondent about existence, location of firearms
  - Petitioner to be asked outside the presence of respondent

## Written Request to Provide Alternative Contact Info to Health Insurers (A2519A/S7263A)

- Health insurers already required to permit DV survivors to use alternate contact info with Order of Protection
- Bill would permit survivors to make request in writing, without OP
  - If disclosure of information could endanger them
- Would prohibit insurer from disclosing contact info, PII or nature of covered services to policy holder
- Remains in effect until DV survivor requests health insurer no longer uses alternative contact info



# Self Attest to Cancel Phone, TV Contracts

(A6207B/S7157A)

- DV survivors can already provide third party attestation or police report to break TV or phone family contracts
- Would expand documentation to include self attestation
  - Concerned abusers might use accommodation to further harm victims
  - NYSCADV working on chapter amendment
- Would restrict companies from setting restrictive conditions
- Would allow self attestation to get unlisted phone number

# Unlawful Dissemination of Image (A1121C/S7211B)

- Would create new crime if image is disseminated without victim's consent
  - With intent to degrade or abuse victim
  - With intent to cause harm to emotional, financial or physical welfare of victim or victim's family
  - For actor's own amusement, entertainment or profit
- Would provide victim and family with right of action within three years
- Would allow victims to pursue court orders to require websites to permanently remove images

# DV Training for Forensic Evaluators (A2375C/S6385B)

- Currently, no standards, certification or training requirements
- Would require biennial DV and child abuse training for licensed psychiatrists, psychologists and social workers who want to serve as forensic evaluators
  - Specific number of training hours to be determined
- Would require OPDV to contract with NYSCADV to develop and provide training
  - Training to be reviewed, updated every two years
- Specific training topics included in bill

# Statewide Electronic Tracking of SOECKs

(A9596A/S7867A)

- Would create tracking system for sexual offense evidence collection kits
  - Would permit survivors to anonymously access info about status of kit
- Would require DCJS, DOH, OVS, NYS Police and NYSCASA to develop the system
  - DCJS to promulgate rules to ensure previously untested kits are trackable and entered
- All entities that have custody of kits would be required to participate

## Additional Legislation

- Expand eligibility for home visiting services to those on public assistance and exempt from work activities (A2549/S9106)
- Increase severity of sexual conduct against child in third degree (A7079C/S9447)
- Permits electronic submission of public benefits documentation (A9118A/S6348A)
- Extend length of time for childcare assistance to 24 months (A10209A/S9029A)
- Confidentiality of sexual violence victims' voter registration records (A7748A/S3855A)

# Additional Legislation

- New youth services unit in Port Authority Police Department to provide services to at-risk youths (A9968/S8907)
- Establish Office of Racial Equity and Social Justice (A2358B/S3468B)
- Statewide campaign for acceptance, inclusion and understanding of diversity (A5913A/S123A)
- Prohibit discrimination based on citizenship or immigration status (A6328A/S6586A)
- Establishes LGBTQ+ Advisory Board (A9648A/S6501B)

**2022-2023 NYS Budget:  
Discovery and Bail Reform Article VII**

## 2022-2023 NYS Budget: ELFA Bail and Discovery Reform

- “Substantial compliance” with discovery laws
  - Cases no longer dismissed for failure to turn over one document
- When setting bail for serious felonies, courts to consider:
  - OP violation (valid or not valid)
  - Credible, current threat of serious harm to others
  - Criminal history and history of firearm use/possession
  - Another violent felony in past five years or significant criminal history demonstrating high probability the individual will re-offend prior to resolution of case
  - Clear and imminent risk of flight based on past failure to appear



- Make repeat offenses subject to arrest and eligible for bail
- Make certain gun-related offenses, hate crime offenses and subway crimes subject to arrest
- Make certain gun-related offenses eligible for bail
- Make it easier to prosecute gun trafficking
- Reform Raise the Age Statute

# 2023 Legislative Look Ahead

## 2023 Legislative Look Ahead

- Fair access to victim compensation (A8619B/S7573A)
  - Eliminate requirement of reporting crime to police
  - Allow victims to self-attest to the crime
  - Extends timeframe for filing claims from one year to three years
- Equality Amendment resolution (A41002/S51002)
- Healthy relationships K-12 curriculum (A6616/S2584A)

## 2023 Legislative Look Ahead

- Coerced debt relief (A10667)
- State-funded Internet services for shelter residents (A8552A/S3593C)
- Litigation abuse bill?

- Legislation to improve Family Court outcomes
  - Kyra’s Law (A5398A/S7425A)
  - Supervised visitation (A3314/S1584)
  - Access to child custody evaluator reports (A8110/S753)
  - Eliminate forensic evaluators (A3503/S7742)
  - Moratorium on forensic evaluators (A10328/S8952)
  - Prohibit certain forensic evaluators from appearing as expert witnesses (A10087A/S8578B)
  - Eliminate immunity for forensic evaluators (S9122)

## 2023 Lobby Days

- February 14, 2023  
Budget Advocacy Day
- May 2, 2023  
Legislative Day  
of Action



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