

PART B

34 Section 1. The article heading of article 21 of the executive law, as  
35 added by chapter 463 of the laws of 1992, is amended to read as follows:

36 ARTICLE 21

37 NEW YORK STATE OFFICE [~~FOR~~

38 ~~THE PREVENTION OF~~ TO END

39 SEXUAL AND DOMESTIC AND GENDER-BASED VIOLENCE

40 § 2. Section 575 of the executive law, as added by chapter 463 of the  
41 laws of 1992, paragraph (e) of subdivision 3 as amended and subdivision  
42 9 as added by chapter 368 of the laws of 1997, paragraph (l) of subdivi-  
43 sion 3 as added by chapter 339 of the laws of 2011, paragraph (m) of  
44 subdivision 3 as added, paragraph (n) of subdivision 3 as relettered,  
45 and paragraph (b) of subdivision 4 as amended by chapter 204 of the laws  
46 of 2020, subdivision 4 as amended by section 1 and subdivision 10 as  
47 added by section 3 of part A of chapter 491 of the laws of 2012, subdivi-  
48 sions 7 and 8 as added by chapter 396 of the laws of 1994, and para-  
49 graph (d) of subdivision 10 as amended by chapter 248 of the laws of  
50 2017, is amended to read as follows:

51 § 575. New York state office [~~for the prevention of~~ to end sexual  
and domestic  
52 ~~and gender based~~ violence. 1. Establishment of office. There is hereby  
53 established within the executive department the "New York state office  
S. 2505 12 A. 3005

1 [~~for the prevention of~~ to end sexual and domestic and gender based  
violence",

2 hereinafter in this section referred to as the "office".

3 2. Duties and responsibilities. The office shall advise the governor  
4 and the legislature on the most effective ways for state government to  
5 respond to the problem of sexual and domestic and gender based

violence. In

6 fulfilling this responsibility, the office shall consult with other  
state agencies that are responsible for addressing various aspects of sexual and  
domestic violence statewide policy and programming, including the office of  
children and family services; the office of victim services, the office of  
temporary and disability assistance, the division of criminal justice services,  
the department of health, and others. The office also shall consult with  
experts,

7 service providers, the New York State Coalition Against Domestic  
Violence, the New York State Coalition Against Sexual Assault, the Seven  
Dancers Coalition, culturally specific community-based organizations and  
representative organizations in the field of

8 sexual and domestic and gender based violence and shall act ~~as an~~  
~~advocate~~ ~~for to support~~

9 sexual and domestic and gender based violence ~~victims~~ ~~survivors~~  
and survivor-centered  
10 ~~programs~~ ~~service providers to ensure services are available, accessible,~~  
survivor-centered and trauma-informed.

11 3. ~~Definitions. For the purposes of this section the following terms~~  
12 ~~shall have the following meanings:~~

13 (a) ~~"Domestic violence" means a pattern of behavior used by an indi-~~  
14 ~~vidual to establish and maintain power and control over their intimate~~  
15 ~~partner. Such behavior includes abusive and coercive tactics, threats~~  
16 ~~and actions that may or may not rise to the level of criminal behavior,~~  
17 ~~including, but not limited to, physical, emotional, financial, and sexu-~~  
18 ~~al abuse.~~

19 ~~(b) "Gender-based violence" means threats to harm, or actual harms~~  
20 ~~committed against a person or persons based on actual or perceived sex,~~  
21 ~~gender, sexual orientation, gender identity or expression or other such~~  
22 ~~sex/gender-related characteristics. "Gender-based violence" shall~~  
23 ~~include, but not be limited to, domestic violence; sexual violence;~~  
24 ~~human trafficking; reproductive coercion and violence; stalking; and~~  
25 ~~child abuse as connected to gender-based violence. "Gender-based~~  
26 ~~violence" shall not include actions taken by a person in self defense~~  
27 ~~against an act or series of acts of gender-based violence.~~

28 ~~4. Activities. In addition, the office shall develop and implement~~  
29 ~~policies and programs designed to assist victims of domestic and~~  
30 ~~gender-based violence and their families, and to provide education and~~  
31 ~~prevention, training and technical assistance. Such sexual and~~  
domestic ~~and~~  
32 ~~gender-based~~ violence-related activities shall include, but not be  
33 limited to:

34 (a) Supporting and complementing key activities of the statewide  
sexual assault and domestic violence coalitions by:

(i) Serving as a clearinghouse resource for information and  
materials;  
35 (b)(i) Developing and coordinating community outreach and public  
educa-  
36 tion throughout the state;  
37 (e)(iii) Developing and delivering training to professionals, including  
but

38 not limited to professionals in the fields of:  
39 (a) sexual and domestic and gender-based violence;  
40 (b) health and mental health;  
41 (c) social and human services;  
42 (d) public education;  
43 (e) law enforcement and criminal justice; and  
44 (f) alcohol and substance abuse[~~7~~];  
45 (iv) Developing and promoting school-based prevention programs;  
46 (v) Providing technical assistance to state and local

government  
47 bodies and other agencies and to private businesses and not-for-profit  
48 corporations, on effective survivor-centered policies and responses to  
49 sexual and domestic and gender-based violence, including development of  
[a] model

50 [~~domestic violence~~] policies[~~, pursuant to subdivisions seven, eight and~~  
51 ~~nine of this section~~];

52 (b) Promoting and facilitating interagency cooperation among  
state  
53 agencies and intergovernmental cooperation between different levels of  
54 government in the state in the delivery and/or funding of survivor-cen-  
55 tered services;

S. 2505

13

A. 3005

1 (c) Operating, in collaboration with survivors, the New York State  
Coalition Against Domestic Violence, the New York State Coalition Against Sexual  
Assault, the Seven Dancers Coalition, 7 state coalitions, and

2 other stakeholders, as an advocate forto support [~~domestic violence~~  
~~services and~~]

3 victims survivors and for survivor-centered sexual and domestic and  
gender-based violence

4 services, including periodic regular solicitation of input from  
survivors, and

5 service providers, the New York State Coalition Against Domestic Violence, the New York State Coalition Against Sexual Assault, and the Seven Dancers Coalition regarding successes, challenges, and needs;

6 (~~d~~) Undertaking program and services needs assessments on its own

7 initiative or at the request of the governor, the legislature, ~~or~~ service

8 providers, the New York State Coalition Against Domestic Violence, the New York State Coalition Against Sexual Assault, or the Seven Dancers Coalition;

9 (~~e~~) Examining the ~~relationship~~ intersectionality between sexual assault, domestic and gender-based

10 violence and other ~~problems~~ forms of oppression such as racism, classism, poverty and ageism, and making recommendations for effective

11 policy response;

12 (~~f~~) Collecting data, conducting research, and holding public hearings;

13 (~~g~~) Making periodic reports to the governor and the legislature recom-

14 mending policy and program directions and reviewing the activities of

15 the office;

16 (~~h~~) [~~Developing~~] Working with stakeholders survivors, service providers, culturally specific community-based organizations, the New York State Coalition Against Domestic Violence, the New York State Coalition Against Sexual Assault, the Seven Dancers Coalition, and other stakeholders in developing and promoting

17 [~~senior-center based~~] gender-based violence sexual and domestic violence prevention programs, including coordinating with service providers if prevention programs or other community-based initiatives are implemented in communities where such service providers operate;

18 (~~i~~) [~~promoting best practices for abusive partner intervention~~] Working collaboratively with the New York State Coalition Against Domestic Violence, the New York State Coalition Against Sexual Assault, the Seven Dancers Coalition, survivors, sexual and domestic violence service providers, culturally specific community-based organizations, facilitators of offender accountability programs and other stakeholders to ensure equitable access to offender accountability programs throughout the state, that such programs prioritize victim safety and meaningful accountability, and such programs are conducted in full cooperation with a service provider that the survivor feels most comfortable with, including sexual and domestic violence service providers, victim service providers and culturally specific community-based providers that provide services in the same community.

~~Investigating, establishing and promoting best practices for accountability for those who harm their intimate partners;~~

21 (~~j~~) Administering grant funds appropriated and made available to

22 support compliance with article one hundred twenty-nine-b of the education law; and undertaking such actions, duties, and responsibilities as may be necessary to serve the purpose of article one hundred twenty-nine-b of the education law;

26 (~~k~~) Any other activities ~~including the making of and promulgation of~~

27 ~~rules and regulations~~ deemed necessary to [~~facilitate the prevention of~~ end sexual and domestic and gender-based violence within the scope and purview of

29 this article which are not otherwise inconsistent with any other

30 provisions of law.

**Comment [A1]:** DV and sexual assault advocates have been collaborating with New York State for many years regarding offender accountability programs. More evaluation and dialogue is needed, however, before a particular initiative, approach or model can be recommended.

**Comment [A2]:** DOH currently administers the Enough is Enough Funding. The proposed legislation changes this by transferring those funds over to OPDV to administer. We are in conversation with the Enough is Enough advocates, who receive this funding about whether they prefer to have OPDV administer these funds or DOH. Advocates want to ensure they are working with a funder who is responsive to their needs and to the needs of survivors apart of campus communities. We will provide more information about this particular component of the proposed legislation as soon as possible.

31 [4-] 54. Advisory council. (a) An advisory council is hereby  
estab-  
32 lished to make recommendations on sexual and domestic and gender-  
based-violence  
33 related issues and effective strategies [~~for the prevention of~~] to end  
34 sexual and domestic and gender-based-violence, to assist in the  
development of  
35 appropriate policies and priorities for effective intervention,  
prevention and public  
36 education-and advocacy, and to facilitate and assure communication and  
37 coordination of efforts among state agencies and between different  
38 levels of government, state, federal, and municipal, [~~for the prevention~~  
39 ~~of~~] to end sexual and domestic and gender-based-violence.

40 (b) The advisory council shall consist of nine members representing  
non-profit sexual and domestic violence service providers, or sexual and  
domestic violence survivors —and ~~seventeen~~nineteen  
41 ex-officio members. Each member shall be appointed to serve for a term  
42 of three years and shall continue in office until a successor appointed  
43 member is made. A member appointed to fill a vacancy shall be appointed  
44 for the unexpired term of the member he or she is to succeed. All of the  
45 members shall be individuals with expertise in the area of sexual and  
domestic and  
~~46 gender-based~~-violence. Three members shall be appointed by the governor,  
47 two members shall be appointed upon the recommendation of the temporary  
48 president of the senate, two members shall be appointed upon the recom-  
49 mendation of the speaker of the assembly, one member shall be appointed  
50 upon the recommendation of the minority leader of the senate, and one  
51 member shall be appointed upon the recommendation of the minority leader  
52 of the assembly. The ex-officio members of the advisory board shall  
53 consist of the director of the office, who shall chair the council, and  
54 the following members or their designees: the commissioner of the office  
55 of temporary and disability assistance; the commissioner of the depart-  
56 ment of health; the commissioner of the education department; the  
S. 2505 14 A. 3005

1 commissioner of the office of mental health; the commissioner of the  
2 office of [~~alcoholism and substance abuse~~] addiction services and  
3 supports; the commissioner of the division of criminal justice services;  
4 the superintendent of the division of state police; the director of the  
5 office of probation and correctional alternatives; the commissioner of  
6 the office of children and family services; the director of the office  
7 of victim services; the chief administrative judge of the office of  
8 court administration; the commissioner of the department of labor; the  
9 director of the state office for the aging; the commissioner of the  
10 department of corrections and community supervision; the commissioner of  
11 homes and community renewal; the ~~chief executive officer~~ director of the  
New York  
12 ~~state State coalition Coalition against Against domestic Domestic~~  
~~violenceViolence~~; and the executive director of  
13 the New York ~~state State coalition Coalition against Against sexual~~  
~~Sexual assaultAssault~~, and the executive director of the Seven Dancers  
Coalition.

14 (c) The advisory council shall meet as often as deemed necessary by  
15 the chair but in no event less than two times per year.

16 (d) The members of the advisory council shall receive no salary or  
17 other compensation for their services but shall be entitled to  
18 reimbursement for actual and necessary expenses incurred in the perform-

19 ance of their duties within amounts made available by appropriation  
20 therefor subject to the approval of the director of the budget. The  
21 ex-officio members of the advisory council shall receive no additional  
22 compensation for their services on the advisory council above the salary  
23 they receive from the respective departments or divisions that employ  
24 them.

25 ~~[5-]~~ 65. Executive director. (a) The governor shall appoint an  
execu-  
26 tive director of the office who shall serve at the pleasure of the  
27 governor.

28 (b) The executive director shall receive an annual salary fixed by the  
29 governor within the amounts appropriated specifically therefor and shall  
30 be entitled to reimbursement for reasonable expenses incurred in  
31 connection with the performance of the director's duties.

32 (c) ~~The director of the office, with the approval of the governor, may  
33 accept as agent of the state any grant, including federal grants, or any  
34 gift or donation for any of the purposes of this article. Any moneys so  
35 received may be expended by the office to effectuate any purpose of this  
36 article, subject to the applicable provisions of the state finance law.~~

37 ~~(d)~~ The executive director shall appoint staff and perform such other  
38 functions to ensure the efficient operation of the office.

39 ~~[6-]~~ 76. Assistance of other agencies. The office may request and  
shall  
40 receive in a timely manner from any department, division, board, bureau,  
41 commission or agency of the state, such information and assistance as  
42 shall enable it to properly carry out its powers and duties pursuant to  
43 this article.

44 7. Model sexual and domestic violence policy for counties. (a) The  
office shall collaborate with survivors, service providers, culturally specific  
community-based organizations, the New York State Coalition Against Domestic  
Violence, the New York State Coalition Against Sexual Assault, and the Seven  
Dancers Coalition to develop a model sexual and domestic violence policy for  
counties. For the purposes of this subdivision, "county" shall have the same  
meaning as such term is defined in section three of the county law, except that  
the city of New York shall be deemed to be one county. ~~7. Model domestic~~

~~violence policy for counties. (a) The office shall  
45 convene a task force of county level municipal officials, municipal  
46 police and members of the judiciary, or their representatives, and  
47 directors of domestic violence programs, including representatives from  
48 a statewide advocacy organization for the prevention of domestic  
49 violence, to develop a model domestic violence policy for counties. For  
50 the purposes of this subdivision, "county" shall have the same meaning  
51 as such term is defined in section three of the county law, except that  
52 the city of New York shall be deemed to be one county. The office shall  
53 give due consideration to the recommendations of the governor, the  
54 temporary president of the senate and the speaker of the assembly for  
55 participation by any person on the task force, and shall make reasonable  
56 efforts to assure regional balance in membership.~~

S. 2505

15

A. 3005

1 (b) The purpose of the model policy shall be to provide consistency  
and coordination between and by county agencies and departments, including  
Departments of Social Services, criminal justice agencies and the judiciary,  
and, as appropriate, by municipalities or other jurisdictions within the county  
and other governmental agencies and departments, by assuring that polices,  
protocols and procedures address the issue of sexual and domestic violence,  
including, but not limited to:

- (i) response, investigation and arrest policies by police agencies;
- (ii) response by other criminal justice agencies, including disposition of sexual and domestic violence complaints, and the provision of information regarding orders of protection and other available accommodations for survivors;
- (iii) response by other community-based organizations, including disposition of sexual and domestic violence complaints, the provision of information regarding orders of protection and other available accommodations for survivors, and efforts to hold offenders accountable for causing harm to others;
- (iv) response by human services and health agencies, including identification, assessment, intervention and referral policies, and efforts to hold offenders accountable for the harm caused to others;
- (v) periodic evaluation of community efforts; and
- ~~(i)-(vi)~~ other issues as shall be appropriate and relevant to address counties' response to sexual and domestic violence.

~~(b) The purpose of the model policy shall be to provide consistency and coordination by and between county agencies and departments, including criminal justice agencies and the judiciary, and, as appropriate, by municipalities or other jurisdictions within the county and other governmental agencies and departments, by assuring that best practices, policies, protocols and procedures are used to address the issue of domestic violence, and to secure the safety of the victim including, but not limited to:~~

- ~~(i) response, investigation and arrest policies by police agencies;~~
- ~~(ii) response by other criminal justice agencies, including disposition of domestic violence complaints, the provision of information and orders of protection;~~
- ~~(iii) response by human services and health agencies, including identification, assessment, intervention and referral policies and responses to victims and the perpetrators of domestic violence;~~
- ~~(iv) training and appropriate and relevant measures for periodic evaluation of community efforts; and~~
- ~~(v) other issues as shall be appropriate and relevant for the task force to develop such policy.~~

(c) Such model policy shall be reviewed biennially by the office, survivors, service providers, culturally specific community-based organizations, the New York State Coalition Against Domestic Violence, the New York State Coalition Against Sexual Assault, and the Seven Dancers Coalition to ensure consistency with existing law. Notification of the availability of such model sexual and domestic violence policy shall be made by the office to every county in the state, and copies of the policy shall be posted on the office's website and available in writing upon request.

(d) Service providers, the New York State Coalition Against Domestic Violence, the New York State Coalition Against Sexual Assault, and the Seven Dancers Coalition shall provide training and technical assistance to counties to implement the provisions of the model policy on sexual and domestic violence.

(e) Nothing contained in this subdivision shall be deemed to prevent the governing body of a county from working with local sexual and domestic violence service providers, ~~sexual violence,~~ to aid in the implementation of the policy required by this subdivision.

(f) The office shall survey county governments every four years to determine the level of compliance with the model sexual and domestic violence policy, and shall take such steps as shall be necessary to aid county governments in the implementation of such policy. ~~(e) Such model policy shall be reviewed by the task force to assure~~

~~consistency with existing law and shall be made the subject of public~~

22 ~~hearings convened by the office throughout the state at places and at~~  
23 ~~times which are convenient for attendance by the public, after which the~~  
24 ~~policy shall be reviewed by the task force and amended as necessary to~~  
25 ~~reflect concerns raised at the hearings. If approved by the task force,~~  
26 ~~such model policy shall be provided as approved with explanation of its~~  
27 ~~provisions to the governor and the legislature not later than two years~~  
28 ~~after the effective date of this subdivision. Notification of the avail-~~  
29 ~~ability of such model domestic violence policy shall be made by the~~  
30 ~~office to every county in the state, and copies of the policy shall be~~  
31 ~~made available to them upon request.~~

32 ~~(d) The office in consultation with the task force, providers of~~  
33 ~~service, the advisory council and others, including representatives of a~~  
34 ~~statewide advocacy organization for the prevention domestic violence,~~  
35 ~~shall provide technical support, information and encouragement to coun-~~  
36 ~~ties to implement the provisions of the model policy on domestic~~  
37 ~~violence.~~

38 ~~(e) Nothing contained in this subdivision shall be deemed to prevent~~  
39 ~~the governing body of a county from designating a local advisory commit-~~  
40 ~~tee to investigate the issues, work with providers of domestic violence~~  
41 ~~programs and other interested parties, and to aid in the implementation~~  
42 ~~of the policy required by this subdivision. Such governing body or advi-~~  
43 ~~sory committee may request and shall receive technical assistance from~~  
44 ~~the office for the development of such a policy. Implementation of the~~  
45 ~~model domestic violence policy may take place in a form considered~~  
46 ~~appropriate by the governing body of a county, including guidelines,~~  
47 ~~regulations and local laws.~~

48 ~~(f) The office shall survey county governments within four years of~~  
49 ~~the effective date of this subdivision to determine the level of compli-~~  
50 ~~ance with the model domestic violence policy, and shall take such steps~~  
51 ~~as shall be necessary to aid county governments in the implementation of~~  
52 ~~such policy.]~~

53 §8. State sexual and domestic violence policy. In its effort to  
identify the most effective ways for state government to respond to sexual and  
domestic violence, the office shall provide a report, with appropriate comments  
and recommendations, to the governor and the legislature, identifying any  
activities, programs, rules, regulations, guidelines or statutory requirements  
that have a direct or indirect bearing on the state's efforts and abilities to  
address the issue of sexual and domestic violence. For the purposes of this  
subdivision, "state agency" shall have the same meaning as such term is defined  
in section two-a of the state finance law.

- (a) The office shall develop such report in coordination with survivors,  
service providers, culturally specific community-based organizations, the  
New York State Coalition Against Domestic Violence, New York State  
Coalition Against Sexual Assault, the Seven Dancers Coalition, and the  
Advisory Council.
  - (b) Such report shall be consistent with existing statute and is intended to  
provide consistency and coordination by and between state agencies and  
departments to address the issue of sexual and domestic violence.
  - (c) Such model policy shall be reviewed biennially by the office, survivors,  
service providers, culturally specific community-based organizations, the  
New York State Coalition Against Domestic Violence, the New York State  
Coalition Against Sexual Assault, the Seven Dancers Coalition, and the  
Advisory Council, to ensure consistency with existing law. Notification of  
the availability of such report shall be made by the office to every state  
agency, and copies of the report shall be posted on the office's website  
and available in writing upon request.
- ~~State domestic violence policy. [(a) The office shall survey every~~

54 ~~state agency to determine any activities, programs, rules, regulations,~~  
55 ~~guidelines or statutory requirements that have a direct or indirect~~  
56 ~~bearing on the state's efforts and abilities to address the issue of~~  
S. 2505 16 A. 3005

1 ~~domestic violence including, but not limited to, the provision of~~  
2 ~~services to victims and their families. Within two years of the effec-~~  
3 ~~tive date of this subdivision, the office shall compile such information~~  
4 ~~and provide a report, with appropriate comments and recommendations, to~~  
5 ~~the governor and the legislature. For the purposes of this subdivision,~~  
6 ~~"state agency" shall have the same meaning as such term is defined in~~  
7 ~~section two-a of the state finance law.~~

8 ~~(b) Within three years of the effective date of this subdivision the~~  
9 ~~office shall recommend a state domestic violence policy consistent with~~  
10 ~~statute and best promising practice, policies, procedures and~~

~~protocols to the~~  
11 ~~governor and the legislature. The purpose of such model policy shall be~~  
12 ~~to provide consistency and coordination by and between state agencies~~  
13 ~~and departments to address the issue of domestic violence. In developing~~  
14 ~~such model policy, the office shall consult with a statewide advocacy~~  
15 ~~organization for the prevention of domestic violence, and shall assure~~  
16 ~~that the advisory council reviews all data and recommendations and shall~~  
17 ~~not submit such model policy until approved by the advisory council.~~  
18 ~~Such recommendations shall be provided exclusive of any study or report~~  
19 ~~the office is required to undertake pursuant to a chapter of the laws of~~  
20 ~~nineteen hundred ninety four, entitled "the family protection and domes-~~  
21 ~~tic violence intervention act of 1994".~~

22 ~~(e)] (d) No state agency shall promulgate a rule pursuant to the~~  
state  
23 ~~administrative procedure act, or adopt a guideline or other procedure,~~  
24 ~~including a request for proposals, directly or indirectly affecting the~~  
25 ~~provision of services to victims survivors of sexual or domestic and~~  
~~gender-based violence or service providers,~~  
26 ~~or the provision of services by residential or non-residential domestic~~  
27 ~~violence programs, as such terms are defined in section four hundred~~  
28 ~~fifty nine a of the social services law, or establish a grant program~~  
29 ~~directly or indirectly affecting such victims survivors of sexual or~~  
domestic ~~or gender-~~  
30 ~~based violence or service providers of service, without first~~

consulting the  
31 ~~office, which shall provide all comments in response to such rules,~~  
32 ~~guidelines or procedures in writing directly to the chief executive~~  
33 ~~officer of such agency, to the administrative regulations review commit-~~  
34 ~~tee and to the appropriate committees of the legislature having juris-~~  
35 ~~isdiction of the subject matter addressed within two weeks of receipt~~  
36 ~~thereof, provided that failure of the office to respond as required~~  
37 ~~herein shall not otherwise impair the ability of such state agency to~~  
38 ~~promulgate a rule. This paragraph shall not apply to an appropriation~~  
39 ~~which finances a contract with a not-for-profit organization which has~~  
40 ~~been identified for a state agency without the use of a request for~~  
41 ~~proposals.~~

42 ~~9. [Model domestic violence employee awareness and assistance policy.~~  
43 ~~(a) The office shall convene a task force including members of the busi-~~  
44 ~~ness community, employees, employee organizations, representatives from~~  
45 ~~the department of labor and the empire state development corporation,~~  
46 ~~and directors of domestic violence programs, including representatives~~  
47 ~~of statewide advocacy organizations for the prevention of domestic~~



48 ~~violence, to develop a model domestic violence employee awareness and~~  
49 ~~assistance policy for businesses.~~

50 ~~The office shall give due consideration to the recommendations of the~~  
51 ~~governor, the temporary president of the senate, and the speaker of the~~  
52 ~~assembly for participation by any person on the task force, and shall~~  
53 ~~make reasonable efforts to assure regional balance in membership.~~

54 ~~(b) The purpose of the model employee awareness and assistance policy~~  
55 ~~shall be to provide businesses with the best practices, policies, proto-~~  
56 ~~cols and procedures in order that they ascertain domestic violence~~

S. 2505

17

A. 3005

1 ~~awareness in the workplace, assist affected employees, and provide a~~  
2 ~~safe and helpful working environment for employees currently or poten-~~  
3 ~~tially experiencing the effects of domestic violence. The model plan~~  
4 ~~shall include but not be limited to:~~

5 ~~(i) the establishment of a definite corporate policy statement recog-~~  
6 ~~ning domestic violence as a workplace issue as well as promoting the~~  
7 ~~need to maintain job security for those employees currently involved in~~  
8 ~~domestic violence disputes;~~

9 ~~(ii) policy and service publication requirements, including posting~~  
10 ~~said policies and service availability pamphlets in break rooms, on~~  
11 ~~bulletin boards, restrooms and other communication methods;~~

12 ~~(iii) a listing of current domestic violence community resources such~~  
13 ~~as shelters, crisis intervention programs, counseling and case manage-~~  
14 ~~ment programs, legal assistance and advocacy opportunities for affected~~  
15 ~~employees;~~

16 ~~(iv) measures to ensure workplace safety including, where appropriate,~~  
17 ~~designated parking areas, escort services and other affirmative safe-~~  
18 ~~guards;~~

19 ~~(v) training programs and protocols designed to educate employees and~~  
20 ~~managers in how to recognize, approach and assist employees experiencing~~  
21 ~~domestic violence, including both victims and batterers; and~~

22 ~~(vi) other issues as shall be appropriate and relevant for the task~~  
23 ~~force in developing such model policy.~~

24 ~~(c) Such model policy shall be reviewed by the task force to assure~~  
25 ~~consistency with existing law and shall be made the subject of public~~  
26 ~~hearings convened by the office throughout the state at places and at~~  
27 ~~times which are convenient for attendance by the public, after which the~~  
28 ~~policy shall be reviewed by the task force and amended as necessary to~~  
29 ~~reflect concerns raised at the hearings. If approved by the task force,~~  
30 ~~such model policy shall be provided as approved with explanation of its~~  
31 ~~provisions to the governor and the legislature not later than one year~~  
32 ~~after the effective date of this subdivision. The office shall make~~  
33 ~~every effort to notify businesses of the availability of such model~~  
34 ~~domestic violence employee awareness and assistance policy.~~

35 ~~(d) The office in consultation with the task force, providers of~~  
36 ~~services, the advisory council, the department of labor, the empire~~  
37 ~~state development corporation, and representatives of statewide advocacy~~  
38 ~~organizations for the prevention of domestic violence, shall provide~~  
39 ~~technical support, information, and encouragement to businesses to~~  
40 ~~implement the provisions of the model domestic violence employee aware-~~  
41 ~~ness and assistance policy.~~

42 ~~(e) Nothing contained in this subdivision shall be deemed to prevent~~  
43 ~~businesses from adopting their own domestic violence employee awareness~~  
44 ~~and assistance policy.~~

45 ~~(f) The office shall survey businesses within four years of the effec-~~  
46 ~~tive date of this section to determine the level of model policy~~

47 ~~adoption amongst businesses and shall take steps necessary to promote~~  
48 ~~the further adoption of such policy.~~

49 ~~10-]~~ 9. Fatality review team. (a) There shall be established within  
the  
50 office a fatality review team for the purpose of analyzing, in conjunc-  
51 tion with local representation, the domestic violence-related death or  
52 near death of individuals, with the goal of:

53 (i) examining the trends and patterns of domestic violence-related  
54 fatalities in New York state;  
S. 2505 18 A. 3005

1 (ii) educating the public, service providers, and policymakers about  
2 domestic violence fatalities and strategies for intervention and  
3 prevention; and

4 (iii) recommending policies, practices, procedures, and services to  
5 reduce fatalities due to domestic violence.

6 (b) A domestic violence-related death or near death shall mean any  
7 death or near death caused by a family or household member as defined in  
8 section eight hundred twelve of the family court act or section 530.11  
9 of the criminal procedure law. In cases involving , except that there

~~shall be no review of~~  
~~10 the death or near death of a child in households where domestic~~  
~~violence has been alleged or confirmed, the office shall consult with for those~~  
~~cases in which the office~~

11 of children and family services is required to determine which state  
agency is best suited to investigate the death or near death, to issue a  
fatality report

~~12 in accordance with subdivision five of section twenty of the social~~  
~~13 services law.~~

14 (c) The team shall review deaths or near deaths in cases that have  
15 been adjudicated and have received a final judgment and that are not  
16 under investigation.

17 (d) Members of a domestic violence fatality review team shall be  
18 appointed by the executive director, [~~in consultation with the advisory~~  
19 ~~council,~~] and shall include, but not be limited to, one representative  
20 from the office of children and family services, the office of temporary  
21 and disability assistance, the division of criminal justice services,  
22 the state police, the department of health, the office of court adminis-  
23 tration, the office of probation and correctional alternatives, the  
24 department of corrections and community supervision, the office of  
25 victim services, at least one representative from local law enforcement,  
26 a county prosecutor's office, a local social services district, a member  
27 of the judiciary, the New York State Coalition Against Domestic Violence  
and a local domestic violence service provider ~~domestic violence services~~  
~~program approved licensed by~~

28 the office of children and family services. A domestic violence fatality  
29 review team may also include representatives from sexual assault  
30 services programs, public health, mental health and substance abuse  
31 agencies, hospitals, clergy, local school districts, local divisions of  
32 probation, local offices of the department of corrections and community  
33 supervision, the office of the medical examiner or coroner, any local  
34 domestic violence task force, coordinating council or other interagency  
35 entity that meets regularly to support a coordinated community response  
36 to domestic violence, any other program that provides services to domes-  
37 tic violence victims, or any other person necessary to the work of the

38 team, including survivors of domestic violence and or members of the  
39 survivor's family or household, excluding any individual convicted of causing  
40 such death or near death.

41 (e) The team shall identify potential cases and shall select which  
42 deaths or near deaths will be reviewed each year. Localities may request  
43 that the team conduct a review of a particular death or near death.

44 (f) The team shall work with officials, local service providers and  
45 other community-based organizations within the  
46 community where the death or near death occurred to conduct each review.

47 (g) Team members shall serve without compensation but are entitled to  
48 be reimbursed for travel expenses to the localities where a fatality  
49 review will be conducted and members who are full-time salaried officers  
50 or employees of the state or of any political subdivision of the state  
51 are entitled to their regular compensation.

52 (h) To the extent consistent with federal law, upon request the team  
53 shall be provided client-identifiable information and records necessary  
54 for the investigation of a domestic violence-related death or near death  
55 incident, including, but not limited to:

56 (i) records maintained by a local social services district;

57 (ii) law enforcement records, except where the provision of such  
58 records would interfere with an ongoing law enforcement investigation or  
59 S. 2505 19 A. 3005

60 identify a confidential source or endanger the safety or welfare of an  
61 individual;

62 (iii) court records;

63 (iv) probation and parole records;

64 (v) records from domestic violence ~~residential or non residential~~  
65 ~~programs~~ service providers, after affording such provider the opportunity  
66 to make a reasonable effort to notify the victim's personal representative,  
67 adult child(ren) and/or guardian of such child(ren) that such information will  
68 be shared within a process that is consistent with federal confidentiality  
69 provisions;

70 (vi) records from any relevant service provider, program or organiza-  
71 tion, after affording such provider, program or organization the  
72 opportunity to make a reasonable effort to notify the victim's personal  
73 representative, adult child(ren) and/or guardian of such child(ren) that such  
74 information will be shared within a process that is consistent with federal  
75 confidentiality provisions; and

76 (vii) all other relevant records in the possession of state and  
77 local

78 officials or agencies provided, however, no official or agency shall be  
79 required to provide information or records concerning a person charged,  
80 investigated or convicted in such death or near death in violation of  
81 such person's attorney-client privilege.

82 (i) Any information or records otherwise sealed, confidential and  
83 privileged in accordance with state and federal law which are provided  
84 to the team

85 shall remain sealed, confidential, and privileged as otherwise provided  
86 by law. All records received, meetings conducted, reports and records  
87 made and maintained and all books and papers obtained by the team shall  
88 be confidential and shall not be open or made available, except by court  
89 order or as set forth in paragraphs (k) and (l) of this subdivision.

90 (j) Any person who releases or permits the release of any information  
91 protected under paragraph (i) of this subdivision to persons or agencies  
92 not authorized to receive such information shall be guilty of a class A  
93 misdemeanor.

25 (k) Team members, service providers and persons who present  
information to the team shall  
26 not be questioned in any civil or criminal proceeding regarding any  
27 opinions formed as a result of a meeting of the team. Nothing in this  
28 section shall be construed to prevent a person from testifying as to  
29 information which is obtained independently of the team or information  
30 which is public.

31 (l) Team members are not liable for damages or other relief in any  
32 action brought by reason of the reasonable and good faith performance of  
33 a duty, function, or activity of the team.

34 (m) Consistent with all federal and state confidentiality protections,  
35 the team may provide recommendations to any individual, state or local  
agency or municipality, community coordinated response team or task force, or  
community-based organization or entity for

36 appropriate actions to improve a community's response to domestic  
37 violence.

38 (n) The team shall ~~periodically~~ submit an annual cumulative  
report to the  
39 governor and the legislature incorporating the aggregate data and a  
40 summary of the general findings and recommendations resulting from the  
41 domestic violence fatality reviews completed pursuant to this subdivi-  
42 sion during that year. The cumulative report shall thereafter be  
posted on the office website and made available to the

43 public in writing by request, consistent with federal and state  
confidentiality protections.

44 § 3. Subdivision 6 of section 530.11 of the criminal procedure law, as  
45 amended by chapter 663 of the laws of 2019, is amended to read as  
46 follows:

47 6. Notice. Every police officer, peace officer or district attorney  
48 investigating a family offense under this article shall advise the  
49 victim of the availability of a shelter or other services in the commu-  
50 nity, and shall immediately give the victim written notice of the legal  
51 rights and remedies available to a victim of a family offense under the  
52 relevant provisions of this chapter and the family court act. Such  
53 notice shall be prepared, at minimum, in plain English, Spanish, Chinese  
54 and Russian and if necessary, shall be delivered orally, and shall  
55 include but not be limited to the information contained in the following  
56 statement:

S. 2505

20

A. 3005

1 "Are you the victim of domestic violence? If you need help now, you  
2 can call 911 for the police to come to you. You can also call a domestic  
3 violence hotline. You can have a confidential talk with an advocate at  
4 the hotline about help you can get in your community including: where  
5 you can get treatment for injuries, where you can get shelter, where you  
6 can get support, and what you can do to be safe. The New York State  
7 24-hour Domestic & Sexual Violence Hotline number is (insert the state-  
8 wide multilingual 800 number). They can give you information in many  
9 languages. If you are deaf or hard of hearing, call 711.

10 This is what the police can do:

11 They can help you and your children find a safe place such as a family  
12 or friend's house or a shelter in your community.

13 You can ask the officer to take you or help you and your children get  
14 to a safe place in your community.

15 They can help connect you to a local domestic violence program.

16 They can help you get to a hospital or clinic for medical care.

17 They can help you get your personal belongings.

18 They must complete a report discussing the incident. They will give  
19 you a copy of this police report before they leave the scene. It is  
20 free.

21 They may, and sometimes must, arrest the person who harmed you if you  
22 are the victim of a crime. The person arrested could be released at any  
23 time, so it is important to plan for your safety.

24 If you have been abused or threatened, this is what you can ask the  
25 police or district attorney to do:

26 File a criminal complaint against the person who harmed you.

27 Ask the criminal court to issue an order of protection for you and  
28 your child if the district attorney files a criminal case with the  
29 court.

30 Give you information about filing a family offense petition in your  
31 local family court.

32 You also have the right to ask the family court for an order of  
33 protection for you and your children.

34 This is what you can ask the family court to do:

35 To have your family offense petition filed the same day you go to  
36 court.

37 To have your request heard in court the same day you file or the next  
38 day court is open.

39 Only a judge can issue an order of protection. The judge does that as  
40 part of a criminal or family court case against the person who harmed  
41 you. An order of protection in family court or in criminal court can  
42 say:

43 That the other person have no contact or communication with you by  
44 mail, phone, computer or through other people.

45 That the other person stay away from you and your children, your home,  
46 job or school.

47 That the other person not assault, harass, threaten, strangle, or  
48 commit another family offense against you or your children.

49 That the other person turn in their firearms and firearms licenses,  
50 and not get any more firearms.

51 That you have temporary custody of your children.

52 That the other person pay temporary child support.

53 That the other person not harm your pets or service animals.

54 If the family court is closed because it is night, a weekend, or a  
55 holiday, you can go to a criminal court to ask for an order of  
56 protection.

S. 2505

21

A. 3005

1 If you do not speak English or cannot speak it well, you can ask the  
2 police, the district attorney, or the criminal or family court to get  
3 you an interpreter who speaks your language. The interpreter can help  
4 you explain what happened.

5 You can get the forms you need to ask for an order of protection at  
6 your local family court (insert addresses and contact information for  
7 courts). You can also get them online: [www.NYCourts.gov/forms](http://www.NYCourts.gov/forms).

8 You do not need a lawyer to ask for an order of protection.

9 You have a right to get a lawyer in the family court. If the family  
10 court finds that you cannot afford to pay for a lawyer, it must get you  
11 one for free.

12 If you file a complaint or family court petition, you will be asked to  
13 swear to its truthfulness because it is a crime to file a legal document  
14 that you know is false."

15 The division of criminal justice services in consultation with the

16 state office [~~for the prevention of~~] to end sexual and domestic and  
gender-based  
17 violence and the New York State Coalition Against Domestic Violence  
shall prepare the form of such written notice consistent with  
18 provisions of this section and distribute copies thereof to the appro-  
19 priate law enforcement officials pursuant to subdivision nine of section  
20 eight hundred forty-one of the executive law.

21 Additionally, copies of such notice shall be provided to the chief  
22 administrator of the courts to be distributed to ~~victims~~ survivors  
of family  
23 offenses through the criminal court at such time as such persons first  
24 come before the court and to the state department of health for distrib-  
25 ution to all hospitals defined under article twenty-eight of the public  
26 health law. No cause of action for damages shall arise in favor of any  
27 person by reason of any failure to comply with the provisions of this  
28 subdivision except upon a showing of gross negligence or willful miscon-  
29 duct.

30 § 4. Subparagraph (i) of paragraph (b) of subdivision 3 of section 15  
31 of the domestic relations law, as amended by chapter 35 of the laws of  
32 2017, is amended to read as follows:

33 (i) provide notification to each minor party of his or her rights,  
34 including but not limited to, rights in relation to termination of the  
35 marriage, child and spousal support, domestic violence services and  
36 access to public benefits and other services, which notification shall  
37 be developed by the office of court administration, in consultation with  
38 the office [~~for the prevention of~~] to end sexual and domestic and  
gender-based  
39 violence;

40 § 5. Section 214-b of the executive law, as amended by chapter 432 of  
41 the laws of 2015, is amended to read as follows:

42 § 214-b. Family offense intervention. The superintendent shall, for  
43 all members of the state police including new and veteran officers,  
44 develop, maintain and disseminate, in consultation with the state office  
45 [~~for the prevention of~~] to end sexual and domestic and gender-based  
violence, writ-

46 ten policies and procedures consistent with article eight of the family  
47 court act and applicable provisions of the criminal procedure and domes-  
48 tic relations laws, regarding the investigation of and intervention in  
49 incidents of family offenses. Such policies and procedures shall make  
50 provision for education and training in the interpretation and enforce-  
51 ment of New York's family offense laws, including but not limited to:

52 (a) intake and recording of victim statements, and the prompt trans-  
53 lation of such statements if made in a language other than English, in  
54 accordance with subdivision (c) of this section, on a standardized  
55 "domestic violence incident report form" promulgated by the state divi-  
56 sion of criminal justice services in consultation with the superinten-  
S. 2505 22 A. 3005

1 dent and with the state office [~~for the prevention of~~] to end sexual  
and domestic  
2 and gender-based violence, and the investigation thereof so as to ascer-  
3 tain whether a crime has been committed against the victim by a member  
4 of the victim's family or household as such terms are defined in section  
5 eight hundred twelve of the family court act and section 530.11 of the  
6 criminal procedure law;

7 (b) the need for immediate intervention in family offenses including  
8 the arrest and detention of alleged offenders, pursuant to subdivision

9 four of section 140.10 of the criminal procedure law, and notifying  
10 victims of their rights, in their native language, if identified as  
11 other than English, in accordance with subdivision (c) of this section,  
12 including but not limited to immediately providing the victim with the  
13 written notice provided in subdivision six of section 530.11 of the  
14 criminal procedure law and subdivision five of section eight hundred  
15 twelve of the family court act.

16 (c) The superintendent, in consultation with the division of criminal  
17 justice services and the office [~~for the prevention of~~] to end sexual  
and domestic

18 and gender-based violence shall determine the languages in which such  
19 translation required by subdivision (a) of this section, and the notifi-  
20 cation required pursuant to subdivision (b) of this section, shall be  
21 provided. Such determination shall be based on the size of the New York  
22 state population that speaks each language and any other relevant  
23 factor. Such written notice required pursuant to subdivision (b) of this  
24 section shall be made available to all state police officers in the  
25 state.

26 § 6. Subdivision 1 of section 221-a of the executive law, as amended  
27 by chapter 492 of the laws of 2015, is amended to read as follows:

28 1. The superintendent, in consultation with the division of criminal  
29 justice services, office of court administration, and the office [~~for~~  
30 ~~the prevention of~~] to end sexual and domestic and gender-based  
violence, shall

31 develop a comprehensive plan for the establishment and maintenance of a  
32 statewide computerized registry of all orders of protection issued  
33 pursuant to articles four, five, six, eight and ten of the family court  
34 act, section 530.12 of the criminal procedure law and, insofar as they  
35 involve victims of domestic violence as defined by section four hundred  
36 fifty-nine-a of the social services law, section 530.13 of the criminal  
37 procedure law and sections two hundred forty and two hundred fifty-two  
38 of the domestic relations law, and orders of protection issued by courts  
39 of competent jurisdiction in another state, territorial or tribal juris-  
40 diction, special orders of conditions issued pursuant to subparagraph  
41 (i) or (ii) of paragraph (c) of subdivision one of section 330.20 of the  
42 criminal procedure law insofar as they involve a victim or victims of  
43 domestic violence as defined by subdivision one of section four hundred  
44 fifty-nine-a of the social services law or a designated witness or  
45 witnesses to such domestic violence, and all warrants issued pursuant to  
46 sections one hundred fifty-three and eight hundred twenty-seven of the  
47 family court act, and arrest and bench warrants as defined in subdivi-  
48 sions twenty-eight, twenty-nine and thirty of section 1.20 of the crimi-  
49 nal procedure law, insofar as such warrants pertain to orders of  
50 protection or temporary orders of protection; provided, however, that  
51 warrants issued pursuant to section one hundred fifty-three of the fami-  
52 ly court act pertaining to articles three and seven of such act and  
53 section 530.13 of the criminal procedure law shall not be included in  
54 the registry. The superintendent shall establish and maintain such  
55 registry for the purposes of ascertaining the existence of orders of  
56 protection, temporary orders of protection, warrants and special orders  
S. 2505 23 A. 3005

1 of conditions, and for enforcing the provisions of paragraph (b) of  
2 subdivision four of section 140.10 of the criminal procedure law.

3 § 7. The opening paragraph of subdivision 15 of section 837 of the  
4 executive law, as amended by chapter 432 of the laws of 2015, is amended  
5 to read as follows:

6 Promulgate, in consultation with the superintendent of state police  
7 and the state office [~~for the prevention of~~] to end sexual and  
domestic and

~~gender based~~ violence, and in accordance with paragraph (f) of subdivi-  
9 sion three of section eight hundred forty of this article, a standard-  
10 ized "domestic violence incident report form" for use by state and local  
11 law enforcement agencies in the reporting, recording and investigation  
12 of all alleged incidents of domestic violence, regardless of whether an  
13 arrest is made as a result of such investigation. Such form shall be  
14 prepared in multiple parts, one of which shall be immediately provided  
15 to the victim, and shall include designated spaces for: the recordation  
16 of the results of the investigation by the law enforcement agency and  
17 the basis for any action taken; the recordation of a victim's allega-  
18 tions of domestic violence; the age and gender of the victim and the  
19 alleged offender or offenders; and immediately thereunder a space on  
20 which the victim may sign and verify such victim's allegations. Such  
21 form shall also include, but not be limited to spaces to identify:

22 § 8. Paragraph (f) of subdivision 3 of section 840 of the executive  
23 law, as amended by chapter 432 of the laws of 2015, is amended to read  
24 as follows:

25 (f) Develop, maintain and disseminate, in consultation with the state  
26 office [~~for the prevention of~~] to end sexual and domestic and  
gender based

27 violence, written policies and procedures consistent with article eight  
28 of the family court act and applicable provisions of the criminal proce-  
29 dure and domestic relations laws, regarding the investigation of and  
30 intervention by new and veteran police officers in incidents of family  
31 offenses. Such policies and procedures shall make provisions for educa-  
32 tion and training in the interpretation and enforcement of New York's  
33 family offense laws, including but not limited to:

34 (1) intake and recording of victim statements, and the prompt trans-  
35 lation of such statements if made in a language other than English, in  
36 accordance with subparagraph three of this paragraph, on a standardized  
37 "domestic violence incident report form" promulgated by the division of  
38 criminal justice services in consultation with the superintendent of  
39 state police, representatives of local police forces and the state  
40 office [~~for the prevention of~~] to end sexual and domestic and

gender based  
41 violence, and the investigation thereof so as to ascertain whether a  
42 crime has been committed against the victim by a member of the victim's  
43 family or household as such terms are defined in section eight hundred  
44 twelve of the family court act and section 530.11 of the criminal proce-  
45 dure law; and

46 (2) the need for immediate intervention in family offenses including  
47 the arrest and detention of alleged offenders, pursuant to subdivision  
48 four of section 140.10 of the criminal procedure law, and notifying  
49 victims of their rights, in their native language, if identified as  
50 other than English, in accordance with subparagraph three of this para-  
51 graph, including but not limited to immediately providing the victim  
52 with the written notice required in subdivision six of section 530.11 of  
53 the criminal procedure law and subdivision five of section eight hundred  
54 twelve of the family court act;

55 (3) determine, in consultation with the superintendent of state police  
56 and the office [~~for the prevention of~~] to end sexual and domestic and  
gender based



1 violence, the languages in which such translation required by subpara-  
2 graph one of this paragraph, and the notification required by subpara-  
3 graph two of this paragraph, shall be provided. Such determination shall  
4 be based on the size of the New York state population that speaks each  
5 language and any other relevant factor. Such written notice required  
6 pursuant to subparagraph two of this paragraph shall be made available  
7 to all local law enforcement agencies throughout the state. Nothing in  
8 this paragraph shall prevent the council from using the determinations  
9 made by the superintendent of state police pursuant to subdivision (c)  
10 of section two hundred fourteen-b of this chapter;

11 § 9. The opening paragraph of paragraph 2 of subdivision (b) of  
12 section 153-c of the family court act, as added by chapter 367 of the  
13 laws of 2015, is amended to read as follows:

14 Development of a pilot program. A plan for a pilot program pursuant to  
15 this section shall be developed by the chief administrator of the courts  
16 or his or her delegate in consultation with one or more local programs  
17 providing assistance to victims of domestic violence, the office [~~for~~  
18 ~~the prevention of~~] to end sexual and domestic and gender-based violence,

and attor-

19 neys who represent family offense petitions. The plan shall include, but  
20 is not limited to:

21 § 10. Paragraph 2 of subdivision (a) of section 249-b of the family  
22 court act, as added by chapter 476 of the laws of 2009, is amended to  
23 read as follows:

24 2. provide for the development of training programs with the input of  
25 and in consultation with the New York State Coalition Against Domestic  
Violence and the state office [~~for the prevention of~~] to end

26 sexual and domestic and gender-based violence, and providers of such  
training shall be domestic violence service providers licensed by the office of  
children and family services to provide such services. Such training programs  
must include

27 the dynamics of domestic violence and its effect on ~~victims-survivors~~  
and on chil-

28 dren, and the relationship between such dynamics and the issues consid-  
29 ered by the court, including, but not limited to, custody, visitation  
30 and child support. Such training programs ~~along with the providers of~~

31 ~~such training~~ must be approved by the office of court administration  
32 following consultation with and input from the New York State  
Coalition Against Domestic Violence and the state office ~~for the to end~~

33 prevention of sexual and domestic violence, and providers of such  
training shall be domestic violence service providers licensed by the office of  
children and family services to provide such services; and

34 § 11. The closing paragraph of subdivision 5 of section 812 of the  
35 family court act, as amended by chapter 663 of the laws of 2019, is  
36 amended to read as follows:

37 The division of criminal justice services in consultation with the  
38 state office [~~for the prevention of~~] to end sexual and domestic ~~and~~

gender-based

39 violence shall prepare the form of such written notice consistent with  
40 the provisions of this section and distribute copies thereof to the  
41 appropriate law enforcement officials pursuant to subdivision nine of  
42 section eight hundred forty-one of the executive law. Additionally,  
43 copies of such notice shall be provided to the chief administrator of  
44 the courts to be distributed to victims of family offenses through the  
45 family court at such time as such persons first come before the court  
46 and to the state department of health for distribution to all hospitals  
47 defined under article twenty-eight of the public health law. No cause of

48 action for damages shall arise in favor of any person by reason of any  
49 failure to comply with the provisions of this subdivision except upon a  
50 showing of gross negligence or willful misconduct.

51 § 12. Subdivision 3 of section 403 of the general business law, as  
52 amended by chapter 715 of the laws of 2019, is amended to read as  
53 follows:

54 3. The advisory committee shall advise the secretary on all matters  
55 relating to this article, and on such other matters as the secretary  
56 shall request. In advising the secretary on matters concerning profes-  
S. 2505 25 A. 3005

1 sional education or curriculum, inclusive of the maintenance of cultural  
2 and ethnic awareness within the prescribed curriculum in regard to hair  
3 types, including, but not limited to, curl pattern, hair strand thick-  
4 ness, and volume of hair, the advisory committee shall, to the extent  
5 practicable, consult with the state education department. The advisory  
6 committee is directed, in consultation with the department of state, the  
7 New York state office [~~for the prevention of~~] to end sexual and

domestic and

~~8 gender-based~~ violence, and the New York State Coalition Against Domestic  
Violence, the New York State Coalition Against Sexual Assault, and the Seven  
Dancers Coalition, an advocacy group recognized by the federal

~~9 department of health and human services, which has the ability to coor-  
10 dinate statewide and with local communities on programming and educa-  
11 tional materials related to the prevention and intervention of domestic  
12 violence in New York state, to develop, provide for and integrate aware-  
13 ness training on domestic violence and sexual assault for all prospec-  
14 tive students seeking to be licensed under this article. Further, on a  
15 voluntary basis for those seeking to renew their license as provided for  
16 in this article to develop and provide access to educational material  
17 for domestic violence and sexual assault awareness.~~

18 § 13. Section 408-b of the general business law, as amended by chapter  
19 71 of the laws of 2020, is amended to read as follows:

20 § 408-b. Domestic violence and sexual assault awareness education. The  
21 department shall ensure that domestic violence and sexual assault aware-  
22 ness education courses are made available to all licensees and appli-  
23 cants for a license or renewal pursuant to this article and that such  
24 courses are offered through the department's website. The department, in  
25 consultation with the office [~~for the prevention of~~] to end sexual and

domestic and

~~26 gender-based~~ violence, the New York State Coalition Against Domestic  
Violence, the New York State Coalition Against Sexual Assault, and the Seven  
Dancers Coalition and advocacy groups recognized by the federal

~~27 department of health and human services or the federal department of  
28 justice, which have the ability to coordinate statewide and with local  
29 communities on programming and educational materials related to the  
30 prevention and intervention of domestic violence or sexual assault in  
31 New York state, shall develop and provide access to domestic violence  
32 and sexual assault awareness education courses appropriate for those  
33 licensed under this article.~~

34 § 14. Subsections (f) and (g) and paragraph 8 of subsection (h) of  
35 section 2612 of the insurance law, subsection (f) as amended by chapter  
36 246 of the laws of 2005, subsection (g) as added by chapter 361 of the  
37 laws of 2006, and paragraph 8 of subsection (h) as added by section 2 of  
38 part E of chapter 491 of the laws of 2012, are amended to read as  
39 follows:

40 (f) If any person covered by an insurance policy issued to another

41 person as the policyholder delivers to the insurer that issued the poli-  
42 cy, at its home office, a valid order of protection against the policy-  
43 holder, issued by a court of competent jurisdiction in this state, the  
44 insurer shall be prohibited for the duration of the order from disclos-  
45 ing to the policyholder the address and telephone number of the insured,  
46 or of any person or entity providing covered services to the insured. If  
47 a child is the covered person, the right established by this subsection  
48 may be asserted by, and shall also extend to, the parent or guardian of  
49 the child. The superintendent, in consultation with the commissioner of  
50 health and the office of children and family services and the office  
51 ~~[for the prevention of]~~ to end sexual and domestic ~~and gender based~~

violence, shall

52 promulgate rules to guide and enable insurers to guard against the  
53 disclosure of the address and location of an insured who is a victim of  
54 domestic violence.

55 (g) If any person covered by a group insurance policy delivers to the  
56 insurer that issued the policy, at its home office, a valid order of  
S. 2505 26 A. 3005

1 protection against another person covered by the group policy, issued by  
2 a court of competent jurisdiction in this state, the insurer shall be  
3 prohibited for the duration of the order from disclosing to the person  
4 against whom the valid order of protection was issued the address and  
5 telephone number of the insured person covered by the order of  
6 protection, or of any person or entity providing covered services to the  
7 insured person covered by the order of protection. If a child is the  
8 covered person, the right established by this subsection may be asserted  
9 by, and shall also extend to, the parent or guardian of the child. The  
10 superintendent, in consultation with the commissioner of health, the  
11 office of children and family services and the office ~~[for the~~

12 ~~prevention of]~~ to end sexual and domestic ~~and gender based~~-violence,

shall promul-

13 gate rules to guide and enable insurers to guard against the disclosure  
14 of the address and location of an insured who is a victim of domestic  
15 violence.

16 (8) The superintendent, in consultation with the commissioner of  
17 health, the office of children and family services and the office ~~[for~~

18 ~~the prevention of]~~ to end sexual and domestic ~~and gender based~~

violence, shall

19 promulgate rules to guide health insurers in guarding against the  
20 disclosure of the information protected pursuant to this subsection.  
21 § 15. Section 10-a of the labor law, as added by chapter 527 of the  
22 laws of 1995, is amended to read as follows:

23 § 10-a. Domestic violence policy. The commissioner shall study the  
24 issue of employees separated from employment due to acts of domestic  
25 violence as referred to in and qualified by section four hundred fifty-  
26 nine-a of the social services law. The commissioner shall consult with  
27 the New York state office ~~[for the prevention of]~~ to end sexual and

domestic ~~and~~

28 ~~gender based~~-violence and its advisory council, the department of social

29 services, the division of women, the New York State Coalition Against  
Domestic Violence, domestic violence survivors and domestic violence service  
providers and members of the public in preparing

30 such study. Such study shall include a review of case histories in  
31 which unemployment compensation was sought and an analysis of the poli-  
32 cies in other states. A copy of such study shall be transmitted to the  
33 temporary president of the senate and the speaker of the assembly on or

34 before January fifteenth, nineteen hundred ninety-six and shall contain  
35 policy recommendations.

36 § 16. Section 10-b of the labor law, as added by chapter 368 of the  
37 laws of 1997, is ~~amended to read as follows~~ repealed:

~~38 § 10 b. Domestic violence employee awareness and assistance. The  
39 commissioner shall assist the office [~~for the prevention of~~] to end  
40 domestic and gender based violence in the creation, approval and dissem-  
41 ination of the model domestic violence employee awareness and assistance  
42 policy as further defined in subdivision nine of section five hundred  
43 seventy five of the executive law. Upon completion and approval of the  
44 model plan as outlined in subdivision nine of section five hundred  
45 seventy five of the executive law, the commissioner shall assist in the  
46 promotion of the model policy to businesses in New York state.~~

47 § 17. Section 2137 of the public health law, as added by chapter 163  
48 of the laws of 1998, is amended to read as follows:

49 § 2137. Domestic violence recognition. The department shall, in  
50 consultation with the office [~~for the prevention of~~] to end sexual and  
domestic and

~~51 gender based~~ violence, the New York State Coalition Against Domestic  
Violence, the New York State Coalition Against Sexual Assault, the Seven  
Dancers Coalition, and statewide organizations and community based

52 organizations, develop a protocol for the identification and screening  
53 of victims of domestic violence who may either be a protected individual  
54 or a contact as used in this title.

55 § 18. Subdivision 2 of section 2803-p of the public health law, as  
56 added by chapter 271 of the laws of 1997, is amended to read as follows:  
S. 2505 27 A. 3005

1 2. Every hospital having maternity and newborn services shall provide  
2 information concerning family violence to parents of newborn infants at  
3 any time prior to the discharge of the mother. Such information shall  
4 also be provided by every diagnostic and treatment center offering  
5 prenatal care services to women upon an initial prenatal care visit.  
6 The commissioner shall, in consultation with the state office [~~for the~~  
7 ~~prevention of~~] to end sexual and domestic and gender based violence, the  
New York State Coalition Against Domestic Violence, the New York State Coalition  
Against Sexual Assault, the Seven Dancers Coalition and the depart-

8 ment of social services, prepare, produce and transmit such notice to  
9 such facilities in quantities sufficient to comply with the requirements  
10 of this section. Such notice shall contain information which shall  
11 include but not be limited to the effects of family violence and the  
12 services available to women and children experiencing family violence.

13 Such information shall be in clear and concise language readily  
14 comprehensible. Nothing in this section shall preclude a facility from  
15 providing the notice required by this section as an addendum to, or in  
16 connection with, any other information required to be provided by any  
17 other provision of law, rule or regulation.

18 § 19. Subdivision 3 of section 2805-z of the public health law, as  
19 amended by chapter 37 of the laws of 2020, is amended to read as  
20 follows:

21 3. The commissioner shall promulgate such rules and regulations as may  
22 be necessary and proper to carry out effectively the provisions of this  
23 section. Prior to promulgating such rules and regulations, the commis-  
24 sioner shall consult with the office [~~for the prevention of~~] to end  
25 sexual and domestic and gender based violence, the New York State  
Coalition Against Domestic Violence, the New York State Coalition Against Sexual  
Assault, the Seven Dancers Coalition, survivors of sexual and domestic violence

service providers, and culturally specific community-based organizations ~~and other such persons as the commis-~~

~~sioner deems necessary~~ to develop a model policy for hospitals to utilize in complying with this section and to identify the domestic violence or victim assistance organizations operating in each hospital's geographic area, a list of which the commissioner shall provide to hospitals with the model policy.

§ 20. The opening paragraph of subdivision (g) of section 17 of the social services law, as added by chapter 280 of the laws of 2002, is amended to read as follows:

require participation of all employees of a child protective service in a training course which has been developed by the office [~~for the prevention of~~] to end sexual and domestic and gender-based violence, the New York State Coalition Against Domestic Violence, the New York State Coalition Against Sexual Assault, the Seven Dancers Coalition and in conjunction

~~with~~ the office of children and family services whose purpose is to develop an understanding of the dynamics of domestic violence and its connection to child abuse and neglect. Such course shall:

§ 21. Subdivision 1 of section 111-v of the social services law, as added by chapter 398 of the laws of 1997, is amended to read as follows:

1. The department, in consultation with appropriate agencies including but not limited to the New York state office [~~for the prevention of~~] to end sexual and domestic and gender-based violence, shall by regulation prescribe

and implement safeguards on the confidentiality, integrity, accuracy, access, and the use of all confidential information and other data handled or maintained, including data obtained pursuant to section one hundred eleven-o of this article and including such information and data maintained in the automated child support enforcement system. Such information and data shall be maintained in a confidential manner designed to protect the privacy rights of the parties and shall not be disclosed except for the purpose of, and to the extent necessary to, establish paternity, or establish, modify or enforce an order of support.

S. 2505

28

A. 3005

§ 22. Subdivisions 1, 2 and 3 of section 349-a of the social services law, as added by section 36 of part B of chapter 436 of the laws of 1997, are amended to read as follows:

1. The department, after consultation with the office [~~for the prevention of~~] to end sexual and domestic and gender-based violence and statewide

domestic violence advocacy groups the New York State Coalition Against Domestic Violence, shall by regulation establish

requirements for social services districts to notify all applicants and, upon recertification, recipients, of procedures for protection from domestic violence and the availability of services. Such notice shall inform applicants and recipients that the social services district will make periodic inquiry regarding the existence of domestic violence affecting the individual. Such notice shall also inform individuals that response to these inquiries is voluntary and confidential; provided, however, that information regarding neglect or abuse of children will be reported to child protective services.

2. Such inquiry shall be performed utilizing a universal screening form to be developed by the department after consultation with the office [~~for the prevention of~~] to end sexual and domestic and gender-based violence

19 and ~~statewide domestic violence advocacy groups~~ the New York State  
Coalition Against Domestic Violence. An individual may  
20 request such screening at any time, and any individual who at any time  
21 self identifies as a victim-survivor of domestic violence shall be  
afforded the  
22 opportunity for such screening.

23 3. An individual indicating the presence of domestic violence, as a  
24 result of such screening, shall be promptly referred to a domestic  
25 violence liaison who meets training requirements established by the  
26 department or a local domestic violence service provider licensed by the  
office of children and family services, after consultation with the office  
[~~for the prevention of~~]

27 to end sexual and domestic and gender-based violence and  
~~statewide domestic~~

~~28 violence advocacy groups~~ the New York State Coalition Against Domestic  
Violence.

29 § 23. The opening paragraph of subdivision 2 and the opening paragraph  
30 of subdivision 3 of section 427-a of the social services law, as added  
31 by chapter 452 of the laws of 2007, are amended to read as follows:

32 Any social services district interested in implementing a differential  
33 response program shall apply to the office of children and family  
34 services for permission to participate. The criteria for a social  
35 services district to participate will be determined by the office of  
36 children and family services after consultation with the office [~~for the~~  
37 ~~prevention of~~] to end sexual and domestic and gender-based violence,  
however the

38 social services district's application must include a plan setting forth  
39 the following:

40 The criteria for determining which cases may be placed in the assess-  
41 ment track shall be determined by the local department of social  
42 services, in conjunction with the office of children and family services  
43 and after consultation with the office [~~for the prevention of~~] to end  
44 sexual and domestic and gender-based violence and the New York State  
Coalition Against Domestic Violence. Provided, however, that reports

45 including any of the following allegations shall not be included in the  
46 assessment track of a differential response program:

47 § 24. Subdivision (a) of section 483-cc of the social services law, as  
48 amended by chapter 368 of the laws of 2015, is amended to read as  
49 follows:

50 (a) As soon as practicable after a first encounter with a person who  
51 reasonably appears to a law enforcement agency, district attorney's  
52 office, or an established victim services provider ~~of social or legal~~  
~~services~~ desig-

53 nated by the office of temporary and disability assistance, the office  
54 [~~for the prevention of~~] to end sexual and domestic and gender-based  
violence or the

55 office of victim services to be a human trafficking victim, that law  
56 enforcement agency or district attorney's office shall notify the office  
S. 2505 29 A. 3005

1 of temporary and disability assistance and the division of criminal  
2 justice services that such person may be eligible for services under  
3 this article or, in the case of an established victim services  
provider ~~of social or~~

~~4 legal services~~, shall notify the office of temporary and disability  
5 assistance and the division of criminal justice services if such

victim-survivor

6 consents to seeking services pursuant to this article.

7 § 25. Subdivision (a) of section 483-ee of the social services law, as  
8 amended by chapter 413 of the laws of 2016, is amended to read as  
9 follows:

10 (a) There is established an interagency task force on trafficking in  
11 persons, which shall consist of the following members or their desig-  
12 nees: (1) the commissioner of the division of criminal justice services;  
13 (2) the commissioner of the office of temporary and disability assist-  
14 ance; (3) the commissioner of health; (4) the commissioner of the office  
15 of mental health; (5) the commissioner of labor; (6) the commissioner of  
16 the office of children and family services; (7) the commissioner of the  
17 office of alcoholism and substance abuse services; (8) the director of  
18 the office of victim services; (9) the executive director of the office  
19 [~~for the prevention of~~ to end sexual and domestic and gender-based  
violence; and

20 (10) the superintendent of the division of state police; and the follow-  
21 ing additional members, who shall be promptly appointed by the governor,  
22 each for a term of two years, provided that such person's membership  
23 shall continue after such two year term until a successor is appointed  
24 and provided, further, that a member may be reappointed if again recom-  
25 mended in the manner specified in this subdivision: (11) two members,  
26 who shall be appointed on the recommendation of the temporary president  
27 of the senate; (12) two members, who shall be appointed on the recommen-  
28 dation of the speaker of the assembly; (13) two members, who shall be  
29 appointed on the recommendation of the not-for-profit organization in  
30 New York state that receives the largest share of funds, appropriated by  
31 and through the state budget, for providing services to victims of human  
32 trafficking, as shall be identified annually in writing by the director  
33 of the budget; and (14) one member, who shall be appointed on the recom-  
34 mendation of the president of the New York state bar association; and  
35 others as may be necessary to carry out the duties and responsibilities  
36 under this section. The task force will be co-chaired by the commission-  
37 ers of the division of criminal justice services and the office of  
38 temporary and disability assistance, or their designees. It shall meet  
39 as often as is necessary, but no less than three times per year, and  
40 under circumstances as are appropriate to fulfilling its duties under  
41 this section. All members shall be provided with written notice reason-  
42 ably in advance of each meeting with date, time and location of such  
43 meeting.

44 § 26. Subdivision 3 of section 97-yyy of the state finance law, as  
45 added by chapter 634 of the laws of 2002, is amended to read as follows:

46 3. Moneys of the fund, following appropriation by the legislature and  
47 allocation by the director of the budget, shall be available for the  
48 purpose of funding expenses of the office [~~for the prevention of~~ to end  
49 sexual and domestic and gender-based—violence for educational and  
prevention

50 programs undertaken pursuant to article twenty-one of the executive law.

51 § 27. This act shall take effect immediately; provided however that  
52 section nineteen of this act shall take effect on the same date and in  
53 the same manner as section 2 of chapter 733 of the laws of 2019, as  
54 amended, takes effect; and provided further that the amendments to  
55 subdivision (a) of section 483-ee of the social services law made by  
S. 2505 30 A. 3005

1 section twenty-five of this act shall not affect the repeal of such  
2 subdivision and shall be deemed repealed therewith.