



Legislation Text

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Int. No. 609

By Council Member Boyland, The Speaker (Council Member Miller), The Public Advocate (Ms. Gotbaum) and Council Members Baez, Barron, Clarke, Dilan, Foster, Gennaro, Gerson, Gioia, Koppell, Liu, Lopez, Martinez, Monserrate, Nelson, Perkins, Reed, Rivera, Sanders, Seabrook, Serrano, Stewart, Vann, Weprin, Yassky, Quinn and James

A Local Law to amend the charter of the city of New York, in relation to creating a domestic violence fatality review advisory board.

Be it enacted by the Council as follows:

Section 1. Section 19 of the New York city charter is amended by adding a new subdivision d to read as follows:

d.1. For purposes of this subdivision, the term “domestic violence fatality” means a death resulting from an act or acts of violence committed by a current or former spouse of the victim, by a person who cohabitated with the victim, by a person who, at some point in time, had a continuing social relationship of a romantic or intimate nature with the victim, or by a person who had continually or at regular intervals lived in the same household as the victim.

2. There shall be a domestic violence fatality review advisory board to review facts and circumstances relating to domestic violence fatalities in the city of New York, the deaths of any children or perpetrators of acts of domestic violence that occurred in connection with such violence and the deaths of any law enforcement officers, emergency medical or other health care professionals, or representative of any organization or agency that provides services to victims of domestic violence that occurred while such individual was responding to an incident of domestic violence. The board shall consist of the director of the office to combat domestic violence, or his or her designee, the commissioner of the police department, or his or her designee, the commissioner of the department of health and mental hygiene, or his or her designee, the commissioner of the department of

homeless services, or his or her designee, the commissioner of the administration for children's services, or his or her designee, and four other members who shall be appointed by the speaker of the city council and who shall include at least one representative of a program that provides social services to victims of domestic violence in New York city and at least one representative of a program that provides legal services to victims of domestic violence in New York city.

(i) Each member of the advisory board appointed by the speaker of the city council shall serve for a term of two years to commence on the effective date of the local law that added this subdivision and may be removed from office for cause. Any vacancy occurring other than by expiration of term shall be filled by the speaker in the same manner as the original appointment. A person so appointed shall serve for the unexpired portion of the term of the member succeeded. New terms shall begin on the next day after the expiration date of the preceding term. The director of the office to combat domestic violence, or his or her designee, shall serve as chairperson of the advisory board.

(ii) All members of the advisory board shall serve without compensation, except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other city charges.

(iii) No person shall be ineligible for membership on the advisory board because such person holds any other public office, employment or trust, nor shall any person be made ineligible to or forfeit such person's right to any public office, employment or trust by reason of such appointment.

(iv) The advisory board shall meet at least four times a year.

(v) The advisory board's work shall include, but not be limited to, examinations of responses to domestic violence fatalities by city agencies, departments and offices, as well as by non-government service delivery systems, the on-going collection of statistical data relating to domestic violence fatalities, the identification of groups at high-risk of involvement, either as perpetrators or victims, in domestic violence fatalities and the causes of domestic violence fatalities.

(vi) The advisory board may request and shall receive from any city agency such information, other

than information which is required by law to be kept confidential or which is privileged as attorney-client communications, attorney work products or material prepared for litigation, and such assistance as may be necessary to carry out the provisions of this section.

(vii) The director of the office to combat domestic violence shall provide staff assistance to the advisory board in all matters under the board's jurisdiction.

(viii) The advisory board shall submit to the mayor and to the speaker of the city council, on an annual basis, a report including, but not limited to, the number of domestic violence cases reviewed by the board, specific non-identifying data collected by the board with respect to victims and perpetrators, such as gender, age, race, religion, ethnicity, familial or other relationship involved, location of domestic violence fatalities and recommendations regarding the coordination and improvement of services provided by the city and non-government related service delivery systems with respect to domestic violence fatalities.

§2. Effect of invalidity; severability. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§3. Effective date. This local law shall take effect ninety days after its enactment into law.

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