



Legislation Text

File #: Res 0856-2011, **Version:** *

Preconsidered Res. No. 856

Resolution in support of pending legislation in the New York State Legislature, which would amend the Penal and Criminal Procedure Laws by creating the E felony of aggravated domestic violence when an offender is convicted of two or more specified domestic violence offenses within five years.

By Council Members Ferreras, the Speaker (Council Member Quinn) and Council Members Vallone, Comrie, Fidler, Gentile, Koslowitz, Lander, Mark-Viverito, Mendez, Rose, Weprin, Williams, Chin, Dickens, Koppell, Van Bramer, Arroyo and Koo

Whereas, Those who commit acts of domestic violence can cause harm to their victims in a variety of ways including through physical injury and verbal abuse; and

Whereas, Some domestic violence abusers are repeat offenders, committing multiple acts of violence against their victims; and

Whereas, Such abusers may have a long criminal history of assaulting their victims; and

Whereas, In New York County alone, there were 622 individuals convicted of two or more domestic violence offenses between 2004 and 2009; and

Whereas, Under existing New York laws, a domestic violence offender faces the same punishment whether he or she is convicted of a first misdemeanor domestic violence offense or a fifth misdemeanor domestic violence offense; and

Whereas, As a result, individuals who need protection may not be sufficiently protected from harm and those who commit serial acts of domestic violence are not sufficiently punished; and

Whereas, In order to strengthen the laws against repeat domestic violence offenders, New York State must increase penalties when domestic violence abuse re-occurs, regardless of whether it is the same or a different victim; and

Whereas, Unlike New York State, other jurisdictions including Georgia, Michigan, Ohio, Oklahoma, Texas, Vermont and Utah recognize the importance of dealing with repeat domestic violence offenders by providing felony penalties for second misdemeanor domestic violence offenses; and

Whereas, Senator Daniel Squadron, Senator Martin Golden and Assemblymember Linda Rosenthal introduced A.1986/S.5617-A, which would address the problem of serial domestic violence offenders by amending the Penal and Criminal Procedure laws to create a new crime of aggravated domestic violence when an offender is convicted of two or more specified domestic violence offenses within five years; and

Whereas, Aggravated domestic violence would be a class E felony carrying a minimum sentence of five years' probation and a maximum sentence of state prison time; and

Whereas, A.1986/S.5617-A would provide a method to calculate the five year time period, which for counting purposes, would exclude any period of time in which a defendant was incarcerated; and

Whereas, A.1986/S.5617-A defines "specified domestic violence offense" as an offense in which the defendant and the victim are or were previously members of the same family or household as defined by the Criminal Procedure Law and in which the offense includes any of certain specified offenses which range from class B misdemeanors to class A-II felonies; and

Whereas, A.1986/S.5617-A would also establish that the victims of the specified domestic violence offenses can be different and that a victim need not be a member of the same family or household; and

Whereas, New York State should act swiftly on these bills to address the issue of serial domestic violence offenders before such serial offenders can harm more people; now, therefore, be it

Resolved, That the Council of the City of New York supports pending legislation in the New York State Legislature, which would amend the Penal and Criminal Procedure Laws by creating the E felony of aggravated domestic violence when an offender is convicted of two or more specified domestic violence offenses within five years.

SA
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