



CENTER FOR HEALTH,  
EQUITY, AND JUSTICE

# Justice for Survivors in New York: Pass the Domestic Violence Survivors Justice Act (DVSJA) (A3310/S5116)

## What is the Problem?

In New York, survivors of domestic violence face harsh criminal sentences when defending themselves and their children. Survivors are routinely sent to prison for long periods of time instead of being offered compassion and understanding for the abuse. This is because the current law punishes survivors of domestic violence by giving them long mandatory prison sentences. Other options, like referring them to an Alternative to Incarceration program, are not allowed under the current law. Today, 9 out of 10 women in New York’s prisons have a history of surviving abuse like domestic violence. And most survivors have no prior history of violent behavior.

## Fixing the problem: The DVSJA

The Domestic Violence Survivors Justice Act (Persaud S5116/Aubry A3310), known as the DVSJA, would address this problem.

### The DSVJA:

- *Provides* judges in NYS discretion and flexibility when sentencing domestic violence survivors whose abuse was a contributing factor in their crime involvement, allowing judges to lower their sentence or refer them to an alternative to incarceration program
- *Enables* currently incarcerated survivors to apply to the courts for re-sentencing

## Who is eligible under the DVSJA?

To be eligible under the DVSJA, a survivor would have to show evidence of one of the following:

- “substantial physical, sexual or psychological abuse” inflicted by a spouse, partner, or relative at the same time of the offense; or
- domestic violence was “a significant contributing factor” in the defendant’s involvement in unlawful act and the sentence to be considered “unduly harsh” (sentence must be 8 years or more)
- People convicted of Murder in the First Degree, Aggravated Murder, Sex offenses, and Terrorism offenses are ineligible

## Impact:

Approximately 360 currently incarcerated women and men would be eligible for resentencing under the DVSJA. Additionally, approximately 365 women and 115 male survivors would be eligible for an alternative sentencing per year.

UPDATE:	GET INVOLVED:
<p>The DVSJA was written by women inside and outside of prisons. For years, survivors and advocates have pushed for its passage. Now, Governor Cuomo has included the DVSJA in the 2019 budget proposal.</p> <p><b>We must pass the DVSJA this year!</b></p>	<p><b>Contact</b> your Assembly and Senate member and urge them to support the DVSJA  <b>Share</b> on Twitter and Facebook using #PasstheDVSJA  <b>Join the movement:</b>  For more information and to get involved, contact Donna Hylton, Director, Women and Girls Project  <a href="mailto:dhylton@katalcenter.org">dhylton@katalcenter.org</a>   424.272.1724</p>