



**SUPPORT JUDICIAL DISCRETION WITH RESPECT TO  
SENTENCING OF DOMESTIC VIOLENCE VICTIMS  
CONVICTED OF COMMITTING A CRIME**

**Proposed Bill: *The Domestic Violence Survivors Justice Act***

**NYS PAC Position: *SUPPORT***

The New York State Public Affairs Committee (NYS PAC) of the Junior League requests that the Legislature consider efforts to support proposed legislation allowing for judicial discretion during sentencing of defendants who are victims of domestic violence, the Domestic Violence Survivors Justice Act (DVSJA). The DVSJA would ease the burdens of domestic violence victims and their families while decreasing both prison costs and population.

Domestic violence – be it physical, sexual or psychological – is rampant in both New York State and nationwide. Violent attacks by abusers result in more injuries requiring medical treatment than rapes, muggings and auto accidents combined. A study at Bedford Hills Correctional Facility showed that more than 75% of the women there had suffered serious intimate partner violence during adulthood. Research and experience suggests such abuse often leads the victims – the majority of whom are women – to commit crimes in defense of their own lives (against their abusers or others), which leads to their incarceration.

If enacted, the DVSJA would recognize that, while not seeking to diminish the seriousness of their crimes, such defendants may warrant additional consideration. These women are themselves crime victims, pose virtually no threat to public safety, have lower recidivism rates than the general prison population, and often have neither prior criminal records nor a history of violence. The DVSJA would give judges discretion to grant shorter prison terms and, in appropriate cases, to sentence women to serve their time in the community as an alternative to incarceration, where they can take responsibility for their actions while rebuilding their lives and families. Under the DVSJA’s proposed provisions, in order to ameliorate a sentence, a judge must find that:

- (1) at the time of the particular offense, the defendant was a victim of domestic violence subjected to substantial physical, sexual or psychological abuse inflicted by a member of the “same family or household”;
- (2) the offense was a direct result of the domestic violence;
- (3) the domestic violence constitutes a mitigating circumstance bearing directly upon the defendant’s criminal conduct; and
- (4) a sentence under the current statute would be unduly harsh, and an alternative sentence would be consistent with public safety.

According to the New York State Department of Corrections, many domestic violence survivors presently incarcerated are first-time offenders who, were they not subject to domestic abuse in the first place, would likely have avoided prison. Among the 38 women in New York State who were released during the period 1985 – 2003 after serving sentences for murder, not a single one returned to prison for a new crime in the 36 months following their release – **a 0% recidivism rate**. These women are often the primary caretakers of their children, and the separation resulting from their incarceration creates additional hardship and trauma to their already-suffering families. **The DVSJA, if enacted, would facilitate reunification for families that have suffered the trauma of domestic abuse, lessening the hardship and burden on defendant’s families.**

**Additionally, this proposed legislation has the potential to ease the expense and physical burden on the prison system.** The Legal Action Center estimates the average cost of incarcerating a person for a year in a New York State prison is \$44,000. Based on this average and using data from the Department of Corrections on how many incarcerated women are domestic violence victims, coupled with the number of women who could be eligible for resentencing and earlier release under the proposed Act, the Coalition for Women Prisoners has estimated a **potentially significant cost savings to the State.**

On behalf of over 7,000 women represented by the 17 Junior Leagues of New York State, we call on you to take a stand for women who have committed crimes because they have been victims of severe physical, sexual or psychological abuse and ensure that they receive sentences more commensurate with their crimes, by supporting judicial discretion as will be provided in the DVSJA. **For more information, please contact [childrenandfamielstaskforce@jl-nyspac.org](mailto:childrenandfamielstaskforce@jl-nyspac.org).**

---

**Junior League of Binghamton • Junior League of Bronxville • Junior League of Brooklyn • Junior League of Buffalo  
Junior League of Kingston • Junior League of Long Island • Junior League of the City of New York • Junior League of Northern  
Westchester • Junior League of Orange County • Junior League of Pelham • Junior League of Poughkeepsie Junior League of Rochester  
Junior League of Schenectady • Junior League of Syracuse • Junior League of Troy • Junior League of Westchester on Hudson  
Junior League of Westchester on the Sound**