



## New York State Coalition Against Sexual Assault

### 2008 Legislative Action Agenda

**\$5 million dollars** is required for Rape Crisis services to be seen as key community resources along with other prevention education and emergency services. To continue providing these quality, as well as much-needed services, Rape Crisis Programs, the New York State Coalition Against Sexual Assault and the New York City Alliance Against Sexual Assault must receive an increase in the NYS Budget from the \$1,584,000 it has been since 2005.

**\$1 million** would allow the Sexual Assault Examiner programs, operating in less than half of the State's hospitals, to continue and encourage development of additional Forensic Examiner programs. In 2000, Sexual Assault Examiner programs were recognized for the valuable service they provide however no stable state funding has ever been allocated to develop or maintain them. We call upon the Legislature to create a budget line to ensure these victim-centered, specialized health care services are available for any victim of sexual violence within a one hour distance.

**\$150,000** is needed to fund the State Victim Assistance Academies and Advanced Institutes that provide foundational education and skill building to those who work with victims of crime. In 2003, NYSCASA received federal funding to create and implement a State Victim Assistance Academy for professionals in multiple disciplines working with victims of crime. Three annual academies were held at Buffalo State College and an Advanced Institute at Sage College in Albany to rave reviews from participants.

#### **Additional Issues:**

See expanded information on the bills below in the following pages.

1. Sexual victimization and/or sexual exploitation of youth from:
  - i. persons in positions of authority; those who would profit from their sexual activity;
  - ii. those who prey upon their identity or status;
  - iii. those who cause them to leave home;
  - iv. those who would deny them respite;
  - v. or those who would deny them medically accurate, age appropriate information to make healthy decisions.
2. HIV prophylaxis for Sexual Assault Victims with a streamlined billing mechanism to the Crime Victims Board similar to the Forensic Payment Act of 2003.
3. The Governor's Reproductive Health & Privacy Protection Act protects the fundamental right of women to control their own personal and private reproductive health decisions. For sexual assault victims, this bill will close an important age gap for females of reproductive age seeking Over the Counter Emergency Contraception.

**Speak Up, Speak Out to End Sexual Violence**

# NYSCASA

## New York State Coalition Against Sexual Assault

### **Sexual victimization and/or sexual exploitation of youth from:**

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### **Bill:S432-A**

**Sponsor: Skelos**

**Person in a Position of Trust**, Establishes offenses of sexual assault against a child by a person in a position of trust for the subjection of a child to sexual contact by a person in a position of trust; defines "person in position of trust" as a person charged with the duty or responsibility for health, education, welfare or supervision of a child; such offenses shall be violent felony offenses.

**Discussion:** Other bills have been introduced that would hold accountable a number of people held in a position of trust including psychologists, teachers and clergy. The current writing of the law defines the sexual abuse of a child between the ages of 14 and 18 years as a class A misdemeanor, not a felony.

### **Bill:S6747**

**Sponsor: Volker**

**Child sexual abuse and exploitation prevention act, "Safe Harbour" Repealer** enacts the "child sexual abuse and exploitation prevention act"; relates to prostitution offenses and creating the crime of sexual exploitation of a child; relates to computer sex crimes against children; and relates to the safe harbour for exploited children act.

**Discussion:** Some concern is that it fails to include rape crisis programs or other local service providers for where adolescents can seek and receive services, only local DSS offices. Major concern about requiring police to contact parents when an adolescent is placed in a short or long term safe house. With sexual violence, a family member or close acquaintance could be the reason why they youth ran away or was kicked out of the house to begin with.

### **Bill:A4560B/S4614-A**

**Sponsor: Markey/Saland**

**Extends the statute of limitations** in criminal and civil actions for certain sex offenses committed against a child less than eighteen years of age. The criminal statute of limitation would not begin to run until the child reaches the age of 23 or the offense is reported to law enforcement or a child abuse agency.



## **New York State Coalition Against Sexual Assault**

**Discussion:** Child sexual abuse is responsible for leaving life-long scars across multiple victims. This proposal would extend the authority to prosecute and to bring a civil lawsuit for damages. By allowing survivors the chance to pursue a prosecution of their childhood abusers, it can allow for them to receive justice and closure. Also it is known that abusers of children are multiple offenders, the enactment of this law can stop those who seek multiple victims.

**Bill: A2856/S1342**

**Sponsor: Gottfried/Winner**

**“Healthy Teens Act”** establishes an age-appropriate sex education grant program through the Department of Health (DOH) to be a comprehensive program conducted by an eligible applicant; authorizes the Commissioner of Health to determine certain topics of instruction and makes provisions for the application of grants; further sets forth appropriations for such grants to be dispersed throughout the State.

**Discussion:** It is statistically proven that intensive educational programs along with parental involvement will enable young people to make responsible decisions regarding sexual activity, and encourage them to protect themselves and their partners. When children are approached to engage in sexual contact, a stronger sense of self and knowledge of appropriate touches could prevent abuse from occurring. Also a child would be better equipped to report such advances. And in the event an assault does occur, the child would be better able to describe what took place.

**Bill: A885/S1716**

**Sponsor: Englebright/Winner**

**Enacts the “Public University Emergency Contraception Act”.** It requires every college and university of the State University of New York (SUNY) system and the City University of New York (CUNY) to provide Emergency Contraception (EC) to any student requesting it at campus facility that dispenses prescriptions and medication; requires the provision of information on the safety and availability of EC on campus; authorizes the Commissioner of Health to establish a statewide EC college education and awareness program, requiring informational materials relating to EC.

**Discussion:** This bill would contribute to increased access to EC and to a significant reduction in unintended pregnancies in New York State. It is critical that women have easy access to this highly effective and safe method of pregnancy prevention after a sexual assault. Access to EC, approved as safe and effective by the FDA and now available as an Over the Counter medication for women 18 and over, is a basic measure that can prevent college students from having an unwanted pregnancy. Random chance should not determine a college students’ knowledge of, and access to, emergency contraception. The language does not call for information on local rape crisis programs to be available nor state what procedures would go into effect if an assault occurs.



## **New York State Coalition Against Sexual Assault**

**Bill: A5569/S3579**

**Sponsors: Paulin/Winner**

**The Unintended Pregnancy Act** would authorize dispensing emergency contraception under certain conditions to reduce the number of unintended pregnancies for women in New York State

**Discussion:** This bill, along with the Emergency Contraception (EC) in the ER bill which passed at end of 2003 session and the 2006 FDA ruling allowing Ed to be available over the counter to women 18 and over would contribute to increased access to EC and to a significant reduction in unintended pregnancies in New York State. It is critical that all females of child bearing age have easy access to this highly effective and safe method of pregnancy prevention after a sexual assault. Legislators need to hear that making this medication available would not increase sexual activity among teens, interfere with parent's rights, is medically safe for adolescents and how medically accurate/age appropriate education could be done. The bill does not require giving information regarding local rape crisis programs or what a pharmacist would do if an assault were disclosed. NYSCASA has participated on a work group in the development of training materials for pharmacists and consumer literature.

### **2. HIV prophylaxis for Sexual Assault Victims with a streamlined billing mechanism to the Crime Victims Board similar to the Forensic Payment Act of 2003.**

**Bill: A9915**

**Sponsor: Jafee**

**Financial Assistance for PEP**, Requires financial assistance from the crime victims board for post-exposure prophylaxis treatment for victims of sexual assault.

**Discussion:** Many victims of sexual assault forgo preventative treatment following an assault because of costs, fear and inconvenience. Failure to receive treatment not only jeopardizes victim's health but when HIV AIDS results from an assault, it increases the spread of the virus and expands the epidemic. By streamlining the process and increasing outreach to assault victims who have submitted to a forensic exam, this law would make PEP treatment more accessible.

### **3. The Governor's Reproductive Health & Privacy Protection Act**

**Bill: S5829**

**Sponsor: Rules Committee**

**Enacts the reproductive health and privacy protection act;** provides a fundamental right to choose contraception and the right of a female to determine the course of a pregnancy; authorizes abortion prior to viability; defines terms; decriminalizes abortion.

**Discussion:** For sexual assault victims, this bill will close an important age gap for females of reproductive age seeking Over the Counter Emergency Contraception. Victims of rape can be all ages and with out the ability to access Emergency Contraception in the event of a sexual assault limits their ability to effectively and discreetly choose a course of contraception.