



GRANT MERIT TIME FOR INCARCERATED SURVIVORS OF DOMESTIC VIOLENCE

Bill: A.04516A/S.3438

Sponsor: Assembly Member Weinstein/Senator Montgomery

NYSPAC Position: Support

The New York State Public Affairs Committee (NYSPAC) of the Junior League supports the Legislature's efforts to pass legislation on merit time provisions for incarcerated victims of domestic violence, **and urges the enactment of A.04516A and S.3438.**

Domestic abuse – be it psychological, physical or sexual – is a rampant problem in both New York State and nationwide. Research recognized by the Correctional Association of New York's Women in Prison Project suggests that such abuse frequently leads the victims – the majority of whom are women – to commit crimes (against their abusers or others) and to their eventual incarceration. Many of the domestic violence survivors who are held in New York jails are first-time offenders who, had they not been subject to such abuse in the first place, might have well avoided prison. These women are often primary caretakers of their children, and the separation creates additional hardship and trauma to the already suffering families. Allowing for merit time would help ease the burden on these generally lower-risk offenders and their families, and provide an opportunity for reunification and the restoration of their families' lives.

The intent of these bills is not to diminish the seriousness of the crimes committed by the incarcerated domestic violence survivors, but rather grant them an opportunity to prove that their victimization was a substantial factor in the crime for which they were convicted, thereby allowing them to earn merit time or early release. The female inmates who would benefit from these bills 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. In testimony given before the New York State Senate's Standing Committee on Crime Victims, Crime and Corrections, it was noted that of 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 within a 36-month period – **a 0% recidivism rate.**

In order to be considered for merit time or early release, survivors would have to meet stringent guidelines outlined in the bills, including: (a) proof of a direct connection between their abuse by a family or household member and the commission of the crime for which they were convicted and (b) achievement of both a record of good behavior and completion of certain standard requirements for merit time, such as earning a GED or completing a substance abuse program. Moreover, crimes such as sexual offenses or acts of terrorism would not be eligible. Finally, it is important to note that eligibility does not mean an automatic grant – decisions would be made by the Department of Corrections on a case-by-case basis.

This legislation would also ease the 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 to be \$44,000. Using this average with data from the Department of Corrections on how many women would be eligible for early release under this law, the Coalition for Women Prisoners' approximates **the potential cost savings to the State to be \$2.8 million in 2010 and \$6 million per year thereafter.**

Please set an example for the rest of the country by demonstrating an understanding of how the histories of abuse that so many female prisoners face impact their choices, lives and families. **On behalf of the more than 7,000 Junior League volunteers whom NYSPAC represents, we strongly urge passage of A.04516A/S.3438, which give incarcerated victims of domestic violence the opportunity to earn merit time or early release in appropriate circumstances.**

For more information, please contact Jennifer Bartlett: jen_bartlett@mindspring.com.

Junior Leagues of New York State:

- Junior League of Binghamton*
31 Front Street - Binghamton 13905
- Junior League of Bronxville*
P.O. Box 430 - Bronxville 10708
- Junior League of Brooklyn*
55 Pierrepont Street - Brooklyn 11201
- Junior League of Buffalo*
45 Elmwood Avenue - Buffalo 14201
- Junior League of Central Westchester*
1039 Post Road - Scarsdale 10583
- Junior League of Elmira-Corning*
P.O. Box 3150 - Elmira 14905
- Junior League of Kingston*
P.O. Box 1214 - Kingston 12402
- Junior League of Long Island*
1395 Old Northern Blvd - Roslyn 11576
- Junior League of the City of New York*
130 East 80th Street - New York 10021
- Junior League of Northern Westchester*
222 East Main Street - Mt. Kisco 10549
- Junior League of Orange County*
P.O. Box 515 - Middletown 10940
- Junior League of Pelham*
901 Pelhamdale Avenue - Pelham Manor 10803
- Junior League of Poughkeepsie*
794 Main Street - Poughkeepsie 12603
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P.O. Box 857 - Schenectady 12301
- Junior League of Syracuse*
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- Junior League of Troy*
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35 South Broadway - Tarrytown 10591
- Junior League of Westchester on the Sound*
149 Larchmont Avenue - Larchmont 10538

For more information, contact the Junior League nearest you.

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