



For Immediate Release:  
June 12, 2012

Contact: Jill Szpylman  
716-873-2540

## **Domestic Violence Package Includes Spousal Remains Legislation, Components of Jilly's Law**

Governor Andrew Cuomo, Assembly Speaker Sheldon Silver and Senate Majority Leader Dean Skelos agreed on a comprehensive package today that would strengthen domestic violence laws. The package includes measures that address elements of Jilly's Law and the disposition of a victim's remains.

Approximately 14 years ago, former Town of Tonawanda resident Jill Cahill was brutally attacked with a baseball bat by her husband. As she lay in a coma in her Syracuse hospital bed, her husband planned and executed her murder while he was out on bail. In 2004, legislation was introduced, known as Jilly's Law, which would allow a judge to take into consideration whether the defendant is a danger to the alleged victim, members of the community or to him or herself when setting or denying bail. This legislation did not gain enough support to be enacted into law.

A similar measure, however, was included in the Governor's Program Bill introduced today, which for the first time would require courts to consider risk factors when determining recognizance or bail for a defendant charged with an offense against a family or household member. Under this proposed legislation, judges would be required to consider well-established risk factors, including an offender's prior violation of an order of protection, when deciding between setting bail or recognizance. Currently, courts are not required to consider any special factors in domestic violence cases and offenders are sometimes allowed to go free on low bail. In some extreme cases, the low bail allows the defendant the opportunity to stalk, harm and sometimes kill his or her targeted victim.

"While it is unfortunate that Jilly's Law did not garner enough support for passage, as a co-sponsor of this year's version of that bill, I am pleased that a set of risk factors were established in the domestic violence package announced today for judges to take into consideration when determining a bail agreement," said Assemblyman Robin Schimminger, D-C-I-Kenmore.

Also included in the bill is legislation based on a measure Schimminger is sponsoring that would deny individuals who have been charged with causing the death of

- More -

2-2-2

their spouse, or who were the subject of a restraining order protecting the deceased person, from being eligible to exercise control of the disposition of the deceased's remains. In 2009, a man from Tonawanda killed his wife, Constance Shepherd, and was charged with her murder but under current law was still granted control of her remains. He then disposed of her body in a way that her family believed was intentionally disrespectful and against her religious beliefs.

"It doesn't seem right that a person can be charged with a murder, and then cause further harm to the victim and his or her family by disposing of the remains in a way that would be disrespectful and against the victim's wishes," said Assemblyman Schimminger, who originally introduced similar legislation in the Assembly last year.

The measure included in the legislative package would ensure that individuals who exhibit extreme hostility towards a decedent – as evidenced by an order of protection or as the subject of criminal charges resulting from the victim's death – would be barred from planning final funeral and burial arrangements.

The package also increases penalties for domestic violence offenders who repeatedly commit misdemeanor level offenses by establishing the crime of "Aggravated Family Offense," which would be a class E felony to ensure that defendants with a history of misdemeanor domestic violence offenses are prosecuted as felons. This bill also establishes "Aggravated Harassment in the Second Degree" as a class A misdemeanor.

The final element included in the package would help domestic violence victims keep their whereabouts confidential by allowing victims to use a substitute mailing address maintained by the Department of State, which would then forward the mail to the participants' actual address. In addition, victims seeking medical and mental health services would be allowed to have their insurance claims sent to the confidential address.

###