

STATE OF NEW YORK

9138

IN ASSEMBLY

January 31, 2022

Introduced by M. of A. LUNSFORD, CONRAD -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law and the tax law, in relation to establishing the child victims act fund; and making an appropriation therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The state finance law is amended by adding a new section
2 99-oo to read as follows:

3 § 99-oo. Child victims act fund. 1. There is hereby established in the
4 joint custody of the commissioner of taxation and finance, the comp-
5 troller, and the commissioner of the division of criminal justice
6 services, a special fund to be known as the "child victims act fund".
7 Monies in the fund shall be kept separate from and not commingled with
8 other funds.

9 2. Such funds shall consist of the revenues received by the department
10 of taxation and finance, pursuant to the provisions of sections two
11 hundred nine-p and six hundred thirty-k of the tax law and all other
12 moneys appropriated, credited, or transferred thereto from any other
13 fund or source pursuant to law. Nothing contained in this section shall
14 prevent the state from receiving grants, gifts, or bequests for the
15 purpose of the fund as defined in this section and depositing them into
16 the fund according to law.

17 3. On or before the first day of February each year, the commissioner
18 of the division of criminal justice services shall provide a written
19 report to the temporary president of the senate, the speaker of the
20 assembly, the chair of the senate finance committee, the chair of the
21 assembly ways and means committee, the comptroller, and the public. Such
22 report shall include how the monies of the fund were utilized during the
23 preceding calendar year, and shall include:

24 (a) the amount of money disbursed from the fund and the award process
25 for such disbursement;

26 (b) recipients of awards from the fund;

27 (c) the amount awarded to each recipient;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (d) the purpose for which such awards were granted; and
 2 (e) a summary financial plan for such monies which shall include esti-
 3 mates of all receipts and all disbursements for the current and succeed-
 4 ing fiscal years, along with the actual results from the prior fiscal
 5 year.

6 4. Monies of the fund shall be expended only in reimbursement to
 7 public school districts located within the state of New York who have
 8 been named as defendants in legal actions pursuant to section two
 9 hundred fourteen-g of the civil practice law and rules and in which:

10 (a) it can be demonstrated by the public school district that no
 11 insurance policy for the covered period can be located after a good-
 12 faith effort to do so has been made;

13 (b) where there was a monetary judgment issued or settlement agreement
 14 with regard to such action; and

15 (c) where it can be demonstrated by the public school district that
 16 payment in full of such judgment or settlement would put a substantial
 17 burden on the district's ability to execute its mission and negatively
 18 impact its existing student population.

19 5. Monies shall be payable from the fund on the audit and warrant of
 20 the comptroller on vouchers approved and certified by the commissioner
 21 of the division of criminal justice services.

22 6. To the extent practicable, the commissioner of the division of
 23 criminal justice services shall ensure that all monies received during a
 24 fiscal year are expended prior to the end of that fiscal year.

25 § 2. The tax law is amended by adding a new section 209-p to read as
 26 follows:

27 § 209-p. Gift for the child victims act fund. Effective for any tax
 28 year commencing on or after January first, two thousand twenty-three, a
 29 taxpayer in any taxable year may elect to contribute to the support of
 30 the child victims act fund. Such contribution shall be in any whole
 31 dollar amount and shall not reduce the amount of the state tax owed by
 32 such taxpayer. The commissioner shall include space on the corporate
 33 income tax return to enable a taxpayer to make such contribution.
 34 Notwithstanding any other provision of law, all revenues collected
 35 pursuant to this section shall be credited to the child victims act fund
 36 and shall be used only for the purposes enumerated in section ninety-
 37 nine-oo of the state finance law.

38 § 3. The tax law is amended by adding a new section 630-k to read as
 39 follows:

40 § 630-k. Gift for the child victims act fund. Effective for any tax
 41 year commencing on or after January first, two thousand twenty-three, a
 42 taxpayer in any taxable year may elect to contribute to the support of
 43 the child victims act fund. Such contribution shall be in any whole
 44 dollar amount and shall not reduce the amount of the state tax owed by
 45 such taxpayer. The commissioner shall include space on the personal
 46 income tax return to enable a taxpayer to make such contribution.
 47 Notwithstanding any other provision of law, all revenues collected
 48 pursuant to this section shall be credited to the child victims act fund
 49 and shall be used only for the purposes enumerated in section ninety-
 50 nine-oo of the state finance law.

51 § 4. The sum of one hundred million dollars (\$100,000,000), or so much
 52 thereof as may be necessary, is hereby appropriated to the child victims
 53 act fund as established pursuant to section 99-oo of the state finance
 54 law from any moneys in the state treasury not otherwise appropriated and
 55 made immediately available to the division of criminal justice services
 56 for the purposes of carrying out the provisions of this act. Such moneys

1 shall be payable on the audit and warrant of the comptroller on vouchers
2 certified or approved by the commissioner of criminal justice services
3 in the manner prescribed by law.
4 § 5. This act shall take effect immediately.