

STATE OF NEW YORK

10166

IN ASSEMBLY

February 12, 2026

Introduced by M. of A. McDONOUGH -- read once and referred to the
Committee on Governmental Operations

AN ACT to amend the executive law, in relation to establishing the division of the crime victims' statewide advocate to represent crime victims' legal interests

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

1 Section 1. The executive law is amended by adding a new section 631-b
2 to read as follows:

3 § 631-b. Crime victims' statewide advocate. 1. For the purposes of
4 this section:

5 (a) "advocate" means the crime victims' advocate, the individual head
6 of the division of the crime victims' statewide advocate;

7 (b) "the division" means the division of the crime victims' statewide
8 advocate, as established by this section; and

9 (c) "the director" means the director of the office of victim
10 services.

11 2. There is hereby established within the office of victim services
12 the division of the crime victims' statewide advocate, the head of which
13 shall be the crime victims' advocate. The crime victims' advocate shall
14 be appointed by the director of the office with the advice of the
15 office's advisory council, shall receive a salary to be fixed by the
16 director within the amount appropriated therefor, and shall not be
17 discharged except for just cause.

18 3. The crime victims' advocate, subject to rules prescribed by the
19 director or the governor, shall establish bureaus or local offices in
20 each county under the division of the crime victims' advocate as such
21 advocate may deem necessary and may appoint such deputies, assistants,
22 and other employees as may be needed for the performance of such advo-
23 cate's duties and the mission of the division and may prescribe their
24 powers and duties and fix their compensation within the amount appropri-
25 ated therefor. The principal office of the division shall be in the city
26 of Albany, there shall be at least one office of substantial presence in
27 the city of New York, and there shall be an office of adequate presence

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

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1 within each county. Branch offices may be established at the discretion
2 of the director or the governor, subject to appropriations for mainte-
3 nance of such offices.

4 4. The office of crime victims' statewide advocate shall have the
5 following powers and duties:

6 (a) provide legal representation to victims and witnesses of crimes
7 who are served with judicial orders to allow criminal defendants or
8 their representatives to gain access to such victim or witness's home or
9 place of business, pursuant to subdivision two of section 245.30 of the
10 criminal procedure law;

11 (b) provide legal representation to any crime victim or witness with
12 regard to any legal action related to section 245.30 of the criminal
13 procedure law;

14 (c) provide legal assistance with any victim compensation applica-
15 tions, provided, however, such victim has exhausted other assistance
16 available through the office, absent extenuating circumstances;

17 (d) provide information on victims' and witnesses' legal rights and
18 protections with regard to criminal process; and

19 (e) assist victims to submit comments and statements to courts and
20 parole boards.

21 § 2. If any clause, sentence, paragraph, subdivision, section, or part
22 of this law or the application thereof to any person or circumstance
23 shall be adjudged by any court of competent jurisdiction to be invalid
24 or unconstitutional, such order or judgment shall not affect, impair, or
25 invalidate the remainder hereof, but shall be confined in its operation
26 to the clause, sentence, paragraph, subdivision, section, or part of
27 this law, or in its application to the person or circumstance directly
28 involved in the controversy in which such order or judgment shall be
29 rendered.

30 § 3. This act shall take effect January 1, 2026. Effective immediate-
31 ly, the addition, amendment and/or repeal of any rule or regulation
32 necessary for the implementation of this act on its effective date are
33 authorized to be made and completed on or before such effective date.