S T A T E O F N E W Y O R K

2912

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. KOON, MAYERSOHN, PHEFFER -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, JOHN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to payment of unreimbursed medical bills of crime victims

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 626 of the executive law, as amended by chapter 408 of the laws of 2005, is amended to read as follows:

1. Out-of-pocket loss shall mean unreimbursed and unreimbursable expenses or indebtedness reasonably incurred for medical care or other services necessary as a result of the injury upon which such claim is based, including such expenses incurred as a result of the exacerbation of a pre-existing disability or condition directly resulting from the crime or causally related to the crime. Such expenses or indebtedness shall include the cost of counseling for the eligible spouse, grandparents, parents, stepparents, guardians, brothers, sisters, stepbrothers, stepsisters, children or stepchildren of a homicide victim, and crime victims who have sustained a personal physical injury as the direct result of a crime and the spouse, children or stepchildren of such physically injured victim. For the purposes of this subdivision, the victim of a sex offense as defined in article one hundred thirty of the penal law is presumed to have suffered physical injury. Such counseling may be provided by local victim service programs, where available. It shall also include the cost of residing at or utilizing services provided by shelters for battered spouses and children who are eligible pursuant to subdivision two of section six hundred twenty-four of this article, and the cost of reasonable attorneys' fees for representation before the board and/or before the appellate division upon judicial review not to

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

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exceed one thousand dollars. IT SHALL NOT INCLUDE SUCH EXPENSES OR INDEBTEDNESS INCURRED ON BEHALF OF THE CRIMINALLY RESPONSIBLE PERSON.

S 2. This act shall take effect immediately and shall apply to all claims pending before the crime victims board or submitted thereto on or after such date.