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

2915

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. KOON -- Multi-Sponsored by -- M. of A. HIKIND, MAYERSOHN, SWEENEY -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the requirement for a finding that a crime victim award claimant will suffer financial difficulty if an award is not approved and to repeal certain provisions of such law relating thereto

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

Section 1. Subdivision 2 of section 631 of the executive law, as amended by chapter 162 of the laws of 2008, is amended to read as follows:

2. Any award made pursuant to this article shall be in an amount not exceeding out-of-pocket expenses, including indebtedness reasonably incurred for medical or other services necessary as a result of the injury upon which the claim is based; loss of earnings or support resulting from such injury not to exceed thirty thousand dollars; burial expenses not exceeding six thousand dollars of a victim who died as a direct result of a crime; the costs of crime scene cleanup and securing of a crime scene not exceeding twenty-five hundred dollars; reasonable relocation expenses not exceeding twenty-five hundred dollars; and the unreimbursed cost of repair or replacement of articles of essential personal property lost, damaged or destroyed as a direct result of the crime. An award for loss of earnings shall include earnings lost by a parent or guardian as a result of the hospitalization of a child victim under age eighteen for injuries sustained as a direct result of a crime. In addition to the medical or other services necessary as a result of the injury upon which the claim is based, an award may be made for rehabilitative occupational training for the purpose of job retraining or similar employment-oriented rehabilitative services based upon the claimant's medical and employment history. For the purpose of this

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

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subdivision, rehabilitative occupational training shall include but not be limited to educational training and expenses. An award for rehabilitative occupational training may be made to a victim, or to a family member of a victim where necessary as a direct result of a crime. NOTHING CONTAINED IN THIS SUBDIVISION SHALL BE CONSTRUED TO MEAN THAT THE BOARD MUST MAINTAIN THE CLAIMANT AT THE SAME STANDARD OF LIVING ENJOYED BY THE CLAIMANT PRIOR TO THE DEATH OR INJURY.

S 2. Paragraphs (c) and (d) of subdivision 5 of section 631 of the executive law, paragraph (c) as amended by chapter 74 of the laws of 1986 and paragraph (d) as amended by chapter 309 of the laws of 1996, are amended to read as follows:

(c) Notwithstanding any inconsistent provision of this article, where the person injured acted as a good samaritan, the board or board member, as the case may be, may[, without regard to the financial difficulty of the claimant,] make an award for out-of-pocket losses. Such award may also include compensation for any loss of property up to five thousand dollars suffered by the victim during the course of his actions as a good samaritan.

(d) Notwithstanding any inconsistent provision of this article, where a person acted as a good samaritan, and was killed as a direct result of the crime, the board or the board member, as the case may be, may[, without regard to the financial difficulty of the claimant,] make a lump sum award to such claimant for actual loss of support not to exceed thirty thousand dollars.

S 3. Subdivision 6 of section 631 of the executive law is REPEALED.

S 4. Subdivision 7 of section 631 of the executive law, as added by chapter 418 of the laws of 1979, is amended to read as follows:

7. [Notwithstanding the provisions of subdivision six of this section, an] AN award shall include out-of-pocket expenses, including indebtedness reasonably incurred by the victim of a sex offense or the person responsible for the victim of such sex offense, as such sex offense is defined in article one hundred thirty of the penal law, for a hospital or medical examination in connection with the investigation or prosecution of any such offense.

S 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law, and shall apply to all crimes committed on or after such date.