

6532

2009-2010 Regular Sessions

I N A S S E M B L Y

March 6, 2009

Introduced by M. of A. ORTIZ, HOOPER, JOHN, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. WALKER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the definition of necessary court appearances for purposes of determining crime victim's award

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

1 Section 1. Subdivisions 8 and 10 of section 631 of the executive law,
2 subdivision 8 as amended by chapter 391 of the laws of 2003 and subdivi-
3 sion 10 as added by chapter 197 of the laws of 1983, are amended to read
4 as follows:
5 8. Notwithstanding the provisions of subdivisions one, two and three
6 of this section, an elderly or disabled victim who has not been phys-
7 ically injured as a direct result of a crime, shall only be eligible for
8 an award that includes the unreimbursed cost of repair or replacement of
9 essential personal property that has been lost, damaged or destroyed as
10 a direct result of a crime, transportation expenses incurred for neces-
11 sary court appearances in connection with the prosecution of such crimes
12 and the unreimbursed cost of counselling provided to the elderly or
13 disabled victim on account of mental or emotional stress or financial
14 counselling provided to the elderly or disabled victim on account of
15 financial difficulty resulting from the incident in which the crime
16 occurred if such counselling or financial counselling is commenced with-
17 in one year from the date of the incident. FOR PURPOSES OF THIS SUBDI-
18 VISION, "NECESSARY COURT APPEARANCES" SHALL INCLUDE, BUT NOT BE LIMITED
19 TO, ANY PART OF TRIAL FROM ARRAIGNMENT THROUGH SENTENCING, PRE AND POST
20 TRIAL HEARINGS, GRAND JURY HEARINGS AND PAROLE HEARINGS FOR THE PURPOSES
21 OF FULFILLING THE RIGHTS ACCORDED TO VICTIMS PURSUANT TO SECTION 440.50
22 OF THE CRIMINAL PROCEDURE LAW.

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

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1 10. Notwithstanding any contrary provision of law, an award shall
2 include reasonable transportation expenses incurred for necessary court
3 appearances in connection with the prosecution of such crimes upon which
4 the claim is based. FOR PURPOSES OF THIS SUBDIVISION, "NECESSARY COURT
5 APPEARANCES" SHALL INCLUDE BUT NOT BE LIMITED TO ANY PART OF TRIAL FROM
6 ARRAIGNMENT THROUGH SENTENCING, PRE AND POST TRIAL HEARINGS, GRAND JURY
7 HEARINGS AND PAROLE HEARINGS FOR THE PURPOSES OF FULFILLING THE RIGHTS
8 ACCORDED TO VICTIMS PURSUANT TO SECTION 440.50 OF THE CRIMINAL PROCEDURE
9 LAW.
10 S 2. This act shall take effect immediately.