

6532--B

Cal. No. 292

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, SPANO --
Multi-Sponsored by -- M. of A. WALKER -- read once and referred to the
Committee on Governmental Operations -- reported and referred to the
Committee on Codes -- committee discharged, bill amended, ordered
reprinted as amended and recommitted to said committee -- reported
from committee, advanced to a third reading, amended and ordered
reprinted, retaining its place on the order of third reading

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 8, 10 and 12 of section 631 of the executive
2 law, subdivision 8 as amended by chapter 391 of the laws of 2003, subdi-
3 vision 10 as added by chapter 197 of the laws of 1983, and subdivision
4 12 as amended by chapter 377 of the laws of 2005, are amended to read as
5 follows:
6 8. Notwithstanding the provisions of subdivisions one, two and three
7 of this section, an elderly or disabled victim who has not been phys-
8 ically injured as a direct result of a crime, shall only be eligible for
9 an award that includes the unreimbursed cost of repair or replacement of
10 essential personal property that has been lost, damaged or destroyed as
11 a direct result of a crime, transportation expenses incurred for neces-
12 sary court appearances in connection with the prosecution of such crimes
13 and the unreimbursed cost of counselling provided to the elderly or
14 disabled victim on account of mental or emotional stress or financial
15 counselling provided to the elderly or disabled victim on account of
16 financial difficulty resulting from the incident in which the crime
17 occurred if such counselling or financial counselling is commenced with-
18 in one year from the date of the incident. FOR PURPOSES OF THIS SUBDI-
19 VISION, "NECESSARY COURT APPEARANCES" SHALL INCLUDE, BUT NOT BE LIMITED

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

LBD10013-04-9

1 TO, ANY PART OF TRIAL FROM ARRAIGNMENT THROUGH SENTENCING, PRE AND POST
2 TRIAL HEARINGS, GRAND JURY HEARINGS AND PAROLE HEARINGS FOR THE PURPOSES
3 OF FULFILLING THE RIGHTS ACCORDED TO VICTIMS PURSUANT TO SECTION 440.50
4 OF THE CRIMINAL PROCEDURE LAW.

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

14 12. Notwithstanding the provisions of subdivisions one, two and three
15 of this section, an individual who was a victim of either the crime of
16 menacing in the second degree as defined in subdivision two or three of
17 section 120.14 of the penal law, menacing in the first degree as defined
18 in section 120.13 of the penal law, harassment in the second degree as
19 defined in subdivision two or three of section 240.26 of the penal law,
20 harassment in the first degree as defined in section 240.25 of the penal
21 law, aggravated harassment in the second degree as defined in subdivi-
22 sion four of section 240.30 of the penal law, aggravated harassment in
23 the first degree as defined in subdivision two of section 240.31 of the
24 penal law, criminal contempt in the first degree as defined in paragraph
25 (ii) or (iv) of subdivision (b) or subdivision (c) of section 215.51 of
26 the penal law, or stalking in the fourth, third, second or first degree
27 as defined in sections 120.45, 120.50, 120.55 and 120.60 of the penal
28 law, respectively, who has not been physically injured as a direct
29 result of such crime shall only be eligible for an award that includes
30 loss of earning or support, the unreimbursed cost of repair or replace-
31 ment of essential personal property that has been lost, damaged or
32 destroyed as a direct result of such crime, the unreimbursed cost for
33 security devices to enhance the personal protection of such victim,
34 transportation expenses incurred for necessary court [expenses] APPEAR-
35 ANCES in connection with the prosecution of such crime, the unreimbursed
36 costs of counseling provided to such victim on account of mental or
37 emotional stress resulting from the incident in which the crime
38 occurred, reasonable relocation expenses, and for occupational or job
39 training. FOR PURPOSES OF THIS SUBDIVISION, "NECESSARY COURT APPEAR-
40 ANCES" SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY PART OF TRIAL FROM
41 ARRAIGNMENT THROUGH SENTENCING, PRE AND POST TRIAL HEARINGS, GRAND JURY
42 HEARINGS AND PAROLE HEARINGS FOR THE PURPOSES OF FULFILLING THE RIGHTS
43 ACCORDED TO VICTIMS PURSUANT TO SECTION 440.50 OF THE CRIMINAL PROCEDURE
44 LAW.

45 S 2. This act shall take effect immediately.