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

4405--A

2009-2010 Regular Sessions

I N S E N A T E

April 22, 2009

Introduced by Sen. HASSELL-THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subdivisions 8, 10 and 12 of section 631 of the executive law, subdivision 8 as amended by chapter 391 of the laws of 2003, subdivision 10 as added by chapter 197 of the laws of 1983, and subdivision 12 as amended by chapter 377 of the laws of 2005, are amended to read as follows:

8. Notwithstanding the provisions of subdivisions one, two and three of this section, an elderly or disabled victim who has not been physically injured as a direct result of a crime, shall only be eligible for an award that includes the unreimbursed cost of repair or replacement of essential personal property that has been lost, damaged or destroyed as a direct result of a crime, transportation expenses incurred for necessary court appearances in connection with the prosecution of such crimes and the unreimbursed cost of counselling provided to the elderly or disabled victim on account of mental or emotional stress or financial counselling provided to the elderly or disabled victim on account of financial difficulty resulting from the incident in which the crime occurred if such counselling or financial counselling is commenced within one year from the date of the incident. FOR PURPOSES OF THIS SUBDIVISION, "NECESSARY COURT APPEARANCES" SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY PART OF TRIAL FROM ARRAIGNMENT THROUGH SENTENCING, PRE AND POST TRIAL HEARINGS, GRAND JURY HEARINGS AND PAROLE HEARINGS FOR THE PURPOSES

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

LBD10013-05-9

OF FULFILLING THE RIGHTS ACCORDED TO VICTIMS PURSUANT TO SECTION 440.50 OF THE CRIMINAL PROCEDURE LAW.

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

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

S 2. This act shall take effect immediately.