

2499

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 16, 2009

---

Introduced by M. of A. PRETLOW, ABBATE -- read once and referred to the  
Committee on Governmental Operations

AN ACT to amend the executive law, in relation to eligibility to receive  
awards from the crime victims board

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

1     Section 1. Subdivision 1 of section 631 of the executive law, as  
2     amended by chapter 74 of the laws of 2007, is amended to read as  
3     follows:  
4     1. No award shall be made unless the board or board member, as the  
5     case may be, finds that (a) a crime was committed, (b) such crime  
6     directly resulted in personal physical injury to or the exacerbation of  
7     a preexisting disability, or condition, or death of, the victim, and (c)  
8     criminal justice agency records show that such crime was promptly  
9     reported to the proper authorities; and in no case may an award be made  
10    where the criminal justice agency records show that such report was made  
11    more than one week after the occurrence of such crime unless the board,  
12    for good cause shown, finds the delay to have been justified[; provided,  
13    however]. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SUBDIVISION,  
14    in cases involving an alleged sex offense as contained in article one  
15    hundred thirty of the penal law or incest as defined in section 255.25,  
16    255.26 or 255.27 of the penal law or labor trafficking as defined in  
17    section 135.35 of the penal law or sex trafficking as defined in section  
18    230.34 of the penal law or an offense chargeable as a family offense as  
19    described in section eight hundred twelve of the family court act or  
20    section 530.11 of the criminal procedure law, the criminal justice agency  
21    report need only be made within a reasonable time considering all the  
22    circumstances, including the victim's physical, emotional and mental  
23    condition and family situation. For the purposes of this subdivision,  
24    "criminal justice agency" shall include, but not be limited to, a police  
25    department, a district attorney's office, and any other governmental

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

LBD01706-01-9

1 agency having responsibility for the enforcement of the criminal laws of  
2 the state provided, however, that in cases involving such sex offense OR  
3 FAMILY OFFENSE a criminal justice agency shall also mean a family court,  
4 a governmental agency responsible for child and/or adult protective  
5 services pursuant to title six of article six of the social services law  
6 and/or title one of article nine-B of the social services law, and any  
7 medical facility established under the laws of the state that provides a  
8 forensic physical examination for victims of rape and sexual assault.  
9 S 2. This act shall take effect on the thirtieth day after the date on  
10 which it shall have become a law.