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

3737

2009-2010 Regular Sessions

I N  A S S E M B L Y

January 28, 2009

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

AN ACT to amend the executive law, in relation to witnesses to homicide eligible for counseling services

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

Section 1. Section 621 of the executive law is amended by adding a new subdivision 24 to read as follows:

24. "WITNESS TO HOMICIDE" SHALL MEAN A PERSON WHO, DUE TO HIS OR HER PHYSICAL PROXIMITY TO AN INCIDENT DURING WHICH A VIOLENT DEATH OF ANOTHER PERSON OCCURS, IS ABLE TO PROVIDE TESTIMONY REGARDING SUCH INCIDENT, REGARDLESS OF WHETHER SUCH PERSON ACTUALLY PROVIDES SUCH TESTIMONY, AND WHO IS NOT A VICTIM AS SUCH TERM IS DEFINED IN THIS SECTION.

S 2. Paragraphs (i) and (j) of subdivision 1 of section 624 of the executive law, as amended by chapter 427 of the laws of 1999, are amended and a new paragraph (k) is added to read as follows:

(i) a surviving spouse of a crime victim who died from causes not directly related to the crime when such victim died prior to filing a claim with the board or subsequent to filing a claim but prior to the rendering of a decision by the board. Such award shall be limited to out-of-pocket loss incurred as a direct result of the crime; [and]

(j) a spouse, child or stepchild of a victim of a crime who has sustained personal physical injury as a direct result of a crime[.]; AND

(K) A WITNESS TO HOMICIDE; EXCEPT THAT SUCH WITNESS TO HOMICIDE SHALL ONLY BE ELIGIBLE TO RECEIVE AN AWARD FOR UNREIMBURSED COSTS OF COUNSELING.

S 3. Section 631 of the executive law is amended by adding a new subdivision 11-a to read as follows:

11-A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS ONE, TWO AND THREE OF THIS SECTION, AN INDIVIDUAL WHO WAS A WITNESS TO HOMICIDE, WHO HAS NOT BEEN PHYSICALLY INJURED AS A DIRECT RESULT OF SUCH CRIME SHALL

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

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ONLY BE ELIGIBLE FOR COUNSELING, COUNSELING REFERRALS, AND/OR THE UNREIMBURSED COSTS OF COUNSELING PROVIDED TO SUCH WITNESS ON ACCOUNT OF MENTAL OR EMOTIONAL STRESS RESULTING FROM THE INCIDENT IN WHICH THE HOMICIDE OCCURRED.

S 4. Section 631-a of the executive law is amended by adding a new subdivision 2-a to read as follows:

2-A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS SECTION, CRIME VICTIM SERVICE PROGRAMS MAY BE DESIGNED TO SERVE WITNESSES OF HOMICIDES TO THE LIMITED EXTENT OF PROVIDING COUNSELING SERVICES OR REFERRALS FOR SUCH WITNESSES.

S 5. This act shall take effect on the thirtieth day after it shall have become a law.