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

4819

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. ENGLEBRIGHT, LUPARDO, J. RIVERA, PHEFFER, GUNTHER, JOHN, CAHILL, DINOWITZ, FIELDS, HOYT, SCHROEDER, MAISEL, EDDINGTON, LAVINE, ESPAILLAT -- Multi-Sponsored by -- M. of A. ABBATE, CYMBROWITZ, GANTT, GOTTFRIED, LANCMAN, MAYERSOHN, McENENY, NOLAN, PEOPLES, REILLY, TOWNS -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to crime victims emergency awards used to replace certain medical equipment

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

Section 1. Section 630 of the executive law, as amended by chapter 346 of the laws of 1986, subdivision 1 as amended by chapter 318 of the laws of 2007, is amended to read as follows:

S 630. Emergency awards. 1. Notwithstanding the provisions of section six hundred twenty-seven of this article, if it appears to the board member to whom a claim is assigned, that such claim is one with respect to which an award probably will be made, and undue hardship will result to the claimant if immediate payment is not made, such board member may make one or more emergency awards to the claimant pending a final decision of the board or payment of an award in the case, provided, however, that the total amount of such emergency awards shall not exceed twenty-five hundred dollars. The amount of such emergency awards shall be deducted from any final award made to the claimant, and the excess of the amount of any such emergency award over the amount of the final award, or the full amount of any emergency awards if no final award is made, shall be repaid by the claimant to the board. *AN EXCEPTION TO SUCH LIMITATION SHALL BE MADE WHERE THE CLAIMANT WILL USE THE EMERGENCY AWARD TO REPLACE MEDICAL EQUIPMENT NOT COVERED BY THE MEDICAL ASSISTANCE PROGRAM OR ANY OTHER INSURANCE COVERAGE, AND SUCH MEDICAL EQUIPMENT IS NECESSARY FOR THE CONTINUED SURVIVAL OF THE CLAIMANT.*

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

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2. Notwithstanding the provisions of section six hundred twenty-seven of this article, local crime victim service programs shall be authorized to provide emergency awards to crime victims for essential personal property, medical treatment AND EQUIPMENT, shelter costs, security services, counseling and transportation the total amount of such emergency awards not to exceed five hundred dollars; PROVIDED, HOWEVER, THAT WHERE THE CLAIMANT WILL USE THE EMERGENCY AWARD TO REPLACE MEDICAL EQUIPMENT NOT COVERED BY THE MEDICAL ASSISTANCE PROGRAM OR ANY OTHER INSURANCE COVERAGE, AND SUCH MEDICAL EQUIPMENT IS NECESSARY FOR THE CONTINUED SURVIVAL OF THE CLAIMANT, THERE SHALL BE NO LIMITATION ON THE AMOUNT OF THE EMERGENCY AWARD. These programs shall be reimbursed by the board, pursuant to the provisions of this article, if it is subsequently determined that the victim is an eligible claimant. Local crime victim service programs shall be authorized to establish special accounts for this purpose. The board shall initiate a program to assist local crime victim service programs in establishing special accounts to provide emergency awards, within amounts designated for that purpose.

S 2. This act shall take effect immediately.