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

3402

2009-2010 Regular Sessions

I N S E N A T E

March 18, 2009

Introduced by Sen. HASSELL-THOMPSON -- (at request of the Crime Victims Board) -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the executive law, in relation to child victims

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

Section 1. Section 631 of the executive law is amended by adding a new subdivision 17 to read as follows:

17. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, WHERE A CHILD VICTIM HAS NOT BEEN PHYSICALLY INJURED AS A DIRECT RESULT OF A CRIME, OR HAS WITNESSED A CRIME IN WHICH NO PHYSICAL INJURY OCCURRED, THE CLAIMANT SHALL ONLY BE ELIGIBLE FOR AN AWARD THAT INCLUDES THE UNREIMBURSED COST OF REPAIR OR REPLACEMENT OF ESSENTIAL PERSONAL PROPERTY OF THE CHILD VICTIM THAT HAS BEEN LOST, DAMAGED OR DESTROYED AS A DIRECT RESULT OF A CRIME, TRANSPORTATION EXPENSES INCURRED BY THE CLAIMANT FOR NECESSARY COURT APPEARANCES OF THE CHILD VICTIM IN CONNECTION WITH THE PROSECUTION OF SUCH CRIMES, AND, IF COUNSELING IS COMMENCED WITHIN ONE YEAR FROM THE DATE OF THE INCIDENT OR ITS DISCOVERY, (1) THE UNREIMBURSED COST OF COUNSELING PROVIDED TO THE CHILD VICTIM ON ACCOUNT OF MENTAL OR EMOTIONAL STRESS RESULTING FROM THE INCIDENT IN WHICH THE CRIME OCCURRED, AND/OR (2) THE UNREIMBURSED COST OF COUNSELING PROVIDED TO THE CLAIMANT ELIGIBLE UNDER PARAGRAPH (H) OF SUBDIVISION ONE OF SECTION SIX HUNDRED TWENTY-FOUR OF THIS ARTICLE AND RESULTING FROM THE INCIDENT IN WHICH THE CRIME OCCURRED.

S 2. This act shall take effect immediately.

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

LBD07695-02-9