

2327

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 18, 2011

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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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 1 of section 631 of the executive law, as  
2     amended by section 22 of part A-1 of chapter 56 of the laws of 2010, is  
3     amended to read as follows:  
4     1. No award shall be made unless the office finds that (a) a crime was  
5     committed, (b) such crime directly resulted in personal physical injury  
6     to or the exacerbation of a preexisting disability, or condition, or  
7     death of, the victim, and (c) criminal justice agency records show that  
8     such crime was promptly reported to the proper authorities; and in no  
9     case may an award be made where the criminal justice agency records show  
10    that such report was made more than one week after the occurrence of  
11    such crime unless the office, for good cause shown, finds the delay to  
12    have been justified[; provided, however]. NOTWITHSTANDING THE FOREGOING  
13    PROVISIONS OF THIS SUBDIVISION, in cases involving an alleged sex  
14    offense as contained in article one hundred thirty of the penal law or  
15    incest as defined in section 255.25, 255.26 or 255.27 of the penal law  
16    or labor trafficking as defined in section 135.35 of the penal law or  
17    sex trafficking as defined in section 230.34 of the penal law or an  
18    offense chargeable as a family offense as described in section eight  
19    hundred twelve of the family court act or section 530.11 of the criminal  
20    procedure law, the criminal justice agency report need only be made  
21    within a reasonable time considering all the circumstances, including  
22    the victim's physical, emotional and mental condition and family situ-  
23    ation. For the purposes of this subdivision, "criminal justice agency"  
24    shall include, but not be limited to, a police department, a district  
25    attorney's office, and any other governmental agency having responsibil-

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

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1 ity for the enforcement of the criminal laws of the state provided,  
2 however, that in cases involving such sex offense OR FAMILY OFFENSE a  
3 criminal justice agency shall also mean a family court, a governmental  
4 agency responsible for child and/or adult protective services pursuant  
5 to title six of article six of the social services law and/or title one  
6 of article nine-B of the social services law, and any medical facility  
7 established under the laws of the state that provides a forensic phys-  
8 ical 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.