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

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2011-2012 Regular Sessions

I N S E N A T E

January 14, 2011

Introduced by Sens. GOLDEN, DeFRANCISCO, SALAND -- 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 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 section 21 of part A-1 of chapter 56 of the laws of 2010, 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 office, 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, the office may make one or more emergency awards to the claimant pending a final decision of the office 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 office. 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.

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

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

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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 office, 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 office 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.