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3728

2011-2012 Regular Sessions

I N   S E N A T E

March 2, 2011
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Introduced by Sens. OPPENHEIMER, KRUEGER -- 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 raising the level of
  claims for which proof of financial difficulty is not required

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

 1   Section 1. Paragraph (a) of subdivision 6 of section 631 of the execu-
 2 tive law, as amended by section 22 of Part A1 of chapter 56 of the laws
 3 of 2010, is amended to read as follows:
 4   (a) Claims may be approved only if the office finds that unless the
 5 claimant's award is approved he will suffer financial difficulty.
 6 However, no finding of financial difficulty is required for a claim for
 7 an emergency award or an award less than [five] SIX thousand dollars. In
 8 determining financial difficulty, the office shall consider all relevant
 9 factors, including but not limited to:
10   (1) the number of claimant's dependents;
11   (2) reasonable living expenses of the claimant and his family;
12   (3) any special health, rehabilitative or educational needs of the
13 claimant and his dependents;
14   (4) the claimant's employment situation including income and potential
15 earning capacity;
16   (5) the claimant's net financial resources after authorized deduction
17 as provided in paragraphs (b) and (c) of this subdivision;
18   (6) whether claimant's financial resources will become exhausted
19 during his lifetime; and
20   (7) the nature and the amount of claimant's total debt and liabil-
21 ities, including the amount of debt incurred or to be incurred to pay
22 for losses and expenses of the crime, and the extent to which claimant's
23 essential assets will have to be liquidated.
24   S 2. This act shall take effect immediately and shall apply to all
25 claims pending before the board or submitted thereto on or after its
26 effective date.

     EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                        [ ] is old law to be omitted.
                                                            LBD06030-01-1