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

3728

2011-2012 Regular Sessions

I N S E N A T E

March 2, 2011

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (a) of subdivision 6 of section 631 of the executive law, as amended by section 22 of Part A1 of chapter 56 of the laws of 2010, is amended to read as follows:

(a) Claims may be approved only if the office finds that unless the claimant's award is approved he will suffer financial difficulty. However, no finding of financial difficulty is required for a claim for an emergency award or an award less than [five] SIX thousand dollars. In determining financial difficulty, the office shall consider all relevant factors, including but not limited to:

(1) the number of claimant's dependents;

(2) reasonable living expenses of the claimant and his family;

(3) any special health, rehabilitative or educational needs of the claimant and his dependents;

(4) the claimant's employment situation including income and potential earning capacity;

(5) the claimant's net financial resources after authorized deduction as provided in paragraphs (b) and (c) of this subdivision;

(6) whether claimant's financial resources will become exhausted during his lifetime; and

(7) the nature and the amount of claimant's total debt and liabilities, including the amount of debt incurred or to be incurred to pay for losses and expenses of the crime, and the extent to which claimant's essential assets will have to be liquidated.

S 2. This act shall take effect immediately and shall apply to all claims pending before the board or submitted thereto on or after its effective date.

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

LBD06030-01-1