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

4341

2013-2014 Regular Sessions

I N S E N A T E

March 21, 2013

Introduced by Sen. GALLIVAN -- (at request of the Office of Victim Services) -- 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 awards made by the office of victim services

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

Section 1. Subdivision 3 of section 631 of the executive law, as amended by section 22 of part A-1 of chapter 56 of the laws of 2010, is amended to read as follows:

3. (A) Any award made for loss of earnings or support shall, unless reduced pursuant to other provisions of this article, be in an amount equal to the actual loss sustained, provided, however, that no such award shall exceed six hundred dollars for each week of lost earnings or support. IF THERE ARE TWO OR MORE PERSONS ENTITLED TO AN AWARD AS A RESULT OF THE DEATH OF A PERSON WHICH IS THE DIRECT RESULT OF A CRIME, THE AWARD SHALL BE APPORTIONED BY THE OFFICE AMONG THE CLAIMANTS.

(B) EXCEPT AS PROVIDED IN PARAGRAPH (C) OF THIS SUBDIVISION, ANY AWARD FOR LOSS OF EARNINGS OR SUPPORT SHALL BE LIMITED TO THE VICTIM'S INCOME WHICH HAS BEEN REPORTED TO AN APPROPRIATE TAXING AUTHORITY.

(C) IF DURING AN INVESTIGATION OF A CLAIM THE OFFICE DETERMINES THAT SUCH INCOME IS NOT SUBJECT TO TAXATION, THE OFFICE SHALL REQUEST ALTERNATIVE INFORMATION TO VERIFY SUCH INCOME.

(D) Awards with respect to livery operator victims pursuant to paragraphs (f) and (g) of subdivision one of section six hundred twenty-seven of this article shall be granted in the amount and in the manner provided therein. The aggregate award for all such losses pursuant to this subdivision, including any awards made pursuant to paragraphs (f) and (g) of subdivision one of section six hundred twenty-seven of this article, shall not exceed thirty thousand dollars. [If there are two or more persons entitled to an award as a result of the death of a person

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

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which is the direct result of a crime, the award shall be apportioned by the office among the claimants.]

S 2. This act shall take effect on the thirtieth day after it shall have become a law and shall apply to all original awards made on and after such date.