

5649

2013-2014 Regular Sessions

I N A S S E M B L Y

March 4, 2013

Introduced by M. of A. ENGLEBRIGHT, LUPARDO, RIVERA, GUNTHER, CAHILL, DINOWITZ, MAISEL, LAVINE -- Multi-Sponsored by -- M. of A. ABBATE, CYMBROWITZ, GANTT, GOTTFRIED, PEOPLES-STOKES -- read once and referred to the Committee on Governmental Operations

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:

1 Section 1. Section 630 of the executive law, as amended by section 21
2 of part A-1 of chapter 56 of the laws of 2010, is amended to read as
3 follows:
4 S 630. Emergency awards. 1. Notwithstanding the provisions of section
5 six hundred twenty-seven of this article, if it appears to the office,
6 that such claim is one with respect to which an award probably will be
7 made, and undue hardship will result to the claimant if immediate
8 payment is not made, the office may make one or more emergency awards to
9 the claimant pending a final decision of the office or payment of an
10 award in the case, provided, however, that the total amount of such
11 emergency awards shall not exceed twenty-five hundred dollars. The
12 amount of such emergency awards shall be deducted from any final award
13 made to the claimant, and the excess of the amount of any such emergency
14 award over the amount of the final award, or the full amount of any
15 emergency awards if no final award is made, shall be repaid by the
16 claimant to the office. AN EXCEPTION TO SUCH LIMITATION SHALL BE MADE
17 WHERE THE CLAIMANT WILL USE THE EMERGENCY AWARD TO REPLACE MEDICAL
18 EQUIPMENT NOT COVERED BY THE MEDICAL ASSISTANCE PROGRAM OR ANY OTHER
19 INSURANCE COVERAGE, AND SUCH MEDICAL EQUIPMENT IS NECESSARY FOR THE
20 CONTINUED SURVIVAL OF THE CLAIMANT.
21 2. Notwithstanding the provisions of section six hundred twenty-seven
22 of this article, local crime victim service programs shall be authorized
23 to provide emergency awards to crime victims for essential personal

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

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1 property, medical treatment AND EQUIPMENT, shelter costs, security
2 services, counseling and transportation the total amount of such emer-
3 gency awards not to exceed five hundred dollars; PROVIDED, HOWEVER, THAT
4 WHERE THE CLAIMANT WILL USE THE EMERGENCY AWARD TO REPLACE MEDICAL
5 EQUIPMENT NOT COVERED BY THE MEDICAL ASSISTANCE PROGRAM OR ANY OTHER
6 INSURANCE COVERAGE, AND SUCH MEDICAL EQUIPMENT IS NECESSARY FOR THE
7 CONTINUED SURVIVAL OF THE CLAIMANT, THERE SHALL BE NO LIMITATION ON THE
8 AMOUNT OF THE EMERGENCY AWARD. These programs shall be reimbursed by the
9 office, pursuant to the provisions of this article, if it is subsequent-
10 ly determined that the victim is an eligible claimant. Local crime
11 victim service programs shall be authorized to establish special
12 accounts for this purpose. The office shall initiate a program to assist
13 local crime victim service programs in establishing special accounts to
14 provide emergency awards, within amounts designated for that purpose.
15 S 2. This act shall take effect immediately.