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

5956

2015-2016 Regular Sessions

I N S E N A T E

June 13, 2015

Introduced by Sen. GALLIVAN -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law in relation to counseling for grandchildren of homicide victims

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

Section 1. Paragraph b of subdivision 1 of section 624 of the executive law, as amended by chapter 233 of the laws of 2012, is amended to read as follows:

(b) a surviving spouse, grandparent, parent, stepparent, guardian, brother, sister, stepbrother, stepsister, child, [or] stepchild OR GRANDCHILD of a victim of a crime who died as a direct result of such crime;

S 2. Subdivision 1 of section 626 of the executive law, as amended by section 17 of part A-1 of chapter 56 of the laws of 2010, is amended to read as follows:

1. Out-of-pocket loss shall mean unreimbursed and unreimbursable expenses or indebtedness reasonably incurred for medical care or other services necessary as a result of the injury upon which such claim is based, including such expenses incurred as a result of the exacerbation of a pre-existing disability or condition directly resulting from the crime or causally related to the crime. Such expenses or indebtedness shall include the cost of counseling for the eligible spouse, grandparents, parents, stepparents, guardians, brothers, sisters, stepbrothers, stepsisters, children, [or] stepchildren OR GRANDCHILDREN of a homicide victim, and crime victims who have sustained a personal physical injury as the direct result of a crime and the spouse, children or stepchildren of such physically injured victim. For the purposes of this subdivision, the victim of a sex offense as defined in article one hundred thirty of the penal law is presumed to have suffered physical injury. Such coun-

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

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seling may be provided by local victim service programs, where available. It shall also include the cost of residing at or utilizing services provided by shelters for battered spouses and children who are eligible pursuant to subdivision two of section six hundred twenty-four of this article, and the cost of reasonable attorneys' fees for representation before the office and/or before the appellate division upon judicial review not to exceed one thousand dollars.

S 2. This act shall take effect immediately, and apply to all claims filed on or after the date it shall have become a law.